

<p>STATE OF COLORADO  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 2022-120</p> <p>ELECTIONS DIVISION OF THE SECRETARY  OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>PATRICIA STOINSKI</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <p>CASE NUMBER</p> <p>AHO 2023 _____</p>
<p><b>COMPLAINT</b></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 Patricia Stoinski (“Respondent”).

**BACKGROUND**

1. To foster transparency and assist voters in assessing the sources of election-related advertising, persons making independent expenditures in excess of \$1,000 are required to register as an Independent Expenditure Committee, report their expenditures, and include a “paid for by” disclaimer on their communications.

2. Here, Respondent distributed over \$1,790 worth of newspaper advertisements supporting various candidates during the 2022 election. Respondent neither registered an independent expenditure committee, nor reported her expenditures.

3. And although Respondent included a “paid for by” disclaimer on the advertisement on which a disclaimer was required, that disclaimer did not include required language, and was not clear and conspicuous.

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 Patricia Stoinski, a natural person.

## **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 thirty days of the Division’s Notice of Investigation under § 1-45-111.7(5)(a)(IV).

10. Venue is proper before the hearing officer under § 1-45-111.7(5).

## **ALLEGATIONS**

11. On November 23, 2022, approximately two weeks after the 2022 general election, the Division received a campaign finance complaint from Joshua Trupin. The Trupin complaint identified Patricia Young Stoinski as the Respondent, and alleged that Stoinski had published newspaper advertisements without registering and reporting.

12. The Trupin complaint also alleged that Stoinski had created the ads “in coordination with . . . candidate Dave Wissel.”

13. Finally, the Trupin complaint alleged that Stoinski had printed flyers supporting Wissel’s candidacy on behalf of an issue committee, Ratified 1788, which did not report the in-kind contribution.

14. During its investigation, the Division reviewed copies of the advertisements in question. The advertisements, one of which is reproduced below, expressly advocated for several candidates, including Dave Wissel, a candidate for Park County Commissioner who appeared on the November 8, 2022, general election ballot.

15. The advertisements ran on September 29, 22, October 6, 2022, October 13, 2022, October 20, 2022, and October 27, 2022.

16. On information and belief, Stoinski paid for the costs of the five advertisements herself, which totaled \$1,790. Stoinski did not cross the \$1,000 electioneering threshold until the publication of the fifth advertisement, reproduced below, which cost \$845.

**Vote Republican on November 8<sup>th</sup>**  
 With Democrats in charge in Colorado and D.C., we've watched our quality of life crumble. Democrats will do the same here in Park County.

**Dave Wissel for Park County Commissioner**  
 Wissel4ParkCounty.com Contact Dave: (719) 839-1285

**DAVE'S PLATFORM**

- No New Taxes. It's your money and it's already stretched to the brink
- Full budget review— know how YOUR MONEY is being spent
- Deliver financial transparency, accountability, & fiscal responsibility
- Support Taxpayer Bill of Rights [TABOR]
- Allocate County Revenue according to the function of government: Health, Safety, and Welfare
- Recognize private property rights
- Limited government to promote private sector development of affordable housing. Encourage and support the current development projects.

