

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

IN THE MATTER OF SUZANNE LEFF

L2024-04

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 Complaint pursuant to Rule 5.5.3 of the Secretary of State’s Rules Concerning Lobbyist Regulation (“the Rules”), as the Division does not have reasonable grounds to believe that a violation of section 24-6-301 et. seq., C.R.S., has occurred.¹

PROCEDURAL BACKGROUND

Tim Berg (“Complainant”) filed a complaint with the Division on October 30, 2024, under Rule 5.1 of the Rules, alleging Respondent had violated Colorado lobbying laws.² The Division notified Respondent of the Complaint on the same day it was filed.³

Pursuant to Rule 5.3, the Division issued a Notice of Initial Review and Investigation on November 20, 2024, after determining that in the Complaint the Complainant had identified potential violations of Colorado lobbying laws and had alleged sufficient facts to support a basis for those alleged violations.⁴ Based thereon, the Division advised in the Notice that it would conduct an investigation pursuant to Rule 5.3.2(b).⁵

The Division commenced its investigation on November 20, 2024.⁶ Pursuant to Rule 5.5.2, the Division in its discretion extended the investigation on December 18, 2024, to complete its

¹ 8 CCR 1505-8, Rule 5.5.3. 8 CCR 1505-8 is titled “Rules Concerning Lobbyist Regulation.” In its investigation of the allegations in a complaint, the Division determines whether “reasonable grounds” exist by making findings of fact from its analysis of the relevant information the Division is able to gather from the respondent, complainant and other sources.

² Exhibit A – Complaint L2024-04.

³ Exhibit B – Notice of Complaint.

⁴ Exhibit C – Notice of Initial Review and Investigation; See 8 CCR 1505-8, Rule 5.3.

⁵ *Id.*

⁶ *Id.*

investigation.⁷ The Division notified Respondent and Complainant when it extended the investigation.⁸

During its investigation, the Division delivered requests for information to the Respondent and sent requests to the Complainant seeking clarification of the alleged violations and other allegations in the Complaint.⁹ The Division sent a request for information to one of the legislators who sponsored certain legislation introduced in the 2024 general session. Finally, the Division spoke with the General Assembly’s Office of Legislative Legal Services to learn about relevant, customary practices in the General Assembly. The Division received responses to all of its requests and reviewed same.

During its investigation, the Division additionally researched several databases within the respective websites for the Colorado House and Senate, researched lobbying databases, business and licensing databases and related records maintained by the Secretary of State (“the Secretary”), and searched the internet generally with relevant key words. Finally, the Division conducted relevant legal research pertaining to Colorado’s lobbying laws and regulations.

SUMMARY OF THE ALLEGATIONS

Complainant effectively alleged in the Complaint that Respondent violated “CRS 24-6-301 through CRS 24-6-309,” because she lobbied without first registering with the Colorado Secretary of State (“the Secretary”).¹⁰ Complainant alleged several reasons in the Complaint as to why Respondent “is very clearly acting as a lobbyist.”¹¹ Specifically, Respondent advertised herself as representing and being “a member of the Colorado Legislative Action Committee for CAI National;”¹² there are “pictures of her lobbying public officials;” and, “[h]er organization” is involved with litigation against the federal government to “undermine the Corporate Transparency Act.”¹³

Complainant also alleged in the Complaint that “[t]he legislative record shows Suzanne Leff as opposing scores of bills and legislation meant to protect homeowners, reduce risks and protect the Colorado environment.”¹⁴ The Complainant referenced only one specific piece of legislation,

⁷ Exhibit D - Notices of Investigation Deadline Extensions.

⁸ *Id.*

⁹ See the second sentence of Rule 8 CCR 1505-8, Rule 5.5.3., authorizing requests for clarification.

¹⁰ Exhibit A.

¹¹ *Id.*

¹² *Id.*; See Factual Findings below regarding the Colorado Legislative Action Committee and CAI.

¹³ Exhibit A; The Corporate Transparency Act (31 U.S.C. § 5336) requires corporations, limited liability companies, and similar entities to disclose information about their beneficial ownership to help combat money laundering and similar crimes.

¹⁴ Exhibit A.

Colorado HB19-1050, and attached a photo of Respondent and others with the governor when he signed the bill into law.¹⁵

In response to the Division's request for clarification of certain allegations, the Complainant identified other bills on which Respondent allegedly had lobbied.¹⁶ Two bills Complainant referenced were HB17-1279 and HB24-1158.¹⁷

FACTUAL FINDINGS

The Division makes the following factual findings.

