

MARK BENDERATTORNEY AT LAW

October 28, 2008

Honorable Mike Coffman
Colorado Secretary of State
1700 Broadway, Suite 200
Denver, CO 80202

RE: Complaint Against Denver Firefighters Small Donor Fund

Dear Secretary of State Coffman:

This office represents the proponents of Amendment 54, Clean Government Colorado, a Colorado issue committee, and its Chairman, registered elector, Tom Lucero. Amendment 54 has been set by your office as a matter of law to be on the November, 2008 ballot. We have recently received information that a small donor committee opposing Amendment 54, Denver Firefighters Small Donor Fund (DFSDF), has paid for advertising but has failed to file with your office, a copy of DFSDF's contribution and expenditures as required by law (Colorado Constitution Article 28, Section 7 and C.R.S. 1-45-108). Please consider this letter a formal complaint against DFSDF and any individual whose behavior has contributed to its failure to file the required financial disclosures.

1. DFSDF is a small donor committee whose registered agent is Aaron Jonke, 2342 Broadway, Denver, Colorado, 80205; telephone (303) 298-7850.
2. For the better part of six months, DFSDF has had \$136 in its reported account. For the numerous reporting periods at issue, DFSDF has listed no contributions or expenditures (see attached SOS Reports and Adjustments). However, anti-Amendment 54 election signs are being printed and appearing that say, "Paid for by DFSDF."
3. DFSDF lists zero expenditures and zero contributions in its financial reports required by § 1-45-108 and Colorado Constitution Article 28 (see attached SOS Cumulative Financial Data). DFSDF has failed to disclose where the money came from to pay for its electioneering signs. If the signs already existed, then there should have been corresponding entries on DFSDF's financial disclosures. Under C.R.S. § 1-45-108, expenditures are to be reported when incurred.
4. DFSDF has had numerous letters of delinquency sent by the Secretary of State's office for failure to timely file financial disclosures. None have resulted in administrative action, but DFSDF's failure to abide by the financial disclosure rules

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are a matter of public record. It also indicates an attempt to blatantly disregard the law regarding disclosure of contributions and expenses.

5. Due to the proximity of the election, this matter should be heard and decided as soon as possible. It is contrary to law and general principles of fairness to allow DFSDF to ignore laws on financial disclosure, which may allow false claims to cast a shadow over the true provisions of Amendment 54.

Therefore, Clean Government Colorado and its Chairman, Tom Lucero, seek an order from the Secretary of State requiring DFSDF to immediately publish and file a list of all contributions and expenditures made in opposition to Amendment 54. Furthermore, we ask that DFSDF be fined to the fullest extent of law and be required to pay all costs and attorneys' fees Clean Government Colorado and its Chairman, Tom Lucero, incur in the prosecution of this complaint.

Because of the limited time available before the election scheduled in November, 2008, and the procedural delay which may be incurred, Clean Government Colorado and its Chairman, Tom Lucero, hereby additionally move the Secretary of State, or an A.I.J. acting for the Secretary of State, to order a shortened 3-day response time to this complaint and hold an immediate hearing on the matter.

Very truly yours,



Mark Bender



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Committee Name: DENVER FIRE FIGHTERS SMALL DONOR FUND
SOS ID: 20045663064
Type: SMALL DONOR COMMITTEE

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2.	REPORT	10/08/2008	10/14/2008	10/14/2008	10/07/2008	\$136.31	\$136.31	0
3.	REPORT	09/24/2008	09/29/2008	09/29/2008	09/29/2008	\$136.31	\$136.31	0
4.	REPORT	09/10/2008	09/15/2008	09/15/2008	09/12/2008	\$136.31	\$136.31	0
5.	REPORT	08/27/2008	09/02/2008	09/02/2008	08/26/2008	\$136.31	\$136.31	0
6.	REPORT	07/30/2008	08/04/2008	08/04/2008	07/23/2008	\$136.31	\$136.31	0
7.	REPORT	07/16/2008	07/21/2008	07/21/2008	07/23/2008	\$136.31	\$136.31	0
8.	REPORT	07/02/2008	07/07/2008	07/07/2008	07/09/2008	\$136.31	\$136.31	0
9.	REPORT	05/26/2008	05/02/2008	06/02/2008	05/28/2008	\$136.31	\$136.31	0
10.	REPORT	04/25/2008	05/01/2008	05/01/2008	04/27/2008	\$136.31	\$136.31	0
11.	REPORT	12/31/2007	01/15/2008	01/15/2008	01/02/2008	\$636.31	\$136.31	0
12.	REPORT	09/30/2007	10/15/2007	10/15/2007	10/15/2007	\$636.31	\$636.31	0
13.	REPORT	06/30/2007	07/16/2007	07/16/2007	07/05/2007	\$636.31	\$636.31	0
14.	REPORT	03/31/2007	04/16/2007	04/16/2007	04/04/2007	\$636.31	\$636.31	0
15.	REPORT	11/30/2006	12/07/2006	12/09/2006	12/07/2006	\$636.31	\$636.31	0
16.	REPORT	10/25/2006	10/30/2006	11/01/2006	10/28/2006	\$636.31	\$636.31	0
17.	REPORT	10/11/2006	10/16/2006	10/18/2006	10/16/2006	\$636.31	\$636.31	0
18.	REPORT	09/27/2006	10/02/2006	10/04/2006	09/29/2006	\$636.31	\$636.31	0
19.	REPORT	09/13/2006	09/18/2006	09/20/2006	09/16/2006	\$636.31	\$636.31	0
20.	REPORT	08/30/2006	09/05/2006	09/09/2006	09/05/2006	\$636.31	\$636.31	0

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Committee Name: DENVER FIRE FIGHTERS SMALL DONOR FUND
SOS ID: 20045653064
Type: SMALL DONOR COMMITTEE

	Year to Date:
Itemized Contributions:	\$0.00
Non-Itemized Contributions:	\$0.00
Loans Received:	\$0.00
Other Receipts:	\$0.00
Expenditures:	
Itemized Expenditures:	\$0.00
Non-Itemized Expenditures:	\$0.00
Loan Repayment:	\$0.00
Return of Received Contributions:	\$0.00
Non-Monetary Contributions:	
Itemized:	\$0.00
Non-Itemized:	\$0.00

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