

BEFORE THE ADMINISTRATIVE HEARING OFFICER, CITY OF LAKEWOOD,  
COLORADO

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ORDER

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*In re:* Complaint filed by FRED CLIFFORD, Complainant, against BILL FURMAN, Respondent.

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THIS MATTER comes before the undersigned, a duly appointed administrative hearing officer for the City of Lakewood, on a Complaint filed by Fred Clifford, an individual ("Complainant"), against Bill Furman, an individual and former Lakewood City Council candidate ("Respondent"). The Complaint was set for a hearing on February 28, 2019 at 10:30 a.m., and the City of Lakewood (the "City") and Respondent appeared and presented testimony and evidence. The Complainant did not appear. Having considered the Complaint and the testimony and evidence presented at the hearing, and being otherwise advised in the premises, the undersigned finds and orders as follows:

1. In the Complaint, Complainant presented seven alleged violations of Chapter 2.54 of the Lakewood Municipal Code (the "Code"), which is the City's recently-amended campaign finance ordinance. The City Clerk determined that the allegations were not frivolous, and set that allegation for hearing.
2. Respondent was a candidate for City Council at the November 2017 election. The first allegation in the Complaint states that, on April 1, 2018, Respondent donated \$25 to State Representative candidate Kerry Tipper, and that donation violated Code § 2.54.030(A)(6)(d). The second allegation in the Complaint states that, on April 1, 2018, Respondent donated \$50 to Jefferson County Commissioner candidate Lesley Dahlkemper, and that donation violated Code § 2.54.030(A)(6)(d). The third allegation in the Complaint states that, on April 1, 2018, Respondent donated \$25 to State Representative candidate Tammy Story, and that donation violated Code § 2.54.030(A)(6)(d). The fourth allegation in the Complaint states that, on February 2, 2018, Respondent donated \$25 to State Representative candidate Kim Netherton, and that donation violated Code § 2.54.030(A)(6)(d). The fifth allegation in the Complaint states that, on March 20, 2018, Respondent donated \$25 to State Representative candidate Kerry Tipper, and that donation violated Code § 2.54.030(A)(6)(d). The sixth allegation in the Complaint states that, on July 31, 2018, Respondent donated \$27 to RTD Board candidate Brad Evans, and that donation violated Code § 2.54.030(A)(6)(d). The seventh and final allegation in the Complaint states that, on April 1, 2018, Respondent donated \$50 to State Representative candidate Kerry Tipper, and that donation violated Code § 2.54.030(A)(6)(d). The total amount of these seven contributions was \$227.
3. Code § 2.54.030(A)(6) dictates the requirements for use of unexpended campaign contributions by a candidate committee. More specifically, subsection (d) of that section prohibits unexpended campaign contributions from being used "for personal purposes not reasonably related to supporting the election of a candidate." Pursuant to Code § 2.54.020, the term "unexpended

campaign contributions" is defined as "the balance of funds on hand in any candidate committee at the end of an election cycle, less the amount of all unpaid monetary obligations incurred prior to the election in furtherance of such candidacy." That same Code section defines "election cycle" as "the period of time beginning thirty-one (31) days following a municipal election for the particular office and ending thirty (30) days following the next municipal election for that office." Based on this definition, the election cycle for the November 2017 election will not end until after the November 2019 election.

4. At the hearing, Respondent testified, and admitted that the seven contributions were made by his candidate committee as outlined in the Complaint. The undersigned admitted Respondent's Exhibit A, which included documentation of a loan from Respondent, personally, to Respondent's candidate committee (called "Bill Furman 4 Lakewood") in the amount of \$1,500. The undersigned also admitted Respondent's Exhibit B, which included a termination report dated December 31, 2018. The termination report was timely filed with the City Clerk's office. The termination report shows that Respondent paid the remaining balance of the loan, \$701.18, on December 21, 2018. Respondent's position is that, because the total amount of \$227 alleged to be expended was less than the \$701.18 remaining as an "unpaid monetary obligation", none of the funds donated in April through August of 2018 qualified as "unexpended campaign funds."

5. The City Clerk also testified, and confirmed that the loan from Respondent to Respondent's candidate committee was properly reported. The City Clerk referred the undersigned to Rule 2.1.3 of the City of Lakewood Campaign Finance Rules and Regulations, adopted on October 8, 2014 (City's Exhibit 1). However, Rule 2.1.3 dictates what happens to financial obligations of a candidate committee after the close of an election cycle. And as noted above, the election cycle for the November 2017 election has not closed.

6. Based on all of the testimony and evidence presented, the undersigned finds no violation of Code § 2.54.030(A)(6)(d). The remaining funds in Respondent's account after the election were not "unexpended campaign contributions" for two reasons. First, the entire amount of \$227 was less than the remaining balance on the \$1,500 loan from Respondent to his candidate committee. Second, "unexpended campaign contributions" can only exist after the end of an election cycle, and the election cycle for the November 2017 election has not yet ended.

WHEREFORE, the Complaint is hereby dismissed in its entirety.

SO ORDERED this 7<sup>th</sup> day of March, 2019.

CITY OF LAKEWOOD, COLORADO



By

Kendra L. Carberry, Hearing Officer  
Hoffmann, Parker, Wilson & Carberry, P.C.  
511 16<sup>th</sup> Street, Suite 610  
Denver, CO 80202

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Order was sent via electronic mail this 7<sup>th</sup> day of March, 2019, addressed to:

Margy Greer, City Clerk  
City of Lakewood  
480 South Allison Parkway  
Lakewood, CO 80226  
via email: [MarGre@lakewood.org](mailto:MarGre@lakewood.org)

Bill Furman  
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Marlene Beliveau, Legal Assistant