

<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. The division moved to dismiss the complaint March 27th, 2023.
4. On May 1, 2023, the Deputy Secretary denied the motion to dismiss against Respondent.
5. On May 19, 2023, the administrative complaint was filed with the hearing officer.
6. That same day counsel for Respondent contacted for the Division and requested, “a hearing as soon as possible.”
7. Respondent filed an Answer to the Complaint on June 8, 2023.
8. At no time did Respondent ever waive his right to a speedy hearing or agree to any continuance.
9. To the contrary, Respondent repeatedly conferred with Counsel for the Division regarding a speedy setting.
10. After conferring with Counsel for Respondent, Counsel for the Division again emailed AdministrativeHearingOfficer@coloradosos.gov on August 3, 2023 to inquire about a hearing date and cited the rule. *See Att’d.*
11. No response was received until a minute order was issued on November 9, 2023.
12. On November 21, 2023, Respondent’s motion to dismiss for untimely filing of the complaint was denied.
13. The Order also notes, “**Setting a hearing on the administrative complaint.** § 1-45-111.7(6)(a) of the FCPA requires the hearing officer to set a hearing within thirty days of the date that the administrative complaint was filed.” *See Order Denying Motion to Dismiss*, ¶ 20.
14. This timeline in statute also comports with Rule 25.5.1 (8 CCR 105-6), “Within 30 days of the filing of an administrative complaint, a hearing officer will set a date for hearing unless a stay is entered, the matter is continued, or the hearing officer finds good cause for an enlargement of time.”
15. No hearing was set by the 30-day deadline of June 19, 2023. To date it has been 194 days since the filing of the complaint.
16. As noted in the Order denying dismissal, this deadline is directory, “the FCPA *requires*” the 30 setting. *See Order Denying Motion to Dismiss*. [emphasis added]. The rule provides for an exception only if a stay is entered, the matter is continued, or the hearing

officer finds good cause for an enlargement. None of those exceptions apply in this matter.

Wherefore, Respondent requests this matter be dismissed.

Dated: November 28, 2023

/s/ Suzanne Taheri
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November 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