

Independent Ethics Commission – Formal Complaint Form

Before the Independent Ethics Commission
of the State of Colorado

For Commission Use Only

Received date: _____

Case. No.: _____

The Complainant is: _____
(name)

Mailing Address: _____

Daytime telephone number: _____

Email address: _____

The Respondent is: _____
(name)

Mailing Address: _____

Daytime telephone number: _____

Email address: _____

When did the alleged violation occur: _____

Describe the specific acts or things complained of, with facts that provide a full understanding of the alleged violation(s). If possible, cite the specific ethical standards alleged to have been violated and describe how the violation(s) occurred. Use additional pages if necessary. Attach any documentary evidence you wish to submit.

Description of acts or things complained of (continued):

Advisement regarding remedies and penalties: Pursuant to Colo. Const. art. XXIX, § 6, a covered individual found to have breached the public trust for private gain is liable for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law. The Commission does not assess criminal penalties, award injunctive relief, or award damages to complainants.

I hereby acknowledge that the facts presented herein are true to the best of my knowledge, and I will cooperate in the process regarding this complaint and will appear at any proceeding of the Independent Ethics Commission if the complaint is scheduled for a hearing.

Signature: _____

Attorney (if applicable): _____

Dated at _____ (City), Colorado, this _____ day of _____, 20____.

Created by Article XXIX of the Colorado Constitution, the Independent Ethics Commission may review and hold hearings on matters falling within its jurisdiction as outlined in Article XXIX.

Overview

1. Legislators sometimes form self-governing “caucuses” among those with common interests — which can support their work, and advance transparency by disclosing their goals and alliances. That is not the nature of the “Colorado Opportunity Caucus,” an organization secretly created, staffed, and bankrolled by an outside interest group, One Main Street Colorado — as a plan to funnel even more resources to legislators it already backed with heavy donations and even heavier independent spending. But the hidden relationship went beyond One Main Street’s depth of financial backing and breadth of undisclosed staffing, from ghost-writing to Caucus organization to event planning.

2. In summer 2025, One Main Street organized a closed-door “Summit” for business advocates to “educate” Opportunity Caucus members on issues important to business interests. But at the “Luxury Resort Hotel” One Main Street chose, legislators couldn’t pay the \$25,000 cost of their rooms — so they asked One Main Street to pay that bill. One Main Street paid for legislators’ rooms as asked, and also appears to have funded other expenses of the legislators’ Summit, which required staff effort, and food and drink funds. In short, OMSC wielded undisclosed influence over a large number of Colorado legislators by paying significant costs of the event, including their individual travel expenses.

3. Private payment of legislator expenses, especially by an interest group openly aiming to influence policy, is exactly what Colorado voters, by a 25-point margin, illegalized decades ago in Colorado’s “gift” ban: “No ... member of the general assembly ... shall solicit, accept or receive any gift or other thing of value.” This gift ban requires legislators to walk a critical line:

- *Contributions* to legislators are legal, but with important size and disclosure rules — which the undisclosed payments never complied with.
- *Gifts* to legislators are illegal — like purchasing hotel rooms and other resort gifts worth several hundred to over one thousand dollars per legislator.

4. Because these purchases violate the gift ban, and its principle of avoiding undisclosed influence, they warrant investigation of the extent of the violations, and the imposition of all remedies appropriate to redress and deter such violations, as detailed below.

The Relationship Between One Main Street Colorado and the Colorado Opportunity Caucus¹

5. One Main Street Colorado (“OMSC”) is a non-profit corporation created in 2022 with a goal of “making Colorado the small business capital of the country,”² largely by supporting more moderate candidates in Democratic primary elections. As OMSC explained in a June 2024 post celebrating that “our endorsed candidates won 10/11 races” in state legislative primaries, it aims to “embrace those who share our vision” and oppose “extremists” whose “purity tests isolate Dem voters.”³

¹ The only actual parties to this Complaint are the Complainant and Respondent named above; any other persons and entities named are included solely to explain relevant background and events.

² OMSC, Registration Statement for Colorado Charitable Organization (May 18, 2022) (www.coloradosos.gov/ccsa/ViewReports.do?evEntityType=CO&celd=301076&evId=301076&evAcctId=20223013840).

