

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

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IN THE MATTER OF SUZANNE LEFF

L2024-04

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**NOTICE OF INITIAL REVIEW AND INVESTIGATION**

Tim Berg (“Complainant”) filed the above captioned Complaint with the Elections Division of the Secretary of State’s Office (“Division”) on October 30, 2024, alleging violations of Colorado lobbying laws against Suzanne Leff (“Respondent”).<sup>1</sup> Complainant essentially alleged that Respondent has violated Colorado law by lobbying members of the General Assembly without first registering as a professional lobbyist.<sup>2</sup> The Division notified Respondent of the Complaint on October 30, 2024.<sup>3</sup>

The Division has completed its Initial Review.<sup>4</sup> For the reasons stated below, the Division initially determines that in the Complaint the Complainant has identified potential violations of Colorado lobbying laws and has alleged sufficient facts to support a basis for those allegations.<sup>5</sup> The Division therefore will investigate.<sup>6</sup>

**ANALYSIS**

Any person who believes that a professional lobbyist or lobbying firm has violated Colorado lobbying law may file a complaint with the Colorado Secretary of State.<sup>7</sup> Pursuant to Rule 5.3.1, the Division must initially review a complaint upon its receipt 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.<sup>8</sup> After completing its Initial Review, the Division is required to take

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<sup>1</sup> Complaint L2024-04.

<sup>2</sup> *Id.*

<sup>3</sup> Notice of Complaint.

<sup>4</sup> Rule 5.3.1 requires the Division to conduct an initial review of the complaint. 8 CCR 1505-8, Rule 5.3.

<sup>5</sup> **These initial determinations are not a determination that Respondent has violated Colorado lobbying laws.**

<sup>6</sup> See Rule 5.3.2, 8 CCR 1505-8.

<sup>7</sup> 8 CCR 1505-8, Rule 5.1.1.

<sup>8</sup> 8 CCR 1505-8, Rule 5.3.1.

one of two steps: dismiss the complaint if the Division determines that the complaint does not contain the allegations required by Rule 5.3.1, or conduct an investigation.<sup>9</sup>

**1. The Complaint identifies one or more potential violations of section 24-6-301 et seq., C.R.S.**

Complainant alleges that Respondent lobbied without first registering with the Secretary of State's Office.<sup>10</sup> Section 24-6-303(1), C.R.S., states:

- (1) Before 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.<sup>11</sup>

Section 24-6-301(3.5)(a) defines "lobbying" to include direct communication (or soliciting others to communicate) with a "covered official" for the purpose of aiding in or influencing that covered official in "the drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto" on:

1. any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the Colorado General Assembly, or committee thereof, or;
2. any other matter pending or proposed in writing by a covered official for consideration by either house of the General Assembly, or committee thereof.<sup>12</sup>

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<sup>9</sup> 8 CCR 1505-8, Rule 5.3.1.

<sup>10</sup> Complaint L2024-04.

<sup>11</sup> Rule 2.1.1 also requires that a professional lobbyist register before lobbying. 8 CCR 1508, Rule 2.1.1.

<sup>12</sup> Section 24-6-301(3.5)(a), C.R.S. The definition of "lobbying" includes certain other activities that do not appear to apply to the pending Complaint.

Under the statutory definition, lobbying can occur regardless of whether the General Assembly is in session.<sup>13</sup> A “covered official” includes but is not limited to a member of the Colorado General Assembly, the director of research of the legislative council of the General Assembly, any member of legislative council staff and the governor.<sup>14</sup>

The registration requirements of Section 24-6-303(1), C.R.S., apply only to a “professional lobbyist.”<sup>15</sup> Section 24-6-301(6) defines a “professional lobbyist” as “a person, business entity, including a sole proprietorship, or an employee of a client, who is compensated by a client or another professional lobbyist for lobbying.”<sup>16</sup> A “client” essentially is the person who hires one or more lobbyists to lobby on behalf of that person.<sup>17</sup>

