

DISTRICT COURT CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street, Room 256 Denver, CO 80202 Phone: (303) 606-2300	DATE FILED: November 8, 2023 6:54 PM FILING ID: 8536A770FE675 CASE NUMBER: 2023CV33300
TINA PETERS Plaintiff, v. COLORADO DEPARTMENT OF LAW, JENA GRISWOLD, in her official capacity as the Colorado Secretary of State, and the COLORADO ELECTIONS DIVISION OF THE COLORADO SECRETARY OF STATE, Defendants.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Plaintiff:</i> Scott E. Gessler (28944), sgessler@gesslerblue.com Geoffrey N. Blue (32684), gblue@gesslerblue.com Gessler Blue LLC 7350 E. Progress Place, Suite 100 Greenwood Village, CO 80111 Tel. (303) 906-1050 or (720) 839-6637	Case Number: Division:
<p style="text-align: center;">COMPLAINT FOR JUDICIAL REVIEW PURSUANT TO § 24-4-106, C.R.S. AND REQUEST FOR STAY AND DESIGNATION OF RECORD</p>	

Plaintiff, Tina Peters (“Peters”), by and through her counsel Gessler Blue, LLC, requests this Court to commence an action for judicial review issued by the Office of Administrative Courts on October 4, 2023, pursuant to § 24-4-106, C.R.S. Peters presently resides in Mesa County Colorado and this Complaint has been timely filed as it is within 35 days after the agency action became effective.

A. The following facts show how Ms. Peters has been adversely affected or aggrieved:

1. The Secretary of State received two citizen complaints that Ms. Peters received gifts in violation of the gift ban in Colo. Const. art. XXIX. Neither complaint complied with the obligations under CRS § 1-45-111.7 to give clear notice to Ms. Peters about the alleged campaign finance violation as neither one mentioned anything about campaign finance but focused solely on the gift ban.
2. The Secretary investigated the complaints and brought a campaign finance violation complaint and not a gift ban violation complaint against Ms. Peters.
3. Ms. Peters was not a candidate for office until she announced on January 13, 2022, her candidacy for reelection to be the Mesa County Clerk and Recorder.
4. Ms. Peters did not solicit, nor receive, any contributions before she registered her candidacy on January 13, 2022.
5. Ms. Peters did not expend any money in support of her candidacy until after she registered her candidacy on January 13, 2022.
6. The Administrative Law Judge (“Judge”) entered judgment against Ms. Peters and fined her \$15,400.
7. Ms. Peters incorporates Exhibit 1, which is her closing statement, labeled Respondent’s Post-Hearing Statement, herein as further statement of the facts showing how she has been adversely affected or aggrieved by the Judge’s order below.

B. The reasons entitling Ms. Peters to relief are as follows:

1. The Judge did not have jurisdiction to hear this matter because the complainants’ alleged violations of the gift ban and the Secretary of State brought a campaign finance violation complaint. Under C.R.S. § 1-45-111.7, the Secretary may only bring a campaign finance violation complaint based on a complaint filed with her office, may not initiate a campaign finance investigation and complaint on her

own accord, and she is limited to the allegations contained in any complaint she receives.

2. Ms. Peters announced her candidacy for Mesa County Clerk and Recorder on January 13, 2022, and, two weeks later declared her candidacy for Secretary of State. Once she announced her candidacy, it is undisputed that Ms. Peters met all the legal obligations that applied to her candidacy.
3. However, the Judge improperly found that Ms. Peters was a candidate and soliciting contributions in September 2021 and was therefore required to register her candidate committee, file an affidavit, and report her contributions and expenditures beginning in September 2021, and, therefore, failed to meet her legal obligations from September 2021 through December 2021.
4. The Judge improperly found that Ms. Peters solicited campaign contributions and made expenditures in 2021 in support of her campaign and failed to report them.
5. The Judge improperly found that Ms. Peters became aware of her obligation to file a candidate affidavit within ten days of that notice on August 30, 2023, and she did not do so until January 16, 2022, meaning she was allegedly in violation of this obligation for 129 days. The Court further found, improperly, that Ms. Peters did not cure this purported violation.
6. Ms. Peters incorporates Exhibit 1 herein as further statement of the reasons entitling her to relief.

C. The relief that Ms. Peters request is as follows:

Reversal of the order below and dismissal of the Complaint against her.

Ms. Peters requests an immediate stay of the agency action on the grounds that said action has caused irreparable injury as follows: **(Please identify each issue separately and if you need more space than is provided, attach additional pages to the form.)**

Enforcement of the underlying fine is unfair. The judge made a clear error in this case in several ways as set forth above and in the attached exhibit. Requiring Ms. Peters to pay the fine pending the outcome of the appeal would be unfair and would cause her irreparable injury.

Ms. Peters designate the following documents as relevant parts of such record, pursuant to § 24-4-106(6), C.R.S.:

1. The original or certified copies of all pleadings, applications, evidence, exhibits, and other papers presented to or considered by the agency.
2. Complete transcripts of the hearings held on November 15, 2022, and January 5, 2023, by the agency identified in this action.
3. The written order dated October 4, 2023, issued by the agency identified in this action. (Ex. 2, Order).

Ms. Peters hereby requests that this Court find that the hearing officer's decision be reversed.

Respectfully submitted this 8th day of November 2023,

GESSLER BLUE LLC

s/ Scott E. Gessler
Scott E. Gessler