

Independent Ethics Commission – Formal Complaint Form

Before the Independent Ethics Commission  
of the State of Colorado

*For Commission Use Only*

Received date: 11-Dec-2019

Case. No.: 19-26

The Complainant is: Suzanne Staiert

(name)

Mailing Address: 98 Wadsworth Blvd #127-307

Lakewood, CO 80226

Daytime telephone number: 303-263-0844

Email address: trust@publictrustinstitute.org

The Respondent is: Joeseh Salazar

(name)

Mailing Address: Colorado Rising

PO Box 18872

Boulder, CO 80308-1872

Daytime telephone number: \_\_\_\_\_

Email address: jas@salarzarlaw.net

When did the alleged violation occur: Within the last year.

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.

Please see attached.

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: Suzanne Staiert

Attorney (if applicable): \_\_\_\_\_

Dated at Denver (City), Colorado, this 11th day of December, 2019.

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.

# Public Trust INSTITUTE

December 11, 2019

Colorado Independent Ethics Commission  
1300 Broadway, Suite 240  
Denver, CO 80203

Dear Commissioners:

Pursuant to Colorado Constitution, Article XXIX, Section 5, (3)(a) please accept this Complaint which provides specific evidences showing violations of Article XXIX, Section 4, by former Colorado State Representative Joseph Salazar. This Complaint is timely, non-frivolous and falls under the jurisdiction of the Colorado Independent Ethics Commission (“Commission”).

This Complaint alleges that former Representative Salazar engaged in professional lobbying within two-years of vacating state elected office in direct violation of Amendment 41. Specifically, this Complaint provides video recordings of Mr. Salazar engaging in lobbying activities within two years of leaving state office in direct violation of Amendment 41.

### **Amendment 41 Lobbying Restriction**

Amendment 41 prohibits a member of the general assembly from lobbying for a period of two years after leaving office. The relevant provision reads:

No statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly, for a period of two years following vacation of office. Further restrictions on public officers or members of the general assembly and similar restrictions on other public officers, local government officials or government employees may be established by law.<sup>1</sup>

The Commission has ruled that the two-year lobbying ban is not ambiguous or hard to follow and the restriction will be stringently enforced. The Commission has ruled: “[T]he term ‘personally represent’ was intended to mean that elected office holders and members of the general assembly are prohibited from serving as ‘professional lobbyists’ for two years following leaving office.”<sup>2</sup>

### **Lobbying Defined**

Under state law, “lobbying” is defined as “communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing” the consideration of any bill pending in the Colorado General Assembly. C.R.S. § 24-6-301(3.5)(a)(I)(A). A “covered

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<sup>1</sup> Colorado Constitution, Article XXIX, Section 4

<sup>2</sup> Position Statement 09-02 (Restrictions on Representation after Leaving Office).

official” includes Members of the General Assembly, the Governor and Lieutenant Governor. Colorado Revised Statute C.R.S. § 24-6-301(1.5)(a).

Professional lobbyists are required to register in Colorado. C.R.S. 24-6-303. A “Professional lobbyist means a person, business entity, including a sole proprietorship, or an employee of client, who is compensated by a client or another professional lobbyist for lobbying.” C.R.S. § 24-6-301(6).

### **Colorado Rising Pays Salazar for Lobbying Activities**

Colorado Rising is registered as a non-profit corporation with the Secretary of State with its principal offices located at 1790 30th Street, Suite 280, Boulder, CO 80301. Mr. Salazar is employed as the Executive Director. Mr. Salazar’s hiring was announced in press release on January 4, 2109:

On Wednesday, January 4th, Colorado Rising, the group behind Proposition 112, publicly announced the hiring of civil rights attorney and former state representative, Joseph Salazar, as Executive Director of the organization.<sup>3</sup>

Mr. Salazar is not registered as a lobbyist and Colorado Rising is not listed as a client of any other lobbyist or lobbying firm in the Secretary of State lobbyist database.

