



September 9, 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:

We have received your letter of September 1, 2009, advising us that you will take no action on the complaint filed by Colorado Ethics Watch against the above-named individuals. The purpose of this letter is to point out a fundamental flaw in your legal analysis and urge you to reconsider.

You state in your letter that because Mr. Hayes testified at the petition challenge hearing that he paid for the signature collection effort himself, there was no “contribution” to a “committee.” This analysis overlooks two crucial legal points. First, Aurora’s definition of “contribution” includes “Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, or exploratory committee.” Aurora Mun. Code § 54-133(a)(4)(2).

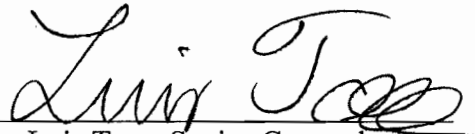
Second, Mr. Hayes is not a registered voter of Aurora, and therefore, may not sponsor an initiative petition himself. Aurora Mun. Code § 54-102(a). In order to promote this initiative in Aurora, Mr. Hayes had to work with the other individuals named in the complaint. When this group submitted the petitions that were collected through the efforts paid for by Mr. Hayes, they accepted the benefit of the payments Mr. Hayes made to a third party, in other words, a contribution as defined in § 54-133(a)(4)(2) and should have registered as an issue committee.

You should be aware that Ethics Watch filed a complaint with the Secretary of State against the committee promoting a similar initiative in the City of Lakewood. In that case, Mr. Hayes’ committee did not adopt the position you took in your letter. Instead, they immediately filed a committee registration (copy attached as **Exhibit 1**) and have since filed campaign finance disclosures (copy attached as **Exhibit 2**). Because the committee chose to come into compliance immediately, Ethics Watch has agreed to dismiss the campaign finance complaint.

Thus, in Lakewood, where campaign finance complaints may be filed with the Secretary of State, voters now have access to important information about the committee because Ethics Watch was prepared to take a complaint to a hearing. In Aurora, where enforcement of campaign finance laws is committed to the City Clerk, voters are in the dark due to your embrace of a transparently incorrect legal theory.

We urge you to reconsider your position.

COLORADO ETHICS WATCH

A handwritten signature in black ink, appearing to read "Luis Toro". The signature is written in a cursive style with a horizontal line underneath the name.

By: Luis Toro, Senior Counsel

Below Space For Office Use Only

City of Lakewood
City Clerk's Office
480 S. Allison Pkwy
Lakewood, CO 80226
Ph: (303) 987-7080
Fax: (303) 987-7088



COMMITTEE REGISTRATION FORM
(C.R.S. 1-45-108)

2009 AUG 28 P 3:53

Committee Name: Lakewood Safe Streets Committee

Purpose/Office Sought: Promote & finance car towing ordinance

Check Only One Committee Type:

Candidate Committee Political Party Small Donor Committee

Political Committee Issue Committee

Is this an amendment*? YES NO

* Description of what is being amended. Pursuant to Rule 3.1 any changes (including Filing Type) must be reported, with the appropriate officer, within five (5) days by filing an amended committee registration form.

Contact Information:

Name of Person Acting As Registered Agent: Daniel M Hayes

Address (Physical): 15409 Hwy 72 Arvada CO 80007

Address (Mailing): SAME

Telephone No.: 303 424 4455 / 720-581-2851 E-Mail: future.denver@koho.com

Affiliation (if applicable): _____

Check Only One Filing Type:

Manual Filer
 Electronic Filer

Check Only One Jurisdiction:

Federal State County
 Municipal Multi-County
 Other: _____

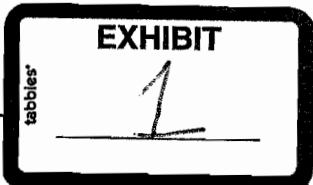
Authorization

Registered Agent's Signature: [Signature] Date: 8/28/09

Print Candidate Name: na

Candidate Address (include mailing): na

Candidate Signature: na Date: _____



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REPORT OF CONTRIBUTIONS AND EXPENDITURES

(C.R.S. 1-45-108)

DAN HAYES Treasurer

Full Name of Committee/Person: Lakewood Safe Streets' Cmte
As Shown On Registration

Address of Committee/Person: 15409 Hwy 72

City, State & Zip Code: Arvada CO 80007

Committee Type: Issue

Name and Address of Financial Institution: 1st Bank 3190 Youngfield St. Wheat Ridge CO 80215

SOS ID NUMBER (state committees ONLY):

Type of Report

- Regularly Scheduled Filing.** *Beginning to Present*
- Amended Filing.** This amends previous report filed on (date)
Submit changes or new information ONLY
- Termination Report.** (Termination Reports MUST Have a Monetary Balance of Zero in Line 5)
- Check this box if this Report Contains Electioneering Communications Information**

Reporting Period Covered: 4-10-09 Through 9-1-09
Date Date

Declared Total Spending (if applicable) \$
[Art. XXVIII, Sec. 4(1)]