**Vote NO on 3-Terms for Commissioners**

**Compare Commissioner Candidates**

<b>DAVE WISSEL's decision-making is solidly based in fairness and integrity. He knows who he is. He has always been, and will always be, A Republican. Dave will represent and serve YOU.</b>	<b>Democrat</b> – She is following the Democrat Playbook: Stealing the Republican message, pretending to be a Conservative just to garner your vote! – Does SHE even know who she is? Do we really want another politician who lies to us? Thankfully the people of Park County will see right through her facade.
<b>DAVE WISSEL believes in Freedom &amp; Personal Responsibility</b>	
<b>The Dem is NOT Moderate</b>	Is Far-Left Leaning: she says Polis did a great job during COVID. We were forced to stay home and businesses shut down.
<b>DAVE WISSEL values men / women and can define each</b>	
<b>The Dem is NOT Moderate</b>	Is Far-Left Leaning: she has a degree in Gender/Women's Studies, but when asked she cannot define a woman.
<b>DAVE WISSEL supports limited government / No New Taxes</b>	
<b>The Dem is NOT Moderate</b>	She claims to be a Conservative, but supports increasing taxes & BIG government policies, which means spending YOUR money.
<b>DAVE WISSEL aligns with Republican core values</b>	
<b>The Dem is NOT Moderate</b>	She claims to be a Conservative, but aligns with and supports Polis, Biden, and the Far-Left Democrat platform.
<b>DAVE WISSEL believes in the value of all human life</b>	
<b>The Dem is NOT Moderate</b>	When asked, she claims to be Pro-Life, but fully supports the Polis bill allowing abortion up until the moment of birth.
<b>DAVE WISSEL supports creating a climate for private sector to thrive</b>	
<b>The Dem is NOT Moderate</b>	She believes, increasing government is the answer, but has no knowledge or experience of how county projects are funded.

17. All of the preceding advertisements were substantively different than October 27, 2022, advertisement.

18. The October 27, 2022, advertisement included a small disclaimer that read: “Paid for by Pat Stoinski.” The disclaimer did not include a statement that the advertisement was not authorized by any candidate.

19. Moreover, the disclaimer was written in small font and blocked by the border of the advertisement, making it difficult to read.

20. Stoinski neither registered as an independent expenditure committee, nor reported these expenditures.

21. The Division also investigated the allegations related to the flyers. The Division determined that Stoinski created the flyers as an in-kind contribution to the Wissel campaign. Stoinski runs a printing business. Rather than charging the Wissel campaign the \$20 cost for the flyers, Stoinski provided the flyers as an in-kind contribution.

22. The Wissel campaign received an invoice reflecting the amount of contribution on December 21, 2022, and reported that contribution on its final TRACER report.

23. The Division also investigated the allegation that Ratified 1788 had coordinated with the Wissel campaign, but received sworn statements to the contrary.

24. The Division also reviewed Ratified 1788's expenditures and contributions in 2022. Ratified 1788 made no contributions to candidates, and spent just \$357.06 on communications expressly advocating for the election or defeat of identified candidates, which represented just 12% of its overall campaign activity.

## **COLORADO CAMPAIGN FINANCE LAW**

21. Under Colorado law, “[a]ny person making an independent expenditure in excess of one thousand dollars per calendar year shall deliver notice in writing to the secretary of state of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure . . . Any person making an independent expenditure within thirty days of a primary or general election shall deliver such notice within forty-eight hours after obligating funds for such expenditure. Colo. Const. art. XXVIII, § 5(1).

22. Such persons must also “register with the appropriate officer within two business days of the date on which an aggregate amount of . . . expenditures made reaches or exceeds one thousand dollars.” § 1-45-107.5(3)(a), C.R.S. (2022).

23. “[A]ny person who expends one thousand dollars or more per calendar year on electioneering communications . . . shall . . . state in the communication the name of the person making the communication.” § 1-45-108.3(3), C.R.S. (2022).

25. Under the Secretary’s Rules on Campaign and Political Finance, 8 CCR 1505-6, Rule 22.1.1(b) the disclaimer for independent expenditures must include, “. . . a statement that the communication is not authorized by a candidate.” 8 CCR 1505-6, Rule 22.1.1(b).

26. The disclaimer must also be “clear and conspicuous” and “clearly readable.” 8 CCR 1505-6, Rule 22.1.1.

**CLAIM ONE**  
**Failure to Register**  
**(§ 1-45-107.5(3)(a), C.R.S.)**

27. All preceding allegations are incorporated.

28. On October 27, 2022, Respondent spent \$845 on a newspaper advertisement expressly advocating for certain candidates. With that expenditure, Respondent spent over \$1,000 on independent expenditures in 2022.

