

<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 2024-04</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>LINDSAYFORDPSK12.ORG,</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2024 AHO _____</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 LindsayForDPSk12.org (“Respondent,” “the Committee”).

BACKGROUND

1. Colorado law prohibits candidate committees from making cash expenditures exceeding \$100.
2. Here, the Committee paid a campaign consultant \$2,000 in cash.
3. Accordingly, the Division brings this complaint for appropriate relief.

PARTIES

4. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.
5. Respondent is LindsayForDPSk12.org, a candidate committee registered with the Colorado Secretary of State, ID # 20235046234.

JURISDICTION AND VENUE

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

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

8. This complaint is timely filed within 30 days of the Division's March 18, 2024, Notice of Investigation according to § 1-45-111.7(5)(a)(IV).

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

ALLEGATIONS

10. Charmaine Lindsay was a candidate for school board in Denver County in 2023. Her candidate committee was LindsayForDPSk12.org.

11. On September 18, 2023, the Committee filed a report of contributions and expenditures with the Secretary of State. That report included an expenditure of \$2,000 to Hashim Coates to "pay campaign consultant."

12. That expenditure was made with cash.

13. On January 9, 2024, the Division filed a complaint against the Committee under § 1-45-111.7(7). The Division gave the Committee notice of the Complaint and an opportunity to cure.

14. The Committee admitted that the expenditure was made in cash, and fully cooperated with the Division's investigation. The Committee indicated that the expenditure was made while the campaign was in its early stages, and that the Committee reported the cash contribution in order to be fully transparent.

COLORADO CAMPAIGN FINANCE LAW

15. Under Colorado law, candidate committees are prohibited from "mak[ing] an expenditure[] in currency or coin exceeding one hundred dollars." Colo. Const. art. XXVIII, § 3(1).

CLAIM ONE
Prohibited Expenditure
(Colo. Const. art. XXVIII, § 3(10))

16. All preceding allegations are incorporated.
17. In 2023, the Committee made a cash expenditure totaling \$2,000 to a campaign consultant.
18. That expenditure exceeded the limit on cash contributions by \$1,900.
19. 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 17th day of April, 2024.

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

PETER G. BAUMANN*
Senior Assistant Attorney General,
No. 51620
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: 720-508-6152
Fax: 720-508-6041
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 and/or email this 17th day of April 2024, addressed as follows:

LindsayForDPSk12.org
C/O registered agent Susan Bernard
145 W. 4th Ave.
Denver, CO 80223
Respondent

/s/ Peter G. Baumann