

Campaign Finance Complaint Cover Sheet

COPY RECEIVED

JAN 02 2014

Submit Original to:
Colorado Secretary of State
Campaign Finance
1700 Broadway, Suite 200
Denver, CO 80290

If faxing or emailing, original must follow within 5 calendar days

Phone: 303-894-2200
FAX: 303-869-4861
Email: cpfhelp@sos.state.co.us
Website: www.sos.state.co.us

ELECTIONS SECRETARY OF STATE

Your complaint must be typed or written separately and attached to this form

* Denotes Required Field

Your Information - Information about the person filing the complaint (complainant)

* Full Name: Citizens for Responsible Government
* Mailing Address: P.O. Box 1730, Vail, CO 81658
* Telephone Number: 970-479-6402 Email Address: smaslak@ieee.org

Counsel's Information - If you are represented by counsel, you must provide the following:

Attorney's Name: J. Lee Gray Telephone Number: 303-290-1602
Law Firm: Holland & Hart, LLP
Mailing Address: 6380 S. Fiddlers Green Cir., Suite 500, Greenwood Village, CO 80111

Respondent's Information - Information about the person alleged to have committed the violation:

* Full Name: Tammy Nagel, Acting Town Clerk, Town of Vail
* Mailing Address: 75 S. Frontage Road, Vail, CO 81657
* Telephone Number: 970-479-2460 Email Address: tnagel@vailgov.com

Briefly summarize the allegations made in the attached complaint.

Violations of Colorado campaign finance laws by the Acting Town Clerk of the Town of Vail by improper and inconsistent enforcement proceedings against CRG related to the November 5, 2013 municipal election.

By submitting this form, with the attached complaint, I hereby certify that I wish to initiate a lawsuit against the named respondent(s). I am aware of the procedure outlined in section 9(2)(a) of Article XXVIII of the Colorado Constitution, and know that by filing this complaint I will be required to appear at a hearing within 15 days of the referral of the complaint, to prove my claims by a preponderance of the evidence. I understand that the Secretary of State's office will not conduct an investigation or be involved in any way after the complaint is transmitted to the Office of Administrative Courts. If this complaint is found to be frivolous, groundless, or vexatious, I may be required to pay attorney's fees.

* Complainant's Signature: Samuel H. Mashek Date: 2-JAN-2014
Counsel's Signature (required if applicable): [Signature] Date: 1/2/2014



6. Since the November 5, 2013 election was a municipal election, Nagel, as the Acting Town Clerk for the Town of Vail, was the "appropriate officer" for the municipal election pursuant to 8 CCR 1505-6, Rule 18.2, Colo. Const., Art. XXVIII, § 2(1) and C.R.S. §§ 1-45-107.5 and 109. These provisions of the campaign finance laws do not provide that anyone else may act as the "appropriate officer," who serves as the sole enforcement agency for campaign finance laws related to that election and who is the only official who can hear appeals to any enforcement actions.

7. While (early) voting at Town Hall on or about Friday, October 25, 2013, Maslak informed Nagel that he was interested in running newspaper advertisements supporting certain candidates for Vail Town Council and asked if he would need to file any campaign finance-related documents with respect to those ads.

8. At that time, Nagel informed Maslak that such ads would be in-kind contributions, that the candidate committees for the various candidates would need to report those contributions, and that he had no separate reporting obligations and did not need to register or file any reports related to such ads.

9. Maslak and two other individuals subsequently caused two advertisements (copies of which are collectively attached as **Exhibit 1**) to be placed in the Vail Daily Newspaper:

a. One ad, called "It's Time," advocated voting for the three Challenger Candidates and ran in the Vail Daily on November 2nd, 4th and 5th; and

b. A second ad, called "Event Center," ran in the Vail Daily on November 2nd and 4th, and detailed certain actions and statements by the then-current Town Council and Mayor, Andy Daly, and although the ad included the words, "we need to vote for honest leaders," it did not expressly advocate for voters to vote for or against any named candidates. Although this ad was not an "electioneering communication" as defined by applicable law, CRG nonetheless included the total costs for both ads in its December 5th reported "electioneering expenditures" because the single invoice from Witt included costs for both ads and out of an abundance of caution. CRG does not admit or concede that the "Event Center" ad is an electioneering communication.

