

**BEFORE THE SECRETARY OF STATE
STATE OF COLORADO**

FINAL AGENCY DECISION

**RE: ADMINISTRATIVE TERMINATION OF INACTIVE CANDIDATE, ISSUE,
POLITICAL, AND SMALL DONOR COMMITTEES REGISTERED WITH THE
SECRETARY OF STATE PURSUANT TO RULE 2.10 OF THE RULES CONCERNING
CAMPAIGN AND POLITICAL FINANCE**

THIS MATTER came before the Secretary of State for a Hearing on November 24, 2009 at 2:00 p.m., to consider whether the Secretary of State should administratively close the following committees, pursuant to Rule 2.10 of the Rules Concerning Campaign and Political Finance, 8 CCR 1505-6 (“Rule 2.10”):

- Christine Baca, Colorado State Board of Education, Congressional District 7, SOS ID 20025800069. Registered Agent: Faith Beazer
- Coalition for Fairness in Workers’ Compensation, SOS ID 20035622218. Registered Agent: Collon Kennedy
- Committee to Election of Tom Farrell (Multi-County), SOS ID 20035622973. Registered Agent: David Mead
- First Freedom Fund SDC, SOS ID 20045645985. Registered Agent: David Gill
- JeffCo Small Donor Committee, SOS ID 20055605773. Registered Agent: Randy Hoffman
- Keith Igoe for Senate District #22, SOS ID 20055622366. Registered Agent: Anthony Marino
- Marino Colorado Senate 11, SOS ID 20025800025. Registered Agent: Ann Marino
- Marlene for House District 33, SOS ID 20000933003. Registered Agent: Marlene Roys-Flenniken
- Protect Early Life Issue Committee, SOS ID 20065632815. Registered Agent: Michael Lawrence
- Restore Our Schools Issue Committee, SOS ID 20055615438. Registered Agent: Evan Patterson

Deputy Secretary of State William Hobbs (“Deputy Secretary”) presided over the hearing on behalf of the Secretary of State in accordance with section 24-21-105, C.R.S. The Deputy Secretary has considered all evidence admitted, the relevant public records published on the Secretary of State’s web site in accordance with section 1-45-109, C.R.S., the testimony of interested parties appearing at the hearing, and the legal basis for terminating the named committees. The Deputy Secretary is fully advised of the premises herein, and specifically finds there is substantial and credible evidence in the record to support his findings and that there is a reasonable basis in the law to support this Decision.

Accordingly, the Deputy Secretary makes the following findings, conclusions of law, and order:

Procedural History

1. Prior to the commencement of this proceeding, the Office of the Secretary of State identified registered committees, including the above-named committees, that had not filed any campaign and political finance reports as required by section 1-45-108, C.R.S. (2009), for a period of two years or more, and which were therefore eligible for administration termination pursuant to Rule 2.10.
2. The Secretary properly published a "Notice of Hearing on the Closure of Inactive Committees" on the Secretary of State website on October 13, 2009, and in the Colorado Register on November 10, 2009. Notice of the hearing was also sent by first-class mail to the Registered Agent of record for each committee publicly noticed.
3. In accordance with the public Notice, the Deputy Secretary held a public hearing on the administrative terminations of the ten above-named committees on November 24, 2009 at 2:00 p.m. in the Blue Spruce Room at the Colorado Secretary of State's Offices, located at 1700 Broadway in Denver, Colorado. The hearing was conducted in accordance with the procedures set out in the "State Administrative Procedure Act" (Article 4 of Title 24, C.R.S.). Present at the hearing were: Deputy Secretary of State William Hobbs, Campaign Finance Lead Stephen Bouey, Campaign Finance Legal Specialist Paris Nelson, Elections Director Judd Choate, Special Projects Manager Christi Heppard, and Legal Specialist Andrea Gyger, all appearing on behalf of the Secretary of State.

Witnesses

4. In addition, the Protect Early Life Issue Committee (SOS ID # 20065632815) appeared at the hearing, represented by Registered Agent Michael Lawrence. Mr. Lawrence presented evidence and arguments supporting administrative termination of his Committee. No other committee appeared or testified.

Documentary Evidence

5. The Secretary of State's office presented evidence that adequate public notice had been given for the termination of the noticed committees.
6. The Secretary of State's office further presented evidence that all of the committees subject to the termination determination had not filed campaign finance reports required by section 1-45-108, C.R.S., for a minimum of two years, and that Rule 2.10 therefore authorizes the Secretary of State to deem inactive and close such committees.
7. No committee or agent authorized to act on behalf of any committee, or any member of the public, submitted documentary evidence for consideration.

Termination of Committees

8. With respect to the following committees, the Deputy Secretary finds and concludes that the publicly available records of this office establish that the named committees are subject to termination. Authority for administrative termination of committees registered with the Secretary of State is provided by Article XXVIII, Section 9 of the Colorado Constitution and Rule 2.10.
9. The Protect Early Life Issue Committee, (SOS ID # 20065632815), through Registered Agent Michael Lawrence, testified that the Committee did not object to termination, and that the committee would terminate through its own affirmative action. Subsequently, according to the published public records of the Secretary of State, Mr. Lawrence filed the documentation required by section 1-45-108, C.R.S. (2009), and Rule 3.4 of the Rules Concerning Campaign and Political Finance, to terminate. The committee was thereby closed through the actions of the Committee.
10. All other committees named above are hereby ordered terminated pursuant to Rule 2.10. The effective date of termination is November 24, 2009. The committees that are hereby terminated are:
 - Christine Baca, Colorado State Board of Education, Congressional District 7, SOS ID 20025800069. Registered Agent: Faith Beazer
 - Coalition for Fairness in Workers' Compensation, SOS ID 20035622218. Registered Agent: Collon Kennedy
 - Committee to Election of Tom Farrell (Multi-County), SOS ID 20035622973. Registered Agent: David Mead
 - First Freedom Fund SDC, SOS ID 20045645985. Registered Agent: David Gill
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 - Marlene for House District 33, SOS ID 20000933003. Registered Agent: Marlene Roys-Flenniken
 - Restore Our Schools Issue Committee, SOS ID 20055615438. Registered Agent: Evan Patterson
11. All late filing penalties accrued in accordance with Article XXVIII Section 10(2)(a) of the Colorado Constitution through the date of this Decision are hereby imposed. In accordance with regular practices of the Office, the Secretary of State will attempt to collect such penalties for a period of 60 days, at which time they may be turned over to the State's collections agency.
12. Pursuant to section 24-4-106 (4), C.R.S., this decision may be appealed by commencing an action for judicial review in the Denver District Court within thirty days of the date of this Decision.

Done this 30th day of December, 2009, *nunc pro tunc* November 24, 2009.

COLORADO SECRETARY OF STATE

William A. Hobbs

William Hobbs, Deputy Secretary of State,
on behalf of Bernie Buescher, Secretary of State