

# C Ethics Watch

August 27, 2009

Debra Johnson  
Aurora City Clerk  
5151 E. Alameda Parkway, First Floor  
Aurora, CO 80012

**VIA FACSIMILE 303-739-7520**

**RE:** Complaint against Daniel Hayes, Pere C. Wickes, Kay F. Aaro and Erik S. Hansen

Dear Ms. Johnson:

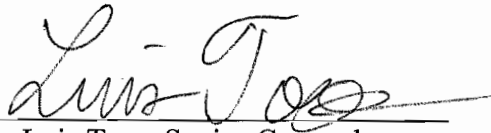
Colorado Ethics Watch (“Ethics Watch”), a nonprofit group organized under Section 501(c)(3) of the Internal Revenue Code that uses legal tools to advocate for ethical behavior and transparency in state and local government, submits this complaint pursuant to Section 54-136(g)(2) of the Aurora Municipal Code (the “Code”), against Daniel Hayes, Pere C. Wickes, Kay F. Aaro and Erik S. Hansen.

Wickes, Aaro and Hansen were registered electors of Aurora who were designated as representing the proponents of a petition for a ballot initiative to amend the Aurora City Code to require mandatory and immediate impounding of motor vehicles whose operators are not in possession of a valid operator’s license and to require persons who drive while not in possession of such a license to pay a \$200 land acquisition fee and post a \$2500 bond (the “Aurora Impound Initiative”). See Petition for Unlicensed Driver Motor Vehicle Impoundment and Bonding Initiative, copy attached hereto as **Exhibit 1**. Upon information and belief, Daniel Hayes associated himself with the three designated proponents for the purpose of accepting contributions and making expenditures in support of the initiative. Hayes testified on behalf of the supporters of the initiative at a recent petition challenge hearing.

Hayes testified at the hearing that he spent several thousand dollars to pay for petition circulators to obtain signatures in an attempt to qualify the Aurora Impound Initiative for the ballot. No issue committee in support of that initiative registered with your office, even though Section 54-133(d)(3) requires registration before an issue committee can accept a contribution. The Code provides for a \$50 per day penalty for late filings.

Pursuant to Section 54-133(g)(2) of the Code, Ethics Watch requests that you provide notice of this complaint to the four named individuals and determine whether to appoint a hearing officer to conduct further proceedings and submit findings of fact and a recommendation to City Council regarding a possible sanction.

COLORADO ETHICS WATCH

A handwritten signature in black ink, appearing to read "Luis Toro", written over a horizontal line.

By: Luis Toro, Senior Counsel

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Petition Section 21

**PETITION FOR UNLICENSED DRIVER MOTOR VEHICLE IMPOUNDMENT AND BONDING INITIATIVE**

Pursuant to the powers reserved to the people in the Home Rule Charter of the City of Aurora, Colorado ("the City") and the Constitution of the State of Colorado, the undersigned registered electors of the City, equal in number to at least fifteen percent of the total vote cast in the last regular municipal election, do hereby request that the Unlicensed driver motor vehicle impoundment and bonding initiative be adopted; the City Council shall submit to a vote of the registered electors of the City. Said initiative shall go into effect only if a majority of the registered electors voting therein vote in favor thereof. If a majority of registered electors voting therein do not vote in favor of said ordinance it shall not take effect.

**WARNING:  
IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure. Do not sign this petition unless you are a registered elector and eligible to vote on this measure.

To be a registered elector, you must be:

- (1) At least 18 years of age;
- (2) A citizen of the United States;
- (3) A resident of the City of Aurora and have resided in the City of Aurora at least 30 days;
- (4) A resident of the precinct in which you live for at least 30 days;
- (5) Registered to vote at your current address.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure in its entirety and understand its meaning.

Pursuant to section 54-102 of the City Code, the following ballot title has been designated by the City Clerk for the ordinance submitted by this initiative petition:

**BALLOT TITLE**

"SHALL THE AURORA CITY CODE BE AMENDED TO REQUIRE MANDATORY AND IMMEDIATE IMPOUNDING OF A MOTOR VEHICLE WHEN THE DRIVER IS DRIVING WITHOUT A VALID OPERATOR'S LICENSE; AND, TO INCLUDE THAT RELEASING SUCH VEHICLE SHALL REQUIRE THE OWNER TO POST A TWO-THOUSAND FIVE HUNDRED DOLLAR BOND TO ENSURE THAT NO UNLICENSED DRIVER OPERATES SUCH VEHICLE FOR A PERIOD OF ONE YEAR AND ADDITIONALLY REQUIRING THAT THE OWNER PAY A TWO HUNDRED DOLLAR IMPOUNDMENT LAND ACQUISITION FEE?"

The following three individuals, who are registered electors of the City, are designated to represent the proponents of this petition in all matters affecting the petition.

Pere C. Wickes 2987 S. Zeno Ct. Aurora, CO 80013 303.690.9269  
Name and Address of Petition Representative

Kay F. Aaro 2987 S. Zeno Ct Aurora, CO 80013 303.884.1568  
Name and Address of Petition Representative

Erik S. Hansen 1750 E. Jarvis Pl. Aurora, CO 80013 303.400.6188  
Name and Address of Petition Representative