Respondent is an attorney who has been licensed to practice law in Colorado since 2004.¹⁸ Respondent currently practices law with Winzenburg, Leff, Purvis & Payne, LLP ("the law firm") of Golden, Colorado.¹⁹ Respondent specializes in community association law, as over ninety-five percent of her clients are community associations, property managers, and developers.²⁰

Prior to July 1, 2019, the law firm paid Respondent a salary "as a W-2 employee."²¹ Respondent did not receive any form of compensation based on her legislative activities in the 2017 or 2019 regular sessions of the General Assembly.²² Respondent became an equity partner in the law firm on July 1, 2019.²³ On that date, Respondent signed a written agreement ("the Agreement") with the other equity partners in the law firm pertaining to their respective rights and obligations to each other and the law firm.²⁴ Respondent's equity interest in the law firm is owned by Frieda People, Inc ("Frieda People"), a Colorado corporation.²⁵

¹⁵ Exhibit A.

¹⁶ Exhibit E – Complainant's Response to Division's Request for Information - pp. 2-7 (the page numbers were added by the Division for ease of location); See also 8 CCR 1505-8, Rule 5.3.1.

¹⁷ *Id.* In Exhibit E, Complainant also referenced SB05-100, SB06-89, and two proceedings before different county boards of commissioners (see pp. 2-3). However, Complainant alleged no plausible factual basis and provided no information supporting that Respondent had lobbied on these matters. Additionally, Complainant mentioned HB24-1137 (see pp. 4-5) but this appears to be a scrivener's error. Complainant mentioned HB24-1137 at the start of a detailed discussion of HB24-1158, the latter of which pertained to foreclosure of homeowner association liens. Respondent denied under oath performing any work on HB24-1137. HB24-1137 implemented certain procedures at the Department of State to combat fraudulent business and licensing filings.

¹⁸ [Attorney Information - Colorado Office of Attorney Regulation Counsel](#).

¹⁹ *Id.* Respondent's father, Larry Leff, was the partner whose last name is in the law firm's name. See Exhibit F - Respondent's Response to Division's 2d Supplemental Request for Information at p. 2.

²⁰ Exhibit G - Respondent's Response to Division's 1st Supplemental Request for Information – p. 22.

²¹ Exhibit F at p. 2.

²² Exhibit F at pp. 2-3;

²³ Exhibit G at p. 21.

²⁴ *Id.*; Exhibit F at pp. 1-2.

²⁵ *Id.* and Exhibit H - Respondent's Response to Division's initial Request for Information – pp. 13-14. See also [Secretary of State corporate summary page for Frieda People](#).

After becoming an equity partner on July 1, 2019, Respondent “received regular draws” from the law firm paid to Frieda People.²⁶ To receive a “quarterly distribution” according to the Agreement, a partner had to “participate in activities that further[ed] the company’s business and long-term goals” and was expected to achieve a minimum number of points in those activities each quarter.²⁷ Participation in “CLAC” was specified in the Agreement as one such activity.²⁸

Community Associations Institute (“CAI”) is an “international membership organization dedicated to building better communities,” according to its website.²⁹ Its members include community association board members, community managers, property management companies and lawyers.³⁰ One of the ways CAI serves its membership is by “[a]dvocating on behalf of common interest communities and industry professionals before legislatures, regulatory bodies, and the courts.”³¹ CAI “oversees” its legislative action committees in various states.³² CAI’s legislative action committee in Colorado is the Colorado Legislative Action Committee (“CLAC”).³³

CAI has two Colorado chapters; Respondent belonged to the Rocky Mountain chapter based in Denver.³⁴ Respondent served on CLAC for several years, including during the 2017 and 2019 general sessions of the General Assembly.³⁵ During the 2019 general session, Respondent served as the Public Policy Committee Chair for CLAC.³⁶ On July 1, 2019, Respondent resigned from “CAI-CLAC.”³⁷

Respondent received no compensation from CAI for her activities on its behalf with the General Assembly.³⁸ All of Respondent’s time on behalf of CAI and CLAC, including Respondent’s legislative activities, was volunteer.³⁹ At the time of Respondent’s legislative activities on behalf of CAI, CAI was represented by a professional lobbyist, who was compensated by CAI.

On August 31, 2022, Frieda People filed with the Secretary a Statement indicating it was doing business under a trade name: Coalition For Responsible Associations (“the Coalition”).⁴⁰

²⁶ Exhibit G at p. 24.

²⁷ *Id.* at pp. 22-23.

²⁸ *Id.* “CLAC” is the acronym for the Colorado Legislative Action Committee.

²⁹ [Community Associations Institute website](#).

³⁰ *Id.*; Exhibit H at p. 5.

³¹ See CAI website link in footnote 29.

³² Exhibit H at 5.

³³ *Id.*

³⁴ *Id.* Southern Colorado is the other CAI chapter in Colorado.

³⁵ Exhibit H at p. 6, 10.

³⁶ Exhibit I – CLAC 2018-2019 Roster.

³⁷ Exhibit G at p. 23; Exhibit F at p. 2.

³⁸ Exhibit H at pp. 5, 9-10.

³⁹ *Id.*

⁴⁰ Exhibit K – Statement of Trade Name.