	Totals Detailed Summary Page
1 Funds on Hand at the Beginning of Reporting Period (monetary only)	\$ 107.00
2 Total Monetary Contributions (line 11)	\$ 11,987.85
3 Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$ 12,087.85
4 Total Monetary Expenditures (line 19)	\$ 11,987.29
5 Funds on Hand at the End of Reporting Period (monetary) (line 3 - line 4)	\$ 100.56

The appropriate officer shall impose a penalty of \$50 per day for each day that a report is filed late.
[Art. XXVIII Sec. 10(2)(a)]

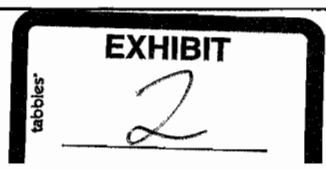
Authorization (Must be completed by either the Registered Agent OR the Candidate): *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: Daniel Hayes

Registered Agent's Signature: Daniel Hayes Date: 9-1-09

Print Candidate Name: na

Candidates Signature: na Date: _____



DETAILED SUMMARY

Full Name of Committee/Person: Lakewood Safe Streets Cmte
 Current Reporting Period: 4-10-09 Through 9-1-09
 DAN HAYES TREASURER

	Funds on hand at the beginning of reporting period (Monetary Only)	\$ 100
6	Itemized Contributions \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "A")	\$ 7,100
7	Total of Non-Itemized Contributions (Contributions of \$19.99 and Less)	\$
8	Loans Received (Please list on Schedule "C")	\$ 4,830
9	Total of Other Receipts (Interest, Dividends, etc.)	\$ 157.85 Int pt.
10	Returned Expenditures (from recipient) (Please list on Schedule "D")	\$
11	Total Monetary Contributions (Total of lines 6 through 10)	\$ 12,187.85
12	Total Non-Monetary Contributions (From Statement of Non-Monetary Contributions)	\$
13	Total Contributions (Line 11 + line 12)	\$ 12,187.85
14	Itemized Expenditures \$20 or More [C.R.S. 1-45-108(1)(a)] (Please list on Schedule "B")	\$ 11,930
15	Total of Non-Itemized Expenditures (Expenditures of \$19.99 or Less)	\$
16	Loan Repayments Made (Please list on Schedule "C")	\$ 157.85 Interest
17	Returned Contributions (To donor) (Please list on Schedule "D")	\$
18	Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee & Political Parties only)	\$
19	Total Monetary Expenditures (Total of lines 14 through 17)	\$ 12,087.85
20	Total Spending (Line 18 + line 19)	\$ 12,087.85

Schedule A - Itemized Contributions Statement (\$20 or more)
[C.R.S. 1-45-108(1)(a)]

Full Name of Committee/Person: Lakewood Safe Streets Cmte DAN Hayes, Treasurer

WARNING: Please read the instruction page for Schedule "A" before completing!

PLEASE PRINT/TYPE

1. Date Accepted <u>11-10-09</u>	4. Name (Last, First): <u>HAYES, DANIEL</u>
2. Contribution Amt. \$ <u>100-</u>	5. Address: <u>15409 Hwy 72</u>
3. Aggregate Amt. * \$ <u>100-</u>	6. City/State/Zip: <u>Arvada CO 80007</u>
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, mandatory): <u>Self</u>
	9. Occupation (if applicable, mandatory): <u>Real Estate</u>

1. Date Accepted <u>4-24-09</u>	4. Name (Last, First): <u>HAYES, DANIEL</u>
2. Contribution Amt. \$ <u>6500</u>	5. Address: <u>15409 Hwy 72</u>
3. Aggregate Amt. * \$ <u>6,600</u>	6. City/State/Zip: <u>Arvada CO 80007</u>
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, mandatory): <u>Self</u>
	9. Occupation (if applicable, mandatory): <u>Real Estate</u>

1. Date Accepted <u>5-18-09</u>	4. Name (Last, First): <u>HAYES, DANIEL</u>
2. Contribution Amt. \$ <u>500</u>	5. Address: <u>15409 Hwy 72</u>
3. Aggregate Amt. * \$ <u>7,100</u>	6. City/State/Zip: <u>Arvada CO 80007</u>
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, mandatory): <u>Self</u>
	9. Occupation (if applicable, mandatory): <u>Real Estate</u>

1. Date Accepted <u>8-28-09</u>	4. Name (Last, First): <u>HAYES DANIEL</u>
2. Contribution Amt. \$ <u>100</u>	5. Address: <u>15409 Hwy 72</u>
3. Aggregate Amt. * \$ <u>7,200</u>	6. City/State/Zip: <u>Arvada CO 80007</u>
<input type="checkbox"/> Check box if Electioneering Communication	7. Description: _____
	8. Employer (if applicable, mandatory): <u>Self</u>
	9. Occupation (if applicable, mandatory): <u>Real Estate</u>

* For contribution limits within a committee's election cycle or contribution cycle, please refer to the following Colorado Constitutional cites: Candidate Committee Art. XXVIII, Sec. 2(6); Political Party Art. XXVIII, Sec. 3(3); Political Committee Art. XXVIII, Sec. 3(5); Small Donor Committee Art. XXVIII, Sec. 2(14).

