



**BEFORE THE SECRETARY OF STATE
STATE OF COLORADO**

CASE NO. OS 20040030

AGENCY DECISION DISMISSING COMPLAINT

**IN THE MATTER OF THE COMPLAINT FILED BY DENISE MUND REGARDING
ALLEGED CAMPAIGN AND POLITICAL FINANCE VIOLATIONS BY REASONABLE
POLICY FOR ARVADA AND CHRIS ROSE**

On October 22, 2004 the Secretary of State, per Colo. Const. art XXVIII, sec. 9(2)(a), referred a complaint by Denis Mund (Complainant) against Reasonable Policy for Arvada and Chris Rose (Respondents) to the Division of Administrative Hearings (“Division”).

On October 28, 2004 the Division issued a Notice of Hearing setting this matter for hearing at the Division on November 8, 2004 at 9:00 a.m. The November 8 date is within the 15-day time frame required by Section 9(2)(a). On November 5, 2004 Respondents requested a thirty-day continuance as provided for in Article XXVIII, Section 9(2)(a) of the Colorado Constitution. This case was reset for hearing on December 22, 2004.

At the date and time of hearing, no one appeared on behalf of the Complainant or the Respondents. The Administrative Law Judge (“ALJ”) waited twenty minutes for the Complainant and/or Respondents to appear or to call and explain their absence, but no one appeared and no call came. The ALJ notes that both the Notice of Hearing and a letter to the Complainant from the Secretary of State informed the Complainant that the Complainant would be required to prove that a violation of the Fair Campaign Practices Act had occurred.

The Complainant, as the proponent of the order, has the burden of proof in this matter. Section 24-4-105(7), C.R.S. (2004). As the Complainant failed to attend the hearing and failed to present any evidence, this Complaint is dismissed.

AGENCY DECISION

It is the Agency Decision that the Respondents have not violated the Fair Campaign Practices Act or Article XXVIII of the Colorado Constitution in any respect alleged in the complaint in this matter. The complaint is dismissed. This decision is final and subject to the review by the Court of Appeals, pursuant to Section 24-4-106(11), C.R.S. (2004) and Colo. Const. art XXVIII, Section 9(2)(a).

DONE AND SIGNED

December 22, 2004

Michelle A. Norcross
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the above **AGENCY DECISION DISMISSING COMPLAINT** by placing same in the U.S. Mail, postage prepaid, at Denver, Colorado to:

Denis Mund
6560 Independence Way
Arvada, Colorado 80004

Chris Rose
Reasonable Policy for Arvada
8702 Iris Street
Arvada, Colorado 80005

Mark Grueskin, Esq.
Issacon, Rosenbaum, Wood & Levy, P.C.
633 17th Street, Suite 2200
Denver, Colorado 80202

and to

William A. Hobbs
Deputy Secretary of State
Department of State
1560 Broadway, Suite 200
Denver, CO 80203

on this ____ day of _____, 2004.