



BEFORE THE
COLORADO DEPUTY SECRETARY OF STATE

AHO Case No. **2024-023**
(Election Division Case Nos: **2023-061**)

In the Matter of

ELECTIONS DIVISION of the SECRETARY OF STATE

Complainant,
v.

RALENE FOR D49, a candidate committee,

Respondent.

FINAL AGENCY ORDER

This matter is before the Deputy Secretary of State, as the agency's final decision maker on campaign and political finance matters filed with the Secretary of State, pursuant to section 1-45-111.7(6)(b), C.R.S., of the Colorado Fair Campaign Practices Act ("FCPA"), and Rule 24.3.7 of the Secretary of State's Rules Concerning Campaign and Political Finance, 8 CCR 1505-6, following the issuance by the Department's administrative hearing officer of his initial decision in the form of his Entry of Default and his Default Judgment, both dated September 10, 2024, recommending the entry of default and a \$300 penalty against Respondent Ralene for D49. That initial

decision was served on the parties pursuant to a Procedural Order issued by the Deputy Secretary on the same date, September 10, 2024, and under that Procedural Order, either party had until October 10, 2024, to file any Exceptions to the initial decision.

Neither party has filed any Exceptions contesting the administrative hearing officer's initial decision, which is attached here as **Exhibit A** and incorporated in whole.

Thus, by operation of section 24-4-105(14)(b)(III), C.R.S., of the Colorado Administrative Procedures Act, the administrative hearing officer's initial decision has "become the decision of the agency," and no further administrative proceedings are warranted. Moreover, pursuant to section 24-4-105(14)(c), C.R.S., the parties' decisions not to file any Exceptions result in "a waiver of the right to judicial review of the final order."

WHEREFORE, the Deputy Secretary hereby directs, based on the administrative hearing officer's initial decision, that judgment is entered on the formal complaint of the Elections Division against Ralene for D49, the candidate committee for the candidate Ginger Ralene Revord, and the Respondent is ordered to pay \$300 to the Secretary of State. This amount is payable either by the candidate committee or the candidate herself as they are both jointly and severally liable for any penalties under the Colorado Constitution. See COLO. CONST., Art. XXVIII, § 10(1) ("Candidates shall be personally liable for penalties imposed upon the candidate's committee."). This decision is the Department's final agency action on this matter.

DONE and **ORDERED** this 11th day of October 2024.



CHRISTOPHER P. BEALL
Deputy Secretary of State

This decision becomes final upon electronic mailing.

Pursuant to section 24-4-105(14)(c), C.R.S., a party who has failed to file an exception to the AHO's initial decision is deemed to have waived their right to judicial review of the Final Agency Order except for those portions of the final agency order that may differ from the initial decision.

In addition, the underlying citizen complainant also is entitled to seek judicial review of the Final Agency Order by a state district court under section 24-4-106(4). See § 1-45-111.7(5)(b), C.R.S.

STATE OF COLORADO SECRETARY OF STATE BEFORE THE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290	<p style="text-align: center; color: red; font-size: 1.2em;">Exhibit A to Final Agency Order</p> <p style="text-align: center;">COURT USE ONLY</p> <p>Case Number: 2024 AHO 0023</p>
<hr/> ELECTIONS DIVISION OF THE SECRETARY OF STATE, Complainant, vs. RALENE FOR D49, Respondent.	
ENTRY OF DEFAULT	

THIS MATTER COMES BEFORE THE COURT on Motion of Complainant for Entry of Default Judgment against Respondent, Ralene for D49 based on alleged violations of Colo. Const. art. xxviii and the Fair Campaign Practices Act (FCPA). See § 1-45-101, et seq., C.R.S.

1. The Administrative Complaint in this matter is dated June 12, 2024. On that date, a copy of the Administrative Complaint was sent to Ralene for D49, c/o Registered Agent Ginger Ralene Revord at the address provided by Ralene for D49 to the Secretary of State: 11850 Kalmath Way, Payton, CO 80831.

2. An Order Setting Answer and Hearing Date was issued June 25, 2024 pursuant to § 1-45-111.7(6)(a) of the FCPA. Respondent was required to answer the Complaint by July 17, 2024. A hearing on all issues raised by the Complaint and expected Answer was set for Monday, July 29, 2024 at 10:00 AM.

3. Respondent has filed no Answer to the Complaint nor a response of any kind that asserted defenses to the two counts charged in the Complaint. Neither the Committee Ralene for D49 nor its registered agent, Ginger Ralene Revord, appeared at the July 29, 2024 hearing.

4. Complainant appeared at the hearing, ready to proceed. The court was reluctant, however, to have an evidentiary hearing without a formal motion for default and entry of default judgment that included proof that Respondent had received notice through the type of service required under the FCPA and the Campaign & Political Finance [CPF] Rules, 8 Code Colo. Regs. 1505-6 pertaining to a defaulting respondent.

5. No evidence was received at the hearing, therefore, and the court instead, received a report about the status of the case and the potential fines for violations of the Constitution and the FCPA campaign finance rules.

