

<p>STATE OF COLORADO SECRETARY OF STATE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2023-19</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>DARREN COOK</p> <p>Respondents.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2023-_____</p>
<p>COMPLAINT</p>	

Pursuant to § 1-45-111.7, C.R.S. (2022) and Rule 24 of the Secretary’s Rules on Campaign and Political Finance, 8 CCR 1505-6, the Elections Division of the Secretary of State files this Complaint against Darren Cook (the “Respondent”).

BACKGROUND

1. Colorado law requires candidates for state office to file a candidate affidavit with the Secretary of State certifying that they are familiar with Colorado campaign finance law.
2. This affidavit must be filed within ten days of when the individual becomes a candidate.
3. Here, Darren Cook failed to file that affidavit within ten days of becoming a candidate under Colorado law.
4. Accordingly, the Division brings this complaint for appropriate relief.

PARTIES

5. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.
6. Respondent is Darren Cook, candidate ID: 20235045457.

JURISDICTION AND VENUE

7. The Division has jurisdiction under § 1-45-111.7.
8. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV), (6).
9. This complaint is timely filed within 30 days of the Division’s July 21, 2023, Notice of Investigation according to § 1-45-111.7(5)(a)(IV).
10. Venue is proper before the hearing officer under § 1-45-111.7(5).

ALLEGATIONS

11. Under Colorado law, a person becomes a candidate for office when they 1) publicly announce an intention to seek election to public office, and 2) thereafter receive a contribution or make an expenditure in support of that candidacy.
12. On or before April 9, 2023, Cook publicly announced an intent to seek election to the Mesa County Valley School District 51 Board of Directors in an interview with the Grand Junction Sentinel newspaper. He also established a Facebook page: Darren Cook for Board of Education.
13. On April 13, 2023, Cook registered a candidate committee with the Secretary of State. The Committee name was Darren Cook for Board of Education, and its purpose was to “support the election of Darren Cook to Mesa County Valley School District 51 Board of Directors.”
14. On May 1, 2023, the Committee filed a Report of Contributions and Expenditures. The Report showed that the Committee had received two online contributions on April 19, 2023, and April 23, 2023.
15. Accordingly, Cook’s candidate affidavit was due within ten days of April 19, 2023, or by April 29, 2023.
16. Cook did not file a candidate affidavit until May 17, 2023.

COLORADO CAMPAIGN FINANCE LAW

17. Under Colorado law, a person becomes a candidate “if the person has publicly announced an intention to seek election to public office . . . and thereafter has received a contribution or made an expenditure in support of the candidacy.” Colo. Const. art. XXVIII, § 2(2).

18. “When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with” Colorado campaign finance law. § 1-45-110(1), C.R.S. (2022).

CLAIM ONE Failure to Timely File Candidate Affidavit (§ 1-45-110(1), C.R.S.)

19. All preceding allegations are incorporated.
20. Darren Cook was a candidate for public office on or before April 19, 2023.
21. Cook’s candidate affidavit was due on or before April 29, 2023.
22. Cook did not file his candidate affidavit until May 17, 2023.
23. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

Respectfully submitted this 21st day of August, 2023.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail this 21st day of August, 2023, addressed as follows:

Darren Cook
961 Chipeta Ave.
Grand Junction, CO 81501
darrenarthurcook@gmail.com

Respondent

Jennifer Schumann
323 Carriage Hills Ct.
Grand Junction, CO 81503
Jennifer.schumann1@gmail.com

Third-Party Complainant

/s/ Carmen Van Pelt