10. These ads had the phrase "Paid for by Citizens for Responsible Government" printed at the bottom of each. The ads were placed in the Vail Daily by CRG's consultant, Paul Witt of Witt Communications, Inc. ("Witt"), who also authorized the ads to be charged to his account with the Vail Daily at that time. As of November 6, 2013, Witt's account with Vail Daily had not yet been charged for either of the ads described above.

11. CRG created and ran these ads on its own accord, and not in coordination with any of the Challenger Candidates. Nor did the Challenger Candidates control the creation or running of these ads.

12. On Monday, November, 4, 2013, Nagel contacted Witt Communications and indicated for the first time that CRG needed to register as an independent expenditure committee.

13. At approximately 4:00pm on November 4, 2013, Nagel emailed a copy of an independent expenditure committee registration form and contribution and expenditure report form for CRG to use.

14. Witt reached Maslak at approximately 4:30pm on November 4, 2013 to pass along Nagel's instructions concerning CRG's need to register and report expenditures and contributions.

15. Maslak completed the independent expenditure committee registration as well as a contribution and expenditure report form and filed both with Nagel on November 6, 2013, a day and a half after first being informed of the need to do so, and within two business days of the time when any independent expenditures or donations totaling more than \$1,000 could arguably have had been made.¹ Copies of the Registration Form and Expenditure/Contributions Report are attached as **Exhibits 2 and 3** respectively.

16. The expenditure and contribution report contained zero dollar amounts since CRG had neither made any expenditures nor collected any donations during the October 11 – 27, 2013 reporting period covered by the report. The expenditure and contribution report was filed pursuant to instructions of Nagel, but the report was not required to be filed because CRG was not in existence during the applicable reporting period nor on November 1, 2013 when such a report would have been due. Regardless, the report could not have been filed before CRG had been registered on November 6, 2013.

17. Maslak requested that Nagel review the forms for accuracy when he filed them at the Town Clerk's office and she did so, informing Maslak that the forms were correct.

18. Nagel also informed Maslak at that time that the filings were late and that she would have to impose a \$300 fine.

19. Maslak offered to pay the \$300 fine then, but reminded Nagel of her prior statement to him that the ads would be "in-kind contributions" that would be reported by the candidates and that he need not register or file anything.

20. Pam Brandmeyer, Vail Assistant Town Manager, who was also present in the Vail Town Clerk's office on both occasions, confirmed her recollection that Nagel had referred to the ads being in-kind contributions.

21. Upon being reminded of her prior conversation with Maslak, Nagel refused to accept payment of the fine at that time and indicated that she would discuss the matter with the

¹ CRG does not concede that expenditures were made as of this time as it had not yet received an invoice from Witt and did not yet know the amount it would have to expend on the advertisements in the Vail Daily.

Vail Town Attorney, Matt Mire, and would phone Maslak the next day with her decision on any fine.

22. Nagel did not contact Maslak. Instead, on November 12, 2013, Kendra Carberry, an attorney representing the Town of Vail in unrelated litigation against Maslak and seven other Vail homeowners, emailed Maslak's counsel in the unrelated litigation, Chris Toll, regarding CRG's status and fine.

23. In that email, attached here as **Exhibit 4**, Carberry directly contradicted the information provided by Nagel and claimed that CRG was a candidate committee required to register as such by November 1, 2013, and that a \$600 fine was owed and was accruing at \$50 per day. Carberry did not indicate for which candidate or candidates CRG was supposed to be a candidate committee, and since CRG was not a committee for any candidate within the meaning of the statutes, it was impossible for CRG to comply with Carberry's contradictory instruction.

24. Carberry also claimed that an expenditure and contribution report was due on November 1, 2013, but did not indicate a separate fine related to that filing.

25. Upon receiving this email from Maslak's litigation counsel, CRG engaged the undersigned counsel related to the campaign finance issues it faced with the Vail Town Clerk.

