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October 9, 2012

Via Hand Delivery

Honorable John W. Suthers
Attorney General of the State of Colorado
Allisa Hect Gardenswartz
Deputy Attorney General
Consumer Protection Section
1525 Sherman St.
Denver, CO 80203

Via Hand Delivery

Honorable Scott Gessler
Secretary of State
Colorado Department of State
1700 Broadway
Denver, CO 80290

Dear Attorney General Suthers, Secretary Gessler
and Assistant Attorney General Gardenswartz:

This letter is sent on behalf of members of the families of several victims of the Century 16 shooting in Aurora, specifically parents and family members of Micayla Medek, Matthew McQuinn, Jessica Ghawi, Rebecca Ann Wingo, A.J. Boik, John T. Larimer, Alex Sullivan, Gordon Cowden, Veronica Moser-Sullivan, Alex Teves and Jonathan Blunk (complete list of family members attached as Exhibit 1).

These family members respectfully request that the Attorney General and Secretary of State initiate an investigation using the oversight and enforcement authority granted to your offices by the Colorado Charitable Solicitation Act and any other applicable law and/or regulation. We ask that you conduct an investigation of the charitable organization(s) known as "Giving First"/"Community First Foundation", for violations of the Colorado Charitable Solicitations Act. It is additionally requested that all persons within the State of Colorado cease and desist from using the names and photos of any victim of this shooting in the solicitation of funds or contributions, without first having obtained written permission from the victim or victim's family. This is consistent with the purpose of the Colorado Charitable Solicitations Act.

C.R.S. §6-16-102 describes the legislative intent of the Colorado Charitable Solicitations Act. It states, in relevant part,

“... fraudulent charitable solicitations are a widespread practice in this state that results in millions of dollars of losses to contributors and legitimate charities each year The general assembly further finds that legitimate charities provide many public benefits and that charitable donations are a direct result in public trust in charities.”

These provisions are intended to assist the Secretary of State in the investigation of alleged wrongdoings by charities, without having a chilling effect on donors. Under C.R.S. §6-16-111(1), a person or organization commits charitable fraud if they:

“(b) Knowingly solicits any contribution and, in aid of or in the course of such solicitation, **utilizes the name or symbol of another person or organization without written authorization** from such person or organization for such use (*emphasis added*);

(c) Solicits any contribution and, in aid of or in the course of such solicitation, utilizes a name, symbol, or statement which is closely related or similar to that used by another person or organization with the intent to mislead the person to whom the solicitation is made that said solicitation is on the behalf of or is affiliated with such other person or organization;

(i) Represents or causes another to represent that a contribution to a charitable organization **will be used for a purpose other than the purpose for which the charitable organization actually intends to use such contribution**;

(j) Represents or causes another to represent that a greater portion of the contribution will go to a charitable organization than the actual portion that will go to such organization;

(l) Represents or causes another to represent that the solicitor has a **sponsorship, approval, status, affiliation, or connection with an organization or purpose that the solicitor does not actually have.**”

Any person who acts in violation of these statutes is guilty of up to a class 5 felony. C.R.S. §6-16-111(2)-(5). In addition, C.R.S. §6-16-111(6)(c) authorizes and empowers the Secretary of

State to bring a civil action in any district court in which venue is proper for the purpose of obtaining injunctive relief.

A Colorado-based charitable organization(s) has used the names and images of victims to raise funds from the public, without permission or authorization from the victims or their family members. This organization is called "Giving First"/"Community First Foundation."

The families listed above believe that "Giving First"/"Community First Foundation" has been soliciting funds in violation of some or all these provisions. Specifically, funds have been solicited using the names and photos of the twelve (12) deceased loved ones online via the Community First Facebook page and additionally on the GivingFirst.org website without written authorization (see Exhibits 2 & 3). This organization has not only used names and photographs of the deceased, but have also implied that donations made would be collected on behalf of and to provide direct assistance to their families. Giving First's initial disbursement, in the amount of \$100,000, went to 10 area non-profits.