### **Salazar Lobbying Activities Related to SB-181**

Mr. Salazar’s term ended on January 3, 2019. Mr. Salazar did not even wait a single day after the expiration of his term before engaging in lobbying. On January 4<sup>th</sup> Mr. Salazar held a press conference on the steps of the Colorado State Capitol to make clear Colorado Rising’s intent to directly influence state legislation and policy, stating:

The Governor’s Office doesn’t belong to one individual no matter how much he paid for it. It doesn’t belong to him. It belongs to the people of the state of Colorado. And Colorado Rising is here to give them that reminder on a daily basis if we need to.<sup>4</sup>

Mr. Salazar’s direct lobbying activities occurred two months later. On March 4, 2019, Mr. Salazar held a press conference at the Colorado State Capitol and explicitly solicited others to contact specifically named state legislators to influence the passage of Senate Bill 19-181. This activity is “lobbying” under C.R.S. § 24-6-301(3.5)(a)(I)(A) (soliciting others to communicate with a covered official for the purpose of aiding in or influencing any legislation).<sup>5</sup>

At the press conference, held in a legislative committee room at the state capitol and streamed live, Mr. Salazar begins by reminding listeners of his status and influence as a

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<sup>3</sup> <https://corising.org/press-releases/>

<sup>4</sup> <https://www.bing.com/videos/search?q=joe+salazar+colorado+rising+press+conference&&view=detail&mid=DF2E54C52A75BA95AC5FDF2E54C52A75BA95AC5F&rvsmid=39939626930C51C9209439939626930C51C92094&FORM=VDQVAP>

<sup>5</sup> [https://www.youtube.com/watch?time\\_continue=139&v=bd8uZpdx5xM](https://www.youtube.com/watch?time_continue=139&v=bd8uZpdx5xM)

former legislator: “I’m no longer here inside the capitol, but I have...there are people that talk”.<sup>6</sup> He then engages in clear lobbying activity by soliciting others to communicate with specific state senators that he describes as needing “extra pressure” to influence specific legislation:

You need to contact (Senator) Kerry Donovan...“we need to provide some strength for Faith (Senator Faith Winter), Brittney (Senator Brittney Peterson), Kerry Donovan and of course, Mikey...Mike Foote...Senator Mike Foote...he’s my homeboy, I call him Mikey.”<sup>7</sup>

Then, Mr. Salazar requests that people also contact (Senators) Angela Williams, Leroy Garcia, Rachel Zenzinger, Kerry Donovan, Jeff Bridges to make sure they stay “solid” on the bill.<sup>8</sup> Mr. Salazar ends his comments with an analysis that the bill can ultimately be used to ban all drilling in Colorado. These are “lobbying” activities by Mr. Salazar within two years of vacating office.

The recording leaves no question that Mr. Salazar solicited others (via a press conference) to communicate with a covered official (explicitly naming state senators) for the purpose of aiding in or influencing legislation (Colorado Senate Bill 181). Senate Bill 19-181 had 747 records of lobbyist activity in the database. Mr. Salazar or Colorado Rising is not listed as a lobbyist or client on the bill.<sup>9</sup>

Further, on August 14, 2019 Mr. Salazar held a press conference in room 0107 of the Colorado State Capitol to announce, “new legal actions that the group has taken in response to the passing of SB-181.”<sup>10</sup> Committee rooms at the Capitol can only be reserved by current members of the general assembly. Committee room 0107 was reserved by Representative Singer on August 14, 2019 from 12:30 to 2:30 and on March 4, 2019 from 10:00 to 2:00. *See Exhibits A and B*. It appears that not only did Mr. Salazar engage in lobbying, but he coordinated his lobby efforts with Representative Singer, using public facilities available only to current members of the General Assembly.

