

OFFICE OF THE SECRETARY OF STATE, ELECTIONS DIVISION
STATE OF COLORADO

IN THE MATTER OF STEPHEN CAPRA AND BOLD VISIONS CONSERVATION, INC.

L2024-02

NOTICE OF INITIAL REVIEW AND INVESTIGATION

John Williams (“Complainant”) filed the above captioned Complaint with the Elections Division of the Secretary of State’s Office (“Division”) on March 6, 2024, alleging violations of Colorado lobbying laws against Stephen Capra (“Respondent Capra”) and Bold Visions Conservation, Inc. (“Respondent BVC”).¹ Specifically, Complainant alleges that Respondents engaged in lobbying without having registered as a lobbyist.² The Division notified Respondent Capra of the Complaint on March 6, 2024.³ This Notice of Initial Review and Investigation serves as notice of the Complaint with respect to Respondent BVC.

The Division has completed its Initial Review.⁴ For the reasons stated below, the Division initially determines that in the Complaint the Complainant has identified potential violations of Colorado lobbying laws and has alleged sufficient facts to support a basis for those allegations. The Division therefore will investigate.⁵

ANALYSIS

Any person who believes that a professional lobbyist or lobbying firm has violated Colorado lobbying law may file a complaint with the Colorado Secretary of State.⁶ Pursuant to Rule 5.3.1, the Division must initially review a complaint upon its receipt to determine: (1) whether the complaint specifically identified one or more violations of section 24-6-301 et seq., C.R.S.; and (2) whether the complaint alleged sufficient facts to support a basis for the violations of law alleged in the complaint.⁷ After completing its Initial Review, the Division is required to take one of two

¹ Complaint L2024-02.

² *Id.*

³ Notice of Complaint L2024-02.

⁴ Rule 5.3.1 of the Secretary of State’s Rules Concerning Lobbyist Regulation requires the Division to conduct an initial review of the complaint. 8 CCR 1505-8, Rule 5.3.

⁵ See Rule 5.3.2, 8 CCR 1505-8.

⁶ 8 CCR 1505-8, Rule. 5.1.1.

⁷ 8 CCR 1505-8, Rule 5.3.1

steps: dismiss the complaint if the Division determines that the complaint does not contain the allegations required by Rule 5.3.1, or conduct an investigation.

The Complaint identifies one or more potential violations of section 24-6-301 et seq.

Complainant alleges that Respondent failed to register as a lobbyist before lobbying the Colorado legislature (*sic*). Section 24-6-303(1), C.R.S., states:

- (1) Before lobbying, a professional lobbyist shall file an electronic registration statement with the secretary of state that contains:
 - (a) His or her full legal name, business address, and business telephone number;
 - (b) The name, address, and telephone number of his or her employer, if applicable;
 - (c) The name, address, and telephone number of the client for whom he or she will be lobbying; and
 - (d) The name, address, and telephone number of any other professional lobbyist for whom he or she is lobbying on a subcontract basis.⁸

Section 24-6-301(3.5)(a) defines “lobbying” to include direct communication (or soliciting others to communicate) with a “covered official” for the purpose of aiding in or influencing that covered official in “the drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto” on:

1. any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the Colorado General Assembly, or committee thereof, or;
2. any other matter pending or proposed in writing by a covered official for consideration by either house of the General Assembly, or committee thereof.⁹

Under the statutory definition, lobbying can occur regardless of whether the General Assembly is in session.¹⁰ A “covered official” includes but is not limited to a member of the Colorado General Assembly, the director of research of the legislative council of the General Assembly or any member of legislative council staff.¹¹

The registration requirements of Section 24-6-303(1), C.R.S., apply only to a “professional lobbyist.” Section 24-6-301(6) defines a “professional lobbyist” as “a person, business entity,

⁸ Rule 2.1.1 also requires that a professional lobbyist register before lobbying. 8 CCR 1508, Rule 2.1.1.

⁹ Section 24-6-301(3,5)(a), C.R.S. The definition of “lobbying” includes certain other activities that do not appear to apply to the pending Complaint.