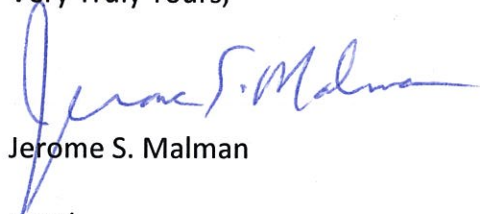
Giving First/Community First Foundation has acknowledged using images of victims in charitable solicitation campaigns without written permission of the victims' families. They also concede that they have raised money from members of the general public who were motivated to contribute to the support of the victims and their families because of the extraordinarily tragic circumstances of the Aurora shooting. Their solicitations include a Facebook page and websites with a link to "click here" to "Support Victims of the Aurora Shooting," a clear implication that they are working in conjunction with approval of families and victims, when no such approval exists or has ever been given (See Exhibit 4). When contacted by a family member of a victim, Giving First changed the wording on their website link to "Support Aurora Victim Relief Efforts" (see Exhibit 5). By the end of the week of August 6, 2012, over \$4.2 million had been collected in that fund.

These charities have disbursed a portion of the funds collected. The families do not know what amounts were disbursed or to which non-profits they were sent. They additionally do not know if these funds were used consistent with the purposes for which contributors intended. In an attempt to mitigate further victimization of those affected by this tragedy, they seek your assistance and intervention. Specifically, these families request a determination as to whether funds collected for the Aurora Victim Relief Fund were commingled with the general funds of Giving First/ Community First Foundation, as the "Support Aurora Victim Relief Efforts" donation page appears to no longer deposit funds to the Aurora Victim Relief Fund, but directly to the Community First Foundation (see Exhibits 6a-6g). Giving First/Community First has also announced that they will be accepting donations for the Aurora Victims Relief Fund until October 15, 2012 and that all donations between October 15 and November 15 should be sent

via check to Governor Hickenlooper, who will then give the money raised back to Giving First/Community First on November 15, 2012. For these reasons, they ask that an audit or review be conducted by members of your office or a neutral third party and an accounting provided.

The families of the victims deeply appreciate your attention to this matter. A response to this request by October 16, 2012 would be appreciated.

Very Truly Yours,



Jerome S. Malman

JSM/mm

/Enclosures

Exhibit 1

Complete List of Family Members Requesting Investigation

1. Greg Medek (Father of Micayla Medek)
2. Rena Medek (Mother of Micayla Medek)
3. Amanda Medek (Sister to Micayla Medek)
4. Marlene Knobbe (Grandmother to Micayla Medek)
5. Laurin Knobbe (Grandfather to Micayla Medek)
6. Anita M. Busch (Cousin of Micayla Medek)
7. Jerri Jackson (Mother of Matt McQuinn)
8. Sandy Phillips (Mother of Jessica Ghawi)
9. Lonnie Phillips (Stepfather of Jessica Ghawi)
10. Scott Larimer (Father of John Larimer)
11. Kathleen Larimer (Mother of John Larimer)
12. Theresa Hoover (Mother of AJ Boik)
13. Dave Hoover (Uncle of AJ Boik)
14. Cassandra Sullivan (Widow of Alex Sullivan)
15. Robert Wingo (Father of Rebecca Ann Wingo's children)
16. Melisa Cowden (Mother of Gordon Cowden's four children)
17. Ian Sullivan (Father of Veronica Moser-Sullivan)
18. Robert Sullivan (Grandfather of Veronica Moser-Sullivan)
19. Thomas C. Teves (Father of Alex Teves)
20. Caren Teves (Mother of Alex Teves)
21. Thomas E. Teves (Brother of Alex Teves)
22. Nicholas C. Teves (Brother of Alex Teves)
23. Chantel Blunk (Widow of Jonathan Blunk)
24. Jessica Watts (Cousin of Jonathan Blunk)



REMEMBERING THE VICTIMS



Please make a generous donation at GivingFirst.org



Non-Profit Organization
Community First Foundation helps donors and nonprofits come together to improve quality of life in the Denver metro area. www.CommunityFirstFoundation.org

About

Community First Foundation

96 likes · 67 talking about this · 4 were here



Photos

96

Likes

Like

Message



Map

Events



Post

Photo / Video

Write something...

Community First Foundation shared a link.
Tuesday

Donations through GivingFirst.org for wildfire victims reach more than \$18,000!! Community First Foundation's online giving resource features nonprofits offering direct support to those affected by the Colorado wildfires. Read more here...

Press Releases | Community First Foundation

Recent Posts by Others on Community First Foundation

See All

- Aaron Johnson**
@ Hello, im a tattoo artist in broomfield, and i drew t...
9 likes · Wednesday at 7:50pm
- Jefferson Center for Mental Health**
We wanted to pass on how much we appreciate Com...
August 6 at 2:24pm
- Love Aurora, CO 2012**
Sean is auctioning his guitar to raise money for vict...
July 29 at 12:07pm
- Jennifer Castellaw**
Have to appreciate a great thing !! God Bless your fou...
July 28 at 9:45pm

More Posts

Create A Page

- Now
- July 2012
- Founded

Carla Find Friends Home

Sponsored

Eclectic Colorful Jewelry

Shop Fab now for fun designs like this necklace with colorful magnesite stones that pop.



