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BEFORE THE  
COLORADO DEPUTY SECRETARY OF STATE

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Case No: Elec. Div'n **L2024-04**

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In the Matter of

ELECTIONS DIVISION of the SECRETARY OF STATE

Complainant,

v.

SUZANNE LEFF

Respondent.

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### **ORDER OF DISMISSAL**

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This matter comes before Andrew J. Kline, Colorado Deputy Secretary of State (“Deputy Secretary”), as the designee of the Secretary of State, upon the Election Division’s (“Division”) Motion to Dismiss the Complaint. Having reviewed and considered the Motion and the contents of the file in this matter, the Deputy Secretary grants the Motion and dismisses the complaint against Suzanne Leff in this Case No. L2024-04.

### **LOBBYIST COMPLAINT PROCEDURES**

Regulation of lobbyists is governed by Part 3 of the Colorado Sunshine Act, § 24-6-301, *et seq.*, C.R.S., and the Secretary of State’s Rules Concerning Lobbyist Regulation, 8 Code Colo. Regs. 1505-8. Under these provisions, Rule 5 sets forth the complaint process for alleged violations of lobbying regulations. Pursuant to Rule 5.3,

the Division conducts an initial review of filed complaints and determines whether to (1) dismiss the complaint if the complainant failed to identify a violation of lobbying requirements or allege sufficient facts to support the alleged violations, or (2) conduct an investigation. If the Division conducts an investigation and determines it has reasonable grounds to believe that a violation of the provisions of Part 3 of the Sunshine Act or the Secretary's Lobbyist Rules has occurred, it may initiate a hearing with a hearing officer. See Rule 5.6.1. If, on the other hand, the Division determines that it does not have reasonable grounds to believe that a violation has occurred, it must file a motion to dismiss the complaint with the Secretary or her designee. See Rule 5.5.3.

In the context of this proceeding, where the Division has conducted an investigation and has concluded that there are not reasonable grounds to believe that Respondent violated Colorado lobbying laws as alleged in the Complaint and, as a result, has filed a motion to dismiss the Complaint pursuant to Rule 5.5.3, the Secretary must make a determination on the motion to dismiss. If the Secretary grants the motion and dismisses the Complaint, the dismissal order is the final agency decision of the Secretary of State's Office, and it may be appealed by any aggrieved party under the Colorado Administrative Procedure Act, section 24-4-106, C.R.S. See Rule 5.5.3.

### **PROCEDURAL BACKGROUND AND FACTUAL FINDINGS**

On October 30, 2024, Complainant Tim Berg filed a lobbyist complaint against Respondent Suzanne Leff pursuant to section 24-6-308(2). Mot. Ex. A. Complainant alleged that Respondent was a member of the Colorado Legislative Action Committee (CLAC) for CAI (Community Associations Institute) National, and that photographs and

the legislative record demonstrated Respondent's lobbying of public officials. *Id.* at 1. Complainant attached a photograph of Respondent in which she appeared at the signing of HB19-1050, allegedly "as a lobbyist." *Id.* at 1-2. In addition, Respondent allegedly "oppos[ed] scores of bills and legislation meant to protect homeowners, reduce risks and protect the Colorado environment." *Id.* at 1. The Complaint alleged that Respondent should have but failed to register with the Secretary of State. *Id.*

The Division notified Respondent of the Complaint on October 30, 2024. Mot. Ex. B. On November 20, 2024, the Division issued a Notice of Initial Review and Investigation after determining that the Complaint had identified potential violations of Colorado lobbying laws and alleged sufficient facts to support a basis for those violations. Mot. Ex. C. Thus, the Division commenced its investigation. 8 Code Colo. Regs. 1505-8, Rule 5.3.2(b). During its investigation, the Division sought clarification of the Complaint's allegations from Complainant. Mot. Ex. E. The Division also received responses from Respondent to multiple requests for information. Mot. Exs. H, G, F, M. In addition, the Division conducted research, including but not limited to reviewing online databases for the Colorado House and the Colorado Senate. Mot. at 2.

