

<p>STATE OF COLORADO  SECRETARY OF STATE  ADMINISTRATIVE HEARING OFFICER  1700 Broadway #550  Denver, CO 80290</p> <hr/> <p>BEFORE THE SECRETARY OF STATE,  COLORADO DEPARTMENT OF STATE, <i>in re</i>  ED 2023-61</p> <p>ELECTIONS DIVISION OF THE SECRETARY  OF STATE,</p> <p>Complainant,</p> <p>vs.</p> <p>Ralene for D49,</p> <p>Respondent.</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE NUMBER</p> <p>2024 AHO _____</p>
<p><b>COMPLAINT</b></p>	

Pursuant to § 1-45-111.7, C.R.S. (2023) and Rule 24 of the Secretary’s Rules on Campaign and Political Finance, 8 CCR 1505-6, the Elections Division of the Secretary of State files this Complaint against Respondent “Ralene for D49,” a candidate committee.

**BACKGROUND**

1. Under Colorado law, candidate committees are prohibited from accepting contributions from corporations. For an LLC to contribute to a candidate committee, the LLC must affirm in writing that it is authorized to make the contribution and must list the names and addresses of its members.

2. Here, Respondent reported accepting contributions from a corporation and from an LLC without providing the required affirmation. Although she later amended her report to change the corporate contributions, she has not provided evidence that those contributions came from someone other than a corporation despite repeated outreach efforts by the Division.

3. Accordingly, the Division brings this complaint for appropriate relief.

## **PARTIES**

4. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

5. Respondent is Ralene for D49 (the “Committee”), a candidate committee registered with the Colorado Secretary of State, ID # 20235045612.

## **JURISDICTION AND VENUE**

6. The Division has jurisdiction under § 1-45-111.7.

7. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV), (6).

8. This complaint is timely filed within 30 days of the Division’s May 13, 2024, Notice of Investigation according to § 1-45-111.7(5)(a)(IV).

9. Venue is proper before the hearing officer under § 1-45-111.7(5).

## **ALLEGATIONS**

10. On or around August 24, 2023, the Committee received a \$100 contribution from G3 Flooring Design Center, LLC, a Colorado registered LLC.

11. On or around October 3, 2023, the Committee received a \$400 contribution from G3 Flooring Design Center, LLC.

12. These contributions were reported on the Committee’s September 5 and October 16 Reports of Contributions and Expenditures.

13. The Committee did not receive a written affirmation from the LLC that it was authorized to make the contribution prior to the Committee accepting and depositing the contribution.

14. On or around October 16, 2023, the Committee received two \$500 contributions from Norwood Development Group.

15. Norwood Development Group is the trade name of Nor’Wood Limited, Inc., a Colorado corporation.

16. The Committee reported this contribution on its October 30, 2023, Report of Contributions and Expenditures.

17. On October 26, 2023, Michelle Kemp filed a campaign finance complaint against the Committee, alleging the LLC contributions were impermissible under Colorado law.

18. On November 3, 2023, the Division issued a Notice of Initial Review and Opportunity to Cure, in which it noted that one or more of the alleged violations may be curable.

19. On November 16, 2023, Revord emailed the Division, explaining that the LLC is owned by her husband and that she had intended to attribute the contributions to him. She amended her disclosure reports to so reflect, but she did not provide an affirmation from the LLC.

20. Revord also explained that the two \$500 contributions were from employees of Norwood, not from the corporation itself. She amended her disclosure report to reflect that.

21. The Division made repeated requests that she provide (1) an affirmation from the LLC and (2) evidence substantiating that two individuals made the \$500 contributions rather than Norwood Development Group itself. Revord did not respond to these requests.

22. On May 13, 2024, the Division issued a Notice of Investigation.

### **COLORADO CAMPAIGN FINANCE LAW**

23. It is “unlawful for a corporation or labor organization to make contributions to . . . a political party[.]” Colo. Const. art. XXVIII, § 3(4)(a).

24. For an LLC to contribute to a candidate committee, none of its members can be a corporation, labor organization, lobbyist, or foreign citizen or government. § 1-45-103.7(5)(a).

25. To ensure that only authorized LLCs make contributions, the LLC must provide a written affirmation that it is authorized to make a contribution, stating the names and addresses of all the individual members. § 1-45-103.7(5)(d)(I).

26. “No candidate committee . . . shall accept a contribution from a [LLC] unless the written affirmation . . . is provided before the contribution is deposited[.]” *Id.*

**CLAIM ONE**  
**Acceptance of LLC Contribution without Affirmation**  
**(C.R.S. § 1-45-103.7(5)(d)(I))**

27. All preceding allegations are incorporated.

28. The Committee received two contributions from G3 Flooring Design Center, LLC.

29. The Committee accepted and deposited these contributions without receiving an affirmation from the LLC, as required by § 1-45-103.7(5)(d)(I).

30. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**CLAIM TWO**  
**Acceptance of Prohibited Contributions**  
**(Colo. Const. art. XXVIII, § 3(4)(a))**

31. All preceding allegations are incorporated.

32. The Committee reported receiving two contributions from a corporation, Norwood Development Group.

33. Although the Committee later claimed that these contributions actually came from individuals rather than the corporation, the Committee has not provided any evidence to confirm that allegation.

34. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

Respectfully submitted this 12th day of June, 2024.

PHILIP J. WEISER  
Attorney General

*/s/ Michael Kotlarczyk*

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CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served by mail and/or email this 12th day of June, 2024, addressed as follows:

Ralene for D49  
C/O Registered Agent Ginger Ralene Revord  
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/s/ Michael Kotlarczyk