

Submit complaint by mail or email to:

Colorado Secretary of State
Campaign Finance Enforcement
1700 Broadway, Suite 550
Denver, CO 80290
CPFcomplaints@ColoradoSOS.gov



CAMPAIGN FINANCE COMPLAINT FORM

Any person may file a complaint up to 180 days after the date on which the Complainant either knew or should have known, by the exercise of reasonable diligence, of an alleged violation. A complainant must specifically identify one or more respondents, a violation of Colorado campaign finance rules and regulations (Constitution Article XXVIII, the Fair Campaign Practices Act, or the Secretary of State's rules concerning Campaign and Political Finance), and allege specific facts to support a legal and factual basis for the complaint. (See section 1-45-111.7, C.R.S.)

Please be advised, complaints are public information and the respondent will be provided a copy of this Complaint. The Division must have sufficient contact information to identify the Respondent and be able to correspond and communicate with both the Complainant and Respondent.

Your Information (Complainant): Contact information for the person or entity filing the complaint:

Full Name: Ethan Black
Mailing Address: 1536 Wynkoop St. #224 Denver, CO 80202
Telephone Number: (303) 991-1900 Email Address: ethan@progressnowcolorado.org

Respondent's Information: Contact information for the person or entity alleged to have committed the violation:

Full Name: Kellner for Colorado/John Kellner
Mailing Address: PO Box 461798 Aurora CO 80046
Telephone Number: _____ Email Address: mklein@swspolifi.com
Website (if applicable): https://www.johnkellner.com/

Please provide the following information (failure to provide sufficient information could result in the complaint being dismissed):

- ☐ Date you learned of the violation: May 2, 2022
- ☐ Alleged violation(s) of campaign finance laws, rules, or regulations (if known) that were violated. For reference, the Fair Campaign Practices Act and the Campaign Finance Rules available, [here](#).
- | | |
|--|---|
| <input type="checkbox"/> Failure to file a candidate affidavit | <input type="checkbox"/> Failure to register a committee |
| <input type="checkbox"/> Failure to report an expenditure | <input type="checkbox"/> Failure to report a contribution |
| <input checked="" type="checkbox"/> Prohibited contribution | <input type="checkbox"/> Prohibited expenditure |
| <input type="checkbox"/> Missing or improper disclaimer | <input type="checkbox"/> Inaccurate or incomplete filing |
| <input type="checkbox"/> OTHER: _____ | |
- ☐ Facts to support your allegations (Please provide additional information on next page.)

Complaint form must be signed on bottom of second page.

Please detail the allegations of your complaint including dates of the alleged violations and explain how you were made aware of the violation. If known, please cite the provisions of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, Article 45, Title 1, C.R.S., or the Secretary of State's Campaign Finance Rules you believe were violated. **Please provide any supporting documentation or evidence to support your allegations of a Colorado campaign finance law violation(s).**

This Complaint alleges a violation of the Fair Campaign Practices Act, § 1-45-105.5, C.R.S. and a violation of the Secretary's Rules Concerning Campaign and Political Finance, 8 CCR 1505-6 Rule 14.2.

John Kellner is a candidate for Colorado Attorney General. As a candidate for office, Kellner affirmed by affidavit his familiarity with Colorado laws governing elections and campaigns – including laws governing campaign contributions. In Kellner's May 2, 2022, campaign finance disclosure report, Kellner disclosed that his campaign received an illegal campaign contribution from Michael Fields. Fields is a professional lobbyist for a dark money advocacy organization, and is a registered lobbyist with the Secretary of State. Yet, State laws and rules governing campaign contributions prohibit lobbyists from providing campaign money to candidates for office while the General Assembly is in session. This prohibition includes contributions by lobbyists to candidates for the office of Attorney General. Kellner accepted this unlawful contribution on January 27, 2022, 15 days into the 2022 regular session of the General Assembly. Kellner – who seeks to be the State's chief legal officer and enforcer of campaign laws – should be held accountable by the Division for his violation of the State's campaign finance laws.

Please see attachment (Kellner_Complaint_Evidence.pdf) for the complete analysis of unlawful behavior.

I hereby submit this complaint signed and in writing under section 1-45-111.7(2), C.R.S. (Electronic signature is permitted.)

Complainant's Signature: Ethan Black Date: 5/18/22

BEFORE THE COLORADO SECRETARY OF STATE

Colorado Department of State
Campaign Finance
1700 Broadway, Suite 200
Denver, CO 80290

ETHAN BLACK,
Complainant

v.

KELLNER FOR COLORADO/JOHN KELLNER, candidate for Colorado Attorney General
Respondent

CAMPAIGN FINANCE COMPLAINT

ETHAN BLACK, Complainant, submits this Complaint to the Colorado Secretary of State, pursuant to § 1-45-111.7, Colorado Revised Statutes (CRS) for violations of the Fair Campaign Practices Act, § 1-45-105.5, C.R.S, and the Secretary's Rules Concerning Campaign and Political Finance, 8 CCR 1505-6.

