



October 24, 2023

*Via U.S. Mail & Email*

Mr. Sterling T. Solomon, City Attorney  
City of Flagstaff  
211 West Aspen Avenue  
Flagstaff, AZ 86001  
ssolomon@flagstaffaz.gov

Re: Flagstaff Pulliam Airport Advertising Policy

Dear Mr. Solomon:

We represent Rob Wilson, a Flagstaff resident who owns Timberline Firearms and Training. This letter regards the City of Flagstaff's policies for advertisements at the Flagstaff Pulliam Airport and the denial of Mr. Wilson's requests to advertise for Timberline at the Airport.

Mr. Wilson began advertising for Timberline at the Airport in 2019, and since then, his ad—a silent, 10-second video spot that runs on a loop along with other businesses' ads—has appeared thousands of times above the airport's baggage carousel, with no complaints.

This advertising arrangement was a unique opportunity to communicate with tourists and other visitors, and Timberline—Flagstaff's only indoor shooting range—has attracted considerable business as a result of these ads. Thus, in April 2023, Mr. Wilson applied to run his ads again for the summer tourist season.

But this time was different. On May 16, 2023, City staff informed Mr. Wilson that his “video does not align with [their] advertising guidelines.” Specifically, staff claimed that the video's brief depictions of responsible, recreational firearm use violated the City's ban on “represent[ing], by language or graphics, violence, or antisocial behavior.”

When Mr. Wilson disagreed with that decision and asked how to appeal the denial of his application, City staff declined to answer his question and told him there was “no need to work on an appeal.” Meanwhile, the City began to develop a new advertising policy that was expressly designed to target Timberline's ads. We understand that the City Council is set to consider that new policy on November 7, 2023. Meanwhile, the City has effectively denied Mr. Wilson's application and refuses to give him any meaningful opportunity to contest or appeal its decision.

By denying Mr. Wilson's request to advertise based on an unreasonable and pretextual application of the advertising policy, the City has violated Mr. Wilson's constitutional rights to freedom of speech and due process of law.

Moreover, the new policy currently under consideration is unconstitutional, both as applied to Mr. Wilson (as it expressly targets his expression) and on its face (as it bans broad, poorly-defined categories of speech and discriminates based on content and viewpoint). *See, e.g., Korwin v. Cotton*, 234 Ariz. 549, 555–60 ¶¶ 13–37 (App. 2014).

Please confirm that the City's new advertising policy will not prevent Mr. Wilson from displaying the ads he previously ran for Timberline, and that the City will promptly approve his application to advertise at the Airport.

Time is of the essence on this matter, as every passing day is another day Mr. Wilson is denied the ability to exercise his constitutional rights. If we do not receive written assurance from the City that Mr. Wilson may continue to run his ads at the Airport, we will seek legal remedy. If we are forced to obtain relief in court, we will also seek costs and attorneys' fees. *See A.R.S. § 12-341; Cave Creek Unified Sch. Dist. v. Ducey*, 233 Ariz. 1, 8 ¶ 26 (2013).

I am happy to discuss this matter with you at any time. Should you have any questions or wish to discuss, please do not hesitate to contact me at [jthorpe@goldwaterinstitute.org](mailto:jthorpe@goldwaterinstitute.org) or at the number below.

Sincerely,



John Thorpe  
Staff Attorney  
Scharf-Norton Center for  
Constitutional Litigation at the  
Goldwater Institute

cc (via email only):

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Councilmember Lori Matthews  
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Sterling T. Solomon

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