

<p>STATE OF COLORADO  SECRETARY OF STATE  ADMINISTRATIVE HEARING OFFICER  1700 Broadway #550  Denver, CO 80290</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<p>BEFORE THE SECRETARY OF STATE, COLORADO  DEPARTMENT OF STATE, in re ED 2022-109, 2022-  110, 2022-111, 2022-112, 2022-115, 2022-116, and  2022-117</p> <p>ELECTIONS DIVISION OF THE SECRETARY OF  STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>COLIN LARSON; COLIN FOR COLORADO;  RESTORE COLORADO LEADERSHIP FUND IEC,  RESTORE COLORADO LEADERSHIP FUND 527;  DANIEL COLE, COLE COMMUNICATIONS, LLC;  and VICTOR’S CANVASSING, LLC.</p> <p>Respondents.</p>	
<p>Attorney for Respondents:  Suzanne M. Taheri, #23411  WEST GROUP LAW &amp; POLICY  6501 E. Belleview Ave, Suite 375  Englewood, CO 80111  Phone Number: (303) 263-0844  Email: st@westglp.com</p>	<p style="text-align: center;"><b>MOTION FOR ATTORNEY FEES</b></p>

Respondents Colin Larson and Colin for Colorado, through the undersigned counsel, hereby submit the following request for attorney fees. Respondents have conferred with the Division and Complainant Little. The Division objects to the motion, Complainant Little had not responded at the time of filing.

1. C.R.S. § 1-45-111.5(2) provides in part:

A party in any action brought to enforce the provisions of article XXVIII of the state constitution or of this article 45 is entitled to the recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, upon a determination by the hearing officer that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was commenced for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including abuses of discovery procedures available under the Colorado rules of civil procedure.

2. On November 7, 2022, Respondents were notified of a complaint under C.R.S. 1-45-111.7(2)(a).
3. The original Complainant in this matter, Marcie Little, offered no substantial justification in the filing of the complaint. In support of her allegations, Little cited only a corrected campaign filing from Axiom Strategies and a Facebook post by a third party alleging Larson had control over an independent expenditure committee which was coordinating with Larson's campaign. Little alleged, without evidence, that the correction to the campaign filing must have been an attempt to conceal Larson's involvement.
4. The complaint was so weak that on March 27, 2023, the Election's Division filed a motion to dismiss finding insufficient evidence to support a finding there was any illegal coordination between Respondent Larson and Respondent IEC.
5. In support of the motion the Division cited communications between the Division and the registered agent for Respondent IEC wherein the registered agent attested that she was responsible for the error.
6. The Secretary had previously testified before the House State, Veterans and Military Affairs Committee that, "[C]ampaign finance civil servants act basically as a prosecutor uh they look at complaints they look at documents being filed and they determine whether or not to bring that complaint to an administrative law judge." <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20190415/-/1/8675?mediaStartTime=20190415154835&mediaEndTime=20190415160537&viewMode=3&globalStreamId=1> at 16:30.
7. Yet, that didn't happen. Contrary to the Secretary's testimony, on May 1, 2023, the "Final Decision Makers", including the Secretary herself, the Deputy Secretary, Chief of Staff and Legal and Policy Director overruled the Division and denied the motion to Dismiss. *See Att'd Confidentiality and Process Walls Around Campaign Finance*. Despite having no evidence of coordination and no substantial justification, the Final Decision Makers denied the dismissal finding that a hearing must be held "where the hearing officer can assess the demeanor, body language, and credibility of the witnesses..." (See Order Granting in Part and Denying in Part Motion to Dismiss, and Remanding for a Hearing).

8. This forced Respondents to continue to incur legal time and Respondents were unable to close the campaign account while the complaint was pending, resulting in additional fees for filings.
9. Respondents counsel repeatedly tried to set the case for a speedy hearing within 30 days as required by statute. Despite this, the Division continuously took no action to obtain and setting resulting in an unconscionable delay.
10. During this time the Division engaged in Discovery where the Division only gained more exculpatory evidence. The Division was provided the communication that was in question in the corrected campaign finance filing. The flyer clearly showed it was not paid for by IEC Larson was accused of using to benefit his campaign. Despite this the Division went forward with the hearing without substantial justification.
11. Respondents were finally afforded a hearing on February 16, 2024. At the hearing the Division presented no credible evidence to support their allegations. Their questions focused on the incidental use of material such as polling data and other nonpublic information that may have helped Respondent's campaign. Yet, the Attorney General's office had previously ruled that this type of coordination did not constitute an expenditure under the law. This theory was argued by the Secretary herself and used to escape any liability in a coordination complaint filed against her. *See In the Matter of Jena Giswold, 2022-37 and 2022-44.* (Finding the challenged communications did not constitute express advocacy despite using words like "elect" or "re-elect" because the underlying communications were in the context of fundraising.)
12. An order by the Final Decision Makers was issued on May 1, 2024, adopting the hearing officer's findings exonerating Respondents.
13. At no time did complainants Little or the Division have a credible theory of the case. The matter was brought without substantial justification. The complaint filed by Little and the Division was vexatious, brought for the purpose of and harassment and repeatedly delayed.

Wherefore, Respondents request a hearing on the matter and a judgment against both Little and the Division for all attorney's fees and costs totaling \$24,200.

Dated this 22<sup>nd</sup> day of May, 2024.

/s/ Suzanne Taheri  
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**CERTIFICATE OF SERVICE**

I hereby certify that this Motion for Attorney Fees dated this 22nd day of May, 2024, was served via email to [peter.baumann@coag.gov](mailto:peter.baumann@coag.gov) and [marcielittleCO@proton.me](mailto:marcielittleCO@proton.me)

*/s/ Suzanne Taheri* \_\_\_\_\_

Suzanne Taheri

*Duly signed original on file at West Group*