

IN THE MATTER OF RHONDA DERN AND BOLD VISIONS CONSERVATION

L2024-01

MOTION TO DISMISS

The Elections Division of the Secretary of State’s Office (“Division”) moves the Deputy Secretary of State (“Deputy Secretary”) to dismiss the above-entitled Lobby Complaint pursuant to 8 CCR 1505-8, Rule 5.5.3 for the reasons set forth below.

Procedural Background

John Williams (“Complainant”) filed a Complaint with the Division on March 6, 2024, under 8 CCR 1505-8, Rule 5.1, alleging that Rhonda Dern (“Respondent Dern”), violated Colorado lobbying law by failing to register as a professional lobbyist before engaging in lobbying.¹ The Complaint also named Bold Visions Conservation (“Respondent BVC”) as a Respondent, presumably because Complainant thought Respondent Dern was lobbying on behalf of the organization.²

The Division notified Respondents of the Complaint on March 6, 2024.³

On March 15, 2024, the Division sent Respondents a Notice of Initial Review and Investigation.⁴ In its Initial Review, the Division made the initial determination that: (1) the Complaint specifically identified one or more violations of Colorado lobbying laws under section 24-6-301 et seq., C.R.S.; and (2) Complainant alleged sufficient facts to support a basis for the violations of law alleged in the Complaint.⁵

Also on March 15, 2024, the Division provided Respondent Dern with a Request for Information.⁶ Respondent Dern responded to that request on March 18, 2024.⁷

Based on the Division’s review of the Complaint and information received through the complaint process, the Division now moves the Deputy Secretary to dismiss the Complaint pursuant to

¹ Exhibit A – Complaint L2024-01.

² *Id.* Complaint L2024-02, filed against the Stephen Capra, the Executive Director of Respondent BVC, for his role in the video and these meetings at the Capitol, is currently being reviewed by the Division.

³ Exhibit B – Notice of Complaint.

⁴ Exhibit C – Notice of Initial Review and Investigation.

⁵ *Id.*

⁶ Exhibit D – Dern RFI and Responses.

⁷ *Id.*

section 8 CCR 1505-8, Rule 5.5.3 on the grounds that Respondent Dern qualifies as a volunteer lobbyist and therefore was not required to register with the Secretary of State's Office.

Factual Findings

The Division makes the following factual findings:

Respondent Dern is a retired hospice nurse living in Evergreen, Colorado.⁸ In her available time, Respondent Dern volunteers for various causes that she supports.⁹ One such cause is securing funding for “non-lethal coexistence strategies” intended to allow for the safe re-introduction of grey wolves to Colorado while simultaneously protecting livestock.¹⁰ Respondent Dern has been involved with multiple organizations supporting wildlife coexistence including The Center for Biological Diversity,¹¹ the Colorado Wolf Alliance, LLC,¹² and the Rocky Mountain Wolf Project¹³—but only ever in a volunteer capacity. She has never been a paid employee or paid in response to her efforts to support the organizations.

In addition to volunteering her time, Respondent Dern also donates money to several advocacy organizations including those listed above as well as Respondent BVC, a conservation organization based in Montana.¹⁴

On January 23, 2024, Respondent Dern called Stephen Capra, Respondent BVC's Executive Director, to seek his help in speaking to Colorado legislators about wildlife conservation.¹⁵ Mr. Capra agreed to travel to Denver on February 13th and 14th, when Respondent Dern planned to visit the state capitol and attempt to meet with state legislators.¹⁶

On February 14th of 2024, Respondent Dern visited Colorado's State Capitol in Denver to ask House members “to support [her] representative tammy [sic] Story's Wildlife Coexistence Bill[,]” which would become HB24-1375 upon introduction on March 13, 2024.¹⁷ Respondent Dern and Mr. Capra met with several members of the general assembly on February 14, 2024 including Representative Story,¹⁸ Representative Karen McCormick,¹⁹ Representative Brianna Titone,²⁰

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ [Colorado Governor, Wildlife Officials Urged to Adopt Clearer, Quicker Wolf Restoration Plan - Center for Biological Diversity.](#)

¹² [How Volunteers Organized Their Own Sign Waving and March \(coloradowolfalliance.com\).](#)

¹³ [Volunteers Stood Strong for Wolves During 2020 Campaign in Colorado - Rocky Mountain Wolf Project.](#)

¹⁴ Exhibit E – Capra RFI and Responses.

¹⁵ *Id.* Mr. Capra is named as a Respondent in Complaint L2024-02.

¹⁶ Exhibit D – Dern RFI and Responses.

