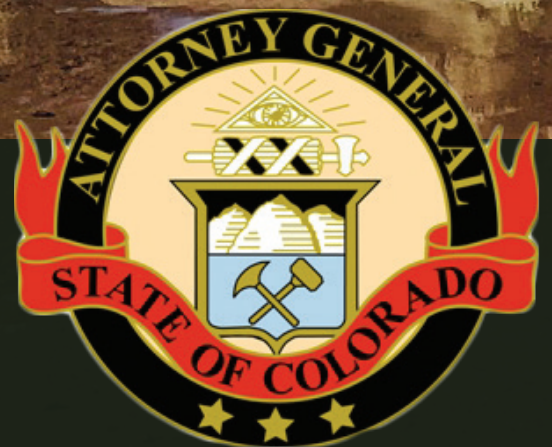




2015 ANNUAL REPORT COLORADO DEPARTMENT OF LAW



A MESSAGE FROM THE COLORADO ATTORNEY GENERAL CYNTHIA H. COFFMAN

To my fellow Coloradans,

It is my honor to serve as Colorado's Attorney General and the People's lawyer. The Attorney General's Office advocates for all Coloradans and for the best interests of the state.

This year the office has bolstered its efforts in community outreach, consumer protection, and illegal drug prosecutions, and has protected Colorado from attempts to limit the State's sovereignty.

Our 2015 Annual Report highlights some of our accomplishments on behalf of Colorado and Coloradans. As the State's largest law firm, many of our proudest achievements center on protecting public safety, consumers, and natural resources. I hope you enjoy reading about the work we do on your behalf.

I remain committed to fulfilling our office mission to provide ethical, professional and independent legal services to the State of Colorado and its residents.

*Cynthia H. Coffman
Colorado Attorney General*



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ABOUT THE OFFICE OF ATTORNEY GENERAL

MISSION: : It is the mission of the Department of Law to provide professional, ethical, and independent legal services to the State of Colorado and its citizens, to promote respect for law and access to the justice system, to ensure the fair and open exercise of government, and to protect and advance the public interest

VISION: It is the vision of the Colorado Department of Law to be the premier law enforcement agency and public law office leading the state with the trust, confidence, and support of partners, consumers, and policy-makers, while committing to the highest professional and ethical standards.

FOCUS:

- Upholding the United States and Colorado Constitutions.
- Providing the highest level of ethical legal service to the State of Colorado.
- Defending the laws and officers of the State of Colorado from legal challenge.
- Protecting and preserving the quality of Colorado's land, water and air.
- Advocating for policies that help law enforcement improve community safety.
- Protecting Coloradans from consumer scams and fraud.
- Ensuring that Colorado's elections remain free from criminal fraud.
- Promoting open, accountable governance.

The Department is largely a cash-funded agency that receives funding from state agencies and various programs for the provision of legal services, the investigation and prosecution of fraud, and the protection of citizens of this State through a number of consumer protection efforts.

AUTHORITY: The Colorado Attorney General is one of five independently elected statewide offices in Colorado and was established by the State Constitution upon statehood in 1876.

The Attorney General and the Department of Law, collectively referred to as the Colorado Attorney General's Office, represents and defends the legal interests of the people of the State of Colorado and its sovereignty. The Attorney General exercises the responsibilities given to the office by the Colorado Constitution, statutes enacted by the Colorado General Assembly, and the common law.

The Attorney General has primary authority for enforcement of consumer protection and antitrust laws, prosecution of criminal appeals and some complex white-collar crimes, the Statewide Grand Jury, training and certification of peace officers, and most natural resource and environmental matters. Additionally, the Attorney General's Office works concurrently with Colorado's 22 district attorneys and other local, state and federal law enforcement authorities to carry out the criminal justice responsibilities and activities of the office. The Attorney General is also the chief legal counsel and advisor to the executive branch of state government including the governor, all of the departments of state government, and to the many state agencies, boards, and commissions.

The Department's services are mainly delivered through eight operational sections. These sections carry out their specific responsibilities in order to provide the highest quality legal representation for state clients, to all state government agencies, and each program and board within. Additionally, investigative and prosecutorial efforts help protect the interests of state citizens by minimizing fraud and ensuring public safety.

COLORADO ATTORNEY GENERAL CYNTHIA H. COFFMAN

COLORADO ATTORNEY GENERAL CYNTHIA H. COFFMAN serves as the State's 38th Attorney General. Since she took office in January 2015, General Coffman has focused on community outreach, consumer protection, and protecting public safety and Colorado's sovereignty.

General Coffman began her tenure at the Colorado Department of Law in March of 2005 when she was appointed Chief Deputy Attorney General. Coffman served in this role for 10 years, acting as chief of staff and chief operating officer for the largest law firm in the State of Colorado. While performing as Chief Deputy, Colorado Law Week recognized General Coffman's accomplishments by naming her as the Best Public Sector Lawyer in September 2012.

In 1997, General Coffman's first job in Denver was working for the Colorado General Assembly's Office of Legislative Council. She staffed the Senate Judiciary Committee and assisted with a study of the state's adult parole system. After a brief time in private practice, Coffman joined the senior management team at the Colorado Department of Public Health and Environment. There she served first as the agency's Director of Legal & Regulatory Affairs and later as its Deputy Executive Director. She gained extensive experience with environmental issues related to air and water quality, hazardous waste regulation, and with public health issues including disease control and epidemiology, nursing home and hospital regulation, and state interface with local public health systems. General Coffman moved to the State Capitol in 2004, where she had the honor of serving as Chief Counsel to Colorado Governor Bill Owens.

Coffman's legal career began more than 25 years ago in the Georgia Attorney General's Office. As a courtroom attorney, she defended the state's juvenile justice system and public health department. Later working as attorney for the 1996 Centennial Olympic Games in Atlanta, she acted as the primary liaison with the victims and their families following the 1996 domestic terror attack in Centennial Olympic Park.

A native Missourian, General Coffman graduated from the University of Missouri-Columbia in 1983. She worked in development for children's hospitals and pediatric research for several years before completing law school at Georgia State University College of Law in Atlanta in 1991.

As Colorado's Attorney General, Cynthia H. Coffman maintains a commitment to her office's mission of providing ethical, professional and independent legal services to the State of Colorado and all of its citizens.



CHIEF DEPUTY ATTORNEY GENERAL



DAVID C. BLAKE

David C. Blake serves as the Chief Deputy Attorney General for the State of Colorado. David manages the litigation for the State, including the approximately 270 attorneys within the Department of Law. He also acts as the intergovernmental liaison for the Department, including working with the Colorado General Assembly on myriad policy and legislative issues and coordinates legal policy on behalf of the Attorney General.

Prior to moving to Colorado in 2010, David spent fourteen years with the U.S. Department of Justice. At the Justice Department, he served as a national security lawyer, a Special Assistant U.S. Attorney, a civil litigator defending Habeas Corpus claims of detainees at Guantanamo Bay, a congressional liaison and was integral in national security policy development post September 11, 2001.

David has an undergraduate degree from Virginia Tech ('96) and earned his J.D. from George Mason Law in 2007 where he also served as an Adjunct Professor for several years. David is a

CHIEF OF STAFF



MELANIE J. SNYDER

Melanie J. Snyder oversees the management of the Colorado Department of Law's roughly 500 employees, its administration functions, as well as its professional development and community engagement initiatives. Melanie joined the office in 2008 and has provided general counsel advice and representation in litigation and on appeal to a number of State clients on a variety of complex issues.

Prior to her position as Chief of Staff, she was the Deputy Attorney General of the Revenue & Utilities Section, overseeing the representation of the Department of Revenue, Litigation Staff of the Public Utilities Commission, and the Property Tax Administrator in the Department of Local Affairs. Before joining the office, Melanie practiced commercial litigation in both large and small firms in Denver.

She received her J.D. degree from the University of San Diego School of Law and B.A. degrees in Political Science and Psychology from the University of Arizona. Melanie was born and raised in Arizona but married a Colorado native and together they have two children ages 15 and 7.

COLORADO SOLICITOR GENERAL



FREDERICK R. YARGER

Frederick R. Yarger was appointed the Solicitor General of Colorado in April 2015. Yarger succeeded Daniel D. Domenico in this position.

From 2012 through 2013, Yarger was the office's assistant solicitor general, working directly with Mr. Domenico to oversee the office's appellate and constitutional practice. Yarger previously served as a judicial law clerk to the Honorable Mark Filip of the United States District Court for the Northern District of Illinois and for the Honorable Timothy Tymkovich of the United States Court of Appeals for the Tenth Circuit. Yarger earned a Juris Doctorate with honors from the University of Chicago Law School, where he was elected to the order of the coif. He received his B.A. magna cum laude and with honors from Dartmouth College.

The solicitor general is responsible for supervising and determining legal strategy for criminal and civil appeals, as well as select constitutional litigation, handled by the Colorado Attorney General's Office. He is also responsible for reviewing and approving proposed regulations from client agencies, supervising the office's deputy and assistant solicitors general, and approving special assistant attorney general appointments.

