

STATE OF COLORADO
Department of State
1700 Broadway, Suite 550
Denver, CO 80290



Jena M. Griswold
Secretary of State
Christopher P. Beall
Deputy Secretary of State

BEFORE THE
COLORADO SECRETARY OF STATE
1700 Broadway, Suite 550
Denver, Colorado 80290

IN THE MATTER OF

ELECTIONS DIVISION of the SECRETARY OF STATE,
Complainant,

vs.

STEPHEN CAPRA,
Respondent.

(Elec. Div'n Case No. L 2024-02)

AHO Case No:

**PROCEDURAL ORDER
REFERRING COMPLAINT TO ADMINISTRATIVE HEARING OFFICER
FOR HEARING AND ISSUANCE OF INITIAL DECISION
(with attached copy of complaint)**

Before the Secretary of State is the formal Complaint against Stephen Capra ("Respondent") for failing to register and failing to file disclosure reports as a professional lobbyist as required by part 3 ("Regulation of Lobbyists") of the Colorado Sunshine Law, §§ 24-6-301, *et seq.*, C.R.S., and the Secretary of State's Rules Concerning Lobbyist Regulation ("Lobbyist Rules"), 8 CCR 1505-8. A copy of that Complaint is attached and incorporated as an exhibit to this Procedural Order.

Pursuant to section 24-4-105(2)(a), C.R.S., of the Colorado Administrative Procedures Act ("APA") and Rule 5.6.1 of the Lobbyist Rules, the Secretary hereby refers the consideration of the Division's complaint in this matter to the Department's Administrative Hearing Officer Macon Cowles, Esq. ("AHO"). The AHO is directed to adjudicate the claims of the complaint, conducting a hearing with live testimony and evidence as may be necessary, in conformity with the powers and duties set out in the APA, including

Main Number - (303) 894-2200
Administration - (303) 860-6900
Fax - (303) 869-4860

(303) 869-4867 - TDD/TTY
www.ColoradoSoS.gov - Website
administration@ColoradoSoS.gov - E-mail

without limitation sections 24-4-105(4)(a) & (5) of the APA, and thereafter, the AHO shall deliver his Initial Decision to the Secretary for consideration and review, as provided for under section 24-4-105(14)(a) of the APA. See §§ 24-4-105(4), (5), & 14), C.R.S. The AHO is hereby empowered to exercise all of the powers and duties available to a hearing officer under the APA, including the power to issue administrative subpoenas as may be necessary, and to impose procedural deadlines on the parties as the AHO deems just and proper.

The Secretary hereby designates Stephen Capra as the respondent in this matter. As required by section 24-4-105(2)(b) of the APA, the Respondent is directed to file an answer to the Division's formal Complaint within thirty (30) days of this Procedural Order, submitting that answer to the AHO electronically at his email address: AdministrativeHearingOfficer@ColoradoSOS.gov. See § 24-4-105(2)(b), C.R.S. Any person who may be affected or aggrieved by the remedies sought by the Division in this matter shall be admitted as a party to this proceeding upon their filing of a written request for party status in compliance with the requirements of section 24-6-105(2)(c) of the APA. See 24-4-105(2)(c), C.R.S. Any such request must be submitted to the AHO electronically at his email address: AdministrativeHearingOfficer@ColoradoSOS.gov.

Under Rule 5.6.2 of the Lobbyist Rules, the AHO is directed to consider and make recommendations as to whether any penalty should be imposed in this case, and if so, for how long, and whether any additional remedies should be sought by the Secretary. See § 24-6-305(2) & (3), C.R.S., and 8 CCR 1505-8, Rule 5.6.2.

Upon receipt of the AHO's Initial Decision, the Secretary will issue a second procedural order setting out the procedures for the filing of Exceptions on the AHO's recommendations, should any party wish to obtain the Secretary's appellate review of the Initial Decision. See §§ 24-4-105(14)(a)(II) & (15)(a), C.R.S.

Because this matter is now referred to the AHO, all further communications concerning this matter must be submitted in writing to the AHO through the AHO's email account at: AdministrativeHearingOfficer@ColoradoSOS.gov. No *ex parte* communications are permitted with the AHO nor the AHO's administrative staff, nor with the Secretary, and the Secretary will not hereafter respond to any aspect of this case absent an initial decision or recommendation from the AHO.

IT IS SO ORDERED.

