

# **Exhibit 176**

Message

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**From:** Rusty Seifert [REDACTED]  
**Sent:** 3/7/2017 5:12:34 AM  
**To:** pmendelson@dccouncil.us  
**BCC:** dmaccord@digiooutdoor.com  
**Subject:** Appendix Regulation Amendment Act of 2017

Council Member Mendelian,

As an investor in the District, I am writing you to express my strong support for the Sign Appendix Regulation Amendment Act of 2017 sponsored by Jack Evans. I am asking for your support on this Act in tomorrow's vote.

Regards,

Rusty Seifert

REDACTED - REDACTED - REDACTED

**To:** eom@dc.gov[eom@dc.gov]  
**Bcc:** dmaccord@digioutdoor.com[dmaccord@digioutdoor.com]  
**From:** Rusty Seifert  
**Sent:** 2017-03-07T05:35:17Z  
**Subject:** Appendix Regulation Amendment Act of 2017  
**Received:** 2017-03-07T05:35:17Z

Dear Mayor Muriel Bowser,

As an investor in the District, I am writing you to express my strong support for the Sign Appendix Regulation Amendment Act of 2017 sponsored by Jack Evans.

I am asking for your support on this Act in tomorrow's vote.

It creates a fair solution for those investing in the District and a substantial increase in tax dollars for the District.

Regards,

Rusty Seifert



Message

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**From:** Donald MacCord [dmaccord@digioutdoor.com]  
**Sent:** 3/7/2017 3:46:14 PM  
**To:** muriel.bowser@dc.gov  
**BCC:** [REDACTED]  
**Subject:** Please support the Digital signage legislation  
**Attachments:** Executed Letter To Mayor.pdf; 1. LandlordLetters(Final).pdf; 2.Business Owner Letters(Final).pdf; 3.InvestorLetters(Final).pdf

Dear Honorable Mayor Muriel Bowser,

Thank you for your public support of Council member Evans Digital Signage legislation that will be submitted to Council today or later this week through the Secretary. I understand that you have completed your emergency legislation and have some ongoing concerns. I have attached a letter as Founder and Principal of Digi and numerous support letters for this project and legislation. The business community is not going to give up on this legislation or project and the numerous non-profit organizations that we have committed to will be left in the dark. There is going to be a very significant community impact if Digi continues to be treated unfairly.

I would like to sit down with you and discuss the very significant upside of this project both financially, politically and from a community perspective. Please let me know when you are available today or tomorrow to meet and discuss this great project.

Warmest Regards,

**Donald MacCord**  
**Founder and Principal**  
**Digi Outdoor Media Inc**  
**64 New York Ave, NE**  
**Washington, DC**  
**206.715.0565**



Dear Madam Mayor,

On behalf of our organization and its many employees and investors, we would like to thank you for your tireless and exemplary work on behalf of all constituents across the District. We have been strong supporters of your administration from the beginning and look forward too many more years of your leadership as Mayor and to working hard with you to make sure you stay our mayor for as long as you would like.

As a third-generation Washingtonian, District Business owner and major supporter of many causes in the District, I would personally like to ask you for your help and for your strong support for Councilmember Jack Evans' proposed "Signs Amendment Approval Resolution of 2017," and want to personally thank you for your efforts in working with Councilmember Evans to support this proposed rulemaking and for making sure that all businesses and residents of the District are treated fairly. I know there have been swings in many directions on this issue, and I also understand the multiple different viewpoints that have been expressed, many of which are fueled by our largest competitor. This corrective action will protect future investment in the District, will benefit a whole array of District commercial property owners, and will open an avenue for substantial tax revenues to the District for years to come, without affecting any residential areas at all. And, as between Digi Media, a DC-headquartered business, and its major national competitors including OutFront Media, it will (finally) level the playing field, which is all we ask.

Digi, a DC-headquartered small business, has made significant investments in the District, and hired numerous local individuals, under a long-standing exemption in the building code that has been utilized across the District by its constituents for at least the last 60 years. Armando Lourenco, a licensed inspector for DCRA and a leading code compliance expert in the District, including as lead inspector (hired by the District) on numerous District properties including Nationals Park and the Washington Convention Center, and numerous tier one zoning firms in the District, have strongly supported the interpretation of this long-standing exemption and confirmed DCRA's long-standing application of the exemption. Mr. Lourenco is a board member of the CCCB and has direct knowledge of how DCRA has applied the code historically. Unlike the signage at Nationals Park, this is not a new entitlement or spot zoning legislation, this is an existing, by-right sign exemption.

The council has taken up this issue on three different occasions and decided that it was not important enough to modify until Digi, our commercial Landlord partners and numerous other businesses started to develop dynamic digital networks which were perceived as a threat by the current major national advertising companies that operate in the city. These companies used numerous unfair tactics to single out Digi and our landlord partners to make sure that our progressive digital networks (which we hope will also be used by the District to help broadcast emergency messages when needed, public service messaging and numerous non-profit organization in the District) did not come to fruition even though we followed the longstanding exemption. One of these companies currently has over 50 plus signs operating under this exemption and their lobbyist happens to be one of your possible competitor's campaign chair and major fundraiser. This targeting of Digi and our Landlord partners was methodically undertaken to make sure we did not impact their current old school operation, and to make sure that a possible competitor of yours is well funded and in the public eye.

With that said, Digi and our Landlord partners strongly support the efforts by your administration and Councilmembers to both clarify the current exemption and to modify its usage moving forward.

However, a retroactive application of the exemption as recently modified would have devastating impacts on our business and, importantly, to thousands of constituents across the district including small business owners, retailers, not-for-profit organizations, commercial tenants and property owners, both local and national, who have all invested in the District and rely on this exemption and the consistency of the District's regulations. The exemption is not about typical highway billboard signs but focused on smaller scale signage for promotional, merchandising, business branding and identification, building lobbies and digital communication systems. A key component of clarifying the exemption as it currently stands is to ensure that investments made on reliance of the existing exemption are respected, while ensuring that future investments in the District can be made across all sectors with confidence in the legal framework that exists.

Digi, as evidenced by its significant investment (\$25 Million), is a strong supporter of the District and has committed to creating a significant number of well-paying jobs for residents through its local headquarters. Digi conservatively expects to generate over \$15 Million in tax revenue for the District annually. Digi has also partnered with some of the largest commercial landlords in the District including Douglas Development, Brookfield, Pollinger, Clarion, GWU, GE Capital, Avison Young and Kingdon Gould and others who are also extremely supportive of this proposed rulemaking.

We greatly appreciate the practical, commercial approach that you and your administration have taken to this matter, balancing the interests of all constituents in a fair and consistent manner, and are looking forward to continued investments in the District in the future under your strong leadership.

Thank you for considering our thoughts Mayor Bowser.

Sincerely,



Donald E MacCord  
Founder and Principal  
206-715-0565  
dmaccord@digiooutdoor.com