Respondent, with another lawyer from a different law firm, formed the Coalition to pursue legislative activities and present positions different than those taken at that time by CAI through CLAC.⁴¹ Respondent engaged in the same type of legislative activities for the Coalition as she had for CAI, including during the 2024 regular session of the General Assembly.⁴²

When a legislator requests that a bill be introduced, the General Assembly's Office of Legislative Legal Services ("OLLS") appoints an OLLS staff attorney as the bill's drafter to work with the bill's sponsor.⁴³ Often, the bill's sponsor will authorize OLLS to extend bill drafting authority to a stakeholder, or someone acting on behalf of a bill's stakeholder, who then works with the bill's sponsor and the assigned bill drafter to refine language in the bill.⁴⁴

Another common practice in the General Assembly is for a bill's sponsor to conduct a meeting that includes stakeholder representatives, attorneys, and/or lobbyists who have an interest in the outcome of the bill.⁴⁵ The purpose of the meeting is for the bill's sponsor to learn the various positions of the stakeholders, to hear suggestions on the language and structure of the bill of the bill, and to obtain information from those in attendance who have special knowledge about the bill's potential impact.⁴⁶

One meeting often is preferred instead of individual meetings with a single stakeholder due to the restraints on a legislator's time during the regular session.⁴⁷ Conducting group meetings in lieu of individual meetings saves substantial time for legislators when the pending bill will have a wide impact and has drawn significant interest.⁴⁸

HB17-1279, which became law, implemented procedures that a unit owners' association is required to follow before filing certain construction defect lawsuits against a builder or developer.⁴⁹ CAI retained Antionette Salazar ("Salazar"), a professional lobbyist, to represent its

⁴¹ Exhibit G at p. 18.

⁴² Exhibit H at p. 11.

⁴³ General Assembly's Q & A regarding Bill Requests; Exhibit G at p. 5-6

⁴⁴ Exhibit G at p. 6; The Division additionally spoke with OLLS and confirmed how a person is granted bill drafting authority and that the practice is common in the General Assembly.

⁴⁵ During the conversation with OLLS referenced in Footnote 44, the Division additionally sought and learned information about the common practice of group stakeholder meetings.

⁴⁶ See Footnote 44.

⁴⁷ See Footnote 44.

⁴⁸ See Footnote 44.

⁴⁹ [Colorado General Assembly's HB17-1279 Bill Summary](#).

interests in regard to HB17-1279.⁵⁰ Respondent attended stakeholder meetings with Salazar as the representative of CAI regarding HB17-1279.⁵¹

Respondent also appeared before two committees that conducted hearings pertaining to HB17-1279. Respondent testified on April 19, 2017, in support of the bill before the House State, Veterans, and Military Affairs Committee.⁵² Respondent also spoke in support of the bill before the Senate Committee on Business, Labor, & Technology on May 1, 2019.⁵³ She advised both committees that she was appearing on behalf of CAI.⁵⁴

HB19-1050, which also became law, pertained to xeriscaping in certain common areas in community associations and in property management and other special districts that have parks or open spaces.⁵⁵ CAI again retained Salazar as its lobbyist to represent its interests in regard to HB19-1050.⁵⁶

Respondent and Salazar met in an individual stakeholder meeting with Rep. Brianna Titone, the sponsor of HB19-1050.⁵⁷ They discussed with Rep. Titone that CAI required certain language in the bill. After the meeting, Respondent, Rep. Titone, and the assigned bill drafter Duane Gall, exchanged a series of emails.⁵⁸ Respondent advised CAI's position regarding HB19-1050 and specified precise language that CAI required in the bill before CAI would support it.⁵⁹

Respondent appeared before two committees that conducted hearings pertaining to HB19-1050. Respondent testified in favor of the bill on January 17, 2019, before the House Committee on Energy & Environment and later that day the Committee approved the bill.⁶⁰ Respondent also testified in support of the bill on February 12, 2019, before the Senate Committee on Local Government.⁶¹ She advised both committees that she was appearing on behalf of CAI.⁶²

⁵⁰ [Secretary of State lobbyist filing history - Leigh Antoinette Salazar - November 18, 2016 registration](#); Exhibit H at pp. at 2,7; Professional lobbyists are required to file annually an updated registration with the Secretary of State. 8 CCR 1505-8, Rule 2.1.3.

⁵¹ Exhibit H at p. 7.

⁵² [HB17-1279 Senate Committee Hearing Summary](#).

⁵³ [HB17-1279 House Committee Hearing Summary](#).

⁵⁴ See Footnotes 52 and 53.

⁵⁵ [Colorado General Assembly's HB19-1050 Bill Summary](#).; As noted earlier, HB19-1050 is the only legislation Complainant identified in the Complaint as a matter on which Respondent lobbied.

⁵⁶ Exhibit H at pp. 2,3.