26. On November 13, 2013, CRG filed amendments to the registration and report it had filed on November 6, 2013 (copies collectively attached as **Exhibit 5**) to identify the separate bank account opened by CRG and to correct the reporting period identified at the top of the report of expenditures and contributions. The substantive portion of the expenditure and contribution report was unchanged; namely that zero expenditures or contributions had been made within the reporting period.

27. As before, Nagel, who was present when Maslak filed these amendments, reviewed the amendments and confirmed to Maslak that they were both correct. At this time, Nagel told Maslak that now that the lawyers were involved, Nagel is no longer the "appropriate officer" nor making any decisions for this case. Nagel also stated that Carberry, part of the Vail Town Attorney's office, was now the "appropriate officer" for this case.

28. Later that same day, Carberry again emailed Chris Toll and again contradicted Nagel by stating that the amendments filed earlier that day were incorrect and/or incomplete and that a fine would continue to accrue at \$50 per day.² A copy of this email is attached as **Exhibit 6**.

² Carberry has not addressed or vacated this fine in her subsequent communications, and to the extent that this purported fine was actually imposed by Nagel, it is presumably still accruing in addition to the other fines purportedly imposed by Nagel.

29. Carberry also informed Chris Toll that Maslak or his counsel would have to go through her—not the Town Clerk—to dispute the fine.³

30. The undersigned counsel wrote to Carberry on November, 14, 2013 (copy attached as **Exhibit 7**) to inform her of the constitutional and statutory necessity that the Town Clerk—not counsel for the town or some other individual—make determinations regarding campaign finance-related violations and imposition of any fines, and to receive and consider any explanation for why the alleged violations did not occur pursuant to 8 CCR 1505-6, Rule 18.2.1(b).

31. A copy of this November 14, 2013 letter was also emailed to Nagel as the "appropriate officer" for the municipal election pursuant to 8 CCR 1505-6, Rule 18.2, Colo. Const., Art. XXVIII, § 2(1) and C.R.S. §§ 1-45-107.5 and 109.

32. On November 19, 2013, Carberry emailed the undersigned counsel to prohibit him from contacting Nagel directly about CRG's campaign finance issues. A copy of this email is attached as **Exhibit 8**.

33. Carberry's November 19, 2013 email did not address any of the substantive campaign finance-related issues raised in Exhibit 7.

34. On November 14, 2013, CRG received invoices from Witt Communications for the consulting work it had performed as well as for the ads run in the Vail Daily. Copies of these invoices are attached as **Exhibit 9**.

35. Upon receiving these invoices, the members of CRG agreed to contribute \$6,800 to CRG to cover these expenses, as well as additional anticipated expenses related to the on-going dealings with the Town Clerk over campaign finance issues.

36. Although the amounts were potentially discoverable after the ads ran on November 5, 2013, CRG was not aware of the exact cost of the Vail Daily ads or the cost of Witt's related consulting services until it received these November 14, 2013 invoices.

37. Based on the filing calendar found on the Secretary of State Website, CRG filed with Nagel a report of expenditures and contributions on December 4, 2013 (copy attached as **Exhibit 10**) that detailed the amounts expended and contributions collected from the CRG members. As on the prior occasions, Nagel reviewed the form and informed Maslak that the form was correct.

38. On December 11, 2013, Carberry again wrote to the undersigned counsel, with a copy to CRG, (copy attached as **Exhibit 11**), once more contradicting Nagel's prior in-person

³ Carberry also claimed that Maslak became argumentative with the Town Clerk when filing CRG's amended disclosures, which Maslak strongly denies.

communication that the filing was correct and once more stating that CRG was a candidate committee.

39. The December 11, 2013 letter did not revoke or mention the previously-asserted \$600 (and accruing) fine, but asserted that CRG is a candidate committee for Mr. Bugby, rather than an independent expenditure committee. The letter also alleged various deficiencies in CRG's December 4th expenditure and contribution report and imposed additional concurrent and retroactive fines in the amount of \$650 as of that date and accruing at \$50 per day. Thus, as of December 31, 2013 the asserted fines total \$4,700 and presumably continue to accrue at \$100/day.