Unlike a professional lobbyist, a “volunteer lobbyist” under Colorado law is a lobbyist who is not being compensated for lobbying.<sup>18</sup> Specifically, section 24-6-301(7), C.R.S., defines “volunteer lobbyist” as:

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.<sup>19</sup>

Volunteer lobbyists need not register with the Secretary of State before lobbying but must register with the Colorado General Assembly.<sup>20</sup>

Complainant alleged that “Suzanne Leff is very clearly acting as a lobbyist, however a search of the Colorado Secretary of State and several bills do not show here (*sic*) as a registered lobbyist.”<sup>21</sup> Complainant then described various examples of Respondent “acting as a lobbyist” and further alleged:

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<sup>13</sup> Section 24-6-301(3.5)(a), C.R.S.

<sup>14</sup> Section 24-6-301(1.7), C.R.S.

<sup>15</sup> Section 24-6-303(1), C.R.S.

<sup>16</sup> Section 24-6-301(6), C.R.S.

<sup>17</sup> Section 24-6-301(1), C.R.S.

<sup>18</sup> Section 24-6-301(7), C.R.S.

<sup>19</sup> *Id.*

<sup>20</sup> 8 CCR 1505-8, Rule 2.2.1. See also Rule 36(c)(2), Joint Rules of the Colorado General Assembly.

<sup>21</sup> Complaint L2024-04.

All these actions and more are in violation of Colorado Revised Statutes including CRS 24-6-301 through CRS 24-6-309.”<sup>22</sup>

Complainant sufficiently alleged that Respondent is a lobbyist who is required to register before engaging in lobbying. If this allegation is true, Respondent’s failure to register is a violation of section 24-6-303(1), C.R.S. The Division initially determines that the Complainant alleges in the Complaint a violation of section 24-6-303, C.R.S., and therefore alleges one or more potential violations of section 24-6-301 et seq., C.R.S.

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

Complainant alleged:

Suzanne Leff is very clearly acting as a lobbyist however a search of the Colorado Secretary of State and several bills do not show her as a registered lobbyist. For example she appears in a photo for the signing of HB-19-1050 as a lobbyist. She advertises herself as a member of the Colorado Legislative Action Committee for CAI National . . . . The legislative (*sic*) record shows Suzanne Leff as opposing scores of bills and legislation meant to protect homeowners, reduce risks and protect the Colorado environment. . . . All of these actions and more are in violation of Colorado Revised Statutes including CRS 24-6-301 through CRS 24-6-309.<sup>23</sup>

Based on these allegations in the Complaint, the Division initially determines that the Complainant has alleged in the Complaint sufficient facts, if true, to support a basis for the violations of law alleged in the Complaint.

**CONCLUSION**

For the reasons stated above, the Division initially determines pursuant to Rule 5.3.1 that the Complainant identified in the Complaint one or more potential violations of section 24-6-301 et seq., C.R.S., and alleged sufficient facts to support a basis for those alleged violations of law.<sup>24</sup> Pursuant to Rule 5.3.2(b), the Division will conduct an investigation. This Notice of Initial Review and Investigation shall serve as the required notice to Respondent and Complainant under Rule 5.3.2(b) that the Division has decided to conduct an investigation.

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<sup>22</sup> Complaint L2024-04.

<sup>23</sup> *Id.*

<sup>24</sup> **These initial determinations are not a determination that Respondent has violated Colorado lobbying laws.**

Dated November 20, 2024.

/s/ James Scott  
James Scott  
Campaign Finance Enforcement 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 and Investigation was served by electronic transmission this 20th day of November, 2024, to:

Complainant –  
Tim Berg  
[tberg@teralogicnet.com](mailto:tberg@teralogicnet.com)

Respondent –  
Suzanne Leff  
[sleff@wlpplaw.com](mailto:sleff@wlpplaw.com)

/s/ James Scott  
James Scott  
Campaign Finance Enforcement Legal Analyst  
Elections Division  
Colorado Secretary of State