DIRECTOR OF LEGISLATIVE AFFAIRS



JENNIFER M. ANDERSON

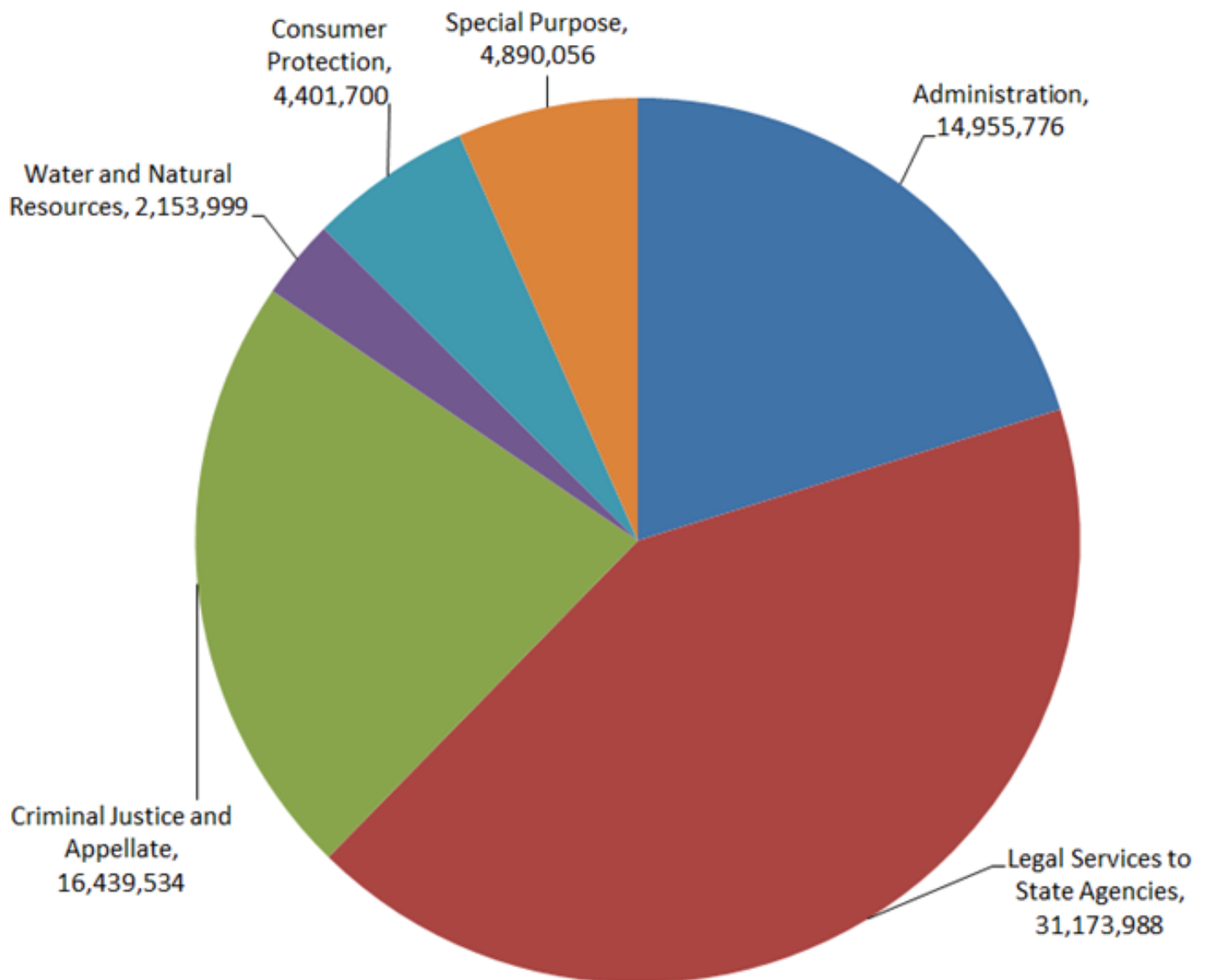
Jennifer M. Anderson joined the Colorado Attorney General's Office in December of 2014. Jennifer serves as the Colorado General Assembly's point of contact for the Department of Law. She is responsible for overseeing the Attorney General's legislative agenda, as well as all other legislation that impacts the Department of Law.

Prior to joining the Attorney General's office, Ms. Anderson practiced water and utility law at large regional law firms in Denver and Albuquerque. She served as the Director of Alcohol and Gaming at the New Mexico Regulation and Licensing Department from 2012-2014. Prior to law school, Jennifer received a J. William Fulbright Foreign Scholarship to South Korea and worked at the New Mexico State Legislature as a policy analyst.

Jennifer has an undergraduate degree from the University of Denver and graduated magna cum laude from the University of New Mexico School of Law. She is licensed to practice law in both Colorado and New Mexico.

DEPARTMENT OF LAW BUDGET

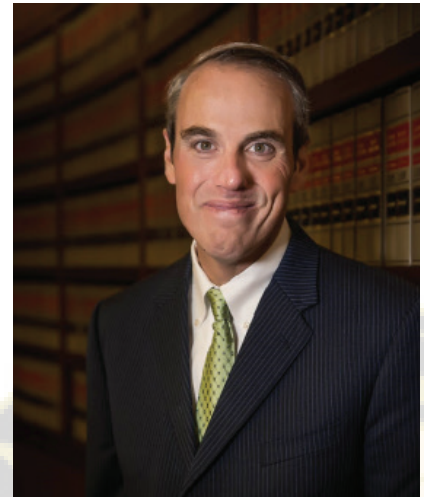
TOTAL FISCAL YEAR 2014-2015
APPROPRIATION: \$74,015,053*
TOTAL APPROPRIATED EMPLOYEES 464.3



** Includes Long Bill, special bills, and all supplemental appropriations*

BUSINESS & LICENSING SECTION

THE BUSINESS AND LICENSING SECTION provides legal advice and litigation services to several state agencies, including the Department of Regulatory Agencies and its divisions of Professions and Occupations, Banking, Civil Rights, Financial Services, Insurance, Real Estate, and Securities. The Section also represents the Department of Agriculture, the State Personnel Board, the Independent Ethics Commission, the Mined Land Reclamation Board, the State Claims Board, and the Office of the Child Protection Ombudsman. Section attorneys advise all clients regarding rules on open meetings and open records requests and all other issues as needed. The section handles litigation before the Office of Administrative Courts, all state trial courts and the Colorado Court of Appeals and Supreme Court.



*Deputy Attorney General
Russell B. Klein*

UNITS OVERVIEW

- **MEDICAL UNIT** — provides representation and legal advice to the Colorado Board of Medical Examiners, the Pharmacy Board, the Office of Speech-Language Pathology Certification, and the Healthcare Professional Profiling Program within the Division of Professions and Occupations. The Unit also provides legal advice to the Division of Financial Services and the Colorado Civil Rights Commission within DORA, and the State Personnel Board.
- **REAL ESTATE UNIT** — represents and provides legal advice to the Division of Real Estate, including the Real Estate Commission, the Board of Real Estate Appraisers, the Conservation Easement Oversight Commission, the State Board of Equalization, the Community Association Manager Program, and the Mortgage Loan Originators Program. The Unit also represents the Independent Ethics Commission and the Broadband Deployment Board.
- **AGRICULTURE/PROFESSIONAL BOARDS UNIT** — represents and advises numerous programs within the Division of Professions and Occupations including the Accountancy Board, Architects, Engineers and Land Surveyors Board, Landscape Architect Board, Electrical Board, Plumbing Board, Passenger Tramway Safety Board, Boxing Commission, and programs that regulate Private Investigators, Outfitters, Barbers & Cosmetologists, and Funeral Homes and Crematories. The Unit also represents and advises the Department of Agriculture and numerous programs within including the Milk Marketing Board, enforcement of the Pet Animals Care and Facilities Act, and the Colorado State Fair.
- **FINANCIAL & HEALTH SERVICES UNIT** — advises and represents the Division of Securities and the Division of Banking/Banking Board, as well as numerous programs within the Division of Professions and Occupations, including the Optometry Board, Licensed Professional Counselor Board, Certified Addiction Counselor Board, Registered Psychotherapist Board, Marriage and Family Therapist Board, Social Work Board, Psychology Board, Board of Veterinary Medicine, Podiatry Board, Chiropractic Board, and programs that regulate Occupational Therapists and Aides, Acupuncture, and Respiratory Therapists. The Unit

also represents the State Claims Board and the office of the Child Protection Ombudsman and Child Protection Ombudsman Board.

- **INSURANCE UNIT** — represents and advises the Division of Insurance in handling of matters related to traditional insurance producers and companies as well as the bail bond business, pre-need funeral contracts and public adjusters.
- **NURSING AND DENTAL UNIT** — represents and advises the Board of Nursing, the Dental Board, the Nurse-Physician Advisory Task Force for Colorado Healthcare (NPATCH), the Physical Therapists Board, and programs that regulate Nursing Home Administrators, Surgical Assistants/Surgical Technologists, Naturopathic Doctors, Direct Entry Midwives, Audiologists, Hearing Aid Providers, and Athletic Trainers.