40. CRG was unable to comply with the contradictory—and constantly changing—information it received from Nagel, both directly and through correspondence from Carberry.

41. Worse yet, CRG was left with no recourse or ability to appeal the fines or the incorrect allegations on which the fines were based to the enforcement agency (the Town Clerk) because Nagel indicated that the issue was no longer in her hands and Carberry had forbidden CRG's counsel from contacting Nagel directly.

42. In view of the multiple conflicting statements made by Nagel or communicated by Carberry, the undersigned wrote Carberry on December 18, 2013 requesting clarification whether Nagel, as the appropriate officer, was actually imposing the fines and making the conflicting decisions. A copy of this email is attached as **Exhibit 12**.

43. On December 27, 2013, Carberry confirmed that, “[t]he findings stated in my letter [Exhibit 11] were the findings of Ms. Nagel in her capacity as the Interim Town Clerk.” A copy of this letter is attached as **Exhibit 13**.

44. Further, when the registered agent for CRG has attempted to speak with Nagel as the “appropriate officer” regarding issues raised in Carberry's letters, Nagel has informed him that the matter was “out of her hands” and that she was no longer the “appropriate officer” for handling this matter, including making any decisions regarding CRG.

45. Given the contradictory factual assertions and fines imposed by Nagel, as communicated directly and indirectly through Carberry—who also represents the Incumbent Candidates that CRG opposed in its ads—and Nagel's refusal to discuss the matter directly as the “appropriate officer,” Nagel's actions are not only arbitrary and capricious, but represent the improper use campaign finance laws to punish CRG for exercising its First Amendment rights of free political speech and to deter the future exercise of free political speech by CRG.

46. In addition, Nagel's refusal to address the issue with CRG and the repeated contradictory information, the prohibition of CRG's counsel from communicating with the Town Clerk in her capacity as the “appropriate officer” in this matter, and the arbitrary and growing fines communicated by Carberry have effectively deprived CRG of the due process provided by Colorado's campaign finance laws, as well as the Colorado and U.S. Constitutions.

47. To date, no one has filed any complaint against CRG alleging any violation of campaign finance laws, nor has Nagel personally provided any written notice to CRG of any violations or fines as required by Colo. Const., Art. XVIII §10(2)(a), C.R.S. § 1-45-112(e) and 8 CCR 1505-6, Rule 18.2.1.

CLAIM FOR RELIEF

(Failure to Follow Procedure Concerning Notification of Potential Violations and Imposition of Fines)

48. Complainant incorporates by reference each of the allegations contained in the paragraphs above.

49. Pursuant to Colo. Const., Art. XXVIII, § 10(2), C.R.S. § 1-45-112, and 8 CCR 1505-6, Rule 18.2.1, Nagel, as the “appropriate officer” for this municipal election, had the responsibility for determining whether there was a campaign finance violation and, if so, providing written notice of the facts or conduct for which she was imposing a fine.

50. Nagel’s duties as the “appropriate officer” included the requirement that she act in good faith and impartially administer the relevant campaign finance laws with respect to CRG.

51. Nagel, as the “appropriate officer” for this municipal election, also had the responsibility pursuant to C.R.S. § 1-45-109(2)(b) to entertain and consider an appeal of any fine imposed.

52. Nagel has not personally provided CRG with any written notification of a potential violation or imposition of a fine.

53. Instead, Nagel has delegated her duties as the “appropriate officer” to a lawyer engaged by the Town of Vail in unrelated litigation with the individual members of CRG.

54. In addition, Nagel has provided CRG with contradictory instructions, findings and fines for no apparent purpose other than to harass and intimidate CRG for exercising its First Amendment rights to free political speech and to deter CRG from exercising these rights in the future.