³ OMSC post on X (June 26, 2024) (at x.com/OneMainStCO/status/1806069384911147186; screenshot at [drive.google.com/file/d/1uyptdS4hxeUZNQUoTXtBkMtyjkG4mNLW](https://drive.google.com/file/d/1uyptdS4hxeUZNQUoTXtBkMtyjkG4mNLW/view)). See also OMSC, “Donate” page (OMSC will “use your donations” to “help candidates” with “pragmatic” policies) (www.onemainstreetcolorado.org/donate).

Public records document almost \$1.4 million in political spending by One Main Street entities in roughly the first half of 2024 alone⁴ — from donors OMSC declines to disclose, claiming a need to protect against opposing “groups like the Democratic Socialists of America and the Working Families Party.”⁵ But key for-profit donors are documented by, for example, “public records ... [of] donations from Xcel Energy and the Apartment Association of Metro Denver” — and with that money, OMSC “cuts checks ... to a political committee that bears its name,”⁶ One Main Street IEC (“OMS IEC”) — which lists OMSC as its “Parent Corporation,” has the same purpose (“To support state legislative candidates who support local businesses”⁷), and receives most OMSC funds (\$735,000 in 2024, per state TRACER records).

6. Shortly after the above-listed June 2024 primary victories, numerous state legislators formed the “Colorado Opportunity Caucus.” One Main Street, directly or through the entities it funded, had spent “nearly \$800,000 in largely untraceable funds to back several Opportunity Caucus members”⁸ — at least tens of thousands, and sometimes over \$100,000, per member,⁹ with especially significant funding for just one, “state Rep. Lindsey Daugherty’s campaign for the Senate.”¹⁰

7. From early through mid-2025, various legislators joined the Opportunity Caucus. The founding Chair of the Caucus was Representative Shannon Bird, and the founding Vice-Chair was Senator Lindsey Daugherty — roles they continued to hold through all Caucus-related events and matters described in this Complaint.

⁴ Colo. Secretary of State, TRACER (search for “One Main Street Colorado” at tracer.sos.colorado.gov/PublicSite/SearchPages/ContributionSearch.aspx).

⁵ Sandra Fish & Jesse Paul, “Nearly \$6 million was spent on Colorado’s legislative primaries. Here’s how it affected the outcome,” *Colo. Sun* (July 5, 2024) (coloradosun.com/2024/07/05/super-pacs-colorado-legislative-primaries).

⁶ Seth Klamann & Nick Coltrain, “Deep pockets fuel primary election fight for Colorado Democratic Party’s future,” *Denver Post* (June 23, 2024) (www.denverpost.com/2024/06/23/colorado-primaries-dark-money-spending).

OMSC spends almost all its funds on “Political campaign activity” and “Grants and other assistance to domestic organizations” (e.g., related political entities like OMS Denver, OMS Aurora, etc.). OMSC, IRS Form 990 (return of tax-exempt entity) (Nov. 14, 2024) (drive.google.com/file/d/1-ZIBuDI4xkHnW7dCYUaW3WH79HBFMtY).

⁷ OMS IEC, Committee Information (tracer.sos.colorado.gov/PublicSite/SearchPages/CommitteeDetail.aspx?OrgID=42452). OMS IEC has other pervasive overlap with OMSC, e.g., both were formed with the same registered agent (Andrew Short, OMSC Director), and use the same “onemainstreetcolorado.org” email addresses.

⁸ Seth Klamann, “Colorado lawmakers’ Vail retreat deepens intraparty rift among Democrats,” *Denver Post* (Oct. 18, 2025) (www.denverpost.com/2025/10/18/colorado-democrats-vail-retreat-moderates-progressives).

⁹ For example, Colorado TRACER records document tens of thousands of dollars of spring 2024 spending — on mass text messages, mass mailers, etc. — in support of the successful Democratic primary candidacies for state legislature of Sean Camacho, Jaque Phillips, Cecelia Espenosa, and Michael Carter.

¹⁰ Seth Klamann & Nick Coltrain, “Deep pockets fuel primary election fight for Colorado Democratic Party’s future,” *Denver Post* (June 23, 2024) (www.denverpost.com/2024/06/23/colorado-primaries-dark-money-spending). Over the full year (2024), Colorado TRACER records document that OMSC gave OMS IEC \$735,000.

