

December 16, 2021

PDF via email to: [iecinfo@state.co.us](mailto:iecinfo@state.co.us)

Mr. Dino Ioannides  
Executive Director  
Independent Ethics Commission  
1300 Broadway, Suite 240  
Denver, Colorado 80203

Re: *Response to Ethics Complaint 21-18.*

Dear Mr. Ioannides,

I represent Ms. Tina Peters, the Respondent in Ethics Complaint 21-18, filed with the Independent Ethics Commission on August 27, 2021. Please accept this letter as response to the Complaint.

Ms. Peters requests that the complaint be stayed under Rule 7(H). Specifically, Rule 7(H)(1) allows a stay when “[a]n action on the same subject of the complaint is pending before another body with concurrent jurisdiction.” And Rule 7(H)(3) allows a stay when “[t]he alleged violation is a criminal matter or a criminal investigation is pending. This request for a stay fulfills both bases for granting a stay.

**1. A campaign finance complaint on the same subject of the ethics complaint is pending before the Office of Administrative Courts.**

On August 16, 2021 -- eleven days before the complaint in this matter was filed -- an individual filed a campaign finance complaint against Ms. Tina Peters. Following an investigation, the Secretary of State filed a complaint with the Office of Administrative Courts, and that complaint includes facts that also form the core of the complaint in this matter. (**Exhibit A**). Specifically, paragraphs 30 and 31 include the same allegations that underlie the complaint in this matter:

30. On information and belief, Ms. Peters accepted contributions in the form of travel expenses, including a flight on a private jet and lodging, contributed by Mike Lindell, founder and CEO of MyPillow, in connection with Ms. Peters’ appearance at a Cyber Symposium on or about August 10-12, 2021 and thereafter.

31. On information and belief, Mr. Lindell’s contributions to Ms. Peters, a candidate for office in 2022, exceeded allowable limits.

In other words, the campaign finance complaint asserts that the alleged contributions from Mr. Lindell were campaign contributions, and that those campaign contributions violated Colorado campaign finance limits.

[gesslerblue.com](http://gesslerblue.com)

The ethics complaint is based upon the same factual allegations. Specifically, the complaint alleges that Mr. Lindell contributed to Ms. Peters personally, in the form of “services, travel, security, and favors” and further alleges that those contributions violated Colorado’s ethics laws.

This matter meets the standard articulated in Rule 7(H)(1). Furthermore, continuing with this complaint would be highly prejudicial to Ms. Peters and possibly subject her to liability on two contradictory theories. On one hand, the campaign finance complaint alleges that Ms. Peters received campaign contributions. On the other hand, the ethics complaint is based on an allegation that Mr. Lindell gave personal gifts to Ms. Peters. Ms. Peters should not be required bear the cost and burden of simultaneously defending two administrative matters that take diametrically opposite approaches. By staying these proceedings pending the outcome of the campaign finance complaint, the Commission will not subject Ms. Peters to dual proceedings, and this Commission can await the outcome of the campaign finance complaint before determining whether it wishes to pursue a complaint alleging personal gifts.

**2. A criminal investigation is pending, and the District Attorney has already stated that he believes criminal charges are warranted.**

In addition to the campaign finance complaint, there is a pending criminal investigation. On Friday, September 3, 2021, undersigned counsel met with the Mr. Dan Rubinstein, the District Attorney with jurisdiction over Mesa County. In that meeting he stated that he firmly believed Ms. Peters had committed a criminal offense, although he declined to identify any specific statutory provision that Ms. Peters had allegedly violated.

Mr. Rubinstein further stated that (1) he was investigating Ms. Peters for criminal violations, (2) the Attorney General had jurisdiction over election offenses under the Election Code, and therefore the Attorney General’s office had assigned two attorneys to assist the District Attorney’s investigation, (3) the United States Attorney’s Office for the District of Colorado had assigned a prosecutor to investigate Ms. Peters for potential federal crimes, and (4) the Public Integrity Section, Criminal Division, U.S. Department of Justice, had also assigned one or more prosecutors.

Finally, Mr. Rubinstein stated that Ms. Peters’ travel to and participation in a Cyber Symposium from August 10 to August 12, 2021, as well as Ms. Peters’ ongoing interactions with Mr. Mike Lindell, were important factors underlying his assessment of the extent of Ms. Peters’ criminal liability. Ms. Peters vigorously contests the allegations and the government’s legal analysis.

Underlining the seriousness of these multiple investigations, early morning on November 16, 2021, a number of armed federal agents raided Ms. Peters home with a search warrant, threatening to smash down Ms. Peters front door with a battering ram. (**Exhibit B**). They searched through her belongings for hours and seized all of her electronic devices.