NEW FOR 2015

- Worked with the Colorado Dental Board as they promulgated substantial new rules to implement the 2014 sunset legislation, which included requiring providers to register with the Prescription Drug Monitoring Program.
- Senate Bill 15-197 significantly decreased the requirements for an advanced practice nurse to obtain full prescriptive authority in Colorado. Section attorneys worked with the Nursing Board given that the change reduced the requirement from 3,600 of supervised training to 1,000 hours upon graduation and passage of a certification examination.



- Section attorneys worked with the Nursing Board following the passage of House Bill-1182, which expanded the scope of practice for Certified Nurse Aides.
- Section attorneys worked with the Division of Professions and Occupations and the Colorado medical Board to formulate policies concerning the implementation of Senate Bill 15-014, which required that the Medical Board, in consultation with the Colorado Department of Public Health and Environment, to establish guidelines for physicians making medical marijuana recommendations.
- The State Plumbing Board amended its rules to allow for the limited use of graywater in plumbing systems following a legislative declaration encouraging the Board to adopt provisions of the International Plumbing Code to allow the use of graywater.

KEY OUTCOMES

- **AGRICULTURE/PROFESSIONAL BOARDS UNIT** — successfully defended the interests of the Department of Agriculture in Denver District Court following an action by Organic Greens, Inc. d/b/a Natural Remedies (a medical and recreational marijuana grow facility and dispensary against the City of Denver (and ultimately the Department of Agriculture). The action was based upon the City of Denver's issuance of a public health hold order prohibiting Organic Greens from selling marijuana contaminated with pesticide residues. The Court sided with the Department of Agriculture (and City of Denver) in denying the requested injunction.
- **INSURANCE UNIT** — represented the Division of Insurance in filing a Petition to seize the Colorado HealthOP co-op after the HealthOP failed to receive certain funding from the federal government and then failed to maintain a certain level of assets as a surplus in order to cover unexpected volumes of claims or high cost claims. The petition was granted by the Denver District Court. On November 15, 2015, the section attorneys filed and the Denver District Court granted a Petition for Rehabilitation regarding the HealthOP. The Insurance Commissioner was appointed the Rehabilitator of Colorado HealthOP, began managing the day-to-day operations, and started to marshal Colorado HealthOP's assets and analyzing its financial condition. On January 4, 2016, the Division filed a Petition for Liquidation and Finding of Insolvency based on the allegation that its financial condition rendered further transaction of the business of insurance to be hazardous, financially or otherwise, to Colorado HealthOP's policy holders, its creditors and the general public. The District Court granted the Petition to Liquidate on January 5, 2016.
- **FINANCIAL & HEALTH SERVICES UNIT** — successfully litigated a case on behalf of the Colorado Division of Securities against Marc Mandel and Wall Street Radio, Inc. d/b/a Winning on Wall Street (WOWS) alleging that Mandel and WOWS engaged in unlicensed investment advisory conduct through the practice of "auto-trading" for compensation while also providing individualized advice to clients upon request (and making the service available to others who did not utilize it). The Court granted summary judgment in favor of the Securities Commissioner on the claims, ordered restitution to the investors, and entered a permanent injunction barring the defendants from engaging in certain conduct. The case is currently pending before the Court of Appeals.
- Section attorneys also successfully litigated a case on behalf of the Colorado Division of Securities against Seth Weiss, alleging that Mr. Weiss fraudulently offered unregistered securities in violation of the Colorado Securities Act. Following a trial on the merits, the Court found that Defendant Weiss violated the registration and anti-fraud provisions of the Colorado Securities Act by recklessly and knowingly making material false statements and omissions. The Court entered judgment in the amount of \$13,296,002 in disgorgement, restitution and damages against Seth Weiss, and a permanent injunction barring Weiss from engaging in practice in the Colorado securities industry.

CIVIL LITIGATION & EMPLOYMENT LAW SECTION

THE CIVIL LITIGATION AND EMPLOYMENT LAW SECTION defends all state agencies, institutions of higher education (except the University of Colorado) and employees sued in state and federal court for personal injuries, property damage, employment discrimination, and constitutional violations. The Section also represents state agencies and institutions of higher education in personnel matters in front of the State Personnel Board and appellate courts, brings administrative cases against private parties on behalf of the Colorado Civil Rights Commission, and advises and represents state agencies and institutions of higher education in workers' compensation matters.

Section attorneys also provide general legal advice and representation to the Colorado Department of Transportation, the Transportation Commission, the Department of Corrections, the State Board of Parole, the Department of Public Safety, Safe2Tell™ Colorado, the POST Board, the Division of Risk Management, the Civil Rights Division, the Division of Workers' Compensation's Special Funds Unit, and the employees of those agencies. Section attorneys provide advice and training to all state agencies and institutions of higher education on a myriad of employment, workers' compensation, general liability, and general legal issues.



*Deputy Attorney General
Vincent E. Morscher*

UNITS OVERVIEW

- **CORRECTIONS AND PUBLIC SAFETY UNIT** -- provides general representation and legal advice to the Colorado Department of Corrections, the Parole Board, the various divisions of the Department of Public Safety including the Colorado State Patrol, the Colorado Bureau of Investigation, the Division of Criminal Justice, the Division of Fire Prevention and Control, and the Division of Homeland Security and Emergency Management, and the Safe2Tell™ Colorado Program within the Office of the Attorney General. The unit primarily defends inmate lawsuits involving various issues, but also advises and defends the clients in all civil litigation matters.
- **EMPLOYMENT/PERSONNEL AND CIVIL RIGHTS UNIT** -- assists state government in managing classified employees and defends the state and its employees in employment disputes. Attorneys from this unit represent all agencies and most institutions of higher education in personnel hearings and matters before the State Personnel Board and on appeal. They provide advice and training to state agencies, institutions of higher education and employees regarding personnel matters. The unit provides legal advice to the Colorado Civil Rights Division within the Department of Regulatory Agencies in conjunction with the Division's investigation of charges of employment, housing and public accommodations discrimination, and prosecutes those cases which have been noticed for hearing by the Colorado Civil Rights Commission. This unit also provides counsel to the POST Board within the Office of the Attorney General.

- **EMPLOYMENT TORT UNIT** — defends state agencies, institutions of higher education, and employees in state and federal court employment litigation. The attorneys handle cases from inception through appeal. The cases involve claims arising under a myriad of federal and state statutes, as well as federal civil rights laws and constitutional claims. This unit also provides advice and risk reduction training to state agencies and institutions of higher education regarding employment law. Attorneys who work in the unit provide day-to-day advice to the State Risk Management Division on questions of coverage, indemnity, settlements, and conflicts.
- **TORT LITIGATION UNIT** — defends state agencies, institutions of higher education, and employees in lawsuits seeking damages for personal injury and property damage, and those brought pursuant to federal law (except for employment claims). This unit also provides day to day advice to the State Risk Management Division on questions of coverage, indemnity, settlement, and applicability of the Colorado Governmental Immunity Act. The unit provides most of the conflicts counsel services to regulatory agencies and boards in cases where line attorneys act as prosecutors in regulatory actions before the agencies and boards and are therefore prevented from advising the decision makers.
- **TRANSPORTATION UNIT** — provides general representation and legal advice to the Colorado Department of Transportation (CDOT) and the Colorado Transportation Commission, with the exception of personnel and tort matters. The unit also represents the Colorado Bridge Enterprise and the Colorado High Performance Transportation Enterprise. Attorneys from this team prosecute all condemnation actions, defend inverse condemnation cases, and handle administrative actions. It also handles access control, highway beautification, billboard location disputes, and procurement protests. This unit advises CDOT in construction matters, handles all CDOT contract review, and advises and represents the client in all other civil litigation matters.
- **WORKERS' COMPENSATION UNIT** — defends state agencies, institutions of higher education, and employees in workers' compensation matters. The attorneys manage all litigation from inception through hearings and appeals. They also represent the Subsequent Injury Fund and the Major Medical Insurance Fund in the Division of Workers' Compensation. The attorneys provide day-to-day advice to Risk Management's Workers' Compensation Division, the state agencies, and the state's third party administrator, regarding workers' compensation law, liability exposure and settlements.

NEW FOR 2015

- The Corrections/Public Safety Unit assisted with legislative changes to the parole revocation statutes alleviating the onslaught of habeas corpus petitions received relating to no bond parole holds when a new crime and technical violations are alleged in a parole revocation complaint. The Unit also assisted with new legislation expanding the "Sure and Swift" program that aligns parole supervision with evidence-based practices in responding to technical violations.
- The Workers' Compensation Unit added three new attorneys and one new paralegal position. Additionally the Unit developed and implemented policies and procedures to handle and oversee recovery of subrogation liens from at-fault third parties.

KEY OUTCOMES

- **THE CORRECTIONS AND PUBLIC SAFETY UNIT** — opened 282 new litigation cases and 24 advice files. We won 97% of all trial court matters and 92% of all appeals.
- **THE EMPLOYMENT/PERSONNEL AND CIVIL RIGHTS UNIT** — defended 263 new cases, won 89% of all cases that went to hearing, and obtained denials of hearings in 55% of all briefed discretionary hearing cases. The Unit won four favorable appellate court rulings in state personnel and civil rights matters. The Unit prosecuted eight

cases that were noticed for hearing by the Colorado Civil Rights Commission at the Office of Administrative Courts. We negotiated over \$120,000 in settlement payments to private citizens in employment and fair housing cases. The settlements included provisions requiring that private employers and housing providers receive mandatory discrimination training, policy changes and discrimination reporting.