I. Summary

John Kellner is a candidate for Colorado Attorney General. As a candidate for office, Kellner affirmed by affidavit his familiarity with Colorado laws governing elections and campaigns – including laws governing campaign contributions. In Kellner's May 2, 2022, campaign finance disclosure report, Kellner disclosed that his campaign received an illegal campaign contribution from Michael Fields. Fields is a professional lobbyist for a dark money advocacy organization, and is a registered lobbyist with the Secretary of State. Yet, State laws and rules governing campaign contributions prohibit lobbyists from providing campaign money to candidates for office while the General Assembly is in session. This prohibition includes contributions by lobbyists to candidates for the office of Attorney General. Kellner accepted this unlawful contribution on January 27, 2022, 15 days into the 2022 regular session of the General Assembly. Kellner – who seeks to be the State's chief legal officer and enforcer of campaign laws – should be held accountable by the Division for his violation of the State's campaign finance laws.

II. Parties and Jurisdiction

A. Parties

1. The Complainant, Ethan Black, is a resident of the State of Colorado.

2. The Respondent, John Kellner, is a candidate for Colorado Attorney General.
3. Kellner for Colorado is Kellner's campaign committee commenced and filed on January 27, 2022.

B. Timeliness

4. A complaint must be timely filed with the Secretary of State no later than 180 days after the Complainant knew or should have known of an alleged violation. § 1-45-111.7(2)(b), C.R.S.
5. The violation alleged by this Complaint became known to the Complainant on May 2, 2022, the date on which Kellner's campaign contributions disclosure filing was officially filed and posted on the Secretary's campaign disclosure TRACER website.
6. This complaint is timely filed, having been filed with the Secretary of State within 180 days after the May 2, 2022, date of discovery of the violation.

C. Jurisdiction

7. "Any person" who believes that a violation of Article XXVIII of the Colorado Constitution, Article 45 of Title 1 (also known as the Fair Campaign Practices Act), C.R.S., or the Secretary's Rules Concerning Campaign and Political Finance has occurred may file a complaint with the Secretary of State. § 1-45-111.7(2)(a), C.R.S.
8. This Complaint alleges a violation of the Fair Campaign Practices Act, § 1-45-105.5, C.R.S., and a violation of the Secretary's Rules Concerning Campaign and Political Finance, 8 CCR 1505-6 Rule 14.2.
9. Jurisdiction is proper under § 1-45-111.7(3)(a), C.R.S.

III. Factual Allegations

10. On January 19, 2022, Michael Fields registered as a professional lobbyist with the Secretary of State. *See* Exhibit A. The principal for which Fields registered as a professional lobbyist was Advance Colorado Action – a dark money political advocacy organization that pushes conservative causes and does not disclose its sources of funding to the public.
11. Field's activities as a registered professional lobbyist for Advance Colorado Action included spending significant amounts of money – totaling over \$300,000 in just three months – to influence pending legislation before the General Assembly. *See* Exhibits B, C, D.

12. As of the filing of this complaint, Fields is still identified on the Secretary's website as a currently registered professional lobbyist.
13. On January 27, 2022, Kellner filed as a candidate for the office of Colorado Attorney General.
14. On January 27, 2022, Kellner signed and submitted to the Secretary a Candidate Affidavit in which Kellner affirmed:

. . . I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign and Political Finance."

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in § 1-45-110 of the Colorado Revised Statutes.

See Exhibit E.

15. On January 27, 2022, Fields made a campaign contribution in the amount of \$500.00 to the Kellner for Colorado campaign. *See Exhibit F.*
16. The January 27, 2022, campaign contribution by Fields to candidate Kellner was made while Fields was an actively registered professional lobbyist, and the campaign contribution occurred while the Colorado General Assembly was seated in a regular session that had already commenced on January 12, 2022.

IV. Applicable Laws

17. The Colorado Fair Campaign Practices Act prohibits professional lobbyists from providing campaign contribution to candidates for statewide elected office and the General Assembly while the General Assembly is in session. This prohibition includes contributions to candidates for the office of Attorney General. § 1-45-105.5(1)(a), C.R.S.
18. The Secretary's Rules Concerning Campaign and Political Finance prohibit professional lobbyists from providing campaign contribution to candidates for statewide elected office and the General Assembly while the General Assembly is in session. This prohibition includes contributions to candidates for the office of Attorney General. 8 CCR 1505-6 Rule 14.2.