Create an Ad

Mike Iacovelli likes Fab.com.

The Mobility Resource

Want to get back on the road again? We modify vehicles for people with Multiple Sclerosis.



Like · 524 people like this.

Eden Foods

43-year principled manufacturer of organic and natural food. BPA-free canned beans. Over 250 pure and purifying foods and 1000 recipes.



Like · GS Menu likes this.

Live Better America

Cake-free Fruit Cake!



Like · 145,089 people like this.

Hotel Tonight

Unbelievable last minute hotel prices. One of Fortune Magazine's best new travel apps.



Like · Dawn Allen Ameno likes this.

tabbles*

EXHIBIT

2



Remembering the victims



Alex Trevino



Joey Edwards



John Lashmer



Micaela Mackay



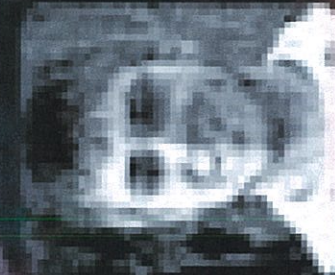
Alex Sullivan



Rebecca Wingo



Jessica Edwards



Matt McCahan



AJ Bink



Vanessa Moser-Sullivan



Gordon Cowden



Paul Bennett

Giving First

givingfirst.org

500 x 280 - All donations are processed by

GivingFirst.org, & routed to The Denver ...

EXHIBIT

3

tabbles

8/10-

From: anitabusch@aol.com
Subject: Fwd: Screen shot 2012-08-10 at 3.26.10 PM BAZINGA!
Date: September 5, 2012 9:47:55 AM MDT
To: melisa1@me.com
1 Attachment, 99.4 KB

AFTER:

Subject: Screen shot 2012-08-10 at 3.26.10 PM

GIVINGFIRST.ORG
A program of Community First Foundation

COMMUNITY FIRST FOUNDATION

COLORADO

Give where you live.

Donate Now
Researching charities
Supporting charities

Looking for a specific charity?
Keywords or Charity Name

Want to give to a type of charity or cause?
Select a category

Seeking a charity near you?
Enter City or Zip Code

Giving cart (0 items)

SUPPORT Victims of the Aurora Shooting
CLICK HERE NOW

Welcome to GivingFirst.org, your resource for Colorado charities.

Learn about your favorite Colorado charities, discover new ones, and support the organizations that speak to your passion. Brought to you by Community First Foundation, but fueled by the people of Colorado.

Every organization on this site has been screened by Community First Foundation, a nonprofit whose mission is to improve quality of life in the Denver area.