This pending criminal investigation and threatened criminal charges comfortably meet the standards for a stay under Rule 7(H)(3), and it would be very harmful to Ms. Peters to go forward with this ethics complaint. First, the district attorney has already stated that he believes Ms. Peters violated criminal law. Second, the facts underlying the ethics complaint form a central part of the district attorney's analysis of criminal liability. Third, state and federal prosecutors from multiple agencies continue to investigate Ms. Peters' activities. And fourth, federal agents have taken Ms. Peters' documents which might contain information involving the facts alleged in the ethics complaint.

Based on my conversations with you, the Commission has informally articulated a policy to stay proceedings when a criminal matter is involved under Rule 7(H)(3). And under any standard, the complaint involving Ms. Peters qualifies as falling within any policy or discretionary approach to staying the proceedings.

A stay also should be granted in accord with analogous federal law. Although federal courts have not specifically weighed in on this exact matter, they have developed standards for staying civil litigation when criminal proceedings are threatened or pending. The Tenth Circuit has held that

“[w]hen deciding whether the interests of justice seem to require a stay, the court must consider the extent to which a party's Fifth Amendment rights are implicated . . . . A district court may also stay a civil proceeding in deference to a parallel criminal proceeding for other reasons, such as to prevent either party from taking advantage of broader civil discovery rights or to prevent the exposure of the criminal defense strategy to the prosecution.”<sup>1</sup>

In this case, the facts strongly favor a stay, because the facts and issues underlying the ethics complaint overlap the same facts and issues under consideration in the criminal matter. This raises Fifth Amendment concerns, because “[s]elf-incrimination is more likely where the issues in a criminal case significantly overlap with those in a civil case.”<sup>2</sup>

This ethics case also creates the strong possibility that prosecutors will use discovery in this case as part of their efforts to construct a criminal case; indeed, they have already sought to benefit from civil proceedings. For example Clerk Tina Peters' elections director was “fired” by Mr. Wayne Williams, who served as the Secretary of State's appointed Designated Elections Official in Mesa County. The Elections Director appealed her firing as unlawful; after the hearing, the District Attorney apparently conferred with Mesa County official, likely in order to learn whether the Elections Director had provided any useful information for a criminal prosecution. The fact is, criminal prosecutors are not entitled to depose or Ms. Peters, and they should not benefit from a

---

<sup>1</sup> *Creative Consumer Concepts, Inc. v. Kreisher*, 563 F.3d 1070, 1080-81 (10th Cir. 2009)(citations omitted).

<sup>2</sup> *Garcia v. City of Leavenworth*, No. 19-2049-JAR-KGG, 2019 U.S. Dist. LEXIS 122336, at \*5 (D. Kan. July 23, 2019)

complainant who chooses to file an ethics complaint against Ms. Peters for the same conduct that involves a criminal investigation.

Finally, the defense of this ethics complaint will likely expose Ms. Peters' strategy in defending herself. It effectively serves as a mini-trial, allowing prosecutors to gain an insight into Ms. Peters' defense and therefore craft their criminal charges accordingly. As the Tenth Circuit has stated, this factor weighs heavily in favor of granting a stay.

In addition to the test articulated above, courts have commonly relied upon a six-factor test to consider requests to stay a civil matter when criminal matters are also in play. Those factors are:

- 1) the extent to which the issues in the criminal case overlap with those presented in the civil case; 2) the status of the case, including whether the defendants have been indicted; 3) the private interests of the plaintiffs in proceeding expeditiously weighed against the prejudice to plaintiffs caused by the delay; 4) the private interests of and burden on the defendants; 5) the interests of the courts; and 6) the public interest.<sup>3</sup>

Under this analysis, the ethics complaint should be stayed.

First, the issues overlap, and “[d]efendants generally have an interest in avoiding the conflict between waiving their Fifth Amendment rights and, in essence, compromising their defense in this civil matter.”<sup>4</sup> A defendant should never be “forced to choose between exercising his Fifth Amendment right and jeopardizing his defense in the criminal proceedings.”<sup>5</sup>

Second, Ms. Peters has not been indicted, but the District Attorney has clearly stated his belief that she has violated criminal laws. Further, Ms. Peters' home has been raided and her possessions taken. And raids of personal homes have not been limited to Ms. Peters. They have also included raids of other employees of the Mesa County Clerk and Records office, as well as Ms. Peters' political associates. And in one case armed federal agents did smash down a front door and forcibly drag a teenage girl up a flight of stairs. In short, this is a serious criminal investigation.

---

<sup>3</sup> See, e.g., *Brown v. Tennison*, Case No. 1:19-cv-00941-RM-SKC, 2020 U.S. Dist. LEXIS 5066, at \*6-7 (D. Colo. Jan. 13, 2020); *DTC Energy Grp., Inc. v. Hirschfeld*, Case No. 17-cv-01718-PAB-KLM, 2019 U.S. Dist. LEXIS 139920, at \*2-3 (D. Colo. Aug. 19, 2019).