DONE and **ORDERED** this 13th day of May 2024.

CHRISTOPHER P. BEALL


Deputy Secretary of State

for

Secretary of State Jena Griswold



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this **PROCEDURAL ORDER REFERRING COMPLAINT TO ADMINISTRATIVE HEARING OFFICER FOR HEARING AND ISSUANCE OF INITIAL DECISION** along with the accompanying **Complaint** by the Elections Division was served on the following parties via electronic mail or U.S. Mail, as indicated, on May 13, 2024:

Complainant –

Peter Baumann, Senior Assistant Attorney General
Colorado Department of Law
Peter.Baumann@CoAG.gov

Respondent –

Stephen Capra
91 Campus Dr. PMB #1004
Missoula, MT 59801
stephen@bvconservation.org

Underlying Citizen Complainant

John Williams
johnmwm@gmail.com

Administrative Hearing Officer Macon Cowles –

AdministrativeHearingOfficer@ColoradoSOS.gov

Elections Division –

Colorado Secretary of State, Elections Division
cpfcomplaints@coloradosos.gov

/s/ Christopher P. Beall
Deputy Secretary of State

STATE OF COLORADO SECRETARY OF STATE 1700 Broadway #550 Denver, CO 80290	
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED L2024-02	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,	▲ COURT USE ONLY ▲
Complainant,	CASE NUMBER
vs.	2024 AHO _____
STEPHAN CAPRA	
Respondent.	
COMPLAINT	

Pursuant to Rule 5.6.1 of the Secretary’s Rules Concerning Lobbyist Regulation, 8 CCR 1505-8, the Elections Division of the Secretary of State files this Complaint against Stephen Capra (“Respondent”).

BACKGROUND

1. Under Colorado law, all professional lobbyists must register with the Secretary of State before engaging in lobbying at the General Assembly, and disclose information about the entities that compensate them for engaging in lobbying activity.

2. Here, Capra lobbied multiple legislators on behalf of a paying client, all without registering, and without disclosing the client’s identity.

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 Stephen Capra.

JURISDICTION AND VENUE

6. The Division has jurisdiction under Rule 5 of the Secretary's Rules Concerning Lobbyist Regulation, 8 CCR 1505-8, and section 24-6-305, C.R.S. (2023).

7. The Division files this complaint with "the Secretary of State or their designee" pursuant to Rule 5.6.1, 8 CCR 1505-8.

8. This complaint is timely filed within 28 days of the notice extending the investigation period for good cause under Rule 5.5.2, 8 CCR 1505-8.

9. Venue is proper before the Secretary of State or their designee under Rule 5.6.1, 8 CCR 1505-8.

ALLEGATIONS

10. On March 6, 2024, the Division received a Lobbyist Complaint from John Williams. The Williams Complaint alleged that Stephen Capra, as well as his organization "Bold Visions Conservation," were lobbying at the State Capitol without having first registered as lobbyists.

11. Earlier this year, Representative Tammy Story introduced the Colorado Wildlife Coexistence Bill (HB24-1375), which sought to address the coexistence of wild carnivores such as gray wolves and Colorado livestock.

12. One of Representative Story's constituents, Rhonda Dern, supported the Coexistence Bill.

13. Dern, having seen Bold Visions Conservation online, reached out to Capra to tell him and Bold Visions Conservation about the Bill and to request that they help with her efforts to get the Bill passed. In response, Capra indicated that he would come to Colorado to speak with Representatives in support of the bill.

14. During their conversation, Dern also asked Capra to speak with Representative Story, which Capra agreed to do. During Capra's conversation with Representative Story, Representative Story asked Capra if he could help with the legislation and agreed to set up a meeting between Capra and the Speaker of the Colorado House of Representatives.

15. On February 13 and 14, 2024, Capra appeared at the Colorado State Capitol and met with legislators, including the Speaker of the House, to discuss the Coexistence bill.

16. On February 13, 2024, Capra posted a video to the Bold Visions Conservation Facebook page, in which he indicated that he had just met with the Speaker of the Colorado House, and that at the meeting he was “trying to push her very hard to move this wolf bill out of the agricultural committee.” He also noted that the Speaker had “agreed to delay the bill,” which will give us more time to “organize and try to fight.” Capra further indicated that he would be meeting with additional legislators “today and tomorrow,” and concluded by thanking the folks watching the video “for their support of Bold Visions Conservation.”

