

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> <p style="text-align: center;">Case Number: 2023 AHO 0008</p>
<hr/> ELECTIONS DIVISION OF THE SECRETARY OF STATE, Complainant, vs. SOLOMON FOR COLORADO, Respondent.	
MOTION TO DISMISS	

On behalf of Solomon for Colorado, Respondent, I hereby submit this Motion to Dismiss.

1. On October 24, 2022, Respondent was notified of a complaint under C.R.S. 1-45111.7(2).
2. On November 4, 2022, the Division notified Respondent of the Initial Review and Opportunity to Cure.
3. On November 11, 2022, Respondent submitted the Notice of Intent to Cure.
4. At no time did Respondent ever waive the right to a speedy hearing or agree to any continuance. To the contrary, Respondent immediately responded to the complaint with an offer to cure.
5. In December of 2022, the Secretary of State’s Office approved the termination of the Solomon for Colorado campaign committee (Respondent). This termination conveyed to us the dismissal of this case, when coupled with no further communication.
6. As the Hearing Officer notes, there was a Notice of Investigation dated June 20, 2023 and an Administrative Complaint dated July 20, 2023.
7. On September 28, 2023, Peter Baumann, counsel for the Division, reached out to Stuart Foster, counsel for the Solomon for Colorado campaign committee at the time, to settle

the case. Mr. Foster responded to Mr. Baumann via phone; however, there was no follow up from Mr. Baumann until May 17, 2024.

8. On May 6, 2024, the Hearing Officer notified the Respondent of a Scheduling Order. As noted by Mr. Cowles in this order, there is a burden placed upon the government to provide a “just, speedy, and inexpensive determination of every action.” Colo.R.Civ.P. 1 Nothing about this process has been just, speedy, or inexpensive.
9. In this Order, the Hearing Officer notes that “the matter appears to have escaped attention.” The item causing the initial complaint was a matter that “escaped the attention” of the graphic designer, yet the campaign committee was held to the higher standard of the law because of someone else’s action. So, too, should the Hearing Office and Complainant be held to the same standard of the law.
10. The Order also notes, “Setting a hearing on the administrative complaint. § 1-45-111.7(6)(a) of the FCPA requires the hearing officer to set a hearing within thirty days of the date that the administrative complaint was filed.”
11. C.R.S. 1-45-111.6(6)(a) states: “hearing officer shall schedule a hearing within thirty days of the filing of a complaint...”
12. C.R.S. § 2-4-401 (13.7)(a) defines "Shall" means that a person has a duty.
13. This timeline in statute also comports with Rule 25.5.1 (8 CCR 105-6), “Within 30 days of the filing of an administrative complaint, a hearing officer will set a date for hearing unless a stay is entered, the matter is continued, or the hearing officer finds good cause for an enlargement of time.”
14. No hearing was set by the 30-day deadline of November 23, 2022. In fact, no hearing was scheduled within 30 days of the Administrative Complaint date of July 30, 2023.
15. To date it has been 560 days since the initial filing of the complaint and 291 days since the date of the Administrative Complaint being filed.
16. This deadline is directory, “the FCPA *requires*” the 30 setting. The rule provides for an exception only if a stay is entered, the matter is continued, or the hearing officer finds good cause for an enlargement. None of those exceptions apply in this matter.

Wherefore, on behalf of the Respondent, I request this matter be dismissed.

Submitted this 17th day of May, 2024:

By: 
Matt Solomon

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May 2024, a true and correct copy of the **Motion to Dismiss** was served via email to:

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By: 

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