

<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 2023-15</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>COMMITTEE TO IMPROVE FOOTHILLS FIRE PROTECTION DISTRICT</p> <p>Respondent.</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 the Committee to Improve Foothills Fire Protection District (“Respondent,” “Committee”).

BACKGROUND

1. Colorado law requires political committees to completely and accurately report their expenditures made.
2. Colorado law also requires committees to include a “paid for by” disclaimer on certain campaign communications. This disclaimer must include the name of the entity paying for the communication, and, if the entity is a non-natural person, it must also identify the entity’s registered agent.
3. The Committee to Improve Foothills Fire Protection District purchased yard signs, flyers, and a website to support a slate of candidates in the May 2, 2023, special district election. But it did not report any expenditures.

4. The Committee to Improve Foothills Fire Protection District also did not identify its registered agent on certain campaign communications.

5. Accordingly, the Division brings this complaint for appropriate relief.

PARTIES

6. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

7. Respondent is the Committee to Improve Foothills Fire Protection District, committee ID: 20235044278.

JURISDICTION AND VENUE

8. The Division has jurisdiction under § 1-45-111.7.

9. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV), (6).

10. This complaint is timely filed within 30 days of the Division’s August 14, 2023, Notice of Investigation according to § 1-45-111.7(5)(a)(IV).

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

ALLEGATIONS

12. On January 24, 2023, Dennis Polhill, the Committee’s registered agent, filed a Committee Registration Form with the Secretary of State. The stated purpose of the Committee is to “help candidates get elected who care to improve Foothills Fire Protection District.”

13. On May 23, 2023, the Elections Division received a campaign finance complaint against several candidates supported by the Committee. The complaint alleged that the candidates violated Colorado campaign finance law by failing to report expenditures made on campaign communications.

14. The complaint also (incorrectly) alleged that the candidates had failed to register a committee.

15. The Division notified the candidates and the Committee of the complaint on May 23, 2023, and conducted an initial review. During its review of the complaint, the Division discovered that the Committee did not identify a registered agent on any of its campaign communications.

16. On June 5, 2023, the Division issued a Notice of Initial Review and Opportunity to Cure. The Notice indicated that the Division had made the initial determination that (1) the complaint was timely filed, (2) it identified one or more violations of Colorado campaign finance law, and (3) it alleged sufficient facts to support a factual and legal basis for the complaint. The Division also determined that the complaint alleged a potentially curable violation and offered the Committee and opportunity to cure.

17. The Committee responded the following day, on June 6, 2023, and notified the Division that it had amended its TRACER reports to accurately reflect the Committee's expenditures.

18. During its review of the complaint, the Division sought information concerning the scope of the Committee's expenditures and inquired about the Committee's communications to determine if any communication cost more than \$1,000.

19. The Committee provided documentation indicating that it had spent \$2,126.77 to support the election of its preferred candidates to the Foothills Fire Protection District Board of Directors.

20. The Committee also provided an invoice indicating that it had spent \$1,443.65 to produce and distribute 2600 mailers. The mailers expressly advocated for the election of four candidates and did not identify the Committee's registered agent.

Candidates for Foothills Fire Protection District Board of Directors

THIS TEAM WILL SERVE OUR COMMUNITY WITH EXPERIENCE AND UNIQUE ABILITIES/KNOW-HOW

- **DAVE STAJCAR** 15 years service in all aspects of fire service including volunteer firefighter and a paid position as Operations Captain for Foothills Fire, responsible for maintaining and upgrading facilities and apparatus.
- **DAN HARTMAN** Public Works Director for the City of Golden for 34 years managing numerous public structures. During his tenure, oversaw the construction of 4 fire stations. Served as firefighter on the U.S. Forest Service fire crew.
- **STEPHANIE GRAF** Over 30 years experience managing teams and budgets through effective collaboration. Currently serves as Vice President of Fortune 1000 technology company.
- **STEPHANIE TROYER** Professional fundraiser for both national and local organizations. Worked for Big Four accounting firm where she helped companies make better financial decisions.

• VOTE BY MAY 2 •

STAJCAR | HARTMAN | GRAF | TROYER



COLORADO CAMPAIGN FINANCE LAW

21. Under Colorado law, political committees must disclose their expenditures, § 1-45-108(1)(a)(I), which are defined as “any purchase [. . .] for the purpose of expressly advocating the election or defeat of a candidate.”

22. Under Colorado law, “a political committee [. . .] making an expenditure in excess of or spending more than one thousand dollars per calendar year on a communication that must be disclosed [. . .] shall include in the communication” a valid disclaimer. § 1-45-108.3(1), C.R.S.

23. That disclaimer must “conform to the requirements specified in section 1-45-107.5(5) for content, size, duration, and placement.” § 1-45-108.3(2).

24. Under § 1-45-107.5(5), the disclaimer statement must include: (1) a statement that “the communication has been ‘paid for by (full name of the person paying for the communication)’” and, (2) “a natural person who is the registered agent if the person [paying for the communication] is not a natural person.” § 1-45-107.107.5(5)(a).

CLAIM ONE Failure to Report Expenditures (§ 1-45-110(1), C.R.S.)

25. All preceding allegations are incorporated.

26. The Committee is registered as a political committee under Colorado law.

27. The Committee did not fully and accurately report \$2,126.77 worth of expenditures as required by law.

28. 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 Include Sufficient Disclaimers
(§ 1-45-108.3(1), C.R.S.)

29. All preceding allegations are incorporated.

30. On or about April 6, 2023, the Committee made a \$1,443.65 expenditure on mailers that expressly advocated for four candidates.

31. Those mailers did not include a compliant disclaimer statement. Specifically, they did not identify the Committee's registered agent.

32. 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 8th day of September 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 8th day of September 2023, addressed as follows:

Committee to Improve Foothills Fire Protection District
49 S. Lookout Mountain Road
Golden, CO 80401
dpolhill@aol.com

Respondent

William Ulrick
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ulrickwb@gmail.com

Third-Party Complainant

/s/ Carmen Van Pelt