¹⁷ *Id.* HB24-1375 was introduced and assigned to the House Committee on Agriculture, Water, & Natural Resources on 3/13/2024 and died in committee on 4/1/2024.

¹⁸ [Tammy Story | Colorado General Assembly.](#)

¹⁹ [Karen McCormick | Colorado General Assembly.](#)

²⁰ [Brianna Titone | Colorado General Assembly.](#)

Representative Mandy Lindsay,²¹ Representative Julie Marvin,²² and Representative Elizabeth Velasco to discuss their support of the bill by expressing her passion for wildlife coexistence and providing the representatives her personal letter and handout explaining the benefits of coexistence.²³ On February 29, 2024, Respondent Dern stopped at additional Colorado House members’ offices and handed out her personal letter and handout encouraging their support of HB24-1375.²⁴

During her visit to the Capitol on February 14, 2024, Respondent Dern appeared in a video that Mr. Capra recorded and later posted on Respondent BVC’s Facebook page.²⁵ In the video, Mr. Capra identifies both himself and Respondent Dern, whom he introduces as a “rockstar lobbyist.”²⁶ Respondent Dern then describes their day visiting representative’s offices, saying that “[t]hey listened deeply, they were very positive, and it’s just been a great day at the Capitol.”²⁷

A Division search of lobbyists registered with the Secretary of State’s office returned no results for “Rhonda Dern.”²⁸ Respondent Dern further confirmed that she has never registered as a lobbyist.²⁹

In response to the Division’s Request for Information, Respondent explained that she traveled to the Capitol as a private citizen.³⁰ Respondent has not received any compensation related to her advocacy, nor was she re-imbursed by any person or organization for costs incurred in association with her trip to the Capitol.³¹ Respondent did not make appointments to speak with representatives—she simply knocked on their office doors with the letter and research she had prepared.³²

Analysis

The Division moves the Deputy Secretary to dismiss the above-entitled Complaint because it does not have reasonable grounds to believe that violation of section 24-6-301 et. seq., C.R.S. has occurred.

²¹ [Mandy Lindsay | Colorado General Assembly.](#)

²² [Julia Marvin | Colorado General Assembly.](#)

²³ Exhibit D – Dern RFI and Responses.

²⁴ *Id.*

²⁵ Exhibit A – Complaint L2024-01

²⁶ *Id.*

²⁷ *Id.*

²⁸ [Colorado Lobbyist Search](#)

²⁹ Exhibit D – RFI and Responses.

³⁰ *Id.* See also Exhibit A – Complaint L2024-01 (attached handout); Exhibit D – Dern RFI and Responses (copy of letter included in responses).

³¹ *Id.*

³² *Id.*

In the Complaint, Complainant alleges that Respondent Dern was lobbying members of the general assembly on February 14, 2024, at the Colorado State Capitol and failed to register as a professional lobbyist.³³

The Deputy Secretary should dismiss the Complaint because Respondent is a volunteer lobbyist and therefore not required to register with the Secretary of State.

Colorado law requires professional lobbyists to register with the Secretary of State’s Office before they engage in any lobbying activities and thereafter file disclosure reports detailing their lobbying activities.³⁴ “Volunteer lobbyists,” however, are not required to register with the Secretary of State.³⁵

A “professional lobbyist” is “a person, business entity, [. . .] or an employee of a client, who is compensated by a client or another professional lobbyist for lobbying.”³⁶

“Lobbying” is, in part, “communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

- (I) The drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto by any covered official on:
 - A. Any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the general assembly or committee thereof, whether or not the general assembly is in session;
 - B. Any other matter pending or proposed in writing by any covered official for consideration by either house of the general assembly or a committee thereof, whether or not the general assembly is in session[.]”³⁷

“Covered official” means, in this context, “the governor, the lieutenant governor, a member of the general assembly, or the director of research of the legislative council of the general assembly or any member of legislative council staff[.]”³⁸

“‘Volunteer lobbyist’ means 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

³³ Exhibit A – Complaint L2024-01.

³⁴ Section 24-6-303(1), C.R.S.

³⁵ *Id.* See also 8 CCR 1505-8, Rule 2.2.1.

³⁶ Section 24-6-301(6), C.R.S.

³⁷ Section 24-6-301(3.5)(a), C.R.S.

³⁸ Section 24-6-301(1.7), C.R.S.