V. First Claim

(Illegal Acceptance of Campaign Contribution from a Lobbyist During the Regular Session)

It is illegal for a “professional lobbyist” to “make or promise to make a contribution to” candidates for the General Assembly or statewide offices. This prohibition expressly includes lobbyist contributions to candidates for the office of Colorado Attorney General, when the General Assembly is in regular session. § 1-45-105.5(1)(a), C.R.S.; 8 CCR 1505-6 Rule 14.2. The law exists to ensure the public can have confidence that public policy is not made under the pressure of special interests wielding campaign contribution checks to influence the outcome of pending legislation and other policy-making activities. The law is well known and complied with by elected officeholders and candidates for the General Assembly and statewide offices, including the offices of governor, lieutenant governor, treasurer, secretary of state, and attorney general.

By issuing a campaign contribution to Kellner, Fields, as a professional lobbyist, violated the Secretary’s rules governing the practice of lobbying. 8 CCR 1505-8 Rule 7.1.

By accepting a campaign contribution from Fields on January 27, 2022, while the General Assembly was in session, Kellner’s campaign accepted an unlawful contribution from a registered professional lobbyist. Kellner was made aware of these laws when he registered as a candidate for Attorney General, and Kellner affirmed his awareness of and familiarity with the State’s campaign finance laws, including the Fair Campaign Practices Act, when he signed the affidavit stating so. Yet despite signing an affidavit attesting to his knowledge of the state’s campaign laws, Kellner, on the very same day he signed that affidavit, accepted an unlawful campaign check in direct violation of those laws. His actions demonstrate not only an unlawful action, but, as a licensed attorney and district attorney, a cavalier disregard for Colorado’s laws.

The alleged violation by Kellner is a non-curable offense. A curable violation is one that is “a failure to file or otherwise disclose required information.” A candidate’s unlawful acceptance of a campaign contribution from a registered lobbyist while the General Assembly is in session constitutes a statutory violation simply by the act of receiving such a contribution. This violation is not a failure to file, a disclosure omission, or a paperwork error. Rather, the violation occurred the moment the Kellner campaign accepted Fields’ illegal campaign contribution. Thus, the violation is not one that can be cured by updating relevant reports or disclosures.

VI. Conclusion


The alleged facts and applicable laws demonstrate a significant violation of the Fair Campaign Practices Act and the Secretary’s Rules on Campaign and Political Finance by Fields, Kellner, and Kellner’s campaign committee. This violation by Kellner – accepting an illegal lobbyist contribution – is especially harmful as such a violation erodes the public’s trust by the appearance of improper influence of special interests over the State’s elected officials.

A violation of the Fair Campaign Practices Act and the Secretary’s campaign finance rules by unlawfully accepting a lobbyist donation is not a minor paperwork violation or an otherwise curable offense.

As a candidate for Attorney General, Kellner seeks to serve as the State's chief legal officer. One of the most important responsibilities of the Attorney General is to serve as chief legal officer for the State. That responsibility includes acting as the legal counsel to the Secretary of State. This is a function in which the Attorney General is charged with acting the Secretary's behalf to enforce in court Colorado's election and campaign finance laws. Given the office he seeks, Kellner's violation is particularly egregious as it demonstrates either an ignorance of or total disregard for Colorado's election and campaign laws. Such a cavalier approach to complying with Colorado's campaign finance laws is especially alarming as Kellner, if elected Attorney General, would be charged with enforcing in court the very laws he violated.

The Division should hold Kellner accountable for his and his campaign committee's illegal actions and apply all relevant penalties for such a violation.

EXHIBIT A
(Fields Lobbyist Registration – May 3, 2022 image)



Colorado
Secretary of State
Jena Griswold

Lobbyist Main Page

Search by Lobbyist

Login

Lobbyist Summary

Lobbyist ID: 20225003906

Status: CURRENT

Name: Fields, Michael

Reporting Status: CURRENT

Registration Date: 01/19/2022

Lobbyist

Name: Fields, Michael

Address: 10628 Worthington Circle

City: Parker

State: CO

Zip/Postal Code: 80134

Phone: 720-218-9478

Email: michael@advancecoaction.org

Lobbyist Menu

- Disclosure Reports (current fiscal year only)
- Clients
- Past Disclosure Reports and Registrations
- History

Previous Page

Terms & conditions | Browser.com

Source: <https://www.sos.state.co.us/lobby/Home.do>

EXHIBIT B
(Fields Lobbyist Report – January 2022)

Lobbyist ID: 20225003906
Registration ID: 20225003906

Fiscal Year: 2021-2022
Report Month: January

Michael Fields
10628 Worthington Circle
Parker CO 80134 US
720-218-9478
michael@advancecoaction.org

Income total: \$1,000.00

Name	Date	Amount
Advance Colorado Action	01/19/2022	\$1,000.00

Expenses total: \$100,000.00

Amount	Date	Type	Name	Purpose
\$100,000.00	01/19/2022	Other		direct mail and digital ads to oppose collective bargaining for local government employees bill