¹⁰ *Id.*

¹¹ Section 24-6-301(1.7), C.R.S.

including a sole proprietorship, or an employee of a client, who is compensated by a client or another professional lobbyist for lobbying.”¹² A “client” essentially is the person who hires one or more lobbyists to lobby on behalf of that person.¹³

Unlike a professional lobbyist, a “volunteer lobbyist” under Colorado law is a lobbyist who is not being compensated for lobbying.¹⁴ Specifically, section 24-6-301(7), C.R.S., defines “volunteer lobbyist” as:

any individual who engages in lobbying and whose only receipt of money or other thing of value consists of nothing more than reimbursement for actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking, while engaged in lobbying or for actual expenses incurred in informing the organization making the reimbursement or the members thereof of his lobbying.”¹⁵

Volunteer lobbyists need not register with the Secretary of State before lobbying but must register with the Colorado General Assembly.¹⁶

Under Rule 2.2.2, someone whose activity otherwise is included in the statutory definition of lobbying nonetheless is relieved of the requirement to register with the Secretary of State under limited circumstances. For example, an employee who is not paid solely to lobby and whose lobbying activity is limited to “only once a year” is excluded from the definition of lobbying under Rule 2.2.2.¹⁷ Additionally, an employee of an organization who is engaged in “grassroots lobbying” by contacting members of the organization in response to a piece of legislation or a rule likewise is excluded from the statutory definition of lobbying.¹⁸

The Complainant alleges that Respondents failed to register as a lobbyist before engaging in lobbying.¹⁹ The Division initially determines that the Complainant alleged in the Complaint a violation of section 24-6-303, C.R.S., and therefore alleged one or more potential violations of section 24-6-301 *et seq.*, C.R.S.

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¹² Section 24-6-301(6), C.R.S.

¹³ Section 24-6-301(1), C.R.S.

¹⁴ Section 24-6-301(7), C.R.S.

¹⁵ *Id.*

¹⁶ 8 CCR 1505-8, Rule 2.2.1.

¹⁷ 8 CCR 1505-8, Rule 2.2.2(a).

¹⁸ *Id.*

¹⁹ Complaint L2024-02.

***The Complaint contains sufficient facts to support a basis for
the violations of law alleged in the Complaint.***

The Complainant alleges in the Complaint that Respondent Capra appears in “widely circulated Facebook videos” that show him inside the Colorado State Capitol building in Denver on February 13 and February 14, 2024.²⁰ Complainant’s allegations include two links to the videos and a transcript from one of the videos.²¹ According to the alleged transcript, Respondent Capra and Rhonda Dern are talking about their day at the Capitol and say to each other:

Capra -- “Hi. Steve Capra at the Capitol with Rhonda Dern, one of our members who is a rockstar lobbying and here we are. We’ve been making the rounds today. Rhonda, your thoughts?”

Dern -- “We have had a great day, every representative’s office that we’ve been into, talking about Tammy Story’s wildlife coexistence bill. They’ve listened deeply. They’ve were [*sic*] very positive, and it’s just been a great day at the capitol.”

Capra -- “Yes, we’ve had a great time, too. It’s always fun to lobby when you have a great partner, so thank you very much for your support of Bold Visions Conservation. We’ll talk with you soon.”²²

Complainant also alleges in the Complaint that he is unable to find “Mr. Capra, or his organization ‘Bold Visions Conservation’ as registered lobbyists in the State of Colorado.”²³

Based on these allegations in the Complaint, the Division initially determines that the Complainant has alleged in the Complaint sufficient facts, if true, to support a basis for the violations of law alleged in the Complaint.

CONCLUSION

For the reasons stated above, the Division initially determines pursuant to Rule 5.3.1 that the Complainant identified in the Complaint one or more potential violations of section 24-6-301 *et seq.*, C.R.S., and alleged sufficient facts to support a basis for those alleged violations of law. Pursuant to Rule 5.3.2(b), the Division will conduct an investigation. This Notice of Initial Review and Investigation shall serve as notice to Respondents and Complainant under Rule 5.3.2(b) that the Division has decided to conduct an investigation.

²⁰ Complaint L2024-02.

²¹ *Id.*

²² *Id.* Rhonda Dern is a Respondent in Complaint L2024-01, filed by the same Complainant on the same day Complaint L2024-02 was filed.

²³ Complaint L2024-02.

Please note that all documents and records related to the alleged violations in these Complaints, including email communications, financial records, and other relevant documentation, must be maintained until the final agency decision has been reached or appeals have been exhausted.

Dated March 15, 2024.

/s/ James Scott

James Scott

Campaign and Political Finance Legal Analyst

Elections Division

Colorado Secretary of State

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Notice of Initial Review and Investigation was served this 15th of March, 2024, by electronic transmission to:

Complainant –

John Williams

johnmwmd@msn.com

Respondents –

Stephen Capra

stephen@bvconservation.org

Bold Visions Conservation, Inc.

by its Registered Agent Catlin Wardell a/k/a

Caitlin Wardell²⁴

caitlin.wardell193@gmail.com

/s/ James Scott

James Scott

Campaign and Political Finance Legal Analyst

Elections Division

Colorado Secretary of State

²⁴ According to the website of the Montana Secretary of State, the Registered Agent for Bold Visions Conservation, Inc. is Catlin Wardell. The email address for the Registered Agent suggests “Catlin” is a misspelling.