

City Clerk's Office
Lakewood Civic Center
480 S. Allison Parkway
Lakewood, CO 80226-3127
Email: Margy Greer
margre@lakewood.org
Phone: 303-987-7080
Fax: 303-987-7088
TDD: 303-987-7057

CAMPAIGN FINANCE COMPLAINT FORM

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

Full Name: Frances Milhollin

Address: 868 S. Alkire St. City: Lakewood State: CO Zip: 80228

Telephone number: 303-989-3335 Email address: fmlhollin@yahoo.com

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

Attorney's Name: Not Applicable Law

Firm: _____

Address: _____ City: _____ State: _____ Zip: _____

Information of the person alleged to have committed a violation:

Full Name: Business & Labor Together

Address: 1099 18th Str. Suite 2150 City: Denver State: CO Zip: 80202

Alleged violation – must include the section of the code or rule# or the alleged violation: _____

See attached letter alleging the use of anonymous contributions in violation of Sections 2.54.030, 2.54.071(1), 2.54.070 and 2.54.060

Frances Milhollin
Complainant's Signature

2/27/2020
Date

Counsel's Signature (required if applicable)

Date

Michele Millard, City Clerk
City of Lakewood
480 S. Allison Pkwy.
Lakewood, CO 80226

Re: Campaign Finance Complaint against Business & Labor Together

Dear Ms. Millard:

Pursuant to section 2.54.050 of the Lakewood Municipal Code, I respectfully submit the following campaign finance complaint against Business & Labor Together.

I. Factual background

A. *Business & Labor Together* is an independent expenditure committee registered with the Lakewood City Clerk on October 24, 2019 for the purpose "to influence state and local elections for candidates that support the interest of business and labor regardless of political affiliation." The registered agent is John S. Zakhem with the law firm of JacksonKelly. The committee address is listed as 1099 18th Street, Suite 2150, Denver, CO 80202.

B. On October 31, 2019, *Business & Labor Together* filed an amended Report of Contributions and Expenditures for the period covering October 4 through October 26, 2019. The itemized contribution statement listed contributions of \$320,000 in two payments. Both payments are attributed to the same donor – **RMDC5 LM Coop Fund Issues Committee**. One payment for \$250,000 was accepted on October 17, 2019 and the second payment for \$70,000 was listed on October 25, 2019.

C. On December 3, 2019, *Business & Labor Together* filed a Report of Contributions and Expenditures for the period covering October 27 through December 2, 2019. The itemized contributions statement listed a contribution of \$30,000 from the same donor – **RMDC5 LM Coop Fund Issues Committee**

D. The donor name contains acronyms which are not defined anywhere in the report. The address of the donor is listed as either 1391 Speer Blvd. #450, Denver, CO 80204 or 1392 Speer Blvd. #450, Denver, CO 80204.

E. A review of the Colorado Secretary of State's business database does not return any information about this entity. A google search also did not return any information about this entity. Therefore, any voter accessing the City Clerk's campaign finance reports would be unable to determine who was the actual donor of the subject \$360,000 contribution to Business & Labor Together.

II. Campaign finance disclosure requirements of Chapter 2.54 of the Lakewood Municipal Code.

A. Section 2.54.030 of the Lakewood Municipal Code Section (2) Reporting F. Independent Expenditures, (b) (I) states, "Any person who expends an aggregate amount of five hundred dollars (\$500) or more per calendar year for the purpose of making an independent expenditure shall report to the City Clerk, in accordance with the requirements of this section, the name and address of any person that, for purpose of making an independent expenditure, donates more than two hundred fifty dollars per year to the person expending five hundred dollars (\$500) or more on an independent expenditure.

(III) If the person making the donation of two hundred fifty dollars or more is not a natural person, the disclosure required by this paragraph (b) shall also include: (A) The donor's full name, or, if the donor is a subsidiary of a parent corporation, the full name of the parent corporation, spelling out any acronyms used therein; (B) All names under which the donor does business in the state if such names are different from the name identified pursuant to subparagraph (i) of this paragraph (b); (C) The address of the home office of the donor, or, if the donor is a subsidiary of a parent corporation, the home office of the parent corporation; and (D) The name and street address in the state of the donor's registered agent.

B. Section 2.54.071(1) of the Lakewood Municipal Code states that "F. (2) Reporting states: "(4) Disclosure. Any person, including a corporation that qualifies under section 501(c)(4) of the Internal Revenue Code, that expends an aggregate amount of five hundred (\$500) or more on an independent expenditure in any one calendar year shall deliver written notice to the City Clerk that shall list with specificity the name of the candidate whom the independent expenditure is made within thirty (30) days before an election, the notice required by subsection (3) shall be delivered within forty-eight hours after the person obligates moneys for the independent expenditure."

C. Section 2.54.060 of the Lakewood Municipal Code states, "(5) In connection with any complaint brought to enforce any requirement of this Chapter, including a complaint initiated by the City Clerk, the hearing officer shall order disclosure of the source and amount of any undisclosed donations, spending, contributions, or expenditures."

