

<p>STATE OF COLORADO SECRETARY OF STATE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, Colorado 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2023-40, 2023-62</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>BENNETT AUSLAENDER a.k.a. CONCERNED CITIZENS OF CONIFER</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2024 AHO 0012</p>
<p>NOTICE OF DISMISSAL WITH PREJUDICE</p>	

Pursuant to C.R.C.P. 41(a)(1)(A) and 8 CCR 1505-6, Rule 24.14.2, the Elections Division of the Secretary of State hereby provides notice of its voluntary dismissal, with prejudice, of its action against Respondent Bennett Auslaender, also known as Concerned Citizens of Conifer.

1. Pursuant to C.R.C.P. 41(a)(1)(A), a plaintiff may dismiss an action “without order of court . . . by filing a notice of dismissal at any time before filing or service by the adverse party of an answer or of a motion for summary judgment.” The dismissal is without prejudice “unless otherwise stated in the notice of dismissal.” *Id.*

2. Pursuant to Rule 24.14.2 of the Secretary’s Rules on Campaign and Political Finance, “the division shall file a notice of dismissal with the hearing officer if a settlement has been approved by the Deputy Secretary.”

3. The Elections Division and Respondent have entered a settlement agreement resolving this matter, and that settlement agreement has been approved by the Deputy Secretary.

Therefore, the Elections Division voluntarily dismisses this action, with prejudice.

Respectfully submitted this April 18, 2024.

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 this

April 18, 2024, by electronic mail, addressed as follows:

Concerned Citizens of Conifer
C/O Bennett Auslaender
10524 US 285
Conifer, CO 80433
Respondent

Melissa Winefeldt
41 Sunlight Ln.
Bailey, CO 80421
Mfrazier_healthfitness@yahoo.com
Third Party Complainant

Alfred I Leo, Jr.
19293 Silver Ranch Rd.
Conifer, CO 80433
Al.leo2012@gmail.com
Third Party Complainant

/s/ Nicole Flores
Nicole Flores
Campaign Finance Enforcement
Colorado Secretary of State