



LAW OFFICES OF
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October 4, 2024

Certified Mail Return Receipt Article No. 7019 0140 0001 1396 1421
and email to: REBECCA@DOWFORHOUSE.COM

Rebecca Dow
1309 Riverside
Truth or Consequences, New Mexico 87901

Re: Cease and Desist Letter pertaining to your materially false and slanderous advertisement concerning State Representative Tara Jaramillo and her business, Positive Outcomes, Inc.

Dear Ms. Dow:

This law firm represents State Representative Tara Jaramillo and her company, Positive Outcomes, Inc. If you are represented by legal counsel, please direct this letter to your attorney immediately and have your attorney notify me of such representation.

You are hereby directed to:

CEASE AND DESIST ALL DEFAMATION OF TARA JARAMILLO'S CHARACTER AND REPUTATION.

You are hereby directed to:

CEASE AND DESIST ALL DEFAMATION OF POSITIVE OUTCOMES INC.'s CHARACTER AND REPUTATION.

State Representative Jaramillo is an educated, respected professional in the community of Socorro, New Mexico. She has spent years serving the community in her profession and building a positive reputation. Through your false advertising, State Representative Jaramillo has learned that you have engaged in spreading false, destructive, and defamatory rumors about her via advertisements that have been televised and digitally disseminated statewide. Positive Outcomes, Inc., is one of the largest employers in Socorro County. It was founded by State Representative Jaramillo in 1999. It employs approximately 480 people county-wide, and it provides services to 732 families county-wide. Accordingly, your actions, in running this materially false and defamatory advertisement, are causing direct harm not only to State Representative Jaramillo and her company, Positive Outcomes, Inc., but you are potentially causing direct harm to her 480 employees in Socorro County, as well as direct harm to the 732 families Positive Outcomes, Inc., services by the good work that Positive Outcomes, Inc., provides to your potential constituents. Your actions are maliciously harmful to all concerned.

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Since its founding in 1999, Positive Outcomes, Inc., has been awarded state contracts for its preschool and early intervention programs. It is primarily a fee for service therapy program that is billed/paid for by healthcare insurance, part of which is Medicaid and Medicare. Positive Outcomes, Inc., follows all medicaid documentation guidelines and creates visit notes that are signed either by the patient or the parent. These signed notes are to verify that the service has been provided. It is these signed verification notes that are then submitted to the insurance (which includes medicaid) for reimbursement.

These slanderous and demonstrably false statements contained in the political ad are not only harmful to State Representative Jaramillo, but they are harmful to the 480 employee and 732 families Positive Outcomes serves. The political points you hope to garner by the false and slanderous ad have real consequences to the citizenry of Socorro County.

Under New Mexico law, it is unlawful to engage in defamation of another's character and reputation. Defamation consists of

- (1) a statement of fact that is materially false;
- (2) this materially false statement is defamatory and harmful to the reputation of State Representative Jaramillo and Positive Outcomes, Inc.;
- (3) this materially false statement was disseminated state-wide via your advertisement
- (4) you know that the statement is materially false, and
- (5) because you knew or had reason to know the statement is materially false, you acted with malice and with a reckless disregard to the truth of the materially false statements

Your defamatory and slanderous statements involved claiming that State Representative Jaramillo and her business, have been stealing from taxpayers for her personal profit. The television ad as well as the digital disseminations of that ad, approved by your campaign, claim Representative Jaramillo has "funnel[ed] over 1 million taxpayer dollars ... into her pocket." There is no basis in fact for these harmful false and slanderous statements. In fact, if such statements were true, such would have been reported on the front pages of newspapers throughout New Mexico.

Your false and slanderous advertisement, disseminated statewide, is also violative of the Governmental Conduct and Ethics Act. Of course, you should be familiar with this Act, and its contents, given your own actions have proven violative of that Act. The State Ethics Commission found that in 2020, you abused your position of power as a state lawmaker to enrich yourself and your company.

Because this television ad as well as the digital dissemination of this ad is running statewide, it is harming State Representative Jaramillo and her business, Positive Outcomes, Inc. Accordingly, we demand that you (A) immediately cease and desist your unlawful defamation of State Representative Jaramillo and her company, Positive Outcomes, Inc., and (B) provide us with prompt written assurance within five business (5) days that you will cease and desist from further defamation and slander of State Representative Jaramillo and Positive Outcomes, Inc., excellent character and reputation.

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IF YOU DO NOT CEASE ALL RELATED STATEMENTS A DEFAMATION OF CHARACTER LAWSUIT WILL BE COMMENCED AGAINST YOU.

In addition, this shall serve as a pre-suit letter demanding that you pull the ad and cease and desist from making further factually untrue statements. If we do not hear from you prior to the expiration of five business days, we will presume that you will pull the ad.

If you do not comply with this cease-and-desist letter within the aforementioned five business days, then a lawsuit may be filed in the proper jurisdiction seeking monetary damages as well as pursuing all available legal remedies for your slander.

I recommend that you consult with an attorney regarding this matter. If you or your attorney have any questions, please contact me directly.

Sincerely,



Mary T. Torres