8. From the start, the Opportunity Caucus and OMSC have not operated as independent entities: the Opportunity Caucus has been an operation conceived, staffed, and funded by OMSC, to let it secretly persuade, coordinate with, and influence legislators.

a. Katharine Marrs, hired in early 2025 by OMSC as its “Director of Advocacy and Leadership Development,” staffs the Caucus. She uses her OMSC email address as the *Opportunity Caucus’s* “Registered Agent”¹¹ — and she has actually said to others: “*I never remember to say whether I work for ‘One Main Street’ or the ‘Opportunity Caucus’.*” Consistent with that admission of her role, Marrs informed Caucus members of the schedule for the Caucus’s Summit — not the other way around¹² — and one of her three “Key Responsibilities” in her OMSC job description is to “Lead” the Summit.¹³

b. OMSC Executive Director Andrew Short conceived of the Caucus, including ghost-writing legislators’ published announcement of the Opportunity Caucus founding and its legislators’ principles. The Caucus announced its launch in an early 2025 op-ed, published in multiple mass media outlets, that listed its authors as the two Caucus leaders, Representative Shannon Bird (Chair) and Senator Lindsey Daugherty (Vice-Chair).¹⁴ But the op-ed actually was authored by Short, who had emailed it to Daugherty and Bird, saying he would like them to publish it as authored only by the legislators, without disclosing OMSC authorship or involvement.¹⁵ On the following page are:

- the email that Short sent Bird and Daugherty to ask the legislators to sign and publish his op-ed under their own names (top of the page);
- the op-ed Short wrote and attached to his email to Bird and Daugherty (bottom left of the page); and
- the published op-ed with the byline stating that it was authored by the legislators (bottom right of the page):

¹¹ Colo. Opportunity Caucus, “Summary,” Secretary of State (showing formation on Jan. 24, 2025) (www.coloradosos.gov/biz/BusinessEntityDetail.do?quitButtonDestination=BusinessEntityResults&nameTyp=ENT&masterFileId=20251103342).

¹² Email from Katharine Marrs, Sept. 8, 2025 (drive.google.com/file/d/19hfPuFZZhjOPFzOlmy79GZnBi7LP_BGt).

¹³ Job posting, “Director of Advocacy and Leadership Development,” One Main Street Colorado (listing, as one of the three “Key Responsibilities” of the job OMSC hired Marrs for in early 2025: “Annual Summit ... Lead an annual statewide leadership summit that convenes elected officials, community leaders, and advocates to collaborate on shared priorities and strategies.”) (drive.google.com/file/d/1mwTU_roj6Q37PJbEQgSYeavyXg-YRX10)

¹⁴ Shannon Bird & Linsey Daugherty, “The Colorado Opportunity Caucus puts paychecks first,” *The Gazette and Colorado Politics* (Jan. 14, 2025) (gazette.com/2025/01/14/the-colorado-opportunity-caucus-puts-paychecks-first-opinion).

¹⁵ Email from Short, attaching op-ed (Nov. 25, 2024) (drive.google.com/file/d/107Prd5T-lzMIHRgesvPRUG14WG7Z5mz).

From: Andrew Short <[REDACTED]@onemainstreetcolorado.org>
Sent: 11/25/2024 1:23:18 PM
To: "Shannon Bird" <[REDACTED]>; "Lindsey Daugherty" <[REDACTED]>
Subject: Next Steps: Colorado Opportunity Caucus
Attachments: [REDACTED]
 ,
[Op-Ed Colorado Opportunity Caucus .pdf](#)

Legislative Leaders,

Thank you again for your service and commitment to the hardworking people of our state. I have sent a revised calendar invite for our next meeting on Tuesday, December 17th from 5:30 - 7:30 MTN. For simplicity, this will be at the same location we met last time (Prost Brewing 351 W. 104th Avenue Northglenn, CO)

To that end, please find attached two documents:

2.) A proposed op-ed to be signed by all members of the Colorado Opportunity Caucus. We would like to have this approved at our next meeting.

I have cc'd our Chair – Rep. Shannon Bird, and Vice Chair, Rep. Lindsey Daugherty.

Please reach out with any questions or concerns.