17. The next day, Capra posted another video to the Bold Visions Conservation Facebook page. This time, Dern and Capra appeared in the video, which was made at the Colorado State Capitol. During the video, Capra indicated that they had been “making the rounds” and speaking with various state legislators. Referencing Dern, Capra indicated that it is “always fun to lobby when you have a great partner.”

18. According to Capra, he lobbied for about six hours total over two days at the Colorado State Capitol.

19. Capra met with these legislators for the purpose of aiding or influencing those members to either approve or defeat pending legislation.

20. During its review and investigation of the Williams Complaint, the Division inquired into Capra’s relationship with Bold Visions Conservation.

21. Bold Visions Conservation is registered non-profit corporation in the State of Montana.

22. According to Capra, he is the only full-time employee of Bold Visions Conservation, and his duties include building the Board, creating campaigns, and educating elected officials.

23. Capra receives a bi-weekly salary of \$2,500 from Bold Visions Conservation, and his pay is determined by the Board and based on monies raised. Bold Visions Conservation also covers Capra’s travel expenses, such as hotels, gas, and meals, including on his trip to the Colorado State Capitol.

24. The Division has determined that, for the purposes of the lobbying statutes, Bold Visions Conservation is Capra’s client.

COLORADO LOBBYING LAW

25. Under Colorado law, all “professional lobbyists” must file an electronic registration statement with the Secretary of State “[b]efore lobbying.” That statement must include the lobbyist’s name and contact information, as well as the client for whom the lobbyist is lobbying. § 24-6-303, C.R.S. (2023).

26. A “professional lobbyist” is any individual “who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying.” Colo. Const. art. XXIX, § 2(5).

27. “Lobbying,” includes “communicating directly . . . with a covered official for the purpose of aiding in or influencing” the passage or defeat of legislation. § 24-6-302(3.5)(a).

28. A lobbying “client” is any “person who employs or retains the professional services of one or more lobbyists to undertake lobbying on behalf of that person.” § 24-6-302(1).

29. Professional lobbyists are required to file monthly disclosure statements with the Secretary of State’s office. § 24-6-302(2.5).

30. These disclosures must identify, among other things, “the name and address of each client . . . who contributed more than \$100 to the professional lobbyist for lobbying,” “the total sum of contributions the professional lobbyist received for lobbying activities,” and “the legislation . . . about which the professional lobbyist is lobbying.” Rule 2.5.1, 8 CCR 1505-8.

CLAIM ONE Failure to Register (§ 24-6-303, C.R.S)

31. All preceding allegations are incorporated.

32. On February 13 and 14, 2024, Stephen Capra appeared at the Colorado State Capitol and lobbied representatives, including the Speaker of the Colorado House, to support Representative Story’s Coexistence Bill.

33. Capra did so on behalf of Bold Visions Conservation, which compensated him, in part, for his actions at the Colorado State Capitol.

34. Capra did not register with the Colorado Secretary of State prior to engaging in lobbying on behalf of Bold Visions Conservation.

35. The Division is entitled to relief under the Colorado Sunshine Law, §§ 24-6-302 *et seq.* and Rule 5 of the Secretary’s Rules Concerning Lobbyist Regulation, 8 CCR 1505-8.

CLAIM TWO
Failure to Disclose
(§ 24-6-302, C.R.S)

36. All preceding allegations are incorporated.

37. On February 13 and 14, 2024, Stephen Capra appeared at the Colorado State Capitol and lobbied representatives, including the Speaker of the Colorado House, to support Representative Story’s Coexistence Bill.

38. Capra did so on behalf of Bold Visions Conservation, which compensated him, in part, for his actions at the Colorado State Capitol.

39. Capra did not file required disclosure statements with the Colorado Secretary of State’s office.

40. The Division is entitled to relief under the Colorado Sunshine Law, §§ 24-6-302 *et seq.* and Rule 5 of the Secretary’s Rules Concerning Lobbyist Regulation, 8 CCR 1505-8.

Respectfully submitted this 13th day of May, 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 13th day of May 2024, addressed as follows:

Stephen Capra
91 Campus Dr. PMB #1004
Missoula, MT 59801
stephen@bvconservation.org
Respondent

John Williams
johnmwmd@msn.com
Third-Party Complainant

/s/ Peter G. Baumann