The Division's investigation revealed the following:

Respondent is a Colorado licensed attorney at the law firm Winzenburg, Leff, Purvis & Payne, where she has been an equity partner since July 2019. Mot. Ex. G at 22. In her legal practice, she represents community associations, property managers, and real estate developers. Mot. Ex. G at 21. Respondent's law firm compensation is

not based on her legislative activities<sup>1</sup>, which are described below. See, e.g., Mot. Ex. F at 2-3; Mot. Ex. G at 20.

During the 2017 and 2019 legislative sessions, Respondent was a member of CAI and CLAC. Mot. Ex. H at 6, 10. CAI is an international organization comprised of community association board members, community managers, property management companies, and other professionals who provide products and services to community associations. [Community Associations Institute website – About CAI](#). Among other services, CAI advocates on behalf of common interest communities and industry professionals before legislatures, regulatory bodies, and the courts. *Id.*; see also Mot. Ex. H at 5. According to CAI, its Colorado Legislative Action Committee (CLAC) is its “official voice with legislators and regulators in Colorado” that “exists to speak with one voice on legislative and regulatory matters” as a partner with Colorado’s CAI chapters. [CAI Rocky Mountain Chapter website – Advocacy](#). In 2019, Respondent was the Public Policy Committee Chair for CLAC. Mot. Ex. I.

During the 2017 legislative session, CAI retained Antoinette Salazar, a professional lobbyist, to advocate for it regarding HB17-1279. Mot. Ex. H at 7. Though Respondent did not recall the details, Respondent and Ms. Salazar attended

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<sup>1</sup> Although service regarding CAI and CLAC are recognized by her law firm as among the options for required leadership activities for partners, Respondent had ended her affiliation with CAI/CLAC by the time the terms applied to her, meaning her compensation was not related to those affiliations. Mot. Ex. G at 22-23; see also Mot. Ex. M.

stakeholder meetings<sup>2</sup> together for the bill and Respondent testified before one or more committees. *Id.* at 7-8. The Division determined that Respondent testified before the House State, Veterans & Military Affairs Committee and before the Senate Committee on Business, Labor, & Technology. [HB17-1279 House Committee Hearing Summary](#) & [HB17-1279 Senate Committee Hearing Summary](#). Both times, Respondent identified herself by name and indicated that she was appearing on behalf of CAI. *Id.*

With respect to HB19-1050, Respondent was again a client of Ms. Salazar, the professional lobbyist for CAI. Mot. Ex. H at 3. Respondent emailed regarding proposed language for the bill with bill sponsor Representative Briana Titone and the bill's drafter, legislative staff attorney Duane Gall. Mot. Ex. H at 3. Ms. Salazar was not included in these communications. See Mot. Ex. J. Respondent appeared before two committees to provide testimony in support of the bill, the House Committee on Energy & Environment and the Senate Committee on Local Government. See *also* Mot. Ex. H at 3. Respondent identified herself by name and indicated that she was appearing on behalf of CAI. [HB19-1050 House Committee Hearing Summary](#); [HB19-1050 Senate Committee Hearing Summary](#).

For the 2024 legislative cycle,<sup>3</sup> Respondent contracted with Ruth Aponté as a professional lobbyist for her law firm, using the trade name Coalition for Responsible

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<sup>2</sup> In its investigation, the Division spoke with the General Assembly's Office of Legislative Legal Services (OLLS) to obtain background information and context. According to OLLS, meetings between bill sponsors, lobbyists, and stakeholder representatives are common. Mot. at 5. Usually an OLLS attorney is appointed to draft legislation, but sometimes that responsibility is assigned to, or shared with, a stakeholder. *Id.*

<sup>3</sup> Complainant alleged that Respondent was quoted as opposing HB24-1137, without providing additional detail. Mot. Ex. E at 5-6. Respondent denied that she worked on HB24-1137. Mot. Ex. H at 10.