<sup>4</sup> *DTC Energy Grp., Inc. v. Hirschfeld*, Civil Action No. 17-cv-01718-PAB-KLM, 2019 U.S. Dist. LEXIS 139920, at \*7 (D. Colo. Aug. 19, 2019)

<sup>5</sup> *Brown v. Tennison*, Civil Action No. 1:19-cv-00941-RM-SKC, 2020 U.S. Dist. LEXIS 5066, at \*8 (D. Colo. Jan. 13, 2020).

Under the third factor, courts look to the “private” interests of a plaintiff. Here, this is a public matter, and the complainant does not have a private interest in an expedited process.

Fourth, going forward with the ethics complaint at this time harms Ms. Peters’ private interests and creates a great personal burden. She faces the burden and difficulty of defending two administrative actions as well as dealing with both state and federal investigations. And those are highly aggressive and criminal investigations, in which both the U.S. Department of Justice and the State of Colorado have devoted, and continue to devote, substantial resources. At the same time, Ms. Peters’ personal belongings have been taken from her, and she must reconstruct or attempt to retrieve documents and electronic devices that potentially contain information involving this ethics complaint. Defending herself when stripped of her personal records is a substantial burden.

Fifth, a court’s interest in a stay generally concerns “inconvenience” that “make[s] the docket less predictable and, hence, less manageable.”<sup>6</sup> Here, the Commission has granted stays in the past, and there is no danger that it will be unable to properly manage its docket.


And sixth, a stay is in the public interest, because “resolution of the criminal case may (1) increase the possibility of settlement of the civil case, and (2) may reduce the scope of discovery in the civil case [as] the evidence gathered during the criminal prosecution can later be used in the civil action.”<sup>7</sup> Indeed, a criminal matter “can contribute significantly to the narrowing of issues in dispute in the overlapping civil case[ ] and promote settlement of civil litigation.”<sup>8</sup>

For these reasons, the Commission should grant a stay in this matter.

### **3. Tina Peters denies any violation of Colorado’s ethics requirements.**

Finally, to the extent that this Commission decides to proceed with this matter. Ms. Peters firmly denies that she has in any way violated Colorado’s ethics requirements.

Sincerely,



Scott E. Gessler

---

<sup>6</sup> *Brown v. Tennison*, Civil Action No. 1:19-cv-00941-RM-SKC, 2020 U.S. Dist. LEXIS 5066, at \*11 (D. Colo. Jan. 13, 2020).

<sup>7</sup> *Curry v. Gonzales*, Case No. CIV 20-0116 RB/SCY, 2021 U.S. Dist. LEXIS 51094, at \*8-9 (D.N.M. Mar. 18, 2021)(internal quotations omitted).

<sup>8</sup> *United States SEC v. Abdallah*, 313 F.R.D. 59, 65 (N.D. Ohio 2016)



The factual statements contained in the response to the Ethics Complaint 21-18 are true to the best of my knowledge, information, or belief.

A handwritten signature in blue ink, reading 'Tina L. Peters'.

Tina Peters

[gesslerblue.com](http://gesslerblue.com)  
7350 E. Progress Place, Suite 100  
Greenwood Village, CO 80111

7350 E. Progress Place, Suite 100, Greenwood Village, Colorado 80111  
main

(720) 839-6637 mobile (720) 647-5320

---

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4 <sup>th</sup> floor Denver, Colorado 80203	
BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE, <i>in re</i> ED 2021-26 and 2021-39	
ELECTIONS DIVISION OF THE SECRETARY OF STATE,	▲ COURT USE ONLY ▲
Complainant,	CASE NUMBER
vs.	OS 2021-_____
TINA PETERS,	
Respondent.	
<b>COMPLAINT</b>	

Pursuant to § 1-45-111.7, C.R.S. (2020), the Elections Division of the Secretary of State files this complaint against Tina Peters.

### BACKGROUND

1. Under Colorado law, all candidates are required to register a candidate committee with the Secretary of State prior to accepting any contributions to support the committee's activities.
2. Tina Peters is currently the Mesa County Clerk and Recorder. She was elected Mesa County Clerk and Recorder in 2018.
3. As of the filing of this complaint, Tina Peters has not filed an affidavit with the Colorado Secretary of State affirming her candidacy for Mesa County Clerk and Recorder in 2022.
4. As of the filing of this complaint, Ms. Peters does not have an actively registered candidate committee.
5. On information and belief, Tina Peters has a website soliciting contributions to her 2022 reelection campaign.<sup>1</sup>

---

<sup>1</sup> See <https://tinapetersforcolorado.com/donate>.

6. Ms. Peters appears to have actively solicited contributions on her candidate webpage and on a litigation support website, and accepted contributions from third parties.