RELIEF SOUGHT

WHEREFORE, Complainant CRG respectfully requests that the Secretary of State or Administrative Law Judge enter findings of fact and/or orders, pursuant to C.R.S. § 1-45-111.5(1.5)(a), 13-51-105, and C.R.C.P. 57:

- a. A finding and/or declaration that Nagel has abdicated her constitutional and statutory role as the “appropriate officer” related to campaign finance matters in the November 2013 Vail Municipal Election and that Carberry has improperly acted in that role;

b. A finding and/or declaration that Nagel, acting through Carberry, has arbitrarily and capriciously found campaign finance violations and imposed fines against CRG to punish it for or deter it from exercising its First Amendment right to free political speech;

c. A finding and/or declaration that CRG has not violated any campaign finance laws and, consequently, owes no fines to the Town of Vail;

d. An order granting CRG and its counsel the ability to communicate directly with the Acting Town Clerk for the Town of Vail concerning all relevant campaign finance issues;

e. An order compelling Nagel to strictly comply with Colo. Const., Art. XXVIII, C.R.S. §§ 1-45-101 et seq. and the campaign finance rules of the Secretary of State with respect to any alleged campaign finance violations by CRG;

f. An order requiring the Town Clerk's office for the Town of Vail to pay the attorney fees of CRG related to this matter; and

g. Any such other order or relief as the Secretary of State or Administrative Law Judge may deem necessary or appropriate.

Dated: January 2, 2013.

HOLLAND & HART LLP

By: 

J. Lee Gray, No. 27306

Holland & Hart LLP

6380 S. Fiddlers Green Circle, Suite 500

Greenwood Village, CO 80111

Phone Number: (303) 290-1602

FAX Number: (303) 975-5303

Email: LGray@hollandhart.com

ATTORNEYS FOR COMPLAINANT

It's time

EXHIBIT

1

For new leadership in Vail

**For a balanced Town Council to
represent our entire community**

**For leaders who are willing to take a
fresh look at our community**

For new voices and new faces



Dale Bugby



Sounia Najed Chaney



David Chapin

It's time for change

Early voting is available now!

**Remember to vote or return your mail ballot
by Nov. 5!**

When is an Event Center NOT an Event Center? Apparently during election season.

During 2011, the Town of Vail conducted public polling regarding improvements at the Vail Golf Course. The Town tested the proposed Ballot Question No. 1, which included:

“Renovation of the clubhouse at the Vail Golf Course and Nordic Center, including a new Pavilion;”



In August 2011, the Vail Town Council debated how to present the ballot question:

“[Kerry] Donovan stated this was the wording used in the polling survey. [Margaret] Rogers said there are a number of people who are confused about the new pavilion. [Andy] Daly suggested saying community space instead of a new pavilion. [Pedro Campos] suggested the wording be community pavilion and extended deck. [Kim] Newbury said to use expanding and improving the clubhouse including a community space.”

**Vail Town Council Minutes
August 2, 2011**

The words “new pavilion” and “extended deck” or new “event center” were never in the ballot language.



In November 2011, the ballot language the voters saw was: **“Expansion and improvement of the clubhouse at the Vail Golf Course and Nordic Center, including multi-use community space;”**

The ballot measure passed with this language in place.



The plan for the Clubhouse was unveiled in June 2012. It included removal of the 18th hole. The Town of Vail blueprints called it an “event center with an outdoor event lawn.”



When questioned about the new plan Greg Moffet said he “fought for this ballot initiative for the reason that this was a multi-use facility... This seems like a bait and switch to the voters if we don’t follow through with an events center.” Susie Tjossem stated, “she is in favor of the event center. She said a lot of voters were not golfers and we sometimes over engineer.”

Vail Town Council Minutes, July 3, 2012



But then, at the October 17, 2013 Town Council Candidate Forum we heard a different story:

Susie Tjossem, “The original intent was not to build an event center. I am very offended by that term.”

Greg Moffet, “It is not an event center. It is a golf course dining room. I’d be happier if we were focused on really doing it really right, which might even mean a slightly larger footprint rather than trying to appease a few aggressive and well financed non-resident NIMBYs.”

It’s more than whether we need or want another event center.

It’s a matter of honesty and transparency.

On November 5, 2013 we need to vote for honest leaders.