Putting Paychecks First: The Colorado Opportunity Caucus

In the face of unprecedented challenges and opportunities, it has become clear that Colorado's middle-class families need champions who prioritize solutions over soundbites, collaboration over conflict, and progress over partisanship. That is why we, as members of the Colorado State House and State Senate, are proud to announce the creation of the Colorado Opportunity Caucus.

The mission of this caucus is simple yet profound: to focus on the issues that truly matter to Colorado families – the kitchen-table concerns that impact paychecks, livelihoods, and futures. From housing affordability to high-quality jobs, better schools, and strengthening our local economy, we are dedicated to pragmatic solutions that expand opportunity for all Coloradans. Together, we aim to foster a culture of leadership where problem-solving and consensus building create lasting progress for working families.

For too long, political discourse has been dominated by extremes, leaving behind hardworking

The Colorado Opportunity Caucus puts paychecks first | OPINION

By January 14, 2025 | updated 8 months ago

In the face of unprecedented challenges and opportunities, it has become clear all hardworking Coloradans need champions who prioritize solutions over soundbites, collaboration over conflict and progress over partisanship. That is why we, as members of the Colorado state House and state Senate, are proud to announce the creation of the Colorado Opportunity Caucus.

The mission of this caucus is simple yet profound: to focus on the issues that truly matter to Colorado families — the kitchen-table concerns that affect paychecks, livelihoods and futures. From housing affordability to high-quality jobs, better schools and strengthening our local economy, we are dedicated to pragmatic solutions that expand opportunity for all Coloradans. Together, we aim to foster a culture of leadership where problem-solving and consensus building create lasting progress for working families.

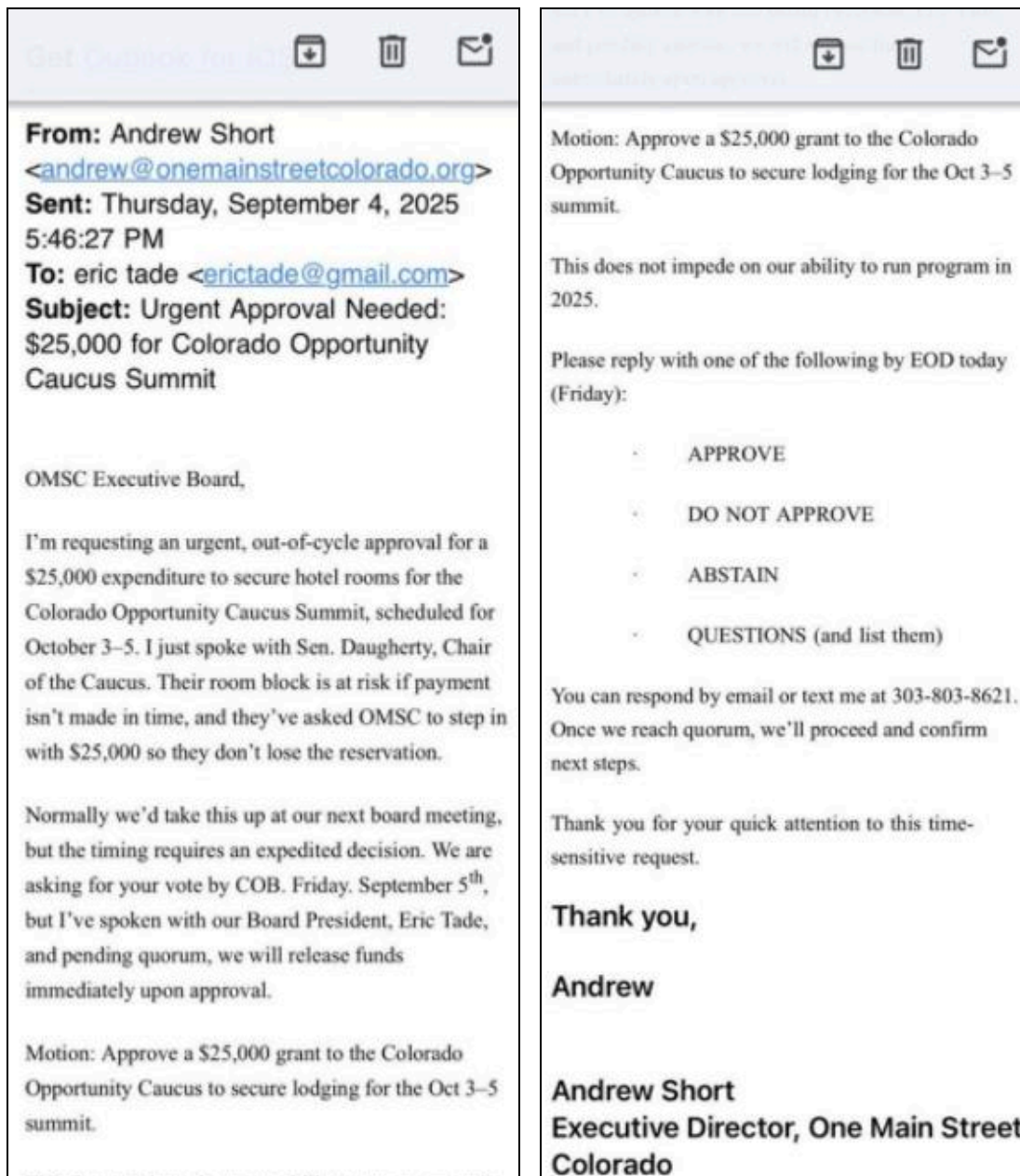
For too long, political discourse has been dominated by extremes,