Screen shot 2012-08-10 at 3.26.10 PM

8-10 Support Victims of Aurora Shooting

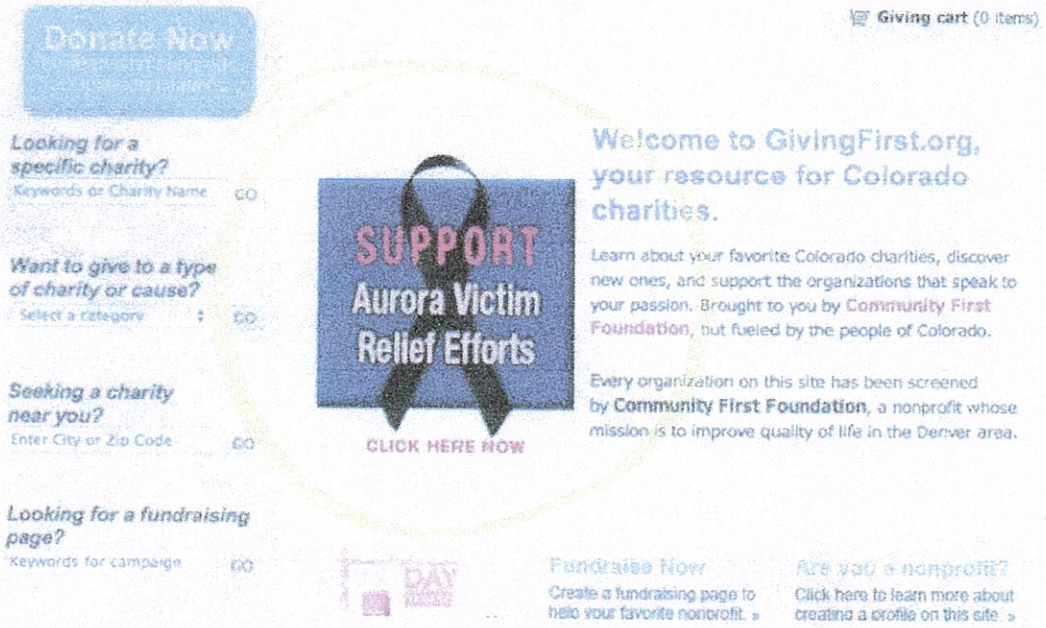
EXHIBIT
4
tabbles

From: anitabusch@aol.com
Subject: Fwd: Screen shot 2012-08-17 at 8.40.54 AM BEFORE
Date: September 5, 2012 9:46:59 AM MDT
To: melisa1@me.com
1 Attachment, 79.1 KB

Melisa:

-----Original Message-----

From: Caren Teves <carenteves@aol.com>
To: Anita Busch <anitabusch@aol.com>
Sent: Wed, Sep 5, 2012 8:43 am
Subject: Screen shot 2012-08-17 at 8.40.54 AM BEFORE



The screenshot shows the GivingFirst.org homepage. At the top left is a blue 'Donate Now' button. Below it are search filters: 'Looking for a specific charity?' with a search box, 'Want to give to a type of charity or cause?' with a category dropdown, 'Seeking a charity near you?' with a location input, and 'Looking for a fundraising page?' with a campaign search box. On the right, there's a 'Giving cart (0 items)' link. The main content area features a large blue banner with a black ribbon graphic that says 'SUPPORT Aurora Victim Relief Efforts' and a 'CLICK HERE NOW' button. To the right of the banner is a welcome message: 'Welcome to GivingFirst.org, your resource for Colorado charities.' Below this, there's text about supporting Colorado charities and a note that all organizations are screened by Community First Foundation. At the bottom, there are links for 'Fundraise Now' and 'Are you a nonprofit?'.

Screen shot 2012-08-17 at 8.40.54 AM

8/17- Support Aurora
Victim Relief
Efforts

Make Donation

Community First Foundation

Dollar Amount : \$ USD

Is this a recurring donation?
 No Yes

Where do you want these funds to be directed?
 --- Select ---
 General operating
 Program
 Other

Is this donation in honor or memory of someone?
 Yes No

Special instructions or comments for nonprofit

Share my contact information with Campaign Creator

Save Cancel



Kevin O'Brien | Chris Fox | angie pinckn

Goal: \$1,000,000.00
 Raised: \$549,311.70
 54.93%

tabbies' EXHIBIT
 ba



Online Donation

Community First Foundation

Donation Amount: \$ USD

Is this a recurring donation?

No Yes

Where do you want these funds to be directed?

Program

Program to direct funds

- Select --

Endowment Challenge Grant Program

LivingFirst

Charitable Gift Annuity Program

Make this donation in honor of

in memory of someone

No

Additional instructions or comments for nonprofit



tabbles
EXHIBIT
66

Save Cancel

Make Donation

Community First Foundation

Dollar Amount : \$ USD

Is this a recurring donation?

No Yes

Where do you want these funds to be directed?

Program

Program to direct funds

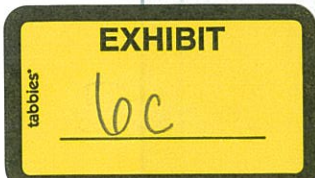
GivingFirst

Do you want your donation to be anonymous? 

No

Is this donation In Honor or Memory of someone No

Special instructions or comments for nonprofit



The Power of Philanthropy

Save

Cancel

Giving First - Mozilla Firefox
 File Edit View History Bookmarks Tools Help
 Community First Foundation (US) https://www.givingfirst.org/AVRF
 Most Visited Facebook Google Getting Started Latest Headlines AOL.com - News, Spor...
 AOL Mail (5532) Giving First

0 items in your cart LOG IN SIGN UP

GIVINGFIRST.ORG.
 A program of Community First Foundation

DONATE >
 to your favorite nonprofit

FUNDRAISE >
 for your favorite nonprofit

COMMUNITY FIRST
 FOUNDATION

Fund

Community First Foundation

Community First Foundation, a longstanding community foundation, has established the Aurora Victim Relief Fund in partnership with Colorado Governor John Hickenlooper. This fund will only be used to meet the immediate and long-term needs of victims and their families and, as funds are available, the broad needs of those affected in the community. Community First Foundation has waived all fees for the administration of this fund.