Colorado Secretary of State
 Elections Division
 1700 Broadway, Suite 200
 Denver, CO 80290
 Ph: (303) 894-2200
 : (303) 869-4861
 ail: eplhelp@sos.state.co.us
 Website: www.sos.state.co.us



INDEPENDENT EXPENDITURE COMMITTEE REGISTRATION FORM

(1-45-108, C.R.S.)

Please use this form if you are registering an Independent Expenditure Committee for Colorado campaign finance purposes. You must register an Independent Expenditure Committee within two business days of the time that you accept donations or make independent expenditures in an aggregate amount of \$1000.

County and State committees register online at: traccr.sos.colorado.gov

Committee Name: Citizens for Responsible Government
Full Name of Registrant: Samuel H. Maslak
Include any acronyms used, if registrant is a business or other entity
Address (mailing): PO Box 1730, Vail, CO 81658
Principal Place of Operation
Phone Number: 970-479-6402 **Alternate Phone Number:** _____ **Fax Number:** _____
Web Address: _____

Check Only One Filing Office:

Colorado Secretary of State Municipal Clerk: Town of Vail

Purpose (names of candidates/policy positions, supported or opposed):

support for Vail Town Council: Dale Bugby, Sounia Chaney & David Chapin

Ownership interest, if any, held by foreign persons (calculated at time of registration): NONE

Financial Institution Information:

Institution Name: _____
Institution Address: _____

Parent / Subsidiary Names, D/B/A Names, and other Affiliated Entity Information

NONE

List names of any parent / subsidiary corporations and any other organizational forms associated with registrant. Attach additional pages if necessary

Other Colorado Committees:

NONE

Optional: List names of any other committees registered with the Colorado Secretary of State associated with this committee. Attach pages if necessary

Registered Agent:

Name: Sam Maslak
Phone Number: 970-479-6402
E-mail Address: smaslak@sbcglobal.net
Alternate E-mail 1: _____
Alternate E-mail 2: _____

Registered Agent's Signature: Samuel H. Maslak

Date: 6-NOV-2013

Designated Filing Agent: (Optional)

Name: NONE
Phone Number: _____
E-mail Address: _____
Alternate E-mail 1: _____
Alternate E-mail 2: _____

Registered Agent's Signature:

This form may be saved

Form may be submitted by Fax, E-mail, hand delivery, or postal service.
 The original is not required by this office, please submit only once.
 Attach additional pages if needed.

Print Form



Colorado Secretary of State
 Elections Division
 1700 Broadway, Ste. 200
 Denver, CO 80290
 Ph: (303) 894-2200 ext. 6383
 Fax: (303) 869-4861
 Email: cp@help@sos.state.co.us
 www.sos.state.co.us



Space Below For Office Use Only

EXHIBIT

3

REPORT OF CONTRIBUTIONS AND EXPENDITURES
 (1-45-108, C.R.S.)

Full Name of Committee/Person:	<i>Citizens for Responsible Government</i>
<small>As Shown On Registration</small>	
Address of Committee/Person:	<i>PO Box 1730</i>
City, State & Zip Code:	<i>Vail, CO 81658</i>
Committee Type:	<i>Independent Expenditure</i>
Name and Address of Financial Institution	

SOS ID NUMBER (state and county committees): *N/A*

Type of Report

- Regularly Scheduled Filing.
- Amended Filing. This amends previous report filed on (date) _____
Submit changes or new information ONLY
- Termination Report. (Termination Reports MUST Have a Monetary Balance of Zero in Line 5)
- Check this box if this Report Contains Electioneering Communications Information

Reporting Period Covered: *10-OCT-2013* Through *1-NOV-2013*
Date Date

Declared Total Spending (if applicable) *\$ 0*
[Art. XXVIII, Sec. 4(1)]

		Totals Detailed Summary Page
1	Funds on Hand at the Beginning of Reporting Period (monetary only)	\$ 0
2	Total Monetary Contributions (line 11)	\$ 0
3	Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$ 0
4	Total Monetary Expenditures (line 19)	\$ 0
5	Funds on Hand at the End of Reporting Period (monetary) (line 3 - line 4)	\$ 0

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.
[Art. XXVIII Sec. 10(2)(a)]