7. Accordingly, the Division brings this complaint for appropriate relief.

## **PARTIES**

8. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

9. Respondent is Tina Peters.

## **JURISDICTION AND VENUE**

10. The Division has jurisdiction under § 1-45-111.7.

11. The Division files this complaint with the Office of Administrative Courts consistent with § 1-45-111.7(5)(a)(IV), (6).

12. This complaint is timely filed within thirty days of the Division’s respective October 6, 2021 and October 25, 2021 notices of investigation, according to § 1-45-111.7(5)(a)(IV).

13. Venue is proper before the Office of Administrative Courts under § 1-45-111.7(5).

## **ALLEGATIONS**

### **Ms. Peters’ 2022 Candidacy**

14. Ms. Peters terminated her 2018 candidate committee effective January 14, 2019. The committee is currently inactive.

15. As of the filing of this complaint, Ms. Peters has not filed a candidate affidavit with the Colorado Secretary of State in connection with her 2022 candidacy.

16. As of the filing of this complaint, Ms. Peters does not have an active candidate committee registered with the Colorado Secretary of State.

17. An individual becomes a candidate when they publicly announce their intent to run for office and thereafter receive a contribution or make an expenditure in support of their candidacy. Colo. Const. art. XXVIII, § 2(2).



18. A public announcement includes but is not limited to making a statement a reasonable person would expect to become public signifying an interest in a public office by means of a speech, advertisement, or other communication reported to or appearing in public media or any place that is accessible to the public. A public announcement also includes a stated intention to explore the possibility of seeking an office and/or the registration of a candidate committee.

19. In or about mid-June 2021, the Grand Junction Sentinel reported that Ms. Peters “said she welcomed [Bobbie Gross, a 2022 candidate for Mesa Clerk and Recorder] to the race.” The newspaper quoted Peters as saying: “Competition is good,” Peters said. “Voters deserve choices. I believe I’m the best choice, but I welcome her to the race.”<sup>2</sup>

20. As of at least August 2021, Ms. Peters began soliciting funds for her 2022 re-election to the office of Mesa County Clerk and Recorder via the website [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com).

21. On information and belief, the website [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) is controlled by Ms. Peters and/or her candidate committee because it is the same website that Ms. Peters and her candidate committee used in connection with her 2018 candidacy as reflected by TRACER.

22. In addition, as of September 17, 2021, the website [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) referenced “Tina Peters for Colorado: The Committee to Elect Tina Peters”—the name of Ms. Peters’ 2018 candidate committee—in connection with its request for contributions, as shown in the screenshot below:

---

<sup>2</sup> [https://www.gjsentinel.com/news/western\\_colorado/gross-to-challenge-peters-for-county-clerk/article\\_81171dae-d06f-11eb-89c1-9706f0b8e775.html](https://www.gjsentinel.com/news/western_colorado/gross-to-challenge-peters-for-county-clerk/article_81171dae-d06f-11eb-89c1-9706f0b8e775.html).

9/17/21, 12:11 PM

Tina Peters for Colorado: Donate

**Tina Peters for Colorado: The Committee to Elect Tina Peters**

**1. Your Email**

You'll receive receipts and notifications at this email address.

Continue

**2. Your Contribution**

23. In addition, the website solicits contributions in support of Ms. Peter's re-election and specifies that checks should be sent to P.O. Box 128, Grand Junction, Colorado 81502, which is the same mailing address Ms. Peters registered in connection with her own 2018 candidacy, as shown in the screenshot below:

MAKE A DIFFERENCE

**Any amount has the ability to  
bring about big change**

DONATE TO RE-ELECT CLERK PETERS

*Paid for by Tina Peters Stays-Mesa County*

*Contributions are not deductible for federal income tax purposes.*

*Mail Checks to*

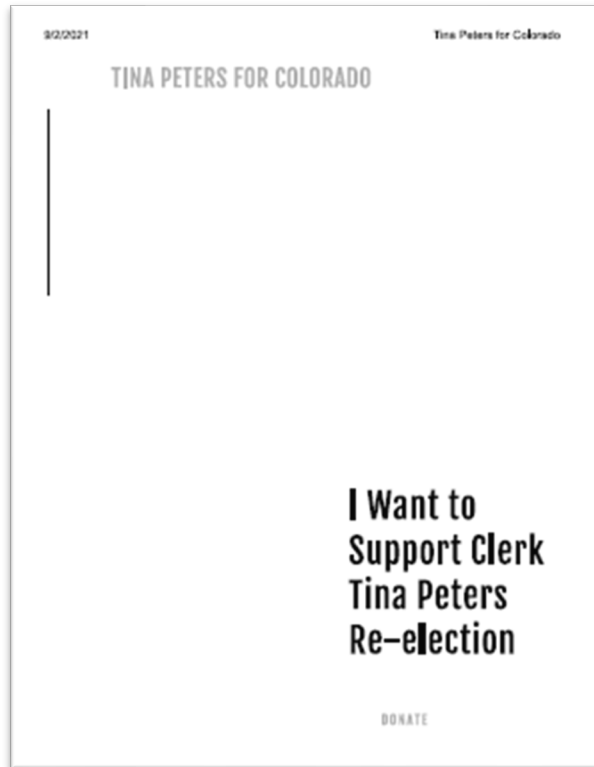
*Tina Peters Stays-Mesa County*

*PO Box 128*

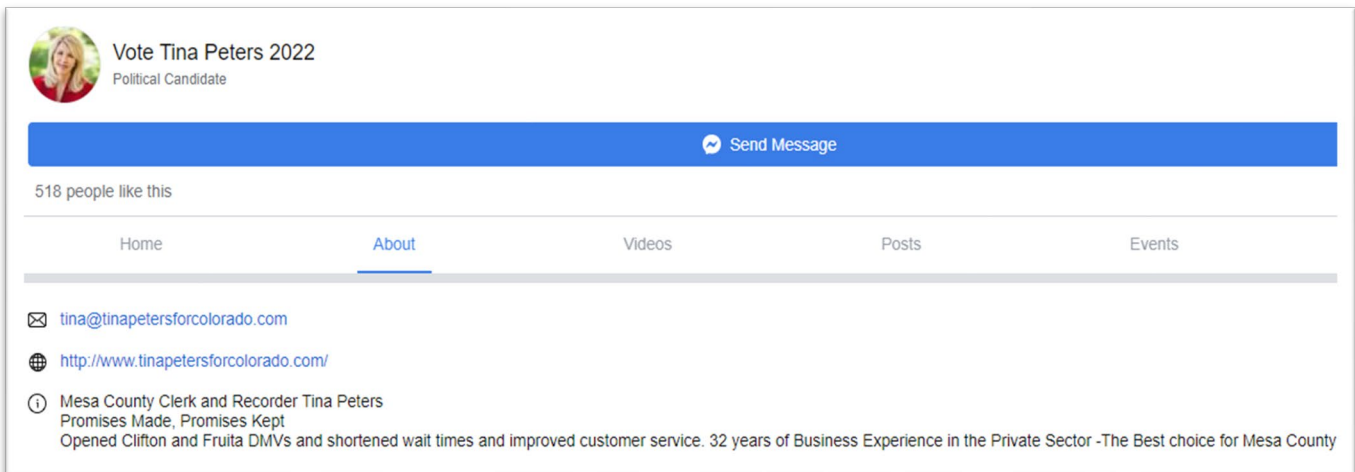
*Grand Junction Co 81502*

*When mailing checks please include employer and occupation for amount over \$100.00.*

24. The [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) website references Ms. Peter's "re-election" in multiple places, as illustrated both by the screenshot in the foregoing paragraph and the following screenshot from the website:



25. Ms. Peters also declared her candidacy on her Facebook page. The page is titled “Vote Tina Peters 2022” and describes her as a “Political Candidate.” The “About” page indicates that the page belongs to “Mesa County Clerk and Recorder Tina Peters.” It also includes a link to the [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) website. It lists the page’s email address as [tina@tinapetersforcolorado.com](mailto:tina@tinapetersforcolorado.com), as shown in the screenshot below:



26. The “Vote Tina Peters 2022” Facebook page includes posts and narratives that appear to be authored by Tina Peters. The most recent post dates from June 2021.

27. On information and belief, Ms. Peters and/or her campaign committee operate the “Vote Tina Peters 2022” Facebook page.

**Ms. Peters Solicits and Accepts  
Contributions and/or Makes Expenditures  
for her 2022 Candidacy**

28. On information and belief, Ms. Peters’ campaign set up a “donation” portal on [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com), the website her campaign registered in connection with her 2018 candidate committee, to solicit contributions in support of Ms. Peter’s re-election in 2022. Ms. Peter’s Facebook page also links to the website.

29. On information and belief, Ms. Peters and/or her committee made expenditures in support of her 2022 candidacy, specifically expenditures in connection with her [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com) website, which urges the re-election of Ms. Peters.

30. On information and belief, Ms. Peters accepted contributions in the form of travel expenses, including a flight on a private jet and lodging, contributed by Mike Lindell, founder and CEO of MyPillow, in connection with Ms. Peters' appearance at a Cyber Symposium on or about August 10-12, 2021 and thereafter.

31. On information and belief, Mr. Lindell's contributions to Ms. Peters, a candidate for office in 2022, exceeded allowable limits.

32. On information and belief, Ms. Peters solicited and accepted contributions in support of litigation via the website [www.StandwithTina.org](http://www.StandwithTina.org) which solicits contributions "to defray fees and expenses incurred by Tina Peters, her colleagues, and others in defending the government investigations or prosecutions and for related civil litigation. Contributions are not tax deductible." Such donations are contributions to the extent they are not "the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant." § 1-45-103, C.R.S.