Thanks to generous donors all matching funds have been exhausted. We are continuing to raise money for this fund to be used as stated above.

SUPPORT Aurora Victim Relief Efforts

GIVINGFIRST'S CAMPAIGN PAGE

DONATE NOW >

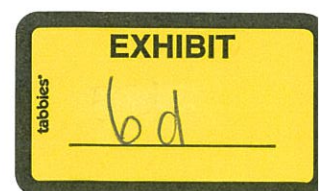
Support Victims of the Aurora Shooting

GO TO WEBSITE >
 EMAIL THIS NONPROFIT >

| Auren Pierce | Auren Pierce |

GOAL:	\$1,000,000.00
RAISED:	\$555,257.75
56%	

7:10 PM
 10/4/2012



Giving First - Mozilla Firefox
 File Edit View History Bookmarks Tools Help
 Community First Foundation (US) https://givingfirst.org/index.php?action=dynamic&cmsID=36§ion=content
 Most Visited Facebook Google Getting Started Latest Headlines AOL.com - News, Spor...
 AOL Mail (5532) Giving First

items in your cart LOGIN SIGN UP

GIVINGFIRST.ORG
 A program of Community First Foundation

DONATE >
 to your favorite nonprofit

FUNDRAISE >
 for your favorite nonprofit

COMMUNITY FIRST
 FOUNDATION

Support Aurora Victim Relief Efforts

As we approach final distribution of the Aurora Victim Relief Fund, Oct. 15 will be the last day you can make a contribution to the Fund through GivingFirst.org or directly to Community First Foundation. However, the Governor's Office will continue to accept contributions through Nov. 15, 2012, and we encourage you to send your contributions to: Aurora Victim Relief Fund c/o Governor's Office, 136 State Capitol, Denver, CO 80203.

Community First Foundation, a longstanding community foundation, has created this page to help facilitate donations to the Aurora Victim Relief Fund stewarded by the Foundation.

Below you will find information about the Fund at Community First Foundation and an easy way to contribute to it online.

To view a list of additional nonprofit organizations profiled on GivingFirst.org who are working on issues related to this tragedy, click here

Community First Foundation screens every organization profiled on GivingFirst.org to ensure that each donation is given to a valid 501 (c) (3) nonprofit organization registered with the Colorado Secretary of State. Thank you for your support.

DONATE NOW Community First Foundation - The Aurora Victim Relief Fund

The Aurora Victim Relief Fund has been established in partnership with Colorado Governor John Hickenlooper at Community First Foundation. This Fund is being used to address the immediate and long-term needs of victims and their families. Community First Foundation has waived all fees for the administration of the Fund.

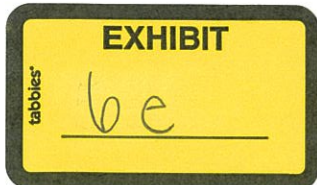
For more details about the fund, click here.