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.”³⁹

Respondent Dern engaged in “lobbying” by communicating directly with several covered officials to influence their consideration of Representative Story’s bill.⁴⁰ Specifically, Respondent Dern met with covered officials on February 14, 2024, including Representative Story⁴¹ (the sponsor of the bill) and Representatives McCormick,⁴² Titone,⁴³ Lindsay,⁴⁴ Marvin,⁴⁵ and Velasco urging them to support the bill by discussing her passion for wildlife coexistence and providing the representatives her personal letter and handout explaining its benefits.⁴⁶ On February 29, 2024 Respondent Dern stopped at additional Colorado Democratic House members’ offices and handed out her personal letter and handout encouraging their support of HB24-1375.⁴⁷ She provided a copy of the letter to the Division, which is included in her RFI responses attached to this motion.⁴⁸ In the letter, she outlined her personal interest in the area and her support of the bill. She also included a link to the website for Living with Wolves, a non-profit organization that provides educational information about wolves.⁴⁹ The letter did not reference Respondent BVC in any capacity.⁵⁰

Although she engaged in lobbying, Respondent Dern is not a “professional lobbyist” because she was not compensated by any client or professional lobbyist for her lobbying. As evidenced by Respondent Dern’s responses, and the letter and handout, Respondent Dern directly communicated with state legislators with the purpose of urging their support for pending legislation. However, Respondent Dern was acting in her personal capacity on both February 14 and February 29, 2024—and was not compensated or reimbursed by any source, including Respondent Bold Visions Conservation, for her lobbying or expenses incurred.⁵¹ Accordingly, the Division has determined that Respondent Dern is a volunteer lobbyist.

³⁹ Section 24-6-301(7), C.R.S.

⁴⁰ [Wild Carnivores & Livestock Nonlethal Coexistence | Colorado General Assembly.](#)

⁴¹ [Tammy Story | Colorado General Assembly.](#)

⁴² [Karen McCormick | Colorado General Assembly.](#)

⁴³ [Brianna Titone | Colorado General Assembly.](#)

⁴⁴ [Mandy Lindsay | Colorado General Assembly.](#)

⁴⁵ [Julia Marvin | Colorado General Assembly.](#)

⁴⁶ Exhibit D – Dern RFI and Responses.

⁴⁷ *Id.*

⁴⁸ Exhibit D – Dern RFI and Responses.

⁴⁹ *Id.* See also <https://www.livingwithwolves.org/about-wolves/why-wolves-matter/>.

⁵⁰ *Id.*

⁵¹ *Id.*

Under Rule 2.2.1 of the Secretary of State’s Rules Concerning Lobbyist Regulations, “[a] volunteer lobbyist, as defined in section 24-6-301(7), C.R.S. is not required to register with the Secretary of State [. . . .]”⁵²

Respondent Dern is a “volunteer lobbyist,” and not a “professional lobbyist.” Therefore, she was not required to register with the Secretary of State. As a result, the Division does not have reasonable grounds to believe that Respondent Dern or Respondent BVC violated section 24-6-301 et. seq., C.R.S.⁵³

Conclusion

For the reasons stated above, the Division moves the Deputy Secretary to dismiss the Complaint on the basis that there is insufficient evidence to support a finding Respondent violated Colorado lobbyist rules or regulations.

Dated this 3rd day of May 2024.

/s/ Chance Cochran

Chance Cochran
Campaign and Political Finance Enforcement
Elections Division
Colorado Secretary of State

⁵² 8 CCR Rule 1505-8, Rule 2.2.1. Although volunteer lobbyists are not required to register with the Secretary of State, they are required to register with the chief clerk of the House of Representatives under Joint Rule 36(c)(2). Any person who has knowledge of a violation of Joint Rule 36 may file a written complaint with any member of the Executive Committee under Joint Rule 36(d)(2).

⁵³ The Division here determines that Respondent BVC did not violate section 24-6-301 et. Seq., C.R.S. with respect to the actions of Respondent Dern. Allegations against Respondent BVC are still pending with respect to its involvement with Mr. Capra as part of Lobby Complaint L2024-02.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion to Dismiss was served by electronic transmission to:

Deputy Secretary of State – Christopher P. Beall
chris.beall@coloradosos.gov

Respondents –

Rhonda Dern
rhondadern@me.com

Bold Visions Conservation

Caitlin Wardell, Registered Agent
Caitlin.wardell93@gmail.com

Stephen Capra, Executive Director
stephen@bvconservation.org

Complainant – John Williams
johnmwmd@msn.com

On this 3rd day of May 2024.

/s/ Chance Cochran
Chance Cochran
Campaign and Political Finance Enforcement
Elections Division
Colorado Secretary of State