Associations. Mot. Ex. L. Ms. Aponté was engaged to “actively lobby” on HB24-1158, among other duties. Mot. Ex. L. Respondent attended stakeholder meetings on the bill, during which Respondent provided her subject matter expertise. Mot. Ex. H at 11. Respondent recalled that she testified in opposition to the bill on two occasions. *Id.* The Division determined that when she appeared before the House Committee on Transportation, Housing & Local Government on February 27, 2024, she identified herself by name and indicated that she was representing the Colorado Coalition for Responsible Associations. [HB24-1158 House Committee Hearing Summary](#).

Respondent incorporated Frieda People, Inc. in June 2019 and is the corporation’s president. [Business Entity Summary for Frieda People, Inc.](#); Mot. Ex. H at 13. She is also its sole member and shareholder. Mot. Ex. G at 17. Respondent is paid by her law firm through her corporation.<sup>4</sup> Mot. Ex. G at 24. In August 2022, she filed paperwork with the Secretary of State designating Colorado Coalition for Responsible Associations (Coalition) as a trade name for Frieda People, Inc. Mot. Ex. K. According to Respondent, her law firm and another law firm used the Coalition to retain a professional lobbyist in 2024; the “trade name provides a name for the professional lobbyist to use while lobbying on behalf of the parties who are paying the professional lobbyist.” Mot. Ex. G at 18-19.

Respondent attested that she has never been compensated for her legislative activities on any house bills, including those specifically identified by Complainant

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<sup>4</sup> Respondent describes the corporation as a partner in her law firm. Mot. Ex. F at 17. While Respondent is identified by name in the law firm website, there is no mention of Frieda People, Inc. See [Colo. Homeowners Association Law – About](#).

(HB17-1279, HB19-1050, HB24-1137, HB24-1158). Mot. Ex. G at 20, 23; *see also* Mot. Ex. H at 2, 5, 7, 9, 10, 12, 13; Mot. Ex. M. Moreover, Respondent was “always” represented by a professional lobbyist with respect to her “volunteer legislative activities.” Mot. Ex. H at 7.

Based on the Division’s review of the Complaint and the information received through the investigation process, the Division now moves to dismiss the Complaint on the grounds that it does not have reasonable grounds to believe that there has been a violation of Colorado lobbying law.<sup>5</sup> 8 Code Colo. Regs. 1505-8, Rule 5.5.3. For the reasons stated below, the Deputy Secretary agrees with the Division’s conclusions and grants the Division’s Motion to Dismiss.

### **ANALYSIS**

Under Colorado law, “lobbying” means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing certain legislative or rule-making activity, including the introduction, drafting, or amendment of any bill. § 24-6-301(3.5). “Covered officials” includes members of the Colorado General Assembly and also members of legislative council staff. § 24-6-301(1.7). However, section 24-6-301 excludes certain activities from what is considered “lobbying” where witness testimony is concerned. § 24-6-301(3.5)(d)(III). As relevant here, “lobbying excludes persons who are not otherwise registered as lobbyists and

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<sup>5</sup> Upon receipt of the Division’s Motion to Dismiss, Complainant submitted a response. As further submissions to the Division are not contemplated by the lobbyist complaint process outlined by the Secretary’s Rules, it has not been considered. See 8 Code Colo. Regs. 1505-8, Rule 5 (Complaints and Enforcement).

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 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.” § 24-6-301(3.5)(d)(III)(B).

A professional lobbyist is a person who is “compensated by a client or another professional lobbyist for lobbying.” § 24-6-301(6). A “client” is a person who employs or retains the professional services of one or more lobbyists to undertake lobbying on the client’s behalf. § 24-6-301(1). Professional lobbyists are required to register and file periodic disclosure statements identifying their lobbying income and expenditures. § 24-6-303. In contrast, volunteer lobbyists are not required to register with the Secretary of State. § 24-6-303(6); see *also* 8 Code Colo. Regs. 1505-8, Rule 2.2.1(a). A volunteer lobbyist is an individual who engages in lobbying and whose only receipt of money or other thing of value consists of reimbursement for actual and reasonable expenses. § 24-6-301(7).