- **EMPLOYMENT TORT UNIT** — lawyers successfully handled every matter litigated. One matter went to trial and the jury returned a defense verdict. All other lawsuits were won on a motion to dismiss, a motion for summary judgment, or with the plaintiff voluntarily withdrawing the complaint after discovery.
- **THE TORT LITIGATION UNIT** — received 1,756 Notices of Claim, opened 91 new cases and 42 conflict matters. The unit won motions to dismiss or convinced plaintiffs to dismiss voluntarily in 39 cases, one of these following a two-day evidentiary hearing. Three cases were won on motions for summary judgment and one case went a jury, which returned a defense verdict.
- **TRANSPORTATION UNIT** — attorneys authored and revised two eminent domain handbooks for CDOT and also revised CDOT's Right of Way Manual that sets forth the rules and policies of CDOT's Right of Way Program. Attorneys also assisted on revising the CDOT Outdoor Advertising Program.
- **THE WORKERS' COMPENSATION UNIT** — opened approximately 200 legal files and prevailed in 71% of cases that went to hearing at the Office of Administrative Courts, saving the State an estimated \$500,000 in workers' compensation benefits. In addition, the Unit was able to recover \$236,267 from at-fault third parties to satisfy the State's subrogation interests.



CONSUMER PROTECTION SECTION

THE CONSUMER PROTECTION SECTION (“CP Section”) protects consumers and businesses against fraud and facilitates a competitive business environment by enforcing state and federal consumer protection laws; enforcing state and federal antitrust laws; implementing and enforcing provisions of the Tobacco Master Settlement Agreement; enforcing state laws on consumer lending, predatory lending, debt collection, rent-to-own, debt management, and credit repair; and advocating for residential, small business, and agricultural public utility ratepayers. The CP Section initiates investigations of anti-competitive, fraudulent, and unlicensed activities, files civil lawsuits and administrative actions to stop those activities, and participates with other state and federal law enforcement offices in national investigations and lawsuits.



Additionally, the CP Section promotes consumer protection through a variety of consumer education and outreach initiatives, including its www.stopfraudcolorado.gov website, digital newsletters and consumer advisories, distribution of tens of thousands of informational brochures on identity theft and on scams targeting military personnel and their families, and through developing public-private partnerships throughout Colorado in conjunction with the Office of Community Engagement.

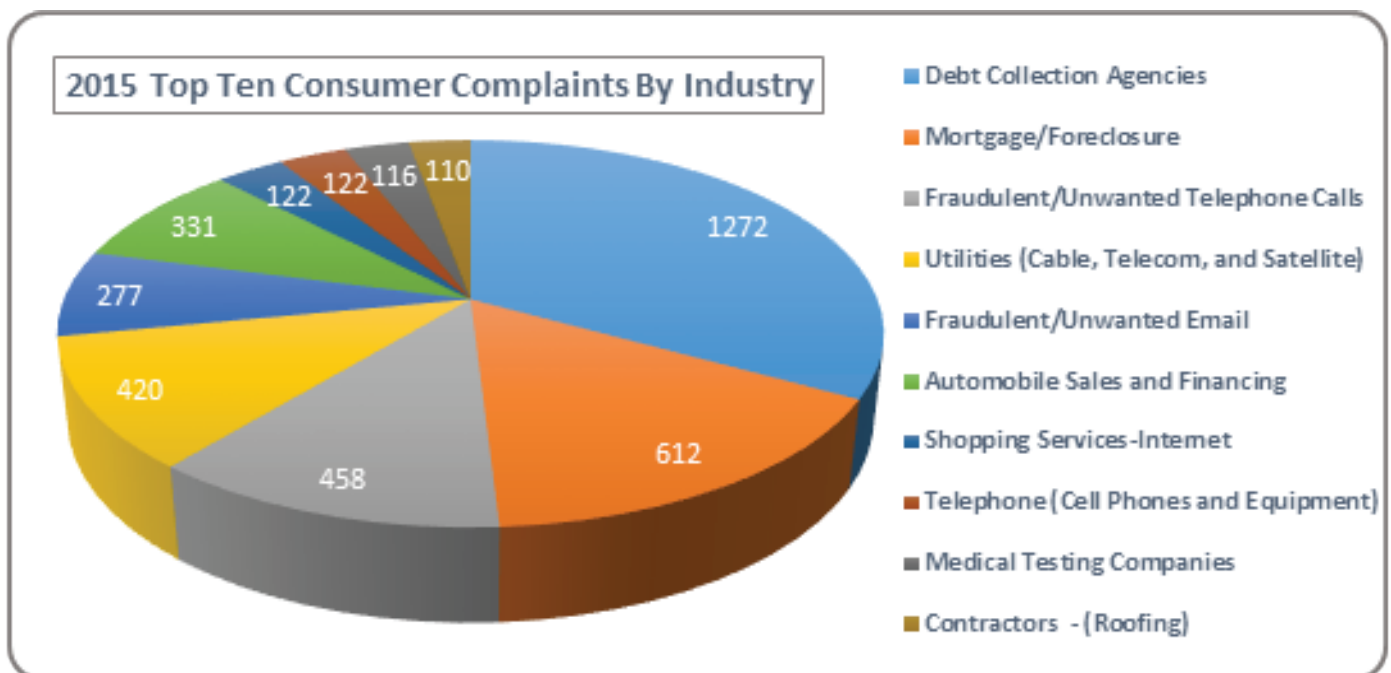
UNIT OVERVIEWS

- **OFFICE OF CONSUMER COUNSEL UNIT** — Provides legal support to the Office of Consumer Counsel (“OCC”). The OCC represents the public interest before the Colorado Public Utilities Commission (“PUC”) and Colorado courts on behalf of residential, small business, and agricultural consumers of electric and natural gas services. During its 30 years in existence, the OCC has reported savings for consumers of approximately \$1.8 billion.
- **CONSUMER FRAUD UNIT (CFU)** — Handles consumer complaint intake and enforcement of the Colorado Consumer Protection Act and the Charitable Solicitations Act. This Unit also conducts much of the Section’s consumer education and outreach efforts.
- **ANTITRUST, TOBACCO, AND CONSUMER PROTECTION UNIT (ATCP)** — Handles enforcement of state and federal antitrust laws, no-call laws, and Colorado’s new patent troll law, as well as laws related to mortgage loan origination, mortgage loan repair/modification, and foreclosure-related frauds. This Unit also oversees Colorado’s obligations under the 1998 multistate tobacco Master Settlement Agreement.

- **CONSUMER CREDIT UNIT** — Regulates (through licensure and registration programs) companies and individuals involved in consumer lending, debt collection, and debt management and enforces a variety of statutes governing those and related practices. The unit regulates 690 supervised lenders, 1,156 credit sellers, 47 credit counseling and debt settlement companies, and 726 collection agencies. It enforces a variety of state laws related to those industries.

NEW FOR 2015

- As a result of its sunset review, the OCC's authority to participate in telecommunications cases was removed in June 2015 after the telecommunications market was deemed competitive. However, the increase in electric and gas cases addressing the Clean Air-Clean Jobs Act of 2010, energy efficiency initiatives, transmission planning, and gas pipeline safety more than offset the loss of telecommunications for the Unit.
- The new patent troll statute passed this year, Prohibited Communication Concerning Patents, § 6-12-101, et seq., C.R.S. (2015), resulted in the hiring of an attorney with experience in patent and trademark law.
- Sunset review of the Debt Management Services Act (DMSA) resulted in a continuation of the program with a minor change to fee setting and 9 year review period for sunset review in 2024.



KEY OUTCOMES

- **OCC UNIT** — This year the OCC Unit appeared in or worked on 68 matters before the PUC. In FY 2015, consumer-realized savings, based on the OCC's calculations, were approximately \$77.7 million. Over the prior five fiscal years (FY 2010-2014), consumer-realized savings averaged approximately \$44.34 for every dollar spent funding the OCC. In FY 2015, the consumer-realized savings were \$73.79 per dollar spent.
- **CONSUMER FRAUD UNIT** — shut down a predatory magazine seller that deceived elderly magazine subscribers into purchasing additional subscriptions costing as much as \$1200. In addition to putting this company out of business, the Unit also shut down the large subscription processing firm responsible for assisting so many of these predatory magazine sales. The Unit's fight against the public sale of synthetic designer drugs, including spice, resulted in a record \$1 million civil penalty against a Colorado Springs convenience store as well as the largest nationwide spice case settlement. These enforcement actions have essentially eradicated the public sale of spice in Colorado.
- **COMPLAINT INTAKE** — processed a total of 7,700 written complaints while fielding 13,348 telephone calls in 2015. The chart below reflects the top ten consumer complaints by industry for 2015.
- **THE ATCP UNIT** — distributed over \$7 million in restitution to Colorado homeowners as a result of its settlements with two foreclosure law firms accused of fraudulently inflating foreclosure costs.
- **CONSUMER CREDIT UNIT** — required refunds of \$1,082,344.72 to Colorado consumers in excess finance charges and other credit overcharges from compliance examinations, and obtained \$8,522,946.92 in restitution, penalties and costs and fees from investigations of consumer complaints, lawsuits, and settlements related to consumer lending. It also required refunds and/or restitution of \$3,897,664 to Colorado consumers arising from violations of the DMSA. Finally, the Unit investigated or litigated 32 debt collection-related cases and obtained \$1,332,635 in fines, payments and consumer restitution through voluntary stipulations and



CRIMINAL APPEALS SECTION



THE CRIMINAL APPEALS SECTION of the Attorney General's Office is Colorado's prosecutorial authority at the appellate level of the criminal justice system. Section attorneys represent law enforcement interests when defendants challenge their felony convictions in the Colorado and federal appellate courts. Hundreds of prosecutors do felony trial work in the state's district courts; the Attorney General's Criminal Appeals Section responds to all of the defense appeals generated by those cases. The section must provide effective and ethical representation in all cases. Cases range from relatively minor sentencing and post-conviction appeals to complicated white collar crime, homicide, child abuse, sexual assault, and death penalty litigation.