Authorization (Must be completed by either the Registered Agent OR the Candidate): *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: *Samuel H. Maslek*

Registered Agent's Signature: *Samuel H. Maslek* Date: *6-NOV-2013*

Print Candidate Name: _____

Candidates Signature: _____ Date: _____

DETAILED SUMMARY

Full Name of Committee/Person: Citizens for Responsible Government

Current Reporting Period: 16-OCT-2013 Through 1-NOV-2013

	Funds on hand at the beginning of reporting period (Monetary Only)	\$ 0
6	Itemized Contributions \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "A")	\$ 0
7	Total of Non-Itemized Contributions (Contributions of \$19.99 and Less)	\$ 0
8	Loans Received (Please list on Schedule "C")	\$ 0
9	Total of Other Receipts (Interest, Dividends, etc.)	\$ 0
10	Returned Expenditures (from recipient) (Please list on Schedule "D")	\$ 0
11	Total Monetary Contributions (Total of lines 6 through 10)	\$ 0
12	Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions)	\$ 0
13	Total Contributions (Line 11 + line 12)	\$ 0
14	Itemized Expenditures \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "B")	\$ 0
15	Total of Non-Itemized Expenditures (Expenditures of \$19.99 or Less)	\$ 0
16	Loan Repayments Made (Please list on Schedule "C")	\$ 0
17	Returned Contributions (To donor) (Please list on Schedule "D")	\$ 0
18	Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee & Political Parties only)	\$ 0
19	Total Monetary Expenditures (Total of lines 14 through 17)	\$ 0
20	Total Spending (Line 18 + line 19)	\$ 0

From: Kendra Carberry <klc@hphclaw.com>
Date: November 12, 2013 at 9:31:06 PM EST
To: Chris Toll <CToll@hollandhart.com>
Subject: campaign finance violations

Chris,

The Town received the attached "Independent Expenditure Committee" registration form and Report of Contributions and Expenditures from your client Mr. Maslak, apparently as the registered agent for a group called "Citizens for Responsible Government." First, that organization is already registered as a pro-life political non-profit corporation, with an address in Arvada that is not the same address that Mr. Maslak provided. Please clarify whether this is the same organization.

Second, Mr. Maslak's committee is a candidate committee, so this registration form is incorrect.

Third, Mr. Maslak's committee reported no expenditures, after he admitted to the Town Clerk that his committee paid for 3 separate ads in the Vail Daily endorsing 3 candidates for the Vail Town Council. Pursuant to C.R.S. 1-45-108, Mr. Maslak's committee must report all

expenditures to the Town Clerk. The penalty for noncompliance is a civil penalty of \$50 per day. The reports were due on October 15th and November 1st. The November 1st report is now 12 days late, which results in a \$600 penalty. The October 15th report was never filed at all, but Mr. Maslak did not answer the question of when the committee first received a contribution or made an expenditure, so we are unsure when the committee was formed. Please clarify this as well.

Based on the foregoing, Mr. Maslak needs to file the appropriate registration with the Town Clerk and file a complete expenditure report, which includes the cost of the ads in the Vail Daily endorsing the 3 candidates. If he completes the registration and report tomorrow, the fine will be \$600.

Please give me a call if you have any questions.

Kendra L. Carberry
Hayes, Phillips, Hoffmann & Carberry, P.C.
1530 16th Street, Suite 200
Denver, CO 80202
direct - (303) 951-2095
office - (303) 825-6444

<Citizens for Responsible Gvmt Committee Regisrtation.pdf>

copy

Below Space For Office Use Only

colorado Secretary of State
Elections Division
1700 Broadway, Suite 200
Denver, CO 80290
Ph: (303) 894-2200
Fax: (303) 869-4861
Email: cpfhelp@sos.state.co.us
Website: www.sos.state.co.us



EXHIBIT
5

FORM FOR AMENDMENT(S) TO EXISTING INDEPENDENT EXPENDITURE COMMITTEE REGISTRATION

(1-45-108(3), C.R.S.) (Secretary of State Rule 12.1)

Please use this form if you are amending an existing Independent Expenditure committee registration

Existing Committee Name: Citizens for Responsible Government

SOS ID/Key#: _____

What changes need to be made? Please check all that apply, and fill in the appropriate section of the form.