⁵⁷ Exhibit H at p. 3.

⁵⁸ Exhibit I – Emails Exchanged on January 14 and January 15, 2019.

⁵⁹ *Id.*

⁶⁰ [HB19-1050 House Committee Hearing Summary](#).

⁶¹ [HB19-1050 Senate Committee Hearing Summary](#).

⁶² See Footnotes 60 and 61.

As noted, Respondent resigned from CAI (and CLAC) after the 2019 regular session ended.⁶³ As of the 2024 regular session, Respondent now was appearing before the General Assembly on behalf of a different stakeholder, the Coalition.⁶⁴

HB24-1158, which did not pass, pertained to foreclosures to satisfy unpaid homeowner association fees.⁶⁵ The bill would have implemented certain requirements and limitations designed to protect the property owner whose property rights are foreclosed in favor of the association's lien for unpaid fees.⁶⁶ The Coalition retained Ruth Aponté ("Aponté") to lobby on behalf of the Coalition in regard to HB24-1158.⁶⁷

Respondent attended stakeholder meetings regarding HB24-1158 with Aponté.⁶⁸ During the meetings, Respondent "was asked to provide her perspective, as a subject matter expert, on how to frame the bill and make it functional."⁶⁹ Respondent also was one of several people who testified in opposition to the bill on February 27, 2024, before the House Committee on Transportation, Housing and Local Government.⁷⁰ She advised the Committee that she was appearing on behalf of the Coalition.⁷¹ The bill eventually was voted down by the full House.⁷²

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⁶³ Exhibit G at p. 23; Exhibit F at p. 2.

⁶⁴ Exhibit F at p. 11.

⁶⁵ [Colorado General Assembly's HB24-1158 Bill Summary](#). A substantially similar bill (HB25-1043) was passed by the General Assembly in 2025, but the bill has not been signed into law by the governor as of the time this Motion is filed. See [Governor's 2025 Bill Tracker](#).

⁶⁶ *Id.*

⁶⁷ [Secretary of State lobbyist filing history - Ruth Aponte - July 15, 2023 registration](#); Exhibit H at p. 11.

⁶⁸ Exhibit F at p. 11.

⁶⁹ *Id.*

⁷⁰ [HB24-1158 House Committee Hearing Summary](#).

⁷¹ *Id.*

⁷² See link in Footnote 70.

ANALYSIS

The Division moves the Deputy Secretary to dismiss the Complaint pursuant to Rule 5.5.3 of the Rules as the Division does not have reasonable grounds to believe Respondent violated section 24-6-301 et. seq., C.R.S.⁷³

THE APPLICABLE LAW

Section 24-6-301 et. seq., C.R.S., is part of Colorado’s Sunshine Law and pertains to the regulation of lobbyists.⁷⁴ Any person who believes that there has been a violation of Colorado’s lobbyist regulation laws may file a complaint with the Division pursuant to Rule 5.1.⁷⁵ If the Division determines that the complaint meets certain requirements, it must conduct an investigation of the alleged violation(s).⁷⁶ If after the investigation the Division does not have reasonable grounds to believe that a violation of Section 24-6-301 et. seq., C.R.S., has occurred, the Division must file a motion to dismiss the complaint with the Secretary or the Secretary’s designee.⁷⁷

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.⁷⁸

(Emphasis supplied.)

In relevant part, Section 24-6-301(3.5)(a)(I) defines “lobbying” to include direct communication (or soliciting others to communicate) with a “covered official” for the purpose of aiding in or

⁷³ 8 CCR 1505-8, Rule 5.5.3. The standard the Division must use to determine whether to file a motion to dismiss is whether the Division has reasonable grounds to believe a violation of Colorado lobbying laws has occurred. If the Division does not believe reasonable grounds exist, it must file a motion to dismiss. 8 CCR 1505-8, Rule 5.5.3. See Footnote 1 on page 1 of this Motion.

⁷⁴ Article 6 of Title 24, C.R.S., is Colorado’s Sunshine Law.

⁷⁵ 8 CCR 1505-8, Rule 5.1.

⁷⁶ 8 CCR 1505-8, Rules 5.31 and 5.3.2.

⁷⁷ 8 CCR 1505-8, Rule 5.5.3. The Deputy Secretary is the designee of the Secretary for the purpose of determining whether to dismiss the complaint. Dismissal of the complaint is final agency action.

⁷⁸ Rule 2.1.1 also requires that a professional lobbyist register before lobbying. 8 CCR 1505-8, Rule 2.1.1.

influencing that covered official in “the drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto” 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 Colorado General Assembly, or committee thereof, or;
- (B) any other matter pending or proposed in writing by a covered official for consideration by either house of the General Assembly, or committee thereof.⁷⁹

A “covered official” includes a member of the Colorado General Assembly, among others.⁸⁰

Two relevant exclusions to the definition of lobbying pertain to person(s) not otherwise registered as lobbyists who provide testimony or information to public officials.⁸¹ Specifically:

‘Lobbying’ excludes persons who are not otherwise registered as lobbyists and [1] who limit their activities to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or [2] who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.⁸²

The registration requirements of Section 24-6-303(1), C.R.S., apply only to a “professional lobbyist.” Section 24-6-301(6), C.R.S., 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.”

