

<p>STATE OF COLORADO  SECRETARY OF STATE  ADMINISTRATIVE HEARING OFFICER  1700 Broadway #550  Denver, CO 80290</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<p>BEFORE THE SECRETARY OF STATE, COLORADO  DEPARTMENT OF STATE, in re ED 2022-109, 2022-  110, 2022-111, 2022-112, 2022-115, 2022-116, and  2022-117</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF  STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>COLIN LARSON; COLIN FOR COLORADO;  RESTORE COLORADO LEADERSHIP FUND IEC,  RESTORE COLORADO LEADERSHIP FUND 527;  DANIEL COLE, COLE COMMUNICATIONS, LLC;  and VICTOR’S CANVASSING, LLC.</p> <p>Respondents.</p>	
<p>Attorney for Respondents:  Suzanne M. Taheri, #23411  WEST GROUP LAW &amp; POLICY  6501 E. Belleview Ave, Suite 375  Englewood, CO 80111  Phone Number: (303) 263-0844  Email: st@westglp.com</p>	<p style="text-align: center;"><b>REPLY TO ELECTIONS DIVISION’S RESPONSE TO EXCEPTIONS</b></p>

Respondents Colin Larson and Colin for Colorado, through the undersigned counsel, hereby submits the following reply to the Elections Division’s Response to Exceptions.

The Division offers two arguments in support of its request to deny attorney fees. First, it argues that the filing was not groundless and the hearing officer’s decision on the matter should be given credible deference. Yet, the Division ignores what is clear error in the hearing officer’s findings. Specifically, the Division offers nothing to support or justify the hearing officer’s

findings regarding the relevancy of post-election activities. As admitted in the order denying fees, the hearing officer erroneously gave great weight (both at the hearing itself and upon ruling on the motion) to the coordinated discovery responses. He also took issue with counsel's involvement in discovery, as though it is surprising and therefore probative, that a lawyer hired to litigate a case would assist a client in litigating the case.

Without a remand it would be impossible to separate this plain error from other factors that may have been weighed in issuance of the order. For this reason, the opinion of the hearing officer should be granted no deference.

At no point in the investigation, or the hearing itself, did the Division have a credible theory of the case. The case was put forward without any evidence of a violation on a theory that Respondent should be forced to a hearing for the sole purpose of judging the credibility of the witnesses.

Next, the Division argues they cannot be ordered to pay fees because they were only complying with the order of the "final decision makers". However, the statute is clear, and an order to proceed issued by a partisan group of elected officials and appointees can not override a statute. The statute requires fees if an action lacked substantial justification. *See C.R.S. § 1-45-111.5(2)*. If the Department wants to engage in these overzealous prosecutions, they must also comply with the statute when the cases are groundless.

Wherefore, Respondents request an order granting attorney fees in this matter.

Dated this 13th day of August 2024.

/s/ Suzanne Taheri  
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### **CERTIFICATE OF SERVICE**

I hereby certify that this this 13th day of August 2024, was served via email to [peter.baumann@coag.gov](mailto:peter.baumann@coag.gov) and [marcielittleCO@proton.me](mailto:marcielittleCO@proton.me)

/s/ Suzanne Taheri  
Suzanne Taheri

*Duly signed original on file at West Group*