29. Respondent failed to register as an independent expenditure committee within two days of this expenditure.

30. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**CLAIM TWO**  
**Failure to Report**  
**(Colo. Const. art. XXVIII, § 5(1))**

31. All preceding allegations are incorporated.

32. On October 27, 2022, Respondent spent \$845 on a newspaper advertisement expressly advocating for certain candidates. With that expenditure, Respondent spent over \$1,000 on independent expenditures in 2022.

33. Respondent did not report this expenditure to the Secretary of State, or any of Respondent’s expenditures, to the Secretary of State.

34. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**CLAIM THREE**  
**Failure to Include Sufficient Disclaimers**  
**(§ 1-45-108.3(3), C.R.S.)**

35. All preceding allegations are incorporated.

36. On October 27, 2022, Respondent made an independent expenditure in the amount of \$845 for a newspaper advertisement. With that expenditure, Respondent spent over \$1,000 on electioneering communications in 2022.

37. The newspaper advertisement included a disclaimer that read: "Paid for by Pat Stoinski." But because of the size of the disclaimer, and the border of the advertisement, the disclaimer was neither clear and conspicuous nor clearly readable.

38. The disclaimer also did not indicate that the communication was not authorized by any candidate.

39. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**CLAIMS NOT PURSUED**

40. In addition to the claims against Stoinski, the text of the Trupin complaint also levied allegations against Dave Wissel's candidate committee and Ratified 1788.

41. Trupin alleged that Mr. Wissel's candidate committee failed to report "in-kind expenditures". Based on the information obtained by the Division, there is no evidence that Mr. Wissel's campaign committee committed a reporting violation as alleged. Mr. Wissel's candidate committee reported an in-kind contribution of flyers printed by Stoinski's printing business. However, Mr. Wissel was not required to report the newspaper ads as an expenditure because Ms. Stoinski produced and distributed these independently from Mr. Wissel's campaign. Therefore, the Division will not pursue those claims against Mr. Wissel or his candidate committee.

42. Trupin also alleged that Ratified 1788 was acting as a political committee, by engaging in candidate advocacy, and therefore was required to register and report as a political committee but failed to do so. Based on the information obtained by the Division, Ratified 1788 did not violate campaign finance law as alleged.

43. The Division has reviewed Ratified 1788's 2022 contributions and expenditures. Based on that review, the Division determined that just 12% of Ratified 1788's financial activity related to communications expressly advocating the election or defeat of candidates. advocacy. Based on their financial activity, Ratified 1788's "major purpose" was not the nomination or election of one or more candidates. Therefore, Ratified 1788 was not a political committee and the Division will not pursue those claims against it.

44. The Division also considered whether Ratified 1788 could be an independent expenditure committee under Colorado law. But based on its review of Ratified 1788's contributions and expenditures, the Division determined that Ratified 1788 spent just \$357.06 on communications expressly advocating the election or defeat of candidates, far less than the \$1,000 threshold requiring registration as an independent expenditure committee.

Respectfully submitted this 27th day of September, 2023.

PHILIP J. WEISER  
Attorney General

*/s/ Peter G. Baumann*

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PETER G. BAUMANN\*  
Senior Assistant Attorney General,  
No. 51620  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 6<sup>th</sup> Floor  
Denver, Colorado 80203  
Telephone: 720-508-6152  
Fax: 720-508-6041  
[peter.baumann@coag.gov](mailto:peter.baumann@coag.gov)  
\*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail this 27th day of September 2023, addressed as follows:

Patricia Stoinski  
PO Box 1909  
Fairplay, CO 80440  
thebizconnection@yahoo.com  
*Respondent*

Joshua Trupin  
PO Box 964  
Fairplay, CO 80440  
trupin@outlook.com  
*Third-Party Complainant*

/s/ Carmen Van Pelt