A “client” is “the person who employs or retains the professional services of one or more lobbyists to undertake lobbying on behalf of that person.”⁸³ The definition also limits when a professional lobbyist can be a client.⁸⁴

Rule 1.7 further refines the definition of “professional lobbyist.”⁸⁵ The Rule requires that a lobbyist must be compensated by either a client or another professional lobbyist before that

⁷⁹ Section 24-6-301(3.5)(a), C.R.S. The definition of “lobbying” includes other activities that do not apply to the pending Complaint

⁸⁰ Section 24-6-301(1.7), C.R.S.

⁸¹ Section 24-6-301(3.5)(d)(III)(B), C.R.S.

⁸² *Id.* The bracketed numbers have been added to separate the two exceptions for the reader.

⁸³ Section 24-6-301(1), C.R.S., Section 24-6-301(4), C.R.S., defines “person” broadly to include individuals and various types of organizations, associations, and other entities.

⁸⁴ *Id.*

⁸⁵ 8 CCR 1505-8, Rule 1.7.

lobbyist is considered a professional lobbyist.⁸⁶ Rule 1.7 also adds “lobbying firm” as another source of compensation to a professional lobbyist.⁸⁷

Section 24-6-301(3.6), C.R.S., defines a “lobbying firm” as:

a person or entity employing one or more professional lobbyists to lobby on behalf of a client that is not the person or entity. Lobbying firms include a self-employed professional lobbyist.

There is no requirement under Colorado law that a lobbying firm register.⁸⁸ However, a lobbying firm must file certain disclosure reports with the Secretary of State.⁸⁹

Unlike a professional lobbyist, a “volunteer lobbyist” under Colorado law is a lobbyist who is not compensated for lobbying.⁹⁰ 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.

Volunteer lobbyists need not register with the Secretary of State before lobbying but must register with the Colorado General Assembly.⁹¹

Section 24-6-308, C.R.S., prohibits any person who is engaged in lobbying from committing certain acts. The statute applies regardless of whether the person lobbying is a professional lobbyist or a volunteer lobbyist.⁹² As relevant to the allegations in the Complaint and Complainant’s response to the Division’s request for clarification, section 24-6-308(1), C.R.S., states:

(1) No person engaged in lobbying shall:

⁸⁶ 8 CCR 1505-8, Rule 1.7.

⁸⁷ Rule 1.7 states: “Professional lobbyist means a person, business entity, including a sole proprietorship, or an employee of a client, who is compensated by a client, another professional lobbyist or lobbying firm for lobbying services.”

⁸⁸ 8 CCR 1505-8, 3.1.1.

⁸⁹ *Id.*

⁹⁰ Section 24-6-301(7), C.R.S.

⁹¹ Section 24-6-303(6), C.R.S.; 8 CCR 1505-8, 2.2.1(a).

⁹² 8 CCR 1505-8, 3.1.1.

(a) Make any agreement under which any consideration is to be given, transferred, or paid to any person contingent upon the passage or defeat of any legislation; the making or defeat of any rule, standard, or rate by any state agency; or the approval or veto of any legislation by the governor of this state;

(b) Knowingly attempt to deceive, or make a false statement to, a covered official regarding any material fact relating to a matter that is within the scope of duties of the covered official;

(c) Conceal from a covered official the identity of the person or entity for whom the lobbyist is lobbying;

(d) Knowingly use a fictitious name, or a real name without the consent of the person whose name is used, to communicate with a covered official;

(e) Knowingly represent an interest adverse to the lobbyist's client without first obtaining the consent of the client after full disclosure by the lobbyist of the adverse interest;

(f) Make any form of payment to a covered official as compensation for any interest in real or personal property or the provision of services in excess of the amount of compensation that would be paid by a person who is not a lobbyist for such interest or services in the ordinary course of business;

...;

(h) Attempt to influence the vote of a covered official in connection with any pending matter by threat of a political reprisal, including without limitation the promise of financial support of, or opposition to, the covered official's candidacy at any future election;

...;

(j) Cause to be introduced, or influence the introduction of, any bill, resolution, amendment, standard, rule, or rate for the purpose of afterwards being employed to secure its passage or defeat;

...;

(m) Employ, subcontract, or pay compensation to a person for lobbying who has not registered as a lobbyist; or

(n) Engage in any other practice that discredits the practice of lobbying or the general assembly.