### **Salazar Lobbying Activities Related to Immigration Legislation**

Mr. Salazar’s lobbying activities are not confined to a single issue or event but are part of a general disregard of Amendment 41 restrictions. Another clear violation of Amendment 41 occurred on August 8, 2019 when Mr. Salazar emailed 10 current members of the Colorado General Assembly urging legislation related to immigration reform. *See Exhibit C*.

In that direct communication with legislators, Mr. Salazar urged each legislator to propose and support legislation: “legislation must be brought this next session giving more authority...” to state and local agencies. *Id.* In the email Mr. Salazar thanks, Adams County “Commissioner Chaz Tedesco, Tri-County Health Officials, CDPHE representatives, and Adams County Human Services representatives for providing me information and guidance.” *Id.*

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> <https://www.sos.state.co.us/lobby/SearchSubject.do>

<sup>10</sup> <https://corising.org/press-releases/>

Under Colorado law, "Lobbying" includes communications with a covered official for the purpose of influencing prospective legislation. Colorado law expressly includes "drafting," "introduction," and "consideration" of "proposed" legislation regardless of whether or not the general assembly is in session:

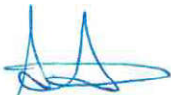
The **drafting, introduction**, sponsorship, **consideration**, debate, amendment, passage, defeat, approval, or veto by any covered official on: (A) Any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, **pending or proposed** for consideration by either house of the general assembly or committee thereof, whether or not the general assembly is in session; (B) Any other matter pending or proposed in writing by any covered official for consideration by either house of the general assembly or a committee thereof, whether or not the general assembly is in session...

C.R.S. 24-6-301(3.5)(a)(*emphasis added*). Mr. Salazar clearly engaged in lobbying activities by directly communicating with covered officials urging the proposal and support of legislation. Colorado law makes clear that lobbying communications include such emails to legislators. "Communication" includes but is not limited to a transmittal of information, data, ideas, opinions, or anything of a similar nature, either oral, written, or by any other means, to a covered official. 24-6-301(1.3)

As a former member of the General Assembly Mr. Salazar is prohibited from lobbying for two years after his term in office expires. This complaint provides direct and irrefutable evidence that Mr. Salazar engaged in "lobbying" activities within two years of leaving public office in direct violation of Amendment 41.

Thank you for your attention on this important matter.