Schedule B – Itemized Expenditures Statement (\$20 or more)
 [C.R.S. 1-45-108(1)(a)]

Full Name of Committee/Person: Lakewood Safe Streets CMT E. VanHagen, Treasurer

PLEASE PRINT/TYPE

1. Date Expended <u>4-24-09</u>	4. Name: <u>Kennedy Enterprises</u>
2. Amount \$ <u>6500⁰⁰</u>	5. Address: <u>538 Garden of the Gods Rd Ste 200</u>
3. Recipient is (optional): <input type="checkbox"/> Committee <input checked="" type="checkbox"/> Non-Committee	6. City/State/Zip: <u>Colo. Springs, CO 80907</u>
	7. Purpose of Expenditure: <u>Petition Signatures</u> <input type="checkbox"/> Check box if Electioneering Communication

1. Date Expended <u>5-20-09</u>	4. Name: <u>Kennedy Enterprises</u>
2. Amount \$ <u>5,430</u>	5. Address: <u>538 Garden of the Gods Rd Ste 200</u>
3. Recipient is (optional): <input type="checkbox"/> Committee <input checked="" type="checkbox"/> Non-Committee	6. City/State/Zip: <u>Colo. Springs, CO. 80907</u>
	7. Purpose of Expenditure: <u>Petition Signatures</u> <input type="checkbox"/> Check box if Electioneering Communication

1. Date Expended	4. Name: _____
2. Amount \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

1. Date Expended	4. Name: _____
2. Amount \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

1. Date Expended	4. Name: _____
2. Amount \$	5. Address: _____
3. Recipient is (optional): <input type="checkbox"/> Committee <input type="checkbox"/> Non-Committee	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____ <input type="checkbox"/> Check box if Electioneering Communication

Schedule C - Loans

Full Name of Committee/Person: LAKEWOOD SAFE STREETS CMTTE
DAN HAYES, Treasurer

LOANS - Loans Owed by the Committee
(Use a separate schedule for each loan. This form is for line item 8 and 16 of the Detailed Summary Report.)
[No information copied from such reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. [Art. XXVIII, Sec. 9(e)] Notwithstanding any other section of this article to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule [Art. XXVIII, Sec. 3(8)]

LOAN SOURCE

Name (Last, First or Institution): 1st Bank of Colorado
Address: 3190 Youngfield St.
City/State/Zip: Wheat Ridge, CO. 80215
Original Amount of Loan: \$ 4,830 Interest Rate: 13.5%

Loan Amount Received This Reporting Period: \$ 4,830 Total of All Loans This Reporting Period: \$ 4,830
(Place on line 8 of Detailed Summary Report)

Principal Amount Paid This Reporting Period: \$ 4,830

Interest Amount Paid This Reporting Period: \$ 157.85

Amount Repaid This Reporting Period: \$ 4,987.85 Total Repayments Made: \$ 4,987.85
(Amount Repaid is sum of Principal & Interest entered on Detail Summary) (Sum of Schedule C pages, Place on line 16 of Detailed Summary)

Outstanding Balance: \$ 0

TERMS OF LOAN: Auto BANK Reserve na
Date Loan Received Due Date for Final Payment

LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN

Full Name	Address, City, State, Zip	Amount Guaranteed

City of Lakewood
 City Clerk's Office
 480 S. Allison Pkwy
 Lakewood, CO 80226
 Ph: (303) 987-7080
 Fax: (303) 987-7088



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REPORT OF CONTRIBUTIONS AND EXPENDITURES

(C.R.S. 1-45-108)

DAN HAYES Treasurer

Full Name of Committee/Person: LAKEWOOD SAFE STREETS' CMTTE
As Shown On Registration

Address of Committee/Person: 15409 Hwy 72

City, State & Zip Code: Arvada CO 80007

Committee Type: Issue

Name and Address of Financial Institution: 1st BANK 3190 Youngfield St. Wheat Ridge CO 80215

SOS ID NUMBER (state committees ONLY): _____

Type of Report

- Regularly Scheduled Filing.** *Beginning to Report*
- Amended Filing.** This amends previous report filed on (date) _____
Submit changes or new information ONLY
- Termination Report.** (Termination Reports **MUST** Have a Monetary Balance of Zero in Line 5)
- Check this box if this Report Contains Electioneering Communications Information**

Reporting Period Covered: 4-10-09 Through 9-1-09
Date Date

Declared Total Spending (if applicable) [Art. XXVIII, Sec. 4(1)] \$11,987.29

		Totals Detailed Summary Page
1	Funds on Hand at the Beginning of Reporting Period (monetary only)	\$ 100 -
2	Total Monetary Contributions (line 11)	\$ 11,987.85
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 [Art. XXVIII Sec. 10(2)(a)]

Authorization (Must be completed by either the Registered Agent OR the Candidate): *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: Daniel Hayes

Registered Agent's Signature: Daniel Hayes Date: 9-1-09

Print Candidate Name: na

Candidates Signature: na Date: _____