HB17-1279 AND HB19-1050

The Division does not have reasonable grounds to believe that Respondent lobbied as a professional lobbyist on either HB17-1279 or HB19-1050.⁹³ HB17-1279, which passed, implemented procedures that a community association is required to follow before filing certain types of construction defect lawsuits against a builder or developer.⁹⁴ HB19-1050, which also passed, requires xeriscaping in certain common areas in community associations and in property management and other special districts that have parks or open spaces.⁹⁵

To violate the registration requirement under Colorado lobbying laws, a person must meet the definition of a professional lobbyist under sec. 24-6-301(6), C.R.S. To fall within the definition of a professional lobbyist, a person must lobby as defined in sec. 24-6-301(3.5), C.R.S., *and* be compensated for doing so.⁹⁶

Sec. 24-6-301(6), C.R.S., in relevant part 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*. ‘Professional lobbyist’ does not include any volunteer lobbyist

(Emphasis supplied). The compensation must come from a client, another professional lobbyist, or a lobbying firm.⁹⁷ Therefore, Respondent did not violate Colorado’s requirement that professional lobbyists register with the Secretary unless Respondent was compensated from certain sources for lobbying when she conducted the legislative activities alleged in the Complaint.

⁹³ The standard the Division is required to use to determine whether it must file a motion to dismiss is whether the Division has reasonable grounds to believe a violation of Colorado lobbying laws has occurred. 8 CCR 1505-8, Rule 5.5.3. See Footnote 1 on page 1 of this Motion.

⁹⁴ [Colorado General Assembly's HB17-1279 Bill Summary](#).

⁹⁵ [Colorado General Assembly's HB19-1050 Bill Summary](#).

⁹⁶ Sec. 24-6-301(6), C.R.S.

⁹⁷ 8 CCR 1505-8, 7.1.

During the 2017 and 2019 regular sessions of the General Assembly, Respondent was a salaried employee of the law firm.⁹⁸ The law firm paid her no additional compensation for her legislative activities on behalf of CAI, whether in the form of bonuses, shares of profit, or otherwise.⁹⁹

Instead, Respondent volunteered the time she spent on behalf of CAI.¹⁰⁰ During a span of time that included the 2019 regular session, Respondent volunteered her time serving as the Public Policy Committee Chair of CAI's legislative action committee for Colorado.¹⁰¹ She received no compensation for her legislative activities on behalf of CAI, including those activities alleged in the Complaint.¹⁰²

CAI did compensate a professional lobbyist, Antoinette Salazar, to advance its legislative agenda before the General Assembly for the 2017 and 2019 regular sessions.¹⁰³ As is routinely the case in the legislative process, Respondent, as the stakeholder's representative, worked closely with CAI's lobbyist Salazar on both HB17-1279 and HB19-1050.¹⁰⁴ That the stakeholder's representative worked alongside CAI's professional lobbyist however did not transform Respondent into a professional lobbyist.

Because her time on behalf of CAI was voluntary and Respondent received no compensation for her legislative activities regarding HB17-1279 and HB19-1050, Respondent did not meet the definition of a professional lobbyist. Consequently, Respondent had no responsibility to register as a professional lobbyist.¹⁰⁵ The Division does not have reasonable grounds to believe that Respondent violated sec. 24-6-303, C.R.S., by failing to register with the Secretary before she engaged in legislative activities regarding HB17-1279 or HB19-1050.

HB24-1158

The Division also does not have reasonable grounds to believe that Respondent lobbied as a professional lobbyist on HB24-1158. This bill, which did not pass, pertained to lien foreclosure

⁹⁸ Exhibit F at p. 2.

⁹⁹ Exhibit F at pp. 2-3;

¹⁰⁰ Exhibit H at pp. 5, 9-10.

¹⁰¹ Exhibit H at p. 6, 10.

¹⁰² Exhibit H at pp. 5, 9-10.

¹⁰³ Exhibit H at pp. at 2, 3, 7.

¹⁰⁴ Exhibit H at p. 7; Exhibit F at p. 11.

¹⁰⁵ In her respective responses to the Division's initial and supplemental requests for information, Respondent raised a statute of limitations defense based on sec. 16-5-401(1)(a), C.R.S., a part of Colorado's Code of Criminal Procedure (Articles 1 through 13 of Title 16). As the Complaint should be dismissed on other grounds, the Division does not address the limitations issue.

actions by homeowners associations to satisfy outstanding association fees due from property owners.¹⁰⁶

As a preliminary note, it is a much closer question as to whether Respondent was compensated for her legislative activities regarding HB24-1158. By the time of the 2024 general session, Respondent was an equity partner in the law firm and was entitled to receive measurable credit toward her share of the law firm's profits when she engaged in legislative activities on behalf of CAI and its legislative action committee.¹⁰⁷ Respondent has denied however that she receives credit for legislative activities she performed in 2024.¹⁰⁸

As noted above, a person is not required to register as a professional lobbyist unless the person *both* lobbies as defined under Colorado lobbying laws and is compensated for doing so.¹⁰⁹ Respondent's legislative activities regarding HB24-1158 did not fall within the definition of "lobbying" under sec. 24-6-301(3.5), C.R.S.