### **The Division Receives Campaign Finance Complaints**

33. On August 16, 2021, Scott Beilfuss filed a campaign finance complaint with the Division, ED 2021-26. The complaint alleged that Ms. Peters violated Colorado campaign and political finance laws by failing to report campaign contributions and expenditures and accepting gifts over allowed limits, specifically in connection with contributions allegedly made by Mr. Lindell.

34. On September 24, 2021, Scott Beilfuss filed a second campaign finance complaint with the Division, ED 2021-39. The complaint again alleged that Ms. Peters violated Colorado campaign and political finance laws by failing to report campaign contributions and expenditures and accepting gifts over allowed limits, specifically in connection with contributions received through the website [www.StandwithTina.org](http://www.StandwithTina.org).

35. Neither Tina Peters nor her candidate committee Tina Peters for Colorado has filed a Report of Contributions and Expenditures since November 2019. Neither has otherwise reported any contributions they may have received in support of Ms. Peters' 2022 candidacy.

36. Furthermore, as described above, Ms. Peters has a campaign website, [www.TinaPetersforColorado.com](http://www.TinaPetersforColorado.com). Neither Ms. Peters nor her candidate committee have reported any expenditures related to the website.

## **Ms. Peters Declines to Cure**

37. The Division offered Ms. Peters an opportunity to cure the violations alleged in both complaints filed by Mr. Beilfuss, ED 2021-26 and ED 2021-39. Ms. Peters declined to cure the alleged violations.

38. The Campaign Finance Enforcement Team could not conclude that Ms. Peters had cured or substantially complied with her legal obligations, and initiated investigations under § 1-45-111.7(5)(a) in connection with both ED-2021-26 and ED 2021-39.

## **COLORADO CAMPAIGN FINANCE LAW**

39. “Candidate’ means any person who seeks nomination or election to any state or local public office that is to be voted on in this state at any primary election, general election, school district election, special district election, or municipal election. . . . A person is a candidate for election if the person has publicly announced an intention to seek election to public . . . and thereafter has received a contribution or made an expenditure in support of the candidacy.” Colo. Const. art. XXVIII, § 2(2).

40. “Candidate committee’ means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. A contribution to a candidate shall be deemed a contribution to the candidate’s candidate committee.” Colo. Const. art. XXVIII, § 2(3).

41. An individual becomes a candidate when they publicly announce their intent to run for office and thereafter receives a contribution or makes an expenditure in support of their candidacy. Colo. Const. art. XXVIII, § 2(2).

42. A public announcement includes but is not limited to making a statement a reasonable person would expect to become public signifying an interest in a public office by means of a speech, advertisement, or other communication reported to or appearing in public media or any place that is accessible to the public. A public announcement also includes a stated intention to explore the possibility of seeking an office and/or the registration of a candidate committee.

43. “Contribution,” includes

“(I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;

(II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, small donor committee, or political party;

(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;

(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

Colo. Const. art. XXVIII, § 2(5)(a).

44. Further, “Contribution” includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.” § 1-45-103, C.R.S.

45. “‘Contribution’ does not include the payment of legal fees to advise a candidate on compliance with campaign laws or regulations or to represent a candidate or candidate committee in any action in which the candidate or committee has been named as a defendant. Such legal services are not undertaken ‘for the benefit of any candidate committee’ or ‘for the purpose of promoting the candidate's nomination, retention, recall, or election’ as those phrases are used in section 2(5)(a)(II) and (5)(a)(IV) of article XXVIII of the state constitution.”

46. A “standalone” candidate is a candidate without a committee who does not accept contributions.” 8 CCR 1505-6, Rule 1.22.

47. Only standalone candidates are not required to register a candidate committee. 8 CCR 1505-6, Rule 2.1.1.

48. Under Colorado law, “all candidate committees . . . shall register with the appropriate officer before accepting or making any contributions.” § 1-45-108(3), C.R.S.

49. Furthermore, “all candidate committees . . . shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more[.]” § 1-45-108(1)(a)(I), C.R.S.

50. “The maximum amount of aggregate contributions that any one person other than a small donor committee or a political party may make to a candidate committee of a candidate for a county office, and that a candidate committee for such candidate may accept from any such person, is one thousand two hundred fifty dollars for the primary election and one thousand two hundred fifty dollars for the general election.” § 1-45-103.7(1.5)(a)(I), C.R.S.; *see also* 8 CCR 1505-6, Rule 10.17.

51. “When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article.” § 1-45-110(1).

52. A candidate required to file with the Secretary of State must file a candidate affidavit electronically using the Secretary of State’s online campaign finance filing system.” 8 CCR 1505-6, Rule 2.3.

