

OFFICE OF THE SECRETARY OF STATE, ELECTIONS DIVISION
STATE OF COLORADO

IN THE OF RHONDA DERN AND BOLD VISIONS CONSERVATION

L2024-01

NOTICE OF INITIAL REVIEW AND INVESTIGATION

John Williams (“Complainant”) filed the above captioned Complaint with the Elections Division of the Secretary of State’s Office (“Division”) on March 6, 2024, under 8 CCR 1505-8, Rule 5.1, alleging violations of Colorado lobbying laws against Rhonda Dern (“Respondent Dern”) and Bold Visions Conservation (“Respondent BVC”).¹ Specifically, Complainant alleges that Respondent engaged in lobbying without having registered as a lobbyist.²

The Division notified Respondent Dern of the Complaint on March 6, 2024.³ This document serves as notice of the Complaint with respect to Respondent BVC.

The Division has completed its initial review according to 8 CCR 1505-8, Rule 5.3. For the reasons stated below, the Division initially determines that Complainant identified potential violations of Colorado lobbying laws and that the Complaint alleged sufficient facts to support a basis for those allegations.

ANALYSIS

Any person who believes that a violation of Colorado lobbying law has occurred may file a complaint with the Colorado Secretary of State.⁴ Upon receipt, the Division must initially review a complaint to determine: (1) whether the complaint specifically identified one or more violations of section 24-6-301 et seq., C.R.S.; and (2) whether the complaint alleged sufficient facts to support a basis for the violations of law alleged in the complaint.⁵

¹ Complaint L2024-01.

² *Id.*

³ Notice of Complaint L2024-01.

⁴ 8 CCR 1505-8, Rule. 5.1.1.

⁵ 8 CCR 1505-8, Rule 5.3.

1. The Complaint specifically identifies one or more potential violations of Colorado lobbying law.

Complainant alleges that Respondent violated section 24-6-303(1), C.R.S., and 8 CCR 1505-8, Rule 2, by failing to properly register as a lobbyist before lobbying.⁶

Section 24-6-303(1), C.R.S., requires that “[b]efore lobbying, a professional lobbyist shall file an electronic registration statement with the secretary of state that contains:

- (a) His or her full legal name, business address, and business telephone number;
- (b) The name, address, and telephone number of his or her employer, if applicable;
- (c) The name, address, and telephone number of the client for whom he or she will be lobbying; and
- (d) The name, address, and telephone number of any other professional lobbyist for whom he or she is lobbying on a subcontract basis.”

8 CCR 1505-8 Rule 2.1.1 requires that “[a] professional lobbyist must register electronically via the Secretary of State’s website before lobbying.” The fee for a professional lobbyist to file a registration statement is \$40.⁷

“Lobbying” is, in part, “communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

- (I) The drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto by any covered official on:
 - A. Any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the general assembly or committee thereof, whether or not the general assembly is in session;
 - B. Any other matter pending or proposed in writing by any covered official for consideration by either house of the general assembly or a committee thereof, whether or not the general assembly is in session[.]”⁸

⁶ See Complaint L2024-01.

⁷ 8 CCR 1505-8, Rule 2.1.2. See also section 24-6-303(1.3), C.R.S.

⁸ Section 24-6-301(3.5)(a), C.R.S.

“Covered official” means, in this context, “the governor, the lieutenant governor, a member of the general assembly, or the director of research of the legislative council of the general assembly or any member of legislative council staff[.]”⁹

A “professional lobbyist” is “a person, business entity, [. . .] or an employee of a client, who is compensated by a client or another professional lobbyist for lobbying.”¹⁰

Rule 2.2.1 provides an exception to the registration requirement for volunteer lobbyists with respect to the Secretary of State’s website, but still requires that volunteer lobbyists register with the general assembly.

“‘Volunteer lobbyist’ means any individual who engages in lobbying and whose only receipt of money or other thing of value consists of nothing more than reimbursement for actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking, while engaged in lobbying or for actual expenses incurred in informing the organization making the reimbursement or the members thereof of his lobbying.”¹¹

8 CCR 1505-8, Rule 2.2.2 further provides that: “If an activity that could otherwise be considered lobbying is performed by an employee only once a year, and the employee is not paid solely to lobby, then that activity is not considered lobbying.”¹²

Here, Complainant alleges that Respondent failed to register as a lobbyist before engaging in lobbying.¹³ Based on the above, the Division initially determines that the Complaint alleges one or more potential violations of state lobbying law.

2. The Complaint alleges sufficient facts to support a basis for the violations of law alleged in the Complaint.

The Complaint alleges Respondent failed to register as a lobbyist before engaging in lobbying.¹⁴ Complainant supported that allegation by providing links to two videos to the Division in which Respondent and another individual appear to be in the Colorado State Capitol. In the videos, other individual describes their activities as “lobbying” before Respondent describes their efforts to meet with Representative’s and garner support for “Tammy Story’s wildlife coexistence bill.”¹⁵ Complainant also provided a flyer supporting the “Colorado Wildlife Coexistence Bill

⁹ Section 24-6-301(1.7), C.R.S.

¹⁰ Section 24-6-301(6), C.R.S.

¹¹ Section 24-6-301(7), C.R.S.

¹² Rule 2.2.2 continues: “This exclusion from lobbying covers ‘grassroots’ lobbying by employees of an organization who contact members of the organization in response to a piece of legislation or rule.”

¹³ Complaint L2024-01.

¹⁴ *Id.*

¹⁵ *Id.*

(Indigenous-carnivore Nonlethal Coexistence Act) that was supposedly distributed by Respondent to legislators.¹⁶

A Division search of lobbyists registered with the Secretary of State's office returned no results for "Rhonda Dern."

Based on the information Complainant provided, the Division initially determines that the Complaint alleges facts that, if proven, could establish that Respondent violated Colorado lobbying laws.¹⁷

Please note that all documents and records related to the alleged violations in these Complaints, including email communications, financial records, and other relevant documentation, must be maintained until the final agency decision has been reached or appeals have been exhausted.

¹⁶ *Id.*

¹⁷ *See* 8 CCR 1505-8, Rule 5.3.1.

CONCLUSION

For the reasons stated above, the Division makes the initial finding that the Complaint identified one or more potential violations of Colorado lobbying laws and alleged sufficient facts to support a basis for the alleged violations of law. Accordingly, the Division will investigate to determine whether to file a motion to dismiss the Complaint with the Deputy Secretary of State or file a complaint with the Administrative Hearing Officer.

Dated this March 15, 2024.

/s/ Chance Cochran
Chance Cochran
Campaign and Political Finance Legal Analyst
Elections Division
Colorado Secretary of State

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Notice of Initial Review, Consolidation, and Opportunity to Cure was served by electronic transmission:

Complainant –

John Williams

johnmwmd@msn.com

Respondents –

Rhonda Dern

rhondadern@me.com

Bold Visions Conservation

Caitlin Wardell, Registered Agent¹⁸

Caitlin.wardell93@gmail.com

On this March 15, 2024.

/s/ Chance Cochran

Chance Cochran

Campaign and Political Finance Legal Analyst

Elections Division

Colorado Secretary of State

¹⁸ According to the website of the Montana Secretary of State, “Catlin Wardell” is the registered agent for Bold Visions Conservation. The email address for the registered agent suggests that “Catlin” is a misspelling.