In sec. 24-6-301(3.5)(a), C.R.S., the General Assembly broadly defined lobbying. Viewed in the context of the Complaint, "lobbying" occurs anytime anyone communicates with a legislator to aid or influence that legislator on a bill at any stage of the legislative process.¹¹⁰ There are several exceptions and limitations to the definition of lobbying, two of which apply to Respondent's activities on HB24-1158.¹¹¹

Those two exceptions, applicable to anyone who is not a registered lobbyist, are found in sec. 24-6-301(3.5)(d)(III)(B), C.R.S. Specifically:

'Lobbying' excludes persons . . . [1] who limit their activities to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or [2] who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.¹¹²

During the 2024 general session, Respondent acted as the stakeholder representative on behalf of the Coalition, a different stakeholder than in 2017 and 2019.¹¹³ Respondent and another lawyer from a different law firm had formed the Coalition in 2022 to advocate before the General

¹⁰⁶ [Colorado General Assembly's HB24-1158 Bill Summary](#).

¹⁰⁷ Exhibit G at pp. 22-23. As a reminder, Respondent resigned from CAI (and CLAC) after the legislative session ended in 2019. See Footnote 37 on page 4 in Factual Findings

¹⁰⁸ Exhibit M – Respondent's Response to Division's 3rd Supplemental Request for Information.

¹⁰⁹ 24-6-301(6), C.R.S.

¹¹⁰ Sec. 24-6-301(3.5)(a), C.R.S.

¹¹¹ Sec. 24-6-301(3.5)(c)-(f), C.R.S.

¹¹² Sec. 24-6-301(3.5)(d)(III)(B), C.R.S.

¹¹³ Exhibit F at p. 11.

Assembly certain positions different than those being taken at that time by CAI through CLAC.¹¹⁴ As CAI had done in 2017 and 2019, the Coalition retained Aponte, a professional lobbyist, to represent its legislative interests during the 2024 general session, including in connection with HB24-1158.¹¹⁵

Respondent's legislative activities pertaining to HB24-1158 consisted of appearing and testifying before a House committee on February 27, 2024, and attending and participating in stakeholder meetings.¹¹⁶ Respondent's testimony before the House Transportation, Housing & Local Government Committee in February 2024 falls within the second exception of sec. 24-6-301(3.5)(d)(III)(B), C.R.S.¹¹⁷ Respondent appeared before the Committee and gave testimony after clearly identifying the Coalition as the "interest for whom" she was testifying.¹¹⁸

Stakeholder meetings are common in the General Assembly.¹¹⁹ Bill sponsors usually conduct a stakeholder meeting and prefer group meetings to meetings with single stakeholders for efficiency.¹²⁰ Stakeholder meetings usually are attended by the stakeholders interested in the outcome of the bill, the bill's assigned bill drafter, lobbyists, and attorneys.¹²¹

As the human face of the Coalition, Respondent attended stakeholder meetings regarding HB24-1158 with Aponté.¹²² During the meetings, Respondent "was asked to provide her perspective, as a subject matter expert, on how to frame the bill and make it functional."¹²³ Logically, the bill's sponsor or its assigned bill drafter is who want input during a stakeholders meeting from those in attendance how have some special expertise in relationship to the bill's subject matter.

Respondent's communications during the stakeholder meetings also fall within the second exception of sec. 24-6-301(3.5)(d)(III)(B), C.R.S. The bill sponsors requested that Respondent provide information on how to frame the bill and make it functional.¹²⁴ Attending with her

¹¹⁴ Exhibit G at p. 18.

¹¹⁵ Exhibit H at p. 11.

¹¹⁶ Exhibit F at p. 11.

¹¹⁷ The first exception in sec. 24-6-301(3.5)(d)(III)(B), C.R.S., does not apply because Respondent's legislative activities on HB24-1158 were not limited to her appearance to testify before the Committee,

¹¹⁸ [HB24-1158 House Committee Hearing Summary](#).

¹¹⁹ As referenced in an earlier footnote, the Division spoke with OLLS about stakeholder meetings in the General Assembly.

¹²⁰ See Footnote 119.

¹²¹ See Footnote 119.

¹²² Exhibit F at p. 11.

¹²³ Exhibit H at p. 11.

¹²⁴ Exhibit H at p. 11.

lobbyist who had registered with the General Assembly as representing the Coalition, Respondent identified herself and the interest for whom she was providing the information.¹²⁵

All of Respondent's legislative activities pertaining to HB24-1158 were covered by one of the exceptions to the definition of "lobbying" found on sec. 24-6-301(3.5)(d)(III)(B), C.R.S. Because Respondent did not lobby covered officials regarding HB24-1158, Respondent was not required to register as a professional lobbyist before testifying before the House committee or before taking part in stakeholder meetings regarding the bill.

