

STATE OF COLORADO
Department of State
1700 Broadway
Suite 200
Denver, CO 80290



Scott Gessler
Secretary of State

Mike Hardin
Business & Licensing Director

July 27, 2011

VIA EMAIL AND U.S. MAIL

Re: Complaint filed by Fran Coleman

Dear Mr. Tatten:

We have completed our review of the complaint filed by Fran Coleman against you. Based on the submitted evidence, the complaint is dismissed.

The complaint alleged that you failed to report a total of \$6,960.00 in lobbying income between August 30, 2010 and February 21, 2011. A lobbyist is required to report all income for lobbying in the lobbyist's monthly disclosure statement.¹

You and Coleman entered into a contract with the Hispanic Chamber of Commerce of Metro Denver (Chamber) to provide consulting, lobbying, and government relations services to the Chamber for local, state, and federal issues between June 2010 and May 2011. Therefore, if you provided lobbying services to the Chamber, you would be required to report any income earned for those services. You did report lobbying income from the Chamber starting in January 2011. You did not report income prior to January from the Chamber.

In August, October, November, and December, Coleman Consulting LLC paid you and reported those payments as compensation for lobbying on behalf of the Chamber. However, that income would not have to be reported if those payments were not for lobbying services. You state in a questionnaire submitted to the Secretary that the August through December payments were compensation for a wide range of professional services, which did not include lobbying services. The contract between you, Fran Coleman, and the Chamber supports your claim because the chamber contracted with you and Coleman to provide consulting and government relations service as well as lobbying services.

Ms. Coleman contends that the August to December payments were compensation for lobbying communication with the Office of then-Governor Bill Ritter. According to Coleman, the communications with Governor Ritter's office inquired whether the Governor planned to sign an agreement with the U.S. Department of Homeland Security related state cooperation in immigration enforcement matters, specifically joining Secure Communities.

¹ § 24-6-301 (1.9)(a)(I)-(III), C.R.S. (2010).

A communication with the Governor or Governor's office could be considered lobbying if the communication is intended to influence or aide in the support, opposition, approval or veto of legislation² or if the communication is intended to influence the rulemaking process of an executive agency.³ Even if you were communicating with Governor Ritter's office to determine whether the Governor was going to sign an agreement between the state and a federal agency, those communications may not have been lobbying because the agreement is not legislation and is not an administrative rule. Rather the agreement is signed under the Governor's executive powers and is an executive action that is not explicitly or implicitly covered under the statutory definition of lobbying. Therefore, even if you communicated with the Governor's Office regarding the Secure Communities memorandum, you would not have to report income related to those communications because those communications are not communications covered by Colorado lobbyist regulations.

Based on the complaint record, I find insufficient evidence to prove a violation of the Colorado lobbyist regulations. Therefore, this complaint is dismissed.

Our office appreciates both parties' cooperation with the complaint. If you have any questions, please do not hesitate to contact me.

Sincerely,



Mike Hardin
Business & Licensing Director

cc: Fran Coleman

² § 24-6-301(3.5)(a)(I)-(III), C.R.S. (2010).

³ § 24-6-301(3.5)(a)(IV), C.R.S. (2010).