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| <p>STATE OF COLORADO SECRETARY OF STATE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290</p> | <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| <p>BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, in re ED 2022-109, 2022- 110, 2022-111, 2022-112, 2022-115, 2022-116, and 2022-117</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>COLIN LARSON; COLIN FOR COLORADO; RESTORE COLORADO LEADERSHIP FUND IEC, RESTORE COLORADO LEADERSHIP FUND 527; DANIEL COLE, COLE COMMUNICATIONS, LLC; and VICTOR’S CANVASSING, LLC.</p> <p>Respondents.</p> | |
| <p>Attorney for Respondents: Suzanne M. Taheri, #23411 WEST GROUP LAW & POLICY 6501 E. Belleview Ave, Suite 375 Englewood, CO 80111 Phone Number: (303) 263-0844 Email: st@westglp.com</p> | <p style="text-align: center;">MOTION TO DISMISS</p> |

Respondents Colin Larson and Colin for Colorado, through the undersigned counsel, hereby submit this Motion to Dismiss. Counsel for Respondents conferred with Council for the Division and the Division opposes the Motion.

1. On November 7, 2022, Respondents were notified of a complaint under C.R.S. 1-45-111.7(2)(a).

2. On November 22, 2022, the Division notified Respondents of their Initial Review and Opportunity to Cure.
3. After the initial determination the statute requires the division to conduct additional review within thirty days to determine whether to file a complaint. C.R.S. 1-45-111.7(3)(b)(III).
4. If the division determines a complaint alleges a curable violation, respondents are given ten business days to file an amendment and notice of intent to cure. C.R.S. 1-45-111.7(4)(c). The division by practice and prior judicial admissions requires respondents fill out the Secretary of State's prescribed form to qualify for cure.
5. The Respondents did not amend their report, did not file out the prescribed cure form, or provide any other information that would indicate they were going to cure. To the contrary, Respondents notified the Division they would not be curing as Respondents were compliant and there was nothing to cure.
6. C.R.S. 1-45-111.7(5)(a)(IV) requires that if an investigation is not dismissed or cured, then division shall determine whether it will file a complaint with a hearing officer within thirty days after initiating an investigation.
7. On December 19, 2022, Counsel for Respondents provided responses to the Division's Requests for Information.
8. On February 13, 2023, Counsel for Respondents requested an update on the matter, citing the thirty-day rule in statute.
9. Counsel was advised by the division that the matter was still in the cure stage. However, no cure documentation had been submitted and Respondents had explicitly determined they would not cure.
10. The division did not move to dismiss until March 27th, 2023, 125 days past the notice of Initial Review and Opportunity to Cure.
11. The complaint is not timely filed. The statute provides specific timelines for the adjudication of complaints for the benefit of the accused. The Division cannot unilaterally leave a Respondent in the cure period where Respondent does not consent and, here, explicitly repudiates.

Wherefore, Respondents request this matter be dismissed.

Dated: May 22, 2023

/s/ Suzanne Taheri
Suzanne Taheri

WEST GROUP
6501 E Belleview, Ste 375
Denver, CO 80111
Tel.: 303-263-0844
st@westglp.com
Attorney for Respondents Colin Larson and Colin
for Colorado

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May 2023, a true and correct copy of the **Motion to Dismiss** was served via email to peter.baumann@coag.gov.

/s/ Suzanne Taheri

Suzanne Taheri

Duly signed original on file at West Group