The Division again does not have reasonable grounds to believe that Respondent violated sec. 24-6-303, C.R.S., by failing to register with the Secretary before she engaged in legislative activities regarding HB24-1158.

ALLEGED VIOLATIONS OF SEC. 24-6-308, C.R.S.

As noted in the Summary of Allegations, Complainant made a general allegation that Respondent violated "CRS 24-6-301 through CRS 24-6-309."¹²⁶ In Complainant's response to the Division's request for clarification, Respondent clarified that his allegations under sec. 24-6-308, C.R.S., pertained specifically to sec. 24-6-308(1)(a)-(f), (h), (j), (m), and (n), C.R.S.¹²⁷

Any person who believes that a lobbyist has violated section 24-6-308(1), C.R.S., may file a complaint with the Secretary of State. Before a person can violate section 24-6-308(1), C.R.S., that person must be engaged in lobbying.¹²⁸ Section 24-6-308(1), C.R.S., begins "[n]o person engaged in lobbying shall" and then lists in subsections (a) through (n) what a person is prohibited from doing while engaged in lobbying.¹²⁹

As to the alleged facts that potentially are both plausible and relevant, the gravamen of Complainant's claim that Respondent violated sec. 24-6-308, C.R.S, is that Respondent misrepresented to covered officials on whose behalf she was lobbying.¹³⁰ According to section 24-6-308(1)(c), C.R.S, a person engaged in lobbying cannot "conceal from a covered official the

¹²⁵ That Respondent identified herself and the interest for whom she provided information are reasonable inferences from the facts, given her consistency of clearly informing each committee before whom she appeared and testified that she represented CAI in 2017 and 2019, and the Coalition in 2024.

¹²⁶ Exhibit A.

¹²⁷ Exhibit E at pp. 11-12.

¹²⁸ Sec. 24-6-308(1), C.R.S.

¹²⁹ *Id.* Although sec. 24-6-308(1), C.R.S., specifies that any person "lobbying" is subject to the prohibitions in the statute, an argument could be made that the General Assembly intended that the statute apply only to professional lobbyists. See, for example, sec. 24-6-308(1)(e), (i). The Division does not address the issue of whether the statute applies only to professional lobbyists, as the Division has uncovered no facts that establish that Respondent engaged in any of the conduct prohibited by sec. 24-6-308, C.R.S.

¹³⁰ Exhibit E at pp. 11-12

identity of the person or entity for whom the lobbyist is lobbying.” “Conceal” suggests an intent to hide. Merriam-Webster’s Dictionary defines “conceal” as when one “prevents disclosure or recognition of” or when one “places something out of sight.”¹³¹

Respondent clearly identified CAI as the “person or entity for whom” she lobbied when she testified before a House committee and a Senate committee in support of HB17-1279, and May 1, 2017, respectively.¹³² Respondent again clearly identified CAI as the interest on whose behalf she was testifying in three committee hearings in support of HB19-1050, two before House committees on January 17, 2019, and one before a Senate committee on February 12, 2019, respectfully.¹³³ Finally, Respondent clearly identified the Coalition to the one House committee she appeared and testified before in opposition to HB24-1158 on February 27, 2024.¹³⁴

Respondent consistently and clearly identified CAI in 2017 and 2019, and then the Coalition in 2024, during six committee hearings over three regular sessions of the General Assembly. A reasonable inference from these facts is that Respondent likewise identified the person or entity for whom she was lobbying when she attended stakeholder meetings and engaged in other legislative activities regarding the bills in question.

Based on the foregoing, the Division has no reasonable grounds to believe that Respondent violated sec. 24-6-308(1)(c), C.R.S. Additionally, the Division has discovered no facts in its investigation of the Complaint that gives it reasonable grounds to believe that Respondent has violated any other provision of sec. 24-6-308, C.R.S.

CONCLUSION

For the reasons stated above, the Division moves to dismiss the Complaint because the Division does not have reasonable grounds to believe that Respondent violated any provision of Colorado section 24-6-301 et. seq., C.R.S.

Dated this 22nd day of May, 2025.

/s/ James Scott

James Scott

¹³¹ [Merriam-Webster Dictionary](#).

¹³² [HB17-1279 House Committee Hearing Summary](#); [HB17-1279 Senate Committee Hearing Summary](#).

¹³³ [HB19-1050 House Committee Hearings Summary](#); [HB19-1050 Senate Committee Hearing Summary](#).

¹³⁴ [HB24-1158 House Committee Hearing Summary](#).

Campaign Finance Enforcement Analyst
Elections Division
Colorado Secretary of State

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion to Dismiss was served by electronic transmission this 22nd day of May, 2025, to:

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/s/ James Scott _____

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