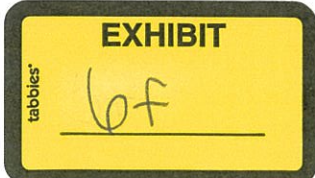
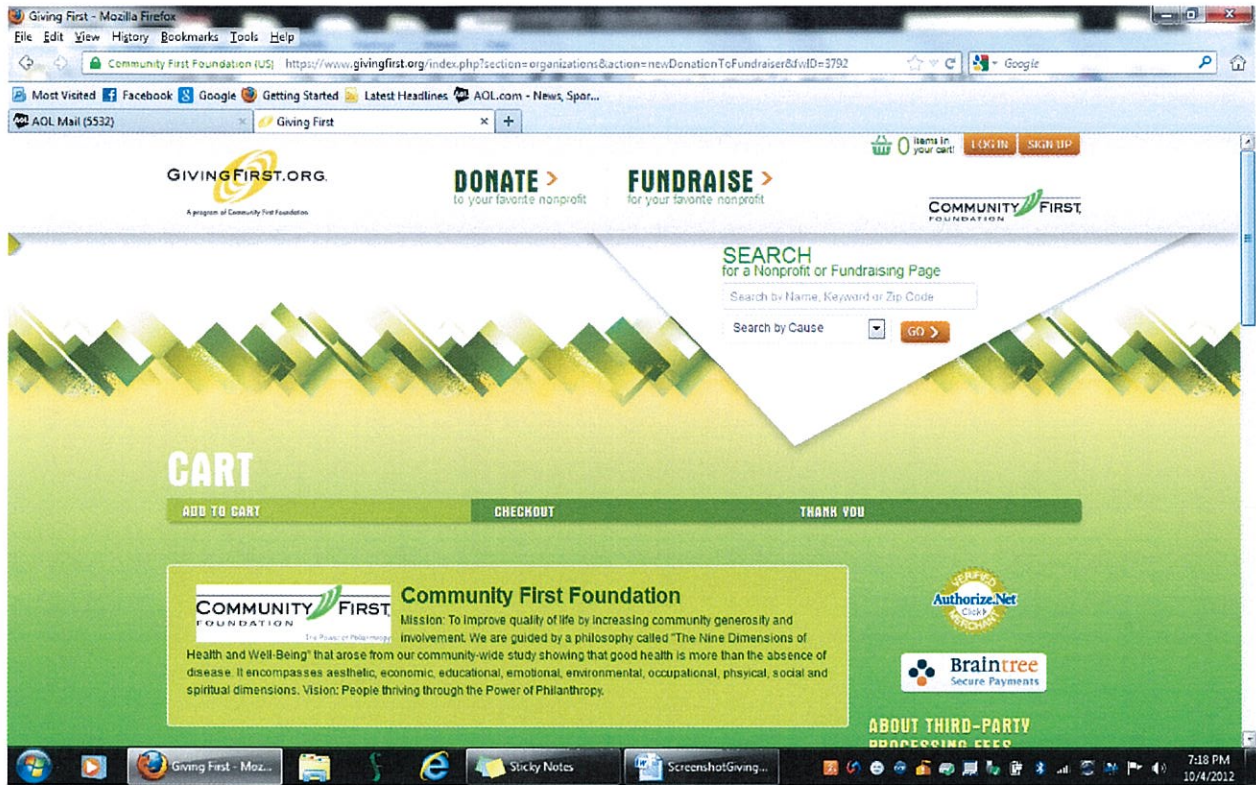
Checks may be mailed by Oct. 15 to Community First Foundation, 6670 W. 52nd Ave, #103, Arvada, CO 80002. Write Aurora Victim Relief Fund in the memo line.

Press Releases

- Feinberg sets meetings with Aurora victims next week
- Ken Feinberg appointed as special master for Aurora Victim Relief Fund

7:16 PM
 10/4/2012





Giving First - Mozilla Firefox
 File Edit View History Bookmarks Tools Help
 Community First Foundation (US) https://www.givingfirst.org/index.php?section=organizations&action=newDonation1toFundraiser&dwID=3792
 Most Visited Facebook Google Getting Started Latest Headlines AOL.com News, Spor...
 AOL Mail (29) Giving First

GIVINGFIRST.ORG
 A program of Community First Foundation

DONATE >
 to your favorite nonprofit

FUNDRAISE >
 for your favorite nonprofit

Items in your cart LOG IN SIGN UP

COMMUNITY FIRST FOUNDATION
 Authorize.net
 Braintree Secure Payments

Community First Foundation
 Mission: To improve quality of life by increasing community generosity and involvement. We are guided by a philosophy called "The Nine Dimensions of Health and Well-Being" that arose from our community-wide study showing that good health is more than the absence of disease. It encompasses aesthetic, economic, educational, emotional, environmental, occupational, physical, social and spiritual dimensions. Vision: People thriving through the Power of Philanthropy.

* Donation Amount (\$) USD
 Make Donation On Gives Day 12/4/2012
 * Is this a recurring donation? No Yes

Where do you want your donation directed?
 * Do you want your donation to be anonymous?
 Enter name to appear publicly
 Is this donation in honor or memory of someone?
 Share my contact information with Campaign Creator
 Special instructions or comments for nonprofit

ABOUT THIRD-PARTY PROCESSING FEES
 Community First Foundation is paying 100% of all processing fees on the first \$50,000 in donations per organization in 2012 for nonprofits in seven-county metro Denver. Thereafter, a 2.9% processing fee will be applied to donations to help defray costs. For nonprofits outside of this area, a 2.9% processing fee will be applied to donations to help defray costs.

We are excited to announce that the following organizations have raised over \$50,000 this year: ACE Scholarships, Annupur Jesuit High School, Colorado Ballet, Denver Kids, Inc, Gay, Lesbian, Bisexual & Transgender Community Center of Colorado, Mile High Ministries, and Wapivapi

COMMON QUESTIONS
 Will I receive a receipt for my donation?

8:24 PM 10/4/2012

