

**BEFORE THE INDEPENDENT ETHICS COMMISSION
STATE OF COLORADO**

CASE NO. 16-20

In the Matter of

KIM RANSOM, Colorado State Representative

RESPONSE TO COMPLAINT OF CHARLES H. BUCKNAM

Respondent, Colorado State Representative Kim Ransom, respectfully submits this Response pursuant to Rule 7(K)(2) of the Independent Ethics Commission (IEC) Rules of Procedure, through her counsel, Recht Kornfeld P.C. Any statements contained in this response are true to the best of the undersigned's knowledge, information and belief.

RESPONSES TO COMPLAINANT'S ALLEGATIONS

1. Representative Kim Ransom ("Ransom") is currently a member in the Colorado House of Representatives and was a member of the House of Representatives in 2016.
2. The 2016 legislative session began on January 13, 2016.
3. The 2016 legislative session ended on May 11, 2016 when the General Assembly adjourned *sine die*.
4. On May 13, 2016, the Centennial Institute ("Institute") offered Ransom a Gold Pass so she could attend the 2016 Western Conservative Summit ("Summit"), a series of programs sponsored by the Institute on July 1-3, 2016. The Summit featured various speakers, workshops, and panels with persons who shared the objectives of advancing faith, family, and freedom.
5. The Institute is a division of Colorado Christian University ("CCU"). CCU is a Colorado nonprofit corporation, originally incorporated under the laws of the State of Colorado as the Denver Bible College and now organized under federal tax law as a 501(c)(3) charitable entity.
6. On June 22, 2016, CCU notified Ransom she was one of several legislators who would receive a Principles of Liberty Legislator Award, which presentation was listed on the published Summit program for July 2, 2016 at 7:00 p.m. and conducted at that time.
7. Ransom used the Institute's Gold Pass and did attend and participate in the 2016 Summit and, at such meeting, received the Principles of Liberty Legislator Award as part of the published Summit program on July 2, 2016 at 7:00 p.m.

8. CCU, and thus the Institute as a division of CCU, is a nonprofit organization that meets all criteria of Colo. Const., art. XXIX, sec. 3(3)(f), for a nonprofit organization that is entitled to pay certain expenses for officials subject to Article XXIX, and no facts are alleged to the contrary.
9. Ransom's actions do not violate any ethical code, any standard of conduct, or any reporting requirement, even if "Ransom should not have reported" her attendance at the conference on her State of Colorado disclosure report for public officials.
10. Ransom's sponsorships of legislation, including SB 16-154, are a matter of public record.

AFFIRMATIVE DEFENSES

- A. Ransom's acceptance of the Gold Pass from the Institute, a qualifying nonprofit organization pursuant to Colo. Const., art. XXIX, sec. 3(3)(f), was permissible as a reasonable expense of attending the Western Conservative Summit in addition to any of the following facts:
 - (1) Ransom was "scheduled to deliver a speech" at the Summit, pursuant to Colo. Const., art. XXIX, sec. 3(3)(f);
 - (2) Ransom made a "presentation" at the Summit, pursuant to Colo. Const., art. XXIX, sec. 3(3)(f);
 - (3) Ransom "participate[d] on a panel" at the Summit, pursuant to Colo. Const., art. XXIX, sec. 3(3)(f); and
 - (4) Ransom "represent[ed] the state... government" at the Summit, pursuant to Colo. Const., art. XXIX, sec. 3(3)(f).
- B. The purposes for Ransom's attendance at the Western Conservative Summit were permissible and included becoming educated on issues that related to or could relate to topics of legislation as well as to receive an award.
- C. Ransom's attendance at the Summit was in conjunction with a meeting by an organization before whom Ransom spoke as part of a scheduled program, and was thus permissible under Colo. Const., art. XXIX, sec. 3(3)(e).
- D. Ransom's attendance at the Western Conservative Summit was in conjunction with her receipt of an unsolicited award of appreciation, and was thus permissible under Colo. Const., art. XXIX, sec. 3(3)(c).
- E. Ransom was not reimbursed for travel or lodging by, and did not receive a per diem or other monetary payment from, any person.
- F. Ransom's actions did not constitute a "breach of the public trust."

- G. Ransom did not realize a “private gain” or “personal financial gain,” as defined by C.R.S. § 24-18.5-101(5)(b)(II), due to her attendance at the Western Conservative Summit.
- H. By providing Ransom with a Gold Pass, neither CCU nor the Institute sought to influence an official act performed in the course and scope of a General Assembly member’s public duties.
- I. No other person sought to influence an official act performed by Ransom in the course and scope of her public duties as a member of the General Assembly due to her attendance at the Western Conservative Summit.
- J. Ransom did not perform any official action to benefit any person because of her receipt of the Gold Pass or the Principles of Liberty Legislator Award.
- K. Any over-reporting that occurred in a report filed under C.R.S. § 24-6-203(3.5) was not a failure to comply with:
 - (1) Article XXIX of the Colorado Constitution;
 - (2) An applicable standard of conduct; or
 - (3) Any reporting requirement as provided by law.
- L. Ransom did not accept a prohibited in-kind gift under C.R.S. § 24-6-203(3.5)(a)(II), as “in-kind gift” is limited to a gift, the value of which exceeds \$50 if it also is given “for the purpose of defraying any expenses related to the official duties” of an incumbent or a candidate. C.R.S. § 24-6-203(3.5)(c). The Gold Pass was not given for the purpose of defraying, and did not defray, Ransom’s expenses associated with her official duties.
- M. Ransom did not accept a prohibited in-kind gift under C.R.S. § 24-6-203(3.5)(a)(II), as her receipt of the Gold Pass and her presence at the Summit was permitted under section 3 of article XXIX of the Colorado Constitution. *See* C.R.S. § 24-6-203(3.5)(b).
- N. The Western Conservative Summit is not a professional lobbyist.
- O. Neither CCU nor the Institute is a professional lobbyist.
- P. The complaint filed is frivolous.
- Q. The complaint filed is groundless.
- R. The penalties sought are unwarranted and unauthorized under Article XXIX, state statute, or as otherwise provided by law.

Respectfully submitted this 23rd day of March, 2017.

RECHT KORNFELD, P.C.



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CERTIFICATE OF SERVICE

I, Erin Holweger, hereby certify that on 23rd day of March, 2017, I submitted via U.S. mail, first class, postage prepaid, the foregoing **RESPONSE TO COMPLAINT OF CHARLES H. BUCKNAM** to the following:

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