

<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 2023-49</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>ANDY4DCSD, JASON4DCSD, and MARIA4DCSD,</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 ANDY4DCSD, JASON4DCSD, and MARIA4DCSD, (“Respondents,” “the Committees”).

BACKGROUND

1. Under Colorado law, when candidate committees agree to share costs, each committee must pay its proportionate share of the cost within 30 days of the expenditure. Otherwise, the committee that made the expenditure on behalf of the other committee or committees is considered to have made an improper contribution to those committees.

2. Here, the Committees agreed to run as a slate and share costs in their campaigns for Douglas County school board. However, not all of the shared expenses were reimbursed within the 30-day window, nor were those expenditures reported as contributions to the non-reimbursing committees.

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. Respondents are:

- a. ANDY4DCSD, a candidate committee registered with the Colorado Secretary of State, ID # 20235045502.
- b. JASON4DCSD, a candidate committee registered with the Colorado Secretary of State, ID # 20235045619
- c. MARIA4DCSD, a candidate committee registered with the Colorado Secretary of State, ID # 20235045604

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 20, 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. In 2023, Andy Jones, Jason Page, and Maria Sumnicht were candidates for school board in Douglas County School District Re-1. They each appeared on the November ballot.

11. Jones, Page, and Sumnicht ran as a slate. They hired the same filing agent and registered agent, and the same campaign manager. They also agreed to share at least some expenditures.

12. On October 20, 2023, the Division received a campaign finance complaint against Andy Jones filed by Benjamin Boaz. Although the Boaz complaint only named Jones, it alleged that Jones had made two expenditures on behalf of the slate but had not been reimbursed.

13. Specifically, the Boaz complaint identified a \$3,000 expenditure to “I360” for voter canvassing tools, and \$930 to “Bonfire” for voter data.

14. On November 1, 2023, the Division issued a Notice of Initial Review and Opportunity to Cure. Although the Division determined that the Bonfire allegation was without merit, it noted that ANDY4DCSD's i360 expenditure appeared to be a shared expenditure for which he had not been reimbursed.

15. The next day, the Committees' registered agent provided a Notice of Intent to Cure. The Notice of Intent to Cure advised that the i360 expenditure was a shared expenditure, but that a billing error had frustrated the Committees' ability to reimburse ANDY4DCSD for the expenditure.

16. The Committees did not complete that reimbursement until after November 16, 2023.

17. Although the total disbursement to i360 originally totaled \$3,000, this \$3,000 expenditure occurred over the course of two payments. ANDY4DCSD paid \$1,950 on September 11, 2023, and an additional \$1,050 on October 10, 2023.

18. The other committees' proportional share of these expenditures should have been reported by October 11, 2023, and November 9, 2023, respectively.

19. During its review and investigation, the Division also uncovered additional expenditures which were not properly reimbursed and reported. Specifically, the Division identified a total of \$412.62 in expenditures made by ANDY4DCSD for which Jones's committee was reimbursed, but for which he had not reported the reimbursement.

COLORADO CAMPAIGN FINANCE LAW

20. Under Colorado law, "each candidate committee that shares the cost of brochures, office space, or other overhead must pay its proportionate share of the cost within 30 days of the expenditure. The reimbursing committee must report the payment as an expenditure and the reimbursed committee must report it as a returned expenditure." 8 CCR 1505-6, Rule 10.11.

CLAIM ONE (All Respondents) Failure to Reimburse (8 CCR 1505-6, Rule 10.11)

21. All preceding allegations are incorporated.

22. In 2023, ANDY4DCSD made two expenditures totaling \$3,000 to i360. These expenditures were shared expenditures with MARIA4DCSD and JASON4DCSD.

23. MARIA4DCSD and JASON4DCSD did not reimburse ANDY4DCSD until after the 30-day window to do so had expired.

24. 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
(ANDY4DCSD)
Failure to Reimburse
(8 CCR 1505-6, Rule 10.11)**

25. All preceding allegations are incorporated.

26. In 2023, ANDY4DCSD made expenditures that were shared with MARIA4DCSD and JASON4DCSD. With the exception of the i360 expenditures, the other two committees properly and timely reimbursed ANDY4DCSD.

27. However, ANDY4DCSD failed to report \$412.62 in reimbursements as returned expenditures as required by rule.

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.

Respectfully submitted this 19th 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 19th day of April 2024, addressed as follows:

ANDY4DCSD
C/O Registered Agent Marge Klein
9211 Millcreek Ct.
Highlands Ranch, CO 80126
mklein@swspolifi.com

MARIA4DCSD
C/O Registered Agent Marge Klein
6033 Ponderosa Way
Parker, CO 80134
mklein@swspolifi.com

JASON4DCSD
C/O Registered Agent Marge Klein
9823 Atherton Way
Highlands Ranch, CO 80130
mklein@swspolifi.com
Respondents

Benjamin Boaz
5226 Weeping Willow Cir.
Highlands Ranch, CO 80130
Jerrubaal@gmail.com
Third-Party Complainant

/s/ Peter G. Baumann