Although the Criminal Appeals Section does not have separate units with distinct functions, it is organized into three teams, each of which is led by a First Assistant Attorney General. The work of the attorneys on the three teams is similar: in each case, an attorney must read the trial transcript and other pertinent documents, conduct legal research on each of the defendant's claims, and write an argument explaining why law enforcement should prevail. While a majority of the cases impact only the defendants and the victims directly involved, any given case may result in new published law that has a significant impact on law enforcement procedures; on procedures for criminal trials and sentencing hearings throughout the state; on the state's Department of Corrections; or on probation, parole, and county community corrections programs.

In addition to their appellate litigation, Criminal Appeals Section attorneys share their expertise in criminal law and appellate issues with the state's prosecutors and other audiences through informal advice, presentations at meetings and training sessions, and weekly case law updates to the Colorado District Attorneys Council (CDAC).

Representatives from the Criminal Appeals Section serve on two committees of the Colorado Supreme Court: the Appellate Rules Committee, and the Criminal Rules Committee. An attorney from the Criminal Appeals Section also serves on the Appellate Practice Subcommittee of the Colorado Bar Association (CBA).

NEW FOR 2015

- The Criminal Appeals Section implemented a new system for oral argument preparation, ensuring more extensive preparation for all section attorneys.
- Attorneys from the Section increasingly assisted in other Sections of the Attorney General's Office by providing advice on appellate brief-writing and oral argument for civil cases.
- The Colorado Supreme Court and Colorado Court of Appeals began live-streaming appellate oral arguments, making audio and video available over the internet.

KEY OUTCOMES

- **THE CRIMINAL APPEALS SECTION** — opened 1,010 new appellate cases in calendar year 2015. These cases involved convictions for the following completed or attempted crimes:
 - *626 assaults or sexual assaults against children*
 - *310 burglaries and thefts*
 - *284 homicides or attempted homicides*
 - *391 kidnappings and assaults*
 - *308 aggravated robberies*
 - *212 drug offenses*
 - *136 sexual assaults on adults*
 - *948 other offenses (primarily felonies)*
- In addition, these cases included 286 habitual offender sentence enhancement counts.
- **SECTION ATTORNEYS**
 - *Filed 1,009 opening briefs, answer briefs, and answers to orders to show cause;*
 - *Appeared at 141 oral arguments in state and federal appellate courts to present the State's position and answer questions for judges;*
 - *Filed 53 petitions for rehearing to try to correct matters wrongly decided by the courts; and*
 - *Asked the Colorado Supreme Court to conduct further review in 44 cases that would have an adverse effect on law enforcement.*
- Of the 992 Criminal Appeals Section cases decided by the various appellate courts in 2015, section attorneys won 896 (90%).

CRIMINAL JUSTICE SECTION

THE CRIMINAL JUSTICE SECTION of the Colorado Attorney General's Office assists local prosecutors and law enforcement agencies throughout the State on matters that occur in more than one jurisdiction, including presenting cases to the Statewide Grand Jury and serving as special district attorneys in local counties as requested.

Section members provide special assistance to district attorneys in complex violent crimes including homicides and cold cases. The section also prosecutes multi-jurisdictional cases that include human trafficking, major drug trafficking organizations, white-collar and environmental crimes.

The Criminal Justice Section prosecutes crimes in which it has original jurisdiction, including securities, insurance, mortgage and election fraud.



*Deputy Attorney General
Scott Turner*

UNIT OVERVIEWS

- **SPECIAL PROSECUTIONS UNIT** — This is a specialized unit within the Criminal Justice Section of the Attorney General's Office. The Attorney General has statutory authority to prosecute specifically enumerated crimes including certain environmental violations, state tax fraud, mortgage fraud, election fraud, and other fraud related offenses. Additionally, the Attorney General functions as the legal advisor to the Statewide Grand Jury.
- **MARIJUANA TEAM** — focuses on developing extensive expertise on everything related to the marijuana industry in Colorado and nationwide. The team has been integral in statewide efforts to identify and collect key data related to marijuana and has also collaborated with other government stakeholders in the field.
- **VICTIMS ASSISTANCE** — provides status information, explanations, court accompaniment, referrals, and liaison services to the victim as his or her case progresses through the "critical stages" of the criminal justice system.
- **FOREIGN PROSECUTIONS UNIT** — exists to assist in the investigation and apprehension of Mexican National fugitives charged with serious crimes, who are currently living in the Republic of Mexico to avoid criminal charges and prosecution in the State of Colorado. This is accomplished by utilizing Article Four guidelines and procedures the Mexican Federal Penal Code, when requested by law enforcement agencies or Colorado district attorneys.
- **MEDICAID FRAUD CONTROL UNIT** — is charged with protecting the Colorado Medicaid program from fraud and is authorized to investigate and prosecute crimes committed by health care providers against the program; and bring civil actions when appropriate. Medicaid is a health care program jointly funded by the State of Colorado and the Federal government (sharing costs approximately 50/50).

- **FINANCIAL FRAUD UNIT** — is comprised of the Securities Fraud and Insurance Fraud Teams. The Insurance Fraud Team investigate and prosecutes criminal offences relating to insurance fraud across the state. The Securities Fraud Team’s mission is to investigate and prosecute criminal who victimize Coloradans and investors through investment schemes and frauds.
- **PEACE OFFICERS STANDARD AND TRAINING UNIT (“POST”)** — The Colorado Peace Officer Standards and Training (POST) Board documents and manages the certification and training of all active peace officers and reserve peace officers working for Colorado law enforcement agencies. POST also provides continuing training on emerging issues, including anti-bias, DNA and witness protection issues. Colorado POST’s mission is to establish and maintain standards for peace officer training and certification that are relevant, realistic and responsive to our ever-changing world.

NEW FOR 2015

- As part of the Attorney General’s ongoing and historical commitment of collaborating with the state’s elected district attorneys on a variety of criminal cases, during 2015, members of the Special Prosecutions Unit continued to proactively reach out to local prosecutors with a goal of jointly investigation large scale “black market” marijuana cases.
- Over the past year, the Insurance Fraud Team continue to see more fraud referrals, open more investigations and file more criminal cases in district courts throughout the state. Much of this increase can be attributed to the passage of Senate Bill 14-92, which create a new insurance fraud crime. In 2015, the Financial Fraud Unit partnered with the Consumer



KEY OUTCOMES

Protection Unit to launch the “Stop Fraud Colorado” campaign. The ongoing initiative seeks to raise awareness of the various forms of consumer fraud.

- **SPECIAL PROSECUTIONS** — led and participated in long-term multi-state investigation into racketeering activity pertaining to illegal marijuana cultivation, methamphetamine trafficking and the trafficking and large scale sale of other narcotics.
- A member of the Violent Crimes Assistance Team aided the 18th Judicial District with the prosecution and sentencing of James Holmes for the charges stemming from the Aurora Theater shooting.
- **MEDICAID FRAUD UNIT** — assisted in the prosecution of People v. Donna Everly: This was a two-week jury trial in El Paso District Court. The defendant was charged with 136 felony counts, all related to a pattern of fraud against the Medicaid program for billing for services she didn’t perform. The defendant was convicted on all counts, was placed on three years of supervised probation, and ordered to pay \$16,561.00 in restitution. Over \$1 million in restitution was recovered in our criminal cases for the past year.
- **SECURITIES FRAUD TEAM** — had 98 referrals of potential criminal conduct. Fifteen investigations were opened and 5 new criminal cases were filed. Over \$5 million in restitution was ordered. The Insurance Fraud Team had 1,778 referrals of potential fraud. In addition, 153 cases were opened for investigation and 81 criminal cases were filed in district courts throughout the state.
- **FINANCIAL FRAUD UNIT** — Defendant Mike Tee was charged with multiple felony counts for engaging in a variety of criminal acts directly and indirectly related to insurance fraud. Tee worked with others to intentionally damage vehicles so that each party could submit false



NATURAL RESOURCES AND ENVIRONMENT SECTION

Attorneys in the **NATURAL RESOURCES & ENVIRONMENT SECTION** work with client agencies to protect and improve the quality of Colorado's natural environment and ensure responsible use and development of the state's natural resources. The Section provides legal counsel and representation to the Colorado Department of Natural Resources (DNR) on the regulation of mining, oil and gas, parks and wildlife, state lands, and water rights and to the Colorado Department of Public Health and Environment (CDPHE) on the regulation of air quality, water quality, radiation control, and hazardous and solid waste management. The Section also advocates on behalf of the Colorado Natural Resources Trustees and the Colorado Energy Office.