Subjects & Bills:

Bill #	Description	Client	Position	Date range for position
OTHER22	collective bargaining for local government employees bill - not introduced yet	Advance Colorado Action	Opposing	01/22/2022 Ongoing

EXHIBIT C
(Fields Lobbyist Report – February 2022)

Lobbyist ID: 20225003906
Registration ID: 20225003906

Fiscal Year: 2021-2022
Report Month: February

Michael Fields
10628 Worthington Circle
Parker CO 80134 US
720-218-9478
michael@advancecoaction.org

Income total: \$500.00

Name	Date	Amount
Advance Colorado Action	02/28/2022	\$500.00

Subjects & Bills:

Bill #	Description	Client	Position	Date range for position
OTHER22	collective bargaining for local government employees bill - not introduced yet	Advance Colorado Action	Opposing	01/22/2022 Ongoing

EXHIBIT D
(Fields Lobbyist Report – March 2022)

Lobbyist ID: 20225003906
Registration ID: 20225003906

Fiscal Year: 2021-2022
Report Month: March

Michael Fields
10628 Worthington Circle
Parker CO 80134 US
720-218-9478
michael@advancecoaction.org

Income total: \$500.00

Name	Date	Amount
Advance Colorado Action	03/30/2022	\$500.00

Expenses total: \$200,000.00

Amount	Date	Type	Name	Purpose
\$200,000.00	03/04/2022	Media	supporting a legislative fix to the criminal penalties for fentanyl	digital ads to support a legislative fix to the criminal penalties for fentanyl

Subjects & Bills:

Bill #	Description	Client	Position	Date range for position	
OTHER22	collective bargaining for local government employees bill - not introduced yet	Advance Colorado Action	Opposing	01/22/2022	Ongoing
OTHER22	supporting a legislative fix to the criminal penalties for fentanyl	Advance Colorado Action	Monitoring	03/01/2022	Ongoing

Source: <https://www.sos.state.co.us/lobby/Home.do>

EXHIBIT E

(Kellner May 2, 2022, Campaign Disclosure Report – May 3, 2022 Image)

3. Aggregate Amount* \$1,250.00	7. Description
Electioneering Comm? No	8. Employer RETIRED
	9. Occupation Retired

1. Date Accepted 04/18/2022	4. Name ROBERT FEUERRIEGEL JR.
2. Contribution Amount \$100.00	5. Address 118 LUPINE LANE POB 2393
	6. City/State/Zip FRISCO CO 80443
3. Aggregate Amount* \$100.00	7. Description
	8. Employer RETIRED
Electioneering Comm? No	9. Occupation Retired

1. Date Accepted 01/27/2022	4. Name MICHAEL FIELDS
2. Contribution Amount \$500.00	5. Address 10628 WORTHINGTON CIR
	6. City/State/Zip PARKER CO 80134
3. Aggregate Amount* \$500.00	7. Description
	8. Employer ADVANCE COLORADO
Electioneering Comm? No	9. Occupation Office and Administrative Occupations

1. Date Accepted 02/18/2022	4. Name KATHIE FINGER
2. Contribution Amount \$1,250.00	5. Address 5050 S EL CAMINO DRIVE
	6. City/State/Zip CHERRY HILLS VILLAGE CO 80111
3. Aggregate Amount* \$1,250.00	7. Description
	8. Employer RETIRED
Electioneering Comm? No	9. Occupation Retired

1. Date Accepted 03/16/2022	4. Name KAREN FISHER
2. Contribution Amount \$500.00	5. Address 6200 CHARLOU DR
	6. City/State/Zip CHERRY HILLS VILLAGE CO 80111
3. Aggregate Amount* \$500.00	7. Description
	8. Employer RETIRED

Source: TRACER, Colorado Secretary of State.

EXHIBIT F
(Kellner January 27, 2022, Campaign Affidavit)

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



Space Below For Office Use Only

CANDIDATE AFFIDAVIT

[Art. XXVIII, Sec. 2(2) & 1-45-110(1), C.R.S.]

- State, County, School District, and Special District Candidates file with the Secretary of State
- Municipal Candidates file with the Municipal Clerk

This affidavit certifies that I, **JOHN KELLNER**, a member of the Republican political party/organization (if applicable), am a candidate for the 2022 election, [Art. XXVIII, Sec. 2(2)] for the office of **Attorney General**.

I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign and Political Finance.

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Date: 01/27/2022

Physical Address of Candidate: REDACTED BY SOS
REDACTED BY SOS CO 99999

Mailing Address: PO BOX 461798
AURORA CO 80046

Business Phone:

Residence Phone: (999) 999-9999

FAX:

E-Mail Address: MKLEIN@SWSPOLIFI.COM

Web
Address:

Form: CPF 1 Revised 05/2016