In addition to registration requirements, persons engaged in lobbying are prohibited from certain practices. § 24-6-308. As examples of such prohibited practices, no person engaged in lobbying shall conceal from a covered official the identity of the person or entity for whom the lobbyist is lobbying, or knowingly use a fictitious name to communicate with a covered official, or engage in any other practice that discredits the practice of lobbying or the general assembly. See § 24-6-308(1)(c), (d), (n).



Based on the Division's investigation, the Deputy Secretary agrees that Respondent has not violated Colorado law regarding lobbyists. First, while Respondent has admitted engaging in volunteer legislative activity that fits the definition of lobbying, she has stated repeatedly and upon penalty of perjury that she has never been compensated for such activity. There is no evidence that Respondent ever received payment from CAI or the Coalition, or that her legislative activities factored into her law firm compensation. Here, where there are not reasonable grounds to believe Respondent received compensation for lobbying from a client, Respondent is not a professional lobbyist and therefore is not required to register with the Secretary's office.<sup>6</sup> In contrast, the two professional lobbyists for whom Respondent was a client did register, as required by law. See generally [Online Lobbyist System Search Page](#).

Second, some of Respondent's volunteer legislative activities are expressly excluded from the definition of lobbying, namely her appearances in order to give testimony or provide information to legislators. There is no impropriety in Respondent appearing before legislative committees, so long as she properly identified herself and her interests. Based on the Division's investigation, that appears to be the case.

Lastly, even if certain of Respondent's legislative activities did constitute volunteer lobbying—namely, her involvement with covered officials in stakeholder meetings or communications to influence legislation that did not constitute appearances to testify or provide information upon request—there are no reasonable grounds to find

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<sup>6</sup> Volunteer lobbyists must register with the Colorado General Assembly, but whether Respondent did so is beyond the Secretary's jurisdiction. According to Respondent, on at least one occasion, she was advised by individuals familiar with such matters that she did not need to register. Mot. Ex. H at 4.

a violation of the provisions of section 24-6-308. Complainant's concern primarily related to the blurred lines between Respondent, her law firm, "Frieda People", and the Coalition, which implicate in particular section 24-6-308(c) (concealing the identity of the person for whom the lobbyist is lobbying) or section 24-6-308(d) (knowingly using a fictitious name).

The investigation shows that in her dealings with the General Assembly, Respondent accurately identified herself as an individual, as well as the interests on whose behalf she appeared. The business entity and trade name she created are properly documented with the Secretary of State, and the Division's investigation does not demonstrate that the entity names used by Respondent are false, that they were used with the intent to deceive, or that any legislators or legislative staff were confused. While Respondent's nomenclature perhaps could have been more straightforward, the Deputy Secretary discerns no violation of Colorado law. See § 24-6-301(1) (where a lobbyist's client is an organization or entity, it is not required to provide the names of its shareholders, business partners, members, or supporters, among others).

## CONCLUSION

Because there are not reasonable grounds to believe that Respondent violated Colorado lobbying laws, the Deputy Secretary, as designee of the Secretary of State, grants the Division's Motion to Dismiss the Complaint. This determination constitutes final agency action on Case No. L2024-04 subject to judicial review under section 24-4-106.

IT IS SO ORDERED.

**DONE** and **ORDERED** this 24 day of June 2025.



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**ANDREW J. KLINE**  
Deputy Secretary of State

## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this **ORDER OF DISMISSAL** was served on the following parties via electronic mail on June 24, 2025:

**Complainant –**

Tim Berg  
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**Respondent–**

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Deputy Secretary of State