6. **Count 1 of the Complaint.** The court was informed that the statutory penalty for the violations charged in Count 1 of the Complaint carry a fine of \$50 per day. This amount could be \$16,950 (339 X \$50), calculated from the date (August 24, 2023) the Committee accepted and deposited a contribution from G3 Flooring Design Center, LLC to the date of the hearing. That is a period of 339 days, starting on the date of the deposit without the committee having received the affirmation from the LLC required by § 1-45-103.7(5)(d)(I).

“No candidate committee, political committee, or political party shall accept a contribution from a limited liability company unless the written affirmation satisfying the requirements of this paragraph (d) is provided before the contribution is deposited by the candidate committee, political

committee, or political party.” [Emphasis supplied.] § 1-45-103.7(5)(d)(I), C.R.S.

7. **Count 2 of the Complaint.** The court was informed that the fine for the violations alleged in Count 2 of the complaint is determined by would be about \$300. There are two violations alleged in the complaint and the rules provide that each violation will carry a fine of \$100 plus 10% of the amount of contributions (totaling \$1,000) alleged to have been in violation of the FCPA. CPF Rule 23.3.3(c)(1) provides for “at least \$100 and 10 percent of the prohibited activity.”

8. Counsel for the Division indicated there were mitigating factors that would be considered in setting the amount of the fine. He also stated that the Division would not seek the full amount of the fine allowed by statute for the violations in Count 1. However, he had not consulted with his client about what the Division deemed to be an appropriate fine.

9. The hearing concluded with the understanding that the Division would soon be filing a Motion for Entry of Default Judgment, giving Respondent another opportunity to be heard.

10. Rule 24.7.1 provides that if a person is served an administrative complaint and fails to respond to the complaint within 30 days, “a hearing officer may enter a default against that person.”

11. In addition, § 1-45-111.7(6)(a) provides that campaign finance hearings “must be in accordance with section 24-4-105.” That section, in turn, permits hearing officers, upon motion, to enter a default. § 24-4-105(2)(b).

12. CPF Rule 24.7.3 requires the party filing a motion for default to serve the motion upon all parties to the proceeding, including the person against whom default is sought, and to provide an affidavit establishing service of the notice and motion for default.

13. The Motion must also be accompanied by an affidavit establishing that both the Administrative Complaint and the motion for entry of default were served upon the person against whom a default is sought “or have been mailed by first-class mail to the last address furnished to the agency by the person against whom the default is sought.” Rule 24.7.3(b). C.R.C.P. 108 permits the use of unsworn declarations under C.R.S. § 13-27-101 whenever a procedural rule requires an affidavit. See also Rule 24.3.1 (Colorado Rules of Civil Procedure generally apply in administrative hearings of the Secretary of State).

14. A copy of both the Administrative Complaint and the Motion for Entry of Default Judgment was served on Ralene for D49 by U.S. mail. See Van Pelt Declaration, Motion Ex. 1, ¶¶ 2 and 4.

15. Rule 24.7.3 also requires a party moving for default to set forth the legal authority for the claim and any applicable calculation thereof. The Division has done this in detail in ¶¶10-14 of the Motion. It has explained not only the legal authority, but also the mitigating factors and the reasons for reducing the potential statutory and rule based fines to \$300.00.

16. All of the conditions required prior to taking the serious step of entering a default judgment have been met here.

a. The Complaint was filed on June 12, 2024 and duly served upon Respondent.

b. The Motion for Entry of Default Judgment was filed on August 5, 2024 and also duly served on Petitioner.

c. No Answer or other pleading of any kind has been filed by said Respondent as required by law.

17. Therefore, default is hereby entered against Respondent. A separate Judgment shall issue in the amount of \$300.00.

SO ORDERED this 10th day of September 2024.



Macon Cowles, Hearing Officer

STATE OF COLORADO SECRETARY OF STATE BEFORE THE ADMINISTRATIVE HEARING OFFICER 1700 Broadway #550 Denver, CO 80290	<p style="text-align: center;">COURT USE ONLY</p> Case Number: 2024 AHO 0023
ELECTIONS DIVISION OF THE SECRETARY OF STATE, Complainant, vs. RALENE FOR D49, Respondent.	
DEFAULT JUDGMENT	

THE DEFAULT OF RESPONDENT RALENE FOR D49 has been entered this day for its failure to appear and defend against alleged violations of Colo. Const. art. xxviii and the Colorado Fair Campaign Practices Act. See §1-45-101, et seq., C.R.S. The Elections Division of the Secretary of State of Colorado is entitled to statutory and Campaign Finance Rule mandated fines in the amount of \$300.00.

Default Judgment is hereby entered against Respondent Ralene for D49 in the amount of \$300.00.

SO ORDERED this 10th day of September 2024.



Macon Cowles, Hearing Officer

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this **FINAL AGENCY ORDER** was served on the following parties via electronic mail on October 11, 2024:

Complainant –

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

Respondent –

Ralene for D49
Ginger Ralene Revord
teamrevord@gmail.com

Courtesy hard copies also mailed to:

Ginger Revord
10372 Evening Vista Drive
Peyton, Colorado 80831

Ralene for D49
11850 Kalamath Way
Peyton, Colorado 80831

Underlying Citizen Complainant

Michelle Kemp
kempaloha@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