

STATE OF COLORADO
Department of State
1700 Broadway, Suite 550
Denver, CO 80290



Jena M. Griswold
Secretary of State

Christopher P. Beall
Deputy Secretary of State

BEFORE THE
COLORADO DEPUTY SECRETARY OF STATE
1700 Broadway, Suite 200
Denver, Colorado 80290

CASE NUMBER: L2021-03

IN THE MATTER OF CINDY SOVINE

ORDER OF DISMISSAL

This matter comes before Christopher P. Beall, Colorado Deputy Secretary of State (“Deputy Secretary”), upon the Election Division’s (“Division”) Motion to Dismiss the Complaint filed with the Deputy Secretary on December 1, 2021. As discussed below, the Deputy Secretary as the designee of the Secretary of State hereby determines that the Complaint has been dismissed by the Division pursuant to its authority under Rule 5.3.2(a) of the Secretary of State’s Rules Concerning Lobbyist Regulation, 8 CCR § 1505-8, and no further motion was required. Notwithstanding, the Deputy Secretary issues this Order for the limited purpose of assigning an effective date for the dismissal of the Complaint.

LOBBYIST COMPLAINT PROCEDURES

Regulation of lobbyists is governed by Part 3 of the Colorado Sunshine Act, §§ 24-6-301, *et seq.*, C.R.S., and the Secretary of State’s Rules Concerning Lobbyist

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Regulation, 8 CCR § 1505-8. Rule 5, 8 CCR § 1505-8, sets forth the complaint process for alleged violations of lobbying regulations. Under Rule 5.3, the Division conducts an initial review of filed complaints and determines whether to initiate a hearing with the Secretary of State or her designee under section 24-4-105. Under Rule 5.3.2(a), the Division shall dismiss a complaint if it determines upon initial review that the complainant failed to specifically identify one or more violations of section 24-6-301 *et seq.*, or allege sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint.

In the context of this proceeding, the Division has made an initial determination that the Complaint should be dismissed pursuant to Rule 5.3.2(a). *See* Mot. Accordingly, under Rule 5.3.2(a) as it is currently written, the Division need not have, and should not have, filed its Motion to Dismiss the Complaint with the Deputy Secretary. Rather, the Division should have dismissed the Complaint on its own, in reliance on the Division's own authority in Rule 5.3.2(a). Accordingly, the Deputy Secretary construes the Division's Motion to Dismiss as indicating that the Division did indeed dismiss the Complaint, and the Deputy Secretary issues this Order for the limited purpose of assigning an effective date for the dismissal of the Complaint.¹ Indeed, without this Order setting the effective date for the dismissal of the

¹ The Deputy Secretary does not consider the merits of the Complaint or the substance of the Division's Motion to Dismiss here, but instead relies on the Division's procedural authority to dismiss the Complaint under Rule 5.3.2(a) after making an initial determination that the complainant failed to specifically identify one or more violations of section 24-6-301 *et seq.*, or allege sufficient facts to support a factual and legal basis for the violations of law alleged in the Complaint.

Complaint, the Division's action in filing an ostensible motion seeking dismissal of the Complaint could create some ambiguity, and potential prejudice under § 24-4-106(4), C.R.S., as to when any person potentially adversely affected by the dismissal of the Complaint might seek judicial review of that dismissal. For purposes of this matter, because of the risk of such ambiguity, the Deputy Secretary directs that the date of this Order, as opposed to the date of Division's motion in which it made public its determination as to the facial insufficiency of the Complaint, is the date that should be deemed operative for purposes of the time for seeking judicial review.

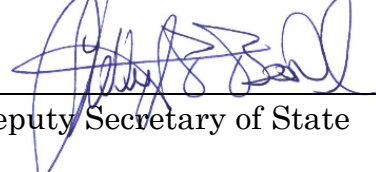
CONCLUSION

Based on the Division's determination under Rule 5.3.2(a), the Complaint is deemed as having been dismissed as of the effective date of this Order.

On behalf of the Secretary of State, IT IS SO ORDERED.

DONE and **ORDERED** this 30th day of December 2021.

CHRISTOPHER P. BEALL



Deputy Secretary of State

designee of Jena M. Griswold,
Colorado Secretary of State

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this **ORDER OF DISMISSAL** was served on the following parties via electronic mail on December 30,2021

Respondent – Cindy Sovine
cindy@sovineconsulting.com

Complainant – Belinda Sturges
Belinda.sturges@gmail.com

Elections Division – Colorado Secretary of State, Elections Division
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/s/ Christopher P. Beall
Deputy Secretary of State