Sincerely,



Suzanne Staiert  
Executive Director

Start Time	End Time	Room	Purpose	Responsible
<b>03/04/2019</b>				
08:00 AM	- 11:00 AM	HCR0112/CAPITOL	Rep. McLachlan - Acupuncturists	Robin Jones/CLIC
09:00 AM	- 10:00 AM	603/1525 Sherman	SEN CROWDER	Randy Martinez/CL
10:00 AM	- 02:00 PM	HCR0109/CAPITOL	Rep Singer Stakeholder Meeting	Robin Jones/CLIC
11:30 AM	- 01:00 PM	HCR0112/CAPITOL	Rep Coleman-AAICD	Jared Gregorio/CLI
12:00 PM	- 01:00 PM	603/1525 Sherman	REP MULLICA	Randy Martinez/CL
01:00 PM	- 02:00 PM	607/1525 Sherman	SEN GINAL	Randy Martinez/CL
01:00 PM	- 05:00 PM	HCR0112/CAPITOL	House Energy and Environment	Robin Jones/CLIC
01:15 PM	- 02:00 PM	HCR0106/CAPITOL	Rep Kraft-Tharp-Labor Community Meeting	Jared Gregorio/CLI
01:30 PM	- 05:00 PM	HCR0107/CAPITOL	Rural Issues	Robin Jones/CLIC
01:30 PM	- 05:00 PM	Hearing Room A/LSB	House Finance	Robin Jones/CLIC
02:00 PM	- 04:00 PM	607/1525 Sherman	SEN GINAL	Randy Martinez/CL
03:00 PM	- 04:30 PM	Hearing Room B/LSB	Pre-LAC Set-up	Youngsin Joh/CLIC
04:00 PM	- 05:00 PM	HCR0106/CAPITOL	Rep Lontine-Stakeholder Meeting	Jared Gregorio/CLI
<b>03/05/2019</b>				
07:00 AM	- 09:30 AM	Hearing Room B/LSB	Legislative Audit Committee Hearing	Youngsin Joh/CLIC
07:30 AM	- 09:00 AM	HCR0109/CAPITOL	Prayer Breakfast - Rep Wilson	Robin Jones/CLIC
08:00 AM	- 12:00 PM	603/1525 Sherman	Rep Snyder - Community Board	Robin Jones/CLIC
08:00 AM	- 12:30 PM	607/1525 Sherman	SEN FOOTE	Randy Martinez/CL
09:00 AM	- 12:00 PM	Hearing Room A/LSB	House Business Affairs	Robin Jones/CLIC
09:00 AM	- 12:00 PM	HCR0107/CAPITOL	House Health and Insurance	Robin Jones/CLIC
09:00 AM	- 12:00 PM	HCR0112/CAPITOL	House Transportation and Local Government	Robin Jones/CLIC
12:00 PM	- 01:00 PM	603/1525 Sherman	Bible Study for Aides/Interns - Rep Wilson	Robin Jones/CLIC
01:00 PM	- 01:15 PM	HCR0106/CAPITOL	Rep Carver	Robin Jones/CLIC
01:00 PM	- 02:00 PM	HCR0109/CAPITOL	Rep Hooton - Stakeholder Meeting	Robin Jones/CLIC
01:00 PM	- 05:00 PM	HCR0112/CAPITOL	House Judiciary	Robin Jones/CLIC
01:00 PM	- 05:00 PM	HCR0107/CAPITOL	House Education	Robin Jones/CLIC
01:30 PM	- 03:00 PM	HCR0106/CAPITOL	Rep Jaquez Lewis	Robin Jones/CLIC
01:30 PM	- 06:00 PM	Old State Library/CAPITOL	Senate Transportation Overflow	Morgan Speer/CLIC
01:30 PM	- 06:00 PM	Hearing Room B/LSB	SENATE Local Government	Morgan Speer/CLIC
01:30 PM	- 06:00 PM	Hearing Room A/LSB	Senate Finance	Morgan Speer/CLIC
02:00 PM	- 03:00 PM	603/1525 Sherman	Kira Mozolla - Aides	Robin Jones/CLIC
02:00 PM	- 03:00 PM	HCR0109/CAPITOL	Rep Titone - HB 1212 Stakeholder Meeting	Robin Jones/CLIC
03:00 PM	- 04:00 PM	607/1525 Sherman	Rep Snyder Stakeholder Mtg	Robin Jones/CLIC
03:00 PM	- 04:00 PM	HCR0106/CAPITOL	Business Stakeholder Meeting-Lobbyist	Jared Gregorio/CLI
03:00 PM	- 05:00 PM	603/1525 Sherman	SEN FIELDS	Randy Martinez/CL

Exhibit B

Start Time	End Time	Room	Purpose	Room
<b>08/14/2019</b>				
07:30 AM	- 05:00 PM	Hearing Room A/LSB	Joint Budget Committee	Jessi Neuberger/CLICS
08:30 AM	- 12:00 PM	HCR0112/CAPITOL	Zero Waste and Recycling Interim Committee	Amanda King/CLICS
09:00 AM	- 09:30 AM	HCR0107/CAPITOL	All Staff Meeting	Natalie Mullis/CLICS
10:00 AM	- 11:30 AM	Hearing Room B/LSB	Mission, Vision, Values Meeting	Cathy Eslinger/CLICS
10:00 AM	- 12:00 PM	HCR0107/CAPITOL	Rep Coleman	Marilyn Eddins/CLICS
12:30 PM	- 02:30 PM	HCR0107/CAPITOL	Rep Singer	Robin Jones/CLICS
01:00 PM	- 02:30 PM	Hearing Room B/LSB	Mission, Vision, Values Workshop - Team 3	Manish Jani/CLICS
02:30 PM	- 04:45 PM	HCR0106/CAPITOL	Rep. Jaquez Lewis/ stakeholders	kathy hahn/CLICS