**CLAIM ONE**  
**Failure to Register a Candidate Committee**  
**(§ 1-45-108(3), C.R.S.)**

53. All preceding allegations are incorporated.

54. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder.

55. Ms. Peters does not have an active candidate committee registered with the Colorado Secretary of State.

56. On information and belief, Ms. Peters accepted contributions and/or made expenditures in support of her 2022 candidacy for Mesa County Clerk and Recorder.

57. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**CLAIM TWO**  
**Failure to Report Contributions and Expenditures**  
**(§ 1-45-108(1)(a)(I), C.R.S.)**

58. All preceding allegations are incorporated.

59. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder.



60. On information and belief, Ms. Peters and/or her committee made expenditures, including on a campaign website, that have not been disclosed.

61. On information and belief, Ms. Peters and/or her committee accepted contributions that have not been disclosed.

62. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**CLAIM THREE**  
**Acceptance of Contributions Above Allowable Limits**  
**(§ 1-45-103.7(1.5)(a)(I), C.R.S.)**

63. All preceding allegations are incorporated.

64. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder.

65. On information and belief, Ms. Peters and/or her committee accepted contributions above allowable limits, specifically travel expenses in relation to a symposium in August 2021, which upon information and belief, were above allowable limits.

66. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

**CLAIM FOUR**  
**Failure to file a Candidate Affidavit**  
**(§ 1-45-110(1), C.R.S.)**

67. All preceding allegations are incorporated.

68. Ms. Peters is a 2022 candidate for Mesa County Clerk and Recorder, and she declared her candidacy through her website and/or statements to the media no later than August 30, 2021.

69. As a candidate for office, Ms. Peters was required to file a candidate affidavit with the Secretary of State electronically using the Secretary of State's online campaign finance filing system.

70. Ms. Peters has not filed a candidate affidavit with the Secretary of State.

71. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

### **PRAYER FOR RELIEF**

WHEREFORE, the Elections Division prays for judgment and relief as follows:

- (a) Penalties to include appropriate fines; and
- (b) Such other relief as is warranted by the facts and the law.

Respectfully submitted this 5th day of November, 2021.

PHILIP J. WEISER  
Attorney General

*/s/ Emily B. Buckley*

---

EMILY BUCKLEY\*  
Assistant Attorney General, No. 43002  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 6<sup>th</sup> Floor  
Denver, Colorado 80203  
Telephone: 720-508-6152  
Fax: 720-508-6041  
Emily.buckley@coag.gov  
\*Counsel of Record

## CERTIFICATE OF SERVICE

This is to certify that I will cause the within filing to be served via email this 5<sup>th</sup> day of November, 2021, addressed as follows:

Scott Gessler,  
200 S Spruce Street  
Grand Junction, CO 81501  
sgessler@gesslerblue.com  
*Counsel for Respondent Tina Peters*

Scott Beilfuss  
422 1/2 Prospectors Pt #22,  
Grand Junction CO 81507  
sgbuwec@gmail.com  
*Third-Party Complainant*

/s/ Xan Serocki

[CPR](#)[NEWS](#)[CLASSICAL](#)[INDIE  
102.3](#)[KRCC](#)[LISTEN  
LIVE](#)[DONATE](#)

# CPR News

[COVID-19](#)[POLITICS](#)[MONEY](#)[ARTS](#)[ENVIRONMENT](#)[SCHEDULE](#)[SUPPORT CPR](#)

## FBI searches Mesa County clerk Tina Peters' home in election security breach investigation



By Bente Birkeland | November 17, 2021



Hart Van Denburg/CPR News

A ballot drop box outside the Mesa County Clerk and Recorder's offices in Grand Junction on Thursday, August 26, 2021.

The investigation into a security breach of Mesa County's

[LISTEN NOW](#)

4min 42sec

SHARE:



## Popular Stories

### NEWS

Interview: Gov. Polis leaves mask mandates to local officials, says the state shouldn't 'tell people what to wear'

### MILITARY

A World War II vet is reunited with the bracelet — inscribed with his wife's name — he lost during the war

### GOVERNMENT AND POLITICS

Gov. Jared Polis And Long-Time Partner

Dominion election equipment and the Republican Clerk, Tina Peters' role in it took a step forward Tuesday, when the FBI searched four locations connected with the case.

Mesa County District Attorney Dan Rubenstein confirmed the searches were tied to potential criminal activity by employees of the Mesa County Clerk and Recorder's Office and others associated with those employees.

"Investigators with the 21st Judicial District Attorney's Office (Mesa County, Colorado) and the Colorado Attorney General's Office assisted in the operations. No arrests were made," stated Rubenstein in an email.



*Tina Peters' Campaign Website*

*Mesa County Clerk Tina Peters*

The Tina Peters Legal Defense

## Marlon Reis Marry In Small, Private Ceremony

### NEWS

'Damaging' winds up to 100 mph forecast along Front Range and plains Wednesday



What do you wonder about Colorado that you'd like us to investigate? Ask us your question here.

### Your contact info

A reporter will contact you if we look into your question.

☒ Sign me up for The Lookout newsletter!

☐ Please don't publish my name

☐ I am over 16 years old

☐ I accept the [Terms of Service](#)

Submit

Fund confirmed that her house and those of several friends were searched Tuesday, calling the action a “level of weaponization of the Justice Department we haven’t seen since the McCarthy era.”

The Fund’s statement to CPR claimed “large teams of heavily armed federal agents, using a battering ram to break down doors, raided the homes of Mesa County Clerk Tina Peters and several of her friends and colleagues, mostly elderly women in their mid 60s.”

However, District Attorney Dan Rubinstein and Attorney General Phil Weiser refuted the claim that the searches involved a significant use of force and emphasized that they were legally authorized by a judge.

“At no time was force used on Ms. Peters or her home. Ms. Peters was allowed to move around her home and fix herself breakfast while agents gathered items before departing,” said a joint

statement from their offices.

Peters is accused of allowing an unauthorized person to make copies of election equipment hard drives. That

data was eventually released on the internet by people who believe the 2020 election was stolen, leading the state to decertify all of Mesa County's election machines.

## **Further legal trouble**

The searches came on the same day Colorado's Independent Ethics Commission said it will investigate allegations that Peters accepted gifts above the legal limit for elected officials.

The founder of the MyPillow company, Mike Lindell, who is a staunch advocate for election fraud conspiracies, has claimed he provided security and housing for Peters for several weeks because she faced threats after news of the security breach became public. Colorado law forbids elected

officials from accepting gifts with a value greater than \$65.

If the ethics complaint is sustained, Peters could be fined.

“I hope the IEC’s efforts commence quickly,” said Anne Landman, a Mesa county resident and blogger who filed the complaint. “Tina has 30 days to respond and I’m interested to know what she has to say.”

A separate lawsuit on behalf of the state’s elections division is also pending against Peters, alleging she failed to register her candidate committee for reelection next fall, despite collecting donations.

The complaint notes she has not filed any financial disclosure forms for her campaign committee or for her legal defense fund, [standwithtina.org](http://standwithtina.org).

“She needs to sit down and come clean on a lot of the stuff and she can fix a lot of these charges,” said Scott Beilfuss



who filed the original complaint with the Colorado Secretary of state. He's the vice-chair of the Mesa County Democratic Party.

“This is a story you couldn't make up, it's a crazy story that continues to grow every day,” Beilfuss told CPR News.

Candidates who fail to file their disclosures are generally required to catch up on paperwork and potentially have to pay a fine.

Peters has been embroiled in controversy since news of the security breach became public in early August. A judge barred her from overseeing the 2021 election after she admitted in court filings that she gave an unauthorized person — who her office originally claimed was an employee, and who she now says was a consultant — access to Mesa County's election equipment hard drives.

“It's the rare case that the facts are not disputed,” said DA Rubenstein. “I think there are some facts which will be

disputed, but the vast majority of them will come down to whether or not Tina had the authority to do these things. She certainly believes and has claimed that she has the authority to do all sorts of things on behalf of the constituents who elected her.”

Peters recently told CPR News that she stands by her decisions and was trying to preserve records in order to better analyze how Colorado conducts election system updates.

“My job is to listen to the people that I serve,” she said. “I don't care if you're Democrat, Republican, Unaffiliated, Libertarian, Green Party. I don't care what affiliation you are. Everyone should be concerned. If there is something going on with these voting systems and tabulators, everyone should be.”

Mesa’s county commissioners have repeatedly expressed their belief the 2020 election was conducted fairly, and said

the ongoing controversy will end up costing the county more than \$1 million.

“We had full faith and confidence in the Dominion machines and the software (and) still to this day have seen no data that would indicate there was any fraudulent activities on behalf of the Dominion machines in our elections,” said Commissioner Janet Rowland, a Republican.

As part of its efforts to reassure voters about the validity of the 2021 election results, the county will begin a hand count later this month. It also plans to re-run ballots through machines made by Clear Ballot, Dominion’s competitor, and make ballot images available online.

Last year, Mesa County’s required audit of its paper ballots showed no irregularities in the 2020 election results.



**Read more about the  
Mesa County clerk  
scandal:**

- [Mesa County clerk Tina Peters was banned from managing the November 2021 election by a judge](#)
- [Investigators: Mesa County Clerk Allowed Unauthorized Person To Compromise Voting Equipment](#)
- [Election Conspiracy Theorists Focused On One Man In Colorado. His Life Will Never Be The Same](#)

---

## **You care.**

You want to know what is *really* going on these days, especially in Colorado. We can help you keep up. The Lookout is a free, daily email newsletter with