

STATE OF COLORADO
Department of State

1700 Broadway
Suite 270
Denver, CO 80290



Bernie Buescher
Secretary of State

J. Wayne Munster
Acting Director, Elections Division

July 16, 2009

POMMER, JACK COMMITTEE TO ELECT
DAVID KIRK
420 HIGHLAND
BOULDER, CO 80302

20095610963 C
SECRETARY OF STATE
07/17/2009 03:57:31

Dear Agent:

A review of our records indicates that you **have not** filed your Report of Contributions and Expenditures as required by C.R.S. 1-45-108(2), due in this office on **Wednesday, July 15, 2009**.

Fines for late reporting are assessed pursuant to Article XXVIII, Section 10(2)(a) of the Colorado Constitution, which states:

"The appropriate officer shall impose a penalty of fifty dollars per day for each day that a statement or other information required to be filed pursuant to section 5, section 6, or section 7 of this article, or sections 1-45-108, 1-45-109 or 1-45-110, C.R.S., or any successor sections, is not filed by the close of business on the day due."

You are hereby notified that a fine of **\$50 per day** commenced on **July 16, 2009 and will continue to accrue** until the report is filed. Reports may be filed by mail, fax, and personal delivery or electronically through our website at www.sos.state.co.us. An original must follow reports filed by fax within 7 days. [1-45-109(2) C.R.S.] Once a penalty has been imposed you may appeal the imposed penalty pursuant to the Colorado Constitution Article XXVIII, Section 10. (Copy enclosed) **Requests for reduction or waiver of imposed penalties that are received more than 30 days after the date of the imposed penalty notification will not be considered.**

For your reference, the filing calendar, electronic filing instructions, pertinent laws and rules and other related information can be found on our website at www.sos.state.co.us. If this letter was sent in error, please contact a campaign and political finance member at 303-894-2200 ext. 6383.

Sincerely,

Marc Walegur
Elections Division

Enc. (1)

Main Number
TDD
Fax

(303) 894-2200
(303) 869-4867
(303) 869-4861

Web Site
E-mail – Elections

www.sos.state.co.us
sos.elections@sos.state.co.us

Article XXVIII

Section 10. Sanctions. (1) Any person who violates any provision of this Article relating to contribution or voluntary spending limits shall be subject to a civil penalty of at least double and up to five times the amount contributed, received, or spent in violation of the applicable provision of this Article. Candidates shall be personally liable for penalties imposed upon the candidate's committee.

(2) (a) The appropriate officer shall impose a penalty of fifty dollars per day for each day that a statement or other information required to be filed pursuant to section 5, section 6, or section 7 of this Article, or sections 1-45-108, 1-45-109 or 1-45-110, C.R.S., or any successor sections, is not filed by the close of business on the day due. Upon imposition of a penalty pursuant to this subsection (2), the appropriate officer shall send the person upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the secretary of state, the secretary of state shall also provide such notification by electronic mail. Revenues collected from fees and penalties assessed by the secretary of state or revenues collected in the form of payment of the secretary of state's attorney fees and costs pursuant to this Article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S., or any successor section.

(b) (i) Any person required to file a report with the secretary of state and upon whom a penalty has been imposed pursuant to this subsection (2) may appeal such penalty by filing a written appeal with the secretary of state no later than thirty days after the date on which notification of the imposition of the penalty was mailed to such person's last known address in accordance with paragraph (a) of this subsection (2). Except as provided in paragraph (c) of this subsection (2), the secretary shall refer the appeal to an administrative law judge. Any hearing conducted by an administrative law judge pursuant to this subsection (2) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S., or any successor section. The administrative law judge shall set aside or reduce the penalty upon a showing of good cause, and the person filing the appeal shall bear the burden of proof. The decision of the administrative law judge shall be final and subject to review by the court of appeals pursuant to section 24-4-106 (11), C.R.S., or any successor section.

(ii) If the administrative law judge finds that the filing of an appeal brought pursuant to subparagraph (i) of this paragraph (b) was frivolous, groundless, or vexatious, the administrative law judge shall order the person filing the appeal to pay reasonable attorney fees and costs of the secretary of state in connection with such proceeding.

(c) Upon receipt by the secretary of state of an appeal pursuant to paragraph (b) of this subsection (2), the secretary shall set aside or reduce the penalty upon a showing of good cause.

(d) Any unpaid debt owing to the state resulting from a penalty imposed pursuant to this subsection (2) shall be collected by the state in accordance with the requirements of section 24-30-202.4, C.R.S., or any successor section.

(3) Failure to comply with the provisions of this article shall have no effect on the validity of any election.

Marc Walegur

From: Marc Walegur
Sent: Thursday, July 16, 2009 1:16 PM
To: 'REPPOMMER@COLORADOHOUSE.ORG'
Subject: Delinquent Notice for July 15th Report of Contributions and Expenditures

Please be advised: Our office will be sending this letter via US Mail in the afternoon of Thursday July 16, 2009. If you have any questions, please feel free to call or e-mail at the number provided.

Marc Walegur
Administrative Assistant
Campaign Finance
Secretary of State
303-894-2200 x6383

Beginning **October 1, 2007** committees who file campaign finance disclosure reports with the Secretary of State's office are required to file disclosure reports containing 30 entries or more using the electronic filing system. For more information [click here](#).

July 16, 2009

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