1 attachment



Tri-CountyHealthDept\_ICE\_MumpsVaricellaOutbreakReport\_02Aug2019\_FINAL.pdf

**From:** Adrienne Benavidez <[REDACTED]>  
**Subject:** Fwd: GEO Facility Update  
**Date:** November 13, 2019 at 2:55:22 PM MST  
**To:** Adrienne Benavidez <[REDACTED]>

Begin forwarded message:

**From:** Joe Salazar <[jas@salazarlaw.net](mailto:jas@salazarlaw.net)>  
**Subject:** GEO Facility Update  
**Date:** August 8, 2019 at 1:49:35 PM MDT  
**To:** Adrienne Benavidez <[REDACTED]>, Serena  
Gonzales-Gutierrez <[REDACTED]>, Yadira Caraveo <  
[REDACTED]>, Dominick Moreno <  
[REDACTED]>, Julie Gonzales <  
[REDACTED]>, Robert Rodriguez <  
[REDACTED]>  
**Cc:** Leslie Herod <[REDACTED]>, "Jovan E. Melton" <  
[REDACTED]>, Angela Williams <  
[REDACTED]>, Rhonda Fields <  
[REDACTED]>

Latinx and Black Caucus Members (I don't have everyone's email addresses):

GEO Facility Update:

Back in early-July, I started making some calls related to the status of individuals held at the GEO concentration camp located in Aurora, Adams County, CO. My primary course of investigation was to determine:

- 1) Whether any children are held or have been held at the concentration camp;
- 2) The health status of the individuals detained in the concentration camp; and
- 3) To ascertain whether there have been any reports of sexual assault or other crimes committed against the detainees by GEO staff.

I spoke with representatives from CDPHE and Tri-County Health Department. I also spoke with Adams County leadership to see if any of these local jurisdictions would have authority over the concentration camp.

Because there are no children detained at the GEO Aurora facility (based on what I was told by state and local authorities), there is no Human Services jurisdiction. Even vulnerable populations such as disabled individuals located within this

concentration camp do not fall under Human Services jurisdiction, according to information provided to me.

Based on information received from the various jurisdictions, there have been no reports of sexual assaults or physical abuse on detainees.

Tri-County Health Department had jurisdiction limited only to investigate and treat an outbreak of infectious diseases. Tri-County Health officials provided me a report moments ago noting that there was a mumps and measles outbreak in the concentration camp starting in February 2019. It was contained by May 2019. A copy of the report is attached hereto.

I want to thank Commissioner Chaz Tedesco, Tri-County Health officials, CDPHE representatives, and Adams County Human Services representatives for providing me information and guidance.

Here is what I've concluded and what I believe should happen next:

- 1) Legislators should review our current state laws and determine whether more authority can be given to state and local agencies over concentration camps, such as GEO;
- 2) If federal law does not preempt states from asserting more state jurisdiction over these PRIVATE CONTRACT FACILITIES, legislation must be brought this next session giving more authority to Colorado Department of Human Services, CDPHE, and/or the Tri-County Health Department to investigate the treatment of detainees (i.e. neglect, abuse, treatment of disabled detainees, etc.).

The current state of the law is that local District Attorneys can bring criminal cases against federal employees and federal contractors for violating state criminal laws. We need to make sure that state and local agencies have the necessary tools to provide information to local District Attorneys.

I'll keep digging up more information, but I just want to give you all an update and reassure you that many of us are doing various types of work around these inhumane concentration camps.

"Evil prevails when good [people] do nothing." - Edmund Burke

Joe