Shannon Bird represents Colorado's 29th House District. Rep. Bird currently serves as vice chair of both the Joint Budget and Appropriations Committees. Lindsey Daugherty serves Colorado's 19th Senate District. Sen. Daugherty serves on the Health & Human Services and Judiciary Committees.

Key: • **Top image:** email attaching op-ed from Short to Bird/Daugherty
 • **Bottom left:** op-ed, Short draft (1st two paragraphs & next sentence)
 • **Bottom right:** op-ed, as published (same excerpts & byline at end)

The Resort Hotel Gifts

9. In September 2025, Daugherty asked OMSC for \$25,000 — but not as a general contribution to the Opportunity Caucus. Instead, Daugherty asked OMSC to buy something specific for herself and other Caucus legislators. As documented in the below email from OMSC Executive Director Andrew Short. As Caucus Vice-Chair, and with the approval of Caucus Chair Bird, Daugherty asked OMSC “to secure hotel rooms for the Colorado Opportunity Caucus summit,” a meeting among almost all legislators in the Caucus. More specifically, Daugherty asked OMSC to “step in with \$25,000” to pay for an already-reserved “room block” for the legislators that was “at risk if payment isn’t made on time.”¹⁶ Soon after, “Short confirmed his group paid for the rooms.”¹⁷



¹⁶ Short's email uses the title "Chair" for Daugherty; while Daugherty was the highest-ranking Caucus official in the Senate (Bird was in the House), their formal titles were that Bird was Chair and Daugherty was Vice-Chair — as Short's other email, on the prior page, correctly noted.

¹⁷ Seth Klamann, "Colorado lawmakers' Vail retreat deepens intraparty rift among Democrats," *Denver Post* (Oct. 18, 2025) (www.denverpost.com/2025/10/18/colorado-democrats-vail-retreat-moderates-progressives/).

10. OMSC also appears to have funded other expenses of the legislators' Summit, which required staff effort, and food and drink funds — above the \$75.00 minimum for gift ban coverage (which is an annual total, including the hotel rooms), but unknown in exact amount.

11. The OMSC-paid hotel room and other legislator event expenses — collectively, the “resort hotel gifts” — are within the scope of the gift ban, and are not within any of the narrow exceptions to the gift ban, as detailed in the next two sections.

12. As of the Summit that was planned by September 2025, and held in early October 2025, the Respondent had joined and was a member of the Opportunity Caucus. All but two Opportunity Caucus members attended the Summit and used the hotel rooms paid for by OMSC.¹⁸

The Resort Hotel Gifts Are within the Scope of the Gift Ban

13. The Article 29 gift ban makes it illegal for (a) any “member of the general assembly” (b) to “solicit, accept or receive” (c) “any gift or other thing of value.” Each of the three elements is met here.

a. The Respondent is a member of the general assembly.

b. The Respondent accepted and received the resort hotel gifts from OMSC. OMSC sent the Opportunity Caucus funds for the purpose, as the Caucus expressly requested, of paying a specific expense: the hotel rooms of the legislators attending the Summit. The Caucus served, at best, as a conduit for its creator and funder OMSC to pay for legislators, or, at worst, as a vehicle for hiding undisclosed OMSC payments for legislators — as shown by how, responding to media questions about who paid for the Summit, the Caucus vice-chair misleadingly “said lodging, food and drink for the lawmakers who participated in the retreat ... were paid for by the Opportunity Caucus.”¹⁹ Either way, the gift ban applies no less when an intermediary launders funds that impermissibly buy covered “things of value” for legislators: “As the Commission stated in Advisory Opinion 10-07 (Organization and Funding of Colorado Legislative Women’s Caucus), covered individuals *cannot use an association to do something on their behalf that they are otherwise prohibited from doing* under Article XXIX.”²⁰

c. The resort hotel gifts were a “gift or other thing of value.” OMSC paid the hundreds of dollars per night that the hotel charged for each room, which is well above the \$75.00 gift minimum, even before the addition of food and drink paid for by OMSC.

¹⁸ The two exceptions are: Shannon Bird, who did not attend the Summit but, as Caucus Chair, nevertheless was party to the \$25,000 solicitation from OMSC; and Dylan Roberts, who attended but did not use a hotel room because he resides near the location of the Summit.

¹⁹ Taylor Dolven & Jesse Paul, “A group of Democratic state lawmakers gathered with lobbyists at a Vail retreat. Who paid the tab?,” *Colo. Sun* (Oct. 13, 2025) (coloradosun.com/2025/10/13/colorado-opportunity-caucus-retreat-vail).

²⁰ [Independent Ethics Comm’n, Advisory Opinion 11-04](#) (Solicitation of Funds by an Association of Covered Individuals) (emphasis added) (as it “would be a violation of Article XXIX for a covered individual to accept or receive monetary contributions to support his efforts to win election to a leadership position in a private organization,” it also “would also violate Article XXIX for the covered individual to accept or receive monetary contributions that are contributed or raised on his behalf by CCI,” a third-party organization).

The Resort Hotel Gifts Are Not within Any of the Narrow Exceptions to the Gift Ban

14. The gift ban exempts a “campaign contribution as defined by law” — which OMSC payment for the resort hotel gifts was not. The Constitution declares a critical distinction between “gifts” and “contributions.” The Constitution gives each a specific definition, in banning the former while allowing the latter so long as compliant with applicable limits and requirements:

- an illegal “gift” — a “thing of value” with “value or ... cost greater than ... [\$75.00] in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts” (Art. 29, § 3(2)); and
- a legal “campaign contribution” — funds to a “candidate committee, issue committee, political committee, small donor committee, or political party” (Art. 28, § 2(5)(a)).

a. Under these definitions, paying a legislator’s resort hotel expenses is a gift — a “thing of value” such as “travel [or] entertainment” — not a “campaign contribution as defined by law.” The contrary view, that any things of value given to legislators are exempt “campaign contribution[s] as defined by law,” would interpret the gift ban as meaningless, because the exception would swallow the rule — contrary the intent of the gift ban enactment (to ban giving things of value to legislators that do not qualify by law as proper campaign contributions), and contrary to the well-established, common-sense principle of legal interpretation that applying “a general rule subject to exceptions” requires “interpret[ing] the exceptions narrowly to preserve the general rule’s primary operation.”²¹

b. The exception is not for just everything that might be considered a “campaign contribution,” only a campaign contribution “as defined by law” — a key limit that preserves the narrowness of the exception, and prevents it from being mis-interpreted as allowing any gift to a legislator. A secret \$25,000 “campaign contribution” would violate the disclosure rules, and dollar limits on campaign contributions, established by law. Because a \$25,000 payment would violate requirements imposed by law on a campaign contribution, it is not a “campaign contribution as defined by law.”

c. The distinction between illegal gifts and legal contributions is not just a technical difference. Ordinary campaign contributions add to pooled funds undifferentiated by source (mingled with other donations) and use (able to be spent on various organization expenses) — so no one donor will have bought a specific gift for a specific legislator (like their hotel room). The above-cited opinion on the Colorado Legislative Women’s Caucus illustrates what legitimate legislative caucus contributions can look like — and why this OMSC payment crossed the exact lines this Commission cautioned about:

“A public official ... generally could solicit donations to ... organizations in which they may be involved. *This does not mean, however, that members of the Caucus can do something through their association that they are not permitted to do as individuals under Article XXIX.* The members of the Caucus should be *careful, moreover, to avoid an appearance of impropriety in their solicitations* for the Caucus

‘Appearances of impropriety are generally referred to as ‘perception issues’ or ‘violating the smell test.’ They can weaken public confidence in government and create a perception of dishonesty, even among government officials who are in technical compliance with the law. Such conduct has the potential to damage an official’s reputation just as much as illegal conduct.’²²”

²¹ *In re R.C.*, 309 P.3d 954, 957 (Colo. Ct. App. 2013); *see also Charnes v. Norwest Leasing, Inc.*, 787 P.2d 145, 147 (Colo. 1990) (“exceptions from clearly articulated public policy obligations should be construed narrowly”).

²² [Independent Ethics Commission, Advisory Opinion 10-07](#) (Organization and Funding of Colorado Legislative Women’s Caucus) (citation omitted to internal quotation of prior Commission opinion).

15. The gift ban exempts “convention” or “meeting” expenses — but only in narrow circumstances, with multiple conditions that this expenditure fails.

a. Firstly, the exception applies only to gifts from a “non-profit organization [that] receives less than five percent (5%) of its *funding from for-profit* organizations or entities” (emphasis added) — which OMSC does not. Businesses are OMSC’s core dues-paying constituency, and it also draws other contributions from for-profit entities. Those documented for-profit business contributions are large enough that in each of the most recent two years covered in OMSC’s latest tax filing, just *one* for-profit business contribution exceeded 7% (not just 5%) of total OMSC revenue for the year — *e.g.*:

- in 2022, \$50,000 from Xcel Energy — which was 7.1% of OMSC’s \$703,503 in total revenue for the year;
- in 2023, \$75,000 from Occidental Petroleum — which was 7.4% of OMSC’s \$1,018,599 in total revenue for the year.²³

More fundamentally, OMSC discloses almost no donors, so no legislator possibly could meet their burden of establishing this exception²⁴ by showing that 95% of OMSC funds are from non-profit entities.

b. Secondly, the exception applies only “if the person is scheduled to deliver a speech, make a presentation, participate on a panel.” That condition is not met here, because the “panel” speakers were *non*-legislators making presentations *to* the legislators being funded.²⁵ This was actually Daugherty’s off-point attempted defense — that the legislators were there to learn, *not* to give the sort of individual or panel speeches, presentations, etc., that could make this exception applicable. Daugherty called the Summit “a training and educational event” for legislators, at which the “educational component of the retreat” was performed by industry lobbyists²⁶ — including, for example:

- a lobbyist for one of OMSC’s *major donors*, Xcel Energy (see above);
- a lobbyist for one of the *Caucus leaders’ major donors* — the Colorado Association of Realtors, an industry group that donated heavily to them, to other Caucus members, and to independent expenditure groups.²⁷

²³ • For OMSC’s 2022 revenue of \$703,503, and 2023 revenue of \$1,018,599, *see* OMSC, IRS Form 990 (return of tax-exempt entity) (Nov. 14, 2024) (drive.google.com/file/d/1-ZiBuIDl4xkHnW7dCYUaW3WH79HBFmTY).
 • For the 2023 Occidental Petroleum contribution of \$75,000 to “One Main Street Colorado,” *see* “2023 Political Contributions by Occidental Petroleum Corporation and its Subsidiaries” (www.oxy.com/siteassets/documents/investors/political-contributions-archive/2023-political-contributions.pdf).
 • For the 2022 Xcel Energy contribution of \$50,000 to “One Main Street Colorado,” *see* Xcel Energy, “Political Contributions Report” (s202.q4cdn.com/586283047/files/doc_downloads/2022-political-contributions-report.pdf).

²⁴ *E.g.*, *Cent. Bank & Trust v. Robinson*, 326 P.2d 82, 87 (Colo. 1958) (“anyone claiming ... an exception from the general policy ... has the burden of proof that he belongs to the excepted class”); *Coopers & Lybrand v. Fox*, 758 P.2d 683, 686 (Colo. App. 1988) (“the proponent of the exception ... must bear the burden of proving” it applies).

²⁵ Seth Klamann, “Colorado lawmakers’ Vail retreat deepens intraparty rift among Democrats,” *Denver Post* (Oct. 18, 2025) (www.denverpost.com/2025/10/18/colorado-democrats-vail-retreat-moderates-progressives).

²⁶ Taylor Dolven & Jesse Paul, “A group of Democratic state lawmakers gathered with lobbyists at a Vail retreat. Who paid the tab?,” *Colo. Sun* (Oct. 13, 2025) (coloradosun.com/2025/10/13/colorado-opportunity-caucus-retreat-vail) (listing speakers at the Summit).

²⁷ For example, per TRACER records, the “Realtor Candidate Political Action Committee (RCPAC) - fka: Colorado Association of Realtors PAC” donated \$2,725 to the two Opportunity Caucus leaders (Chair Bird and Vice-Chair Dougherty) in 2024, shortly after giving thousands more to other Caucus members.

c. Thirdly, the exception applies to only “Reasonable” expenses. This gift was for a stay at a “Luxury Resort Hotel” that is “among the select award-winning luxury hotels in the Rocky Mountains” and charges \$316-\$500 per night (except \$1000 or more during holiday weeks)²⁸ — rates far above the “Maximum lodging rate” deemed reasonable under State of Colorado fiscal rules.²⁹

d. With the conference exception inapplicable, it is immaterial whether, as Caucus leadership claimed, the expenditure had a benign purpose of “training and education[.]” This Commission has held it impermissible “to pay for private security arrangements for a public officer,” even when the security targeted legitimately “serious threats.”³⁰ But here, the claimed benign purpose is actually the exact *improper* purpose the gift ban guards *against*: private interests wielding undisclosed influence over legislators, by leveraging corporate donations to procure legislator time, attention, and goodwill. That is exactly what OMSC unabashedly admits it does: “use ... donations” to “help” those who “share our vision” of “pragmatic,” “small b[usines]”-friendly policy (as quoted above). And it is just what this Commission warned of in a 2010 ruling against payment of legislator travel expenses:

“[A]ny legitimate state purpose served by ... the conference is frustrated by the overwhelming dominance of the conference by special interests seeking access to and influence over policymakers participating”³¹

Findings and Remedies Requested

16. For the above reasons, the following findings and remedies are requested:

a. A finding of violation of the prohibition in § 3(2) of Article 29 of the Colorado Constitution: “No ... member of the general assembly ... shall solicit, accept or receive any gift or other thing of value” with a cost or fair market value above a periodically adjusted level -- currently, \$75.00.

b. Remedies appropriate to redress the violations and deter future violations, including but not limited to the following, subject to change as investigation and proceedings progress:

- i. *Investigation* — of the extent of illegal purchases related to the Summit;
- ii. *Disclosure* of purchases and payments found unlawful — which are banned to prevent undisclosed influence beyond lawful, regulated donations;
- iii. *Disgorgement* — of the value of all illegally received gifts;
- v. *Penalties* — as appropriate to the magnitude and kind of violations found, to redress and deter such violations; and
- iv. *Remedial notice* — to legislators on their obligations under the gift ban.

17. If the Commission deems any further information or submissions useful for investigation, or for consideration of any findings or remedies, we will provide them as promptly as possible.

²⁸ Sonnenalp Hotel, Homepage ([sonnenalp.com](https://www.sonnenalp.com)) (description) and Accommodations page ([sonnenalp.com/rooms](https://www.sonnenalp.com/rooms)) (rates).

²⁹ Colorado Office of the State Comptroller, “Travel Guidance” (osc.colorado.gov/travel-guidance-and-faqs) (citing State Fiscal Rule 5-1 as providing that: “Lodging expenses should not exceed the lodging rates for the location of the Travel’s stay as published by the U.S. General Services Administration.”).

³⁰ [Independent Ethics Comm’n, Letter Ruling 21-04](#) (Public Officer’s Acceptance of Private Security Detail).

³¹ [Independent Ethics Comm’n, Advisory Opinion 10-06](#) (Acceptance of Travel Expenses from a For Profit Entity).