- | | | |
|--|---|---|
| <input type="checkbox"/> Committee Name | <input type="checkbox"/> Committee Contact Information | <input type="checkbox"/> Other Colorado Committees |
| <input type="checkbox"/> Committee Purpose | <input type="checkbox"/> Website Address | <input type="checkbox"/> Parent/Subsidiary names, DBA names |
| <input type="checkbox"/> Registered Agent Information | <input checked="" type="checkbox"/> Financial Institution Information | <input type="checkbox"/> Ownership Interest |
| <input type="checkbox"/> Designated Filing Agent Information | | |

Changes to Committee Information:

New Name of Committee: _____

Physical Address: _____

Mailing Address: _____

Phone Number: _____ Alternate Phone Number: _____ Fax Number: _____

Website Address: _____

Email Address: _____

Change of Purpose (include party, office, district & election year, if applicable):

New Financial Institution Information:

Institution Name: US Bank

Institution Address: 108 South Frontage Road West, Vail, VO 81657

Changes to Parent / Subsidiary Names, DBA, and Other Affiliated Entity Information:

Changes in % of
Ownership Interest (if any): _____ %

Changes regarding Other Colorado Committees:

Agent Changes:

Current Registered Agent:

Name: _____
Phone Number: _____
E-mail Address: _____
Alternate E-mail 1: _____
Alternate E-mail 2: _____

Current Designated Filing Agent:

Name: _____
Phone Number: _____
E-mail Address: _____
Alternate E-mail 1: _____
Alternate E-mail 2: _____

New Registered Agent:

Name: _____
Phone Number: _____
E-mail Address: _____
Alternate E-mail 1: _____
Alternate E-mail 2: _____

New Designated Filing Agent:

Name: _____
Phone Number: _____
E-mail Address: _____
Alternate E-mail 1: _____
Alternate E-mail 2: _____

Samuel H. Masleh

Current Registered Agent Signature

Current Designated Filing Agent Signature

Date: 13-Nov-2013

New Registered Agent Signature

New Designated Filing Agent Signature

Candidate Signature (if applicable)

Save & Print

COPY

Space Below For Office Use Only

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 200
Denver, CO 80290
Ph: (303) 894-2200 ext. 6383
Fax: (303) 869-4861
Email: cpfhelp@sos.state.co.us
www.sos.state.co.us



REPORT OF CONTRIBUTIONS AND EXPENDITURES
(1-45-108, C.R.S.)

Full Name of Committee/Person:	Citizens for Responsible Government	
As Shown On Registration		
Address of Committee/Person:	PO Box 1730 (No change)	
City, State & Zip Code:	Vail, CO 81658 (No change)	
Committee Type:		
Name and Address of Financial Institution	US Bank 108 S. Frontage Rd. West Vail, CO 81657	

SOS ID NUMBER (state and county committees):

Type of Report

Regularly Scheduled Filing.

Amended Filing. This amends previous report filed on (date)
Submit changes or new information ONLY

Termination Report. (Termination Reports MUST Have a Monetary Balance of Zero in Line 5)

Check this box if this Report Contains Electioneering Communications Information

Reporting Period Covered: Through
Date Date

Declared Total Spending (if applicable)
[Art. XXVIII, Sec. 4(1)]

	Totals Detailed Summary Page
1 Funds on Hand at the Beginning of Reporting Period (monetary only)	\$
2 Total Monetary Contributions (line 11)	\$
3 Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$
4 Total Monetary Expenditures (line 19)	\$
5 Funds on Hand at the End of Reporting Period (monetary) (line 3 - line 4)	\$

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.
[Art. XXVIII Sec. 10(2)(a)]

Authorization (Must be completed by either the Registered Agent OR the Candidate): I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.

Print Registered Agent's Name: Samuel H. Maslak

Registered Agent's Signature: Samuel H. Maslak Date: 13-NOV-2013

Print Candidate Name: _____

Candidates Signature: _____ Date: _____