*Deputy Attorney General
Casey Shpall*

UNIT OVERVIEWS

- **PARKS & WILDLIFE, TRUST LANDS, AND RESOURCE CONSERVATION UNITS** — represent the boards, commissions, and divisions of DNR that regulate state lands, school trust lands, and extractive industries, including: the Oil and Gas Conservation Commission (COGCC) which regulates oil and gas operations throughout the State; the Division of Reclamation, Mining and Safety (DRMS) which regulates prospecting, exploration, mining, and reclamation operations statewide; the Colorado State Board of Land Commissioners (SLB) which manages perpetual public trusts to support public schools and public institutions; and the Parks & Wildlife Commission and Division (CPW) which manages state wildlife areas and state parks, hunting and fishing programs, recreational trails, vessels, snowmobiles, off-highway vehicles and river outfitters.
- **WATER CONSERVATION, WATER RESOURCES, AND FEDERAL & INTERSTATE WATER UNITS** — represent the boards, commissions, and divisions of DNR that protect and administer water rights within Colorado and safeguard the State's interests in interstate rivers and the State's allocations in interstate compacts and agreements, including: the Colorado Water Conservation Board (CWCB) which acquires water for instream flows to preserve the natural environment, reviews applications for recreational in-channel diversions (kayak courses), approves grants and loans to water providers, adopts rules on weather modification and regulation of floodplains; the Colorado Division of Water Resources (DWR), which includes the State Engineer and seven Division Engineers, in the administration of water rights throughout the State; and the Colorado Ground Water Commission which regulates designated ground water basins.

- **HAZARDOUS/SOLID WASTE, AIR QUALITY, WATER QUALITY AND RADIATION UNITS** — represent the divisions, offices, boards, and commissions within CDPHE that oversee environmental protection programs, including the Hazardous Waste Commission and the Hazardous Materials Waste Management Division which regulate hazardous and solid waste and approve Brownfields and voluntary cleanups; the Air Quality Control Commission (AQCC) and the Air Pollution Control Division (APCD) which adopt and implement programs to regulate air pollution and improve air quality; the Colorado Energy Office in the Governor’s Office which promotes effective and efficient production and consumption of energy in the State; the Water Quality Control Commission and Division which adopt and implement standards to protect water quality; and the Radiation Management Program which regulates sources of radiation throughout the State.
- The Section also represents Colorado’s Natural Resources Trustees in their efforts to ensure any injuries to Colorado’s natural resources are compensated, and that projects initiated with recovered damages are used to replace or restore those damaged resources.



Colorado Attorney General Cynthia H. Coffman surveying Gold King Mine blowout.

KEY OUTCOMES

- **PARKS & WILDLIFE, TRUST LANDS, AND RESOURCE CONSERVATION UNIT** — Advised COGCC on promulgation of rules resulting from recommendation by the Governor’s Task Force on State and Local Regulation of Oil and Gas Operations. Attorneys from the units also litigated in State Supreme Court on behalf of the COGCC to establish state preemption of local government regulation.
- Helped the SLB to implement improvements to trust assets through four projects for an aggregate of \$4.5 million resulting in an estimated increase of \$377,128 in annual revenue and a one-time value increase of \$3,188,954.
- Represented DNR in their efforts to coordinate with the Bureau of Reclamation, the National Park Service, the Upper Colorado River Commission and 7-Basin States to establish drought contingency plans for the Colorado River Basin.
- Assisted in conservation efforts by the states, local governments, and public interest groups to avert an Endangered Species Act listing of the Greater sage grouse.
- **WATER CONSERVATION, WATER RESOURCES, AND FEDERAL & INTERSTATE WATER UNITS** — Represented CWCB in a Supreme Court decision regarding the aesthetic uses of water.
- Secured favorable Supreme Court rulings for the DWR regarding water rights abandonment, the legal nature of storm water in designated groundwater basins, the standards for a change of previously changed water right.
- Advised on the promulgation of Rio Grande Basin Rules Governing the Withdrawal of Groundwater in Water Division 3.
- **HAZARDOUS/SOLID WASTE, AIR QUALITY, WATER QUALITY & RADIATION UNITS** — Defended Solid and Hazardous Waste Commission rules establishing protective standards for asbestos in soils.
- Represent WQCD and WQCC in successful prosecution of numerous violations of Colorado’s clean water and safe drinking water laws.
- Secure for the HMWMD an Intergovernmental Agreement with the City of Black Hawk to resolve water treatment plant issues to remove heavy metals from North Clear Creek and improve fish habitat.
- Assisted to finalize a multi-media consent order between CDPHE and Suncor Energy to clean up the release of over 1.4 million gallons of petroleum products into groundwater.

OFFICE OF COMMUNITY ENGAGEMENT



**THE OFFICE OF
COMMUNITY ENGAGEMENT**
INFORM. ENGAGE. INSPIRE.

In 2015, Attorney General Coffman created and instituted the **OFFICE OF COMMUNITY ENGAGEMENT (OCE)** to oversee and guide the department's community outreach, education and engagement efforts. OCE is dedicated to fostering partnerships across the state to:

- Inform the public about the work of the Colorado Department of Law and how the Rule of Law impacts their daily lives.
- Engage community members and professionals in dialogue about solutions to challenging social issues within the purview of the department.
- Inspire individual and collective action to avoid becoming victims of fraud, crime, and abuse.

The office consists of a director, a program assistant, and four staff of the Safe2Tell™ Colorado school and community safety program. Areas of primary focus for outreach and partnership are:

- Domestic Violence and Sexual Assault Prevention
- Consumer Protection Outreach and Education
- School Safety and Violence Prevention
- Substance Abuse Prevention

SAFE2TELL™ COLORADO: SAFE COMMUNITIES, SAFE SCHOOLS

SAFE2TELL™ COLORADO was founded on the idea that prevention and early intervention is the key to preventing violence and saving lives. This innovative safety and prevention initiative educates youth and school staff on critical safety issues. Safe2Tell™ Colorado provides:

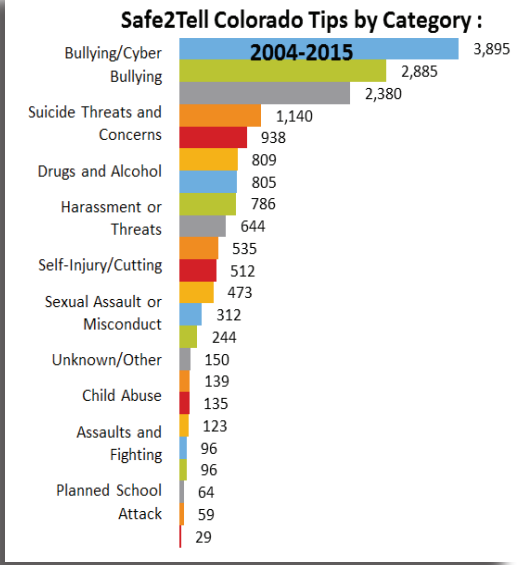
- An anonymous way for students, parents, school staff and community members to report concerns about their safety and the safety of others.
- Resources and materials for schools and communities to educate and promote the Safe2Tell™ Colorado reporting.
- Technical assistance to schools and communities before and after tragic events.
- Expertise in creating safer schools and communities through prevention and early interventions.



- Education, awareness and outreach to encourage reporting and break the code of silence.

In the summer of 2015, the Safe2Tell™ Colorado mobile app was introduced as another option for students, parents and community members to report concerning behaviors or threats using their mobile devices. The adoption of the mobile app as an anonymous reporting option has been highly successful. Reports received through the mobile app have outnumbered reports from calls and web reports.

Safe2Tell™ Colorado is available to all Colorado schools, students, teachers, parents and community members 24 hours a day, 7 days a week, 365 days a year. Reports can be made by calling 1-877-542SAFE (7233), through the Safe2Tell™ Colorado website at www.Safe2Tellco.org, or through the Safe2Tell™ Colorado mobile app for Apple and android smartphones. Safe2Tell™ Colorado continues its mission to prevent violence and tragedies in schools and in communities.



SUBSTANCE ABUSE TREND AND RESPONSE TASK FORCE

The Attorney General serves as the statutory chair of the **SUBSTANCE ABUSE TREND AND RESPONSE TASK FORCE (SATF)**. The Task Force monitors emerging drug abuse issues in order to respond proactively and mitigate potential negative impacts on the people and communities of Colorado. In 2015, as in recent years, data and information from various partners in Colorado raised concerns about the abuse of prescription drugs, underage use of marijuana, abuse of methamphetamine, and most recently, an increase in heroin use, especially among youth.