D. Section 2.54.070 of the Lakewood Municipal Code states, "(1) Any person, including a corporation that qualifies under section 501(c)(4) of the Internal Revenue Code, that expends five hundred dollars (\$500) or more per calendar year on electioneering communications shall report to the City Clerk, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars (\$250) per year to the person expending five hundred dollars (\$500) or more on the communications. If the person making a contribution of more than two hundred fifty dollars (\$250) is a natural person, the disclosure required by this section shall also include the person's occupation and employer."

III. Complaint

A. The independent expenditure committee *Business & Labor Together* has failed to adequately identify the sources of \$350,000 in contributions from an unknown group. The use of an acronym is explicitly prohibited by City Code 2.54.030 Section (2) Reporting F. Independent Expenditures, (b) (1).

B. The absence of specificity in the identification of the original donors of the group's funding amounts is the functional equivalent of anonymous contributions which is strictly prohibited under City Code.


C. By failing to identify the original donors of the contributions made by the unknown group called *RMDC5 LM Coop Fund Issues Committee* to the independent expenditure committee *Business & Labor Together*, the City Codes' transparency objectives of identifying individuals making substantial donations cannot be achieved.

IV. Request for Relief.

The City Clerk is respectfully requested to initiate enforcement proceedings and impose such sanctions and disclosure requirements upon the City of Lakewood as may be determined appropriate pursuant to Section 2.54.050(B) and (C) of the Lakewood Municipal Code.

Exhibit 1 – Committee Registration Form Filed October 24, 2019

City Clerk's Office
Lakewood Civic Center
480 S. Allison Parkway
Lakewood, CO 80226-3127
Phone: 303-987-7080
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Lakewood

NEW COMMITTEE REGISTRATION FORM

Select Only One Committee Type:

☐ Candidate Committee ☒ Independent Expenditure Committee ☐ 527 Political Organization
☐ Political Committee ☐ Small Donor Committee ☐ Exploratory Committee
☐ Issue Committee

Committee Name: Business & Labor Together

Purpose/Office Sought:
To Influence State and Local Elections for Candidates That Support The Interest of Business and Labor Regardless of Political Affiliation

Principal Place of Operations:

Committee Address (Physical): 1099 18th Street, Suite 2150, Denver, CO 80202

Committee Address (Mailing): _____

Phone Number: 303-390-0351 Alternative Phone Number: _____

Fax Number: 303-390-0177 Email Address: jszakhem@jacksonkelly.com

Web Address: _____

List All Affiliated Candidates and Committees:

Financial Institution Information:

Institution Name: MidFirst Bank

Institution Address: 2805 South Colorado Blvd., Denver, CO 80222

Contact Information:

Name of Registered Agent or Representative: John S. Zakhem

Address: 1099 18th Street, Suite 2150 Denver, CO 80202 Phone Number: 303-390-0351

E-mail Address: jszakhem@jacksonkelly.com

Exhibit 2 - Exhibit 3 – Business & Labor Together
Report of Contributions and Expenditures filed October 31, 2019

ITEMIZED CONTRIBUTIONS STATEMENT

Full Name of Committee		Business & Labor Together						
Reporting Period		10/04/2019 through 10/26/2019						
TOTAL CONTRIBUTIONS		\$ 320,000.00 (total amount is calculated based on the entries below)						
#	Date Accepted	Amount	Name	Address	City/State/Zip	Employer (if applicable, mandatory)	Occupation (if applicable, mandatory)	Electioneering Communication (Y/N)
1	10/17/19	\$ 250,000.00	RIMDCS LM Coop Fund Issues Committee	1391 Speer Blvd #450	Denver, CO 80204	N/A	N/A	N
2	10/25/19	\$ 70,000.00	RIMDCS LM Coop Fund Issues Committee	1392 Speer Blvd #450	Denver, CO 80205	N/A	N/A	N
3								

Exhibit 3 – Business & Labor Together
Report of Contributions and Expenditures filed December 2, 2019

ITEMIZED CONTRIBUTIONS STATEMENT

Full Name of Committee		Business & Labor Together						
Reporting Period		10/27/2019 through 12/02/2019						
TOTAL CONTRIBUTIONS		\$ 75,000.00 (total amount is calculated based on the entries below)						
#	Date Accepted	Amount	Name	Address	City/State/Zip	Employer (if applicable, mandatory)	Occupation (if applicable, mandatory)	Electioneering Communication (Y/N)
1	10/28/19	\$ 25,000.00	Protect Lakewood Parks and Open Space	1338 Chase Street	Lakewood, CO 80214	N/A	N/A	N/A
2	10/29/19	\$ 20,000.00	Protect Lakewood Parks and Open Space	1338 Chase Street	Lakewood, CO 80214	N/A	N/A	N/A
3	10/31/19	\$ 30,000.00	RIMDCS LM Coop Fund Issues Committee	1392 Speer Blvd #450	Denver, CO 80205	N/A	N/A	N/A
4								
5								