The Office of the Attorney General led, supported, or partnered on the following substance abuse prevention and intervention efforts in 2015:

- Reached the largest civil settlement in the U.S. against a store owner for selling “Spice,” a harmful and dangerous form of synthetic marijuana.
- Contributed expertise in collecting evidence leading to the largest heroin bust in the history of the Rocky Mountain Region, netting heroin valued at \$40 million.
- Partnered with the U.S Drug Enforcement Agency on the Prescription Drug Take-Back Day by promoting local law enforcement involvement in collecting unused household medications.
- Provided financial support for the Colorado Consortium for Prescription Drug Abuse in implementing the Colorado Plan for Reducing Prescription Drug Abuse, which included the development and launching of the Take Meds Seriously Public Awareness Campaign in 2015.

YOUTH DEVELOPMENT PROMOTION



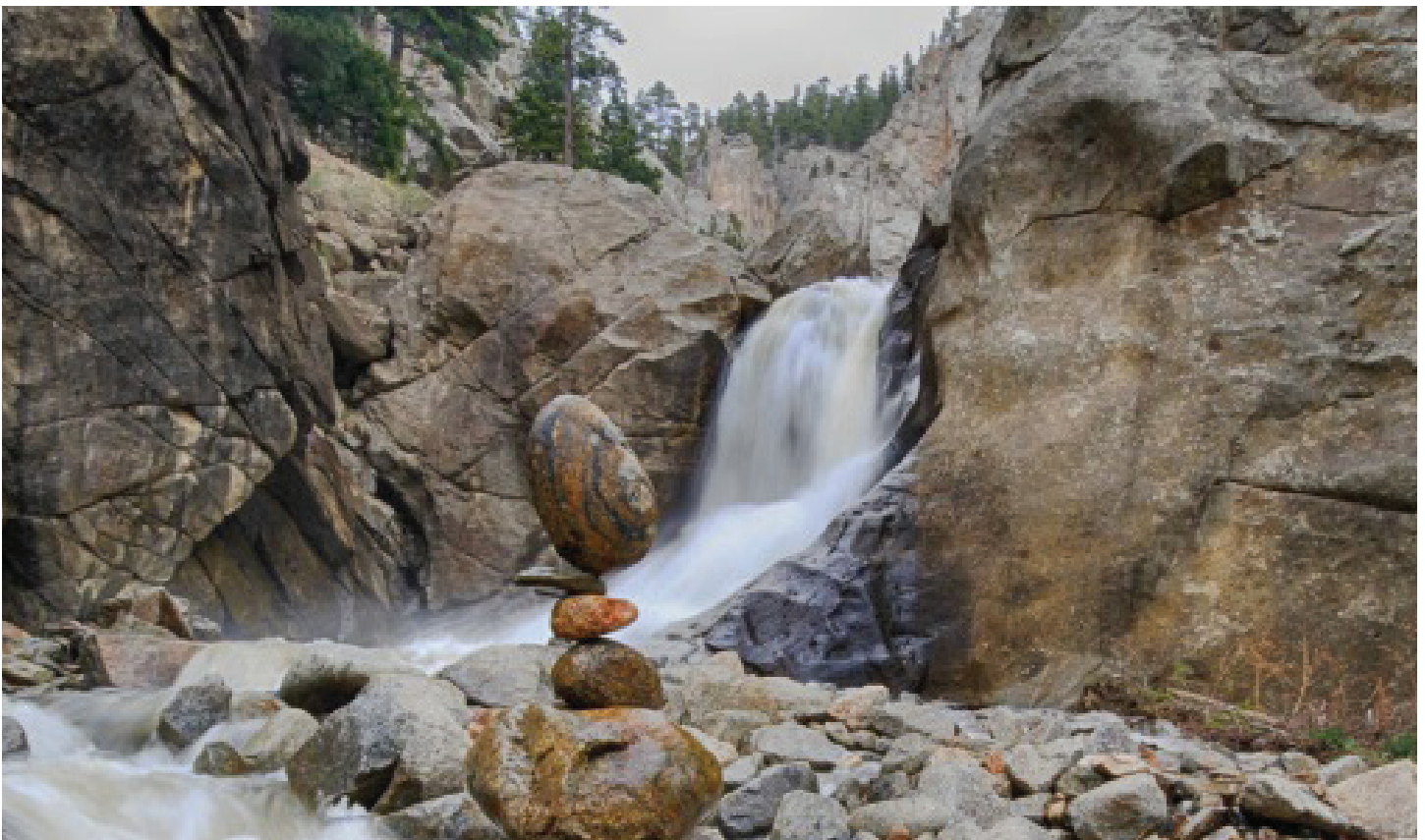
The Office of the Attorney General provides financial support for high-quality services that promote positive youth development and are delivered in forty-three Boys & Girls Clubs in urban and rural areas of the state, as well as Buckley Air Force Base, Peterson Air Force Base and the community of the Southern Ute Indian Tribe.

Between July and December 2015, 12,682 youth ages 6 to 18 received and participated in education efforts focused on drug abuse prevention, age-appropriate safe Internet practices and responsible digital citizenship.

NATIVE AMERICAN RELATIONS

In 2015, the Colorado Department of Law became an ex-officio member of the Colorado Commission of Indian Affairs (CCIA) to strengthen the relationship between the Department and the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe.

Participation on the CCIA serves to honor, promote and enhance a respectful government-to-government partnership with the two Colorado tribes and to work in collaboration with representatives of other state departments and tribal representatives on responding to issues that affect tribal communities.

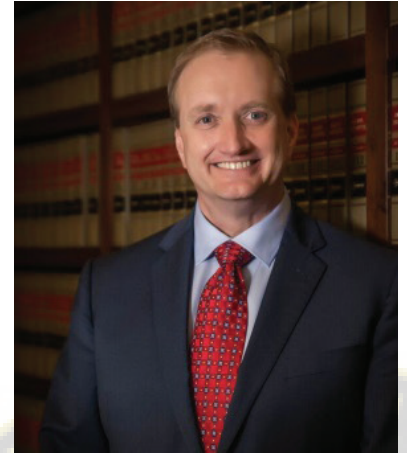


REVENUE AND UTILITIES SECTION

THE REVENUE & UTILITIES SECTION provides litigation and general counsel to the Department of Revenue, the Public Utilities Commission trial staff within the Department of Regulatory Agencies, the Property Tax Administrator and Property Tax Division within the Department of Local Affairs, and statewide clients regarding bankruptcy matters.

UNITS OVERVIEW

- **GENERAL TAX AND ENFORCEMENT (GTE) UNIT** — provides legal advice and litigation services to the Department of Revenue in general tax and tax collection matters, and in marijuana and liquor licensure and regulation. This Unit also represents the Property Tax Administrator and Division of Property Tax within the Department of Local Affairs. The GTE Unit also provides advice and representation to all state clients on bankruptcy matters.
- **INCOME TAX & TRANSPORTATION (ITT) UNIT** — represents the Department of Revenue on income tax matters, including issues related to audits and assessments, rulemaking, and legislative matters. Income tax matters are complex and require intensive legal services to assure that taxpayers, including sophisticated national and international corporate taxpayers, pay the amount owed under the law, thereby protecting the interests of the State and all taxpayers. These matters have high dollar amounts at issue for the State. Other attorneys in the ITT Unit advise and represent the Transportation Section Trial Staff of the Public Utilities Commission on issues related to the regulation of taxis, limousines, towing carriers, hazardous materials carriers, movers, and Transportation Network Companies.
- **MOTOR VEHICLE & ENFORCEMENT (MVE) UNIT** — provides legal advice and representation to the Division of Motor Vehicles, Motor Vehicle Dealer Board, and the Gaming, Racing, and Lottery Commissions within the Department of Revenue. Unit attorneys provide general counsel advice on rules and open records requests, contracts and procurement issues, and represent the Division in appeals of driver's license revocation cases to the Colorado Court of Appeals and Supreme Court.
- **PUBLIC UTILITIES COMMISSION (PUC) LITIGATION UNIT** — advises and represents Trial Staff of the Public Utilities Commission on fixed utilities litigation before the PUC, including gas, electric, telephone, and water/sewer. The PUC regulates the rates, charges, services and facilities of public utilities within the State.



*Deputy Attorney General
Eric Meyer*

NEW FOR 2015

- GTE attorneys advised on the sunset review of the Colorado Medical Marijuana Code, and provided input regarding the sunset review process for the Colorado Retail Marijuana Code.
- MVE attorneys advised on the implementation of House Bill 15-273, which amended section 42-1-228 C.R.S. to clarify how drivers can challenge the validity of a DUI stop.
- MVE expanded its relationship with the Colorado District Attorney's Council, providing greater resources and support to the District Attorney offices.

KEY OUTCOMES

- **GTE UNIT** — attorneys from this unit successfully defended the Property Tax Administrator in a high dollar valuation case against Frontier Airlines. This unit also successfully defended against a TABOR challenge to 2013 legislation equalizing special district and state tax exemptions. Other attorneys in the unit secured a very rare summary judgment victory in a bankruptcy discharge, enabling the state to resume collection efforts on a large judgment obtained in a mortgage fraud consumer protection case.
- **PUC LITIGATION UNIT** — negotiated a four-year settlement agreement among telecommunications stakeholders on the Colorado High Cost Support Mechanism (CHCSM), which supports the provision of affordable telephone service to rural Colorado. The settlement also supports the deployment of broadband in Colorado by freeing up additional CHCSM dollars for the Broadband Board, requiring CenturyLink to accept \$26.5 million in annual federal support.
- **MVE UNIT** — attorneys represented the Department of Revenue in companion DUI appeals before the Colorado Supreme Court and received decisions resolving constitutional law issues regarding the applicability of the exclusionary rule.



STATE SERVICES SECTION

Collectively, the attorneys in the **STATE SERVICES SECTION** provide representation to eight of sixteen executive branch state agencies, as well as Colorado's five statewide elected public officials: the Governor, Lt. Governor, Attorney General, Secretary of State, and Treasurer. The Section also represents the Judiciary and the Public Utilities Commission.

The legal work of the Section is diverse, ranging from providing advice on transactions and general operations to defending the constitutionality of state laws in both state and federal court. In general, the State Services Section protects children, people at risk, and represents the public at large. The Section also conserves the state's fiscal system by reviewing hundreds of state contracts, and defending the State against claims typically involving the inadequacy of funding of various programs.



*Deputy Attorney General
Melody Mirbaba*

UNITS OVERVIEW

- **HUMAN SERVICES UNIT** — represents the State Department of Human Services in administrative courts, state district courts and federal courts in matters involving injunctive and declaratory relief, constitutional claims, in claims challenging the Department's actions, matters involving county findings of child abuse or neglect, the revocation or suspension of child care licenses, and transactional and procurement disputes. The Unit represents all divisions of Department of Human Services, one of the state's largest agencies, which includes the Division of Youth Corrections, the state Veterans Nursing Homes, the three state Regional Centers for individuals with intellectual or developmental disabilities, the Mental Health Institutes in Pueblo and at Fort Logan, all 24-hour child care facilities, and Public Benefits, the Office of Early Childhood and Learning, and the State Long Term Care Ombudsman.
- **PUBLIC UTILITIES COMMISSION UNIT** — is dedicated to providing legal advice and representation to the Public Utilities Commission in its decision-making capacity, and to the Commission's advisory staff members in matters involving energy, water, gas pipeline safety, telecommunications, transportation, rail, and other regulated public utility issues. This Unit evaluates the law supporting the public interest in adjudications, rulemakings, and other administrative proceedings and drafts and reviews many of the written decisions constituting the official actions of the Commission. This Unit also represents the Commission in judicial appeals of its decisions and advises on proposed legislation and matters before federal regulatory agencies.

- **HEALTH CARE UNIT** — represents the Colorado Department of Health Care Policy and Financing which administers the Medicaid program, the Children’s Health Plan and Colorado Indigent Care Program. The Unit also represents the health programs within the Colorado Department of Public Health and Environment which includes health facilities, emergency medical services, the medical marijuana registry, disease control and epidemiology, vital records, and the state laboratory. Representation of these agencies also includes providing counsel to the Medical Services Board and the State Board of Health.
- **PUBLIC OFFICIALS UNIT** — represents the statewide elected officials as well as the Judicial Department, the Department of Local Affairs, the Department of Military and Veterans Affairs, the State Auditor, the Office of Economic Development and International Trade, the Office of Information Technology, and the License Plate Auction Group. The Unit primarily handles litigation and appeals in complex civil cases that frequently involve legal questions of first impression, public policy matters of statewide or national importance, and significant state and federal constitutional claims. The Unit also handles escheat and unclaimed property review, drafting formal and informal Attorney General Opinions, and contract reviews for client agencies.
- **HIGHER EDUCATION UNIT** — represents the State Board of Education, the Department of Education, the Colorado State Charter School Institute, the Colorado School for the Deaf and Blind, and the BEST (Building Excellent Schools Today) Board. The Unit provides general legal advice to all clients, handles charter school appeals, prosecutes teacher licensure matters, and represents all clients in actions before administrative, state and federal courts. The Unit regularly defends against complex challenges to education laws and the system of public school finance.
- **K-12 EDUCATION UNIT** — The K-12 Education Unit represents the State Board of Education, the Department of Education, the Colorado State Charter School Institute, the Colorado School for the Deaf and Blind, and the BEST (Building Excellent Schools Today) Board. The Unit provides general legal advice to all clients, handles charter school appeals, prosecutes teacher licensure matters, and represents all clients in actions before administrative, state and federal courts. The Unit regularly defends against complex challenges to education laws and the system of public school finance.
- **LABOR UNIT** — provides legal advice and representation to the Colorado Department of Labor and Employment and its eight divisions, and to the Colorado Department of Personnel and Administration and its five divisions and the Colorado Board of Assessment and Appeals in the Department of Local Affairs. The Unit represents the State Controller and reviews or provides legal advice on hundreds of state contracts involving expenditures of millions of dollars, and it represents DPA in many administrative and judicial disputes over state purchasing. Enforcement of Worker Compensation Insurance statutes and Oil and Public Safety statutes covers hundreds of cases each year, along with general oversight of the state classified employment system and state archives.

NEW FOR 2015

- The Education Unit was divided into two units, the Higher Education Unit and the K-12 Education Unit to account for the diverse range in the subjects and clients each team serves, and to better and more fully serve our clients.
- House Bill 15-1220 requires higher education institutions to have procedures in place to promote access to medical facilities with medical professionals specifically trained to provide care for victims of sexual assault.
- Senate Bill 15-014 redefined the roles and responsibilities of medical marijuana primary caregivers, including clarification of the types of duties a primary caregiver may perform on behalf of a patient.

KEY OUTCOMES

- **K-12 EDUCATION UNIT** — successfully defended the State from a 900 million dollar challenge to the constitutionality of the 2010-11 statutory amendments to the Public School Finance Act known as the “negative factor” as unconstitutional for violating Amendment 23 to the Colorado Constitution.
- **HIGHER EDUCATION UNIT** — worked diligently with public higher education institutions to address HB 15-1220 and to promote access to medical professionals for victims of sexual violence, sexual harassment and sexual violence on campus.
- **HUMAN SERVICES UNIT** — prosecuted 66 child abuse and neglect cases in administrative courts, 34 matters on behalf of the Division of Youth Corrections, and 27 cases involving negative licensing action against a child care provider.
- **LABOR UNIT** — opened 128 cases to force employer compliance with mandatory workers’ compensation insurance statutes. Of these cases, the unit collected \$26,990 in settlements and fines, and sent \$1,089,252 to collections.



COMMUNITY IMPACT

In addition to the important work Department of Law employees do on behalf of the State of Colorado, our employees are active in their communities and devote significant amounts of time to a broad variety of organizations. Whether through teaching or speaking on their areas of professional expertise, providing pro bono legal services to charitable organizations and those with limited means, or volunteering time to schools, bar association activities, other community groups, or military reserve duty, Department of Law employees are committed to public service.

TEACHING AND SPEAKING ACTIVITIES

Department employees proudly assume the responsibility of serving as a unique resource to educate, inform, and assist stakeholders and constituencies, both inside and outside of Colorado, including the legal community, law enforcement, business leaders, students, and other government officials. Throughout 2015, our employees taught courses to hundreds of individuals on a wide variety of topics throughout Colorado, the United States, and beyond. For example:

- Serving as a moot court judge for the CU Law telecommunications program.
- Presenting at National Association of Attorneys General (NAAG) meetings including Consumer Protection Issues Affecting Military Personnel and the Consumer Protection Regional Training.
- Serving as faculty members for the National Attorneys General Training and Research Institute on topics including: Human Trafficking, Veterans Issues, Corruption, Anti-Money Laundering, Opioid Abuse and Trial Advocacy.
- Serving on the Peace Officer Standards and Training (POST) Curriculum Subject Matter Expert Committee.
- Presenting on Medicaid enforcement to the Health Care Compliance Association's National Conference in Washington, DC in October.
- Hosting the Second Annual Insurance Fraud Workshop to present current topics and training to insurance company investigators and industry representatives.
- Presenting to the CBA's Appellate Practice Subcommittee; CDAC board meetings, subcommittees, and annual fall conference; Sex Offender Management Board; and Cherry Creek High School.
- Attorneys General presented on assessment of public utilities, and on conservation easement tax matters at the Rocky Mountain Land Use Institute Conference and the Western States Association of Tax Administrators 2015 Conference

PRO BONO ACTIVITIES

In 2015, the Department of Law hosted monthly clinics through the Post Decree Clinic Family Law Program in coordination with Metro Volunteer Lawyers, alternating months in Arapahoe and Adams County district courts. Our attorneys provided assistance on child custody and parenting time issues for low income families in need. Attorneys from the office are also involved in a Pro Bono Wills program run through the University of Denver.

Department of Law attorneys also regularly volunteered their time through a variety of other groups, including the Greeley Legal Nights (Spanish Speaking Legal Pro-Bono) and Colorado Lawyers Committee.

Our attorneys also serve as members of the, Colorado Hispanic Bar Association, Interstate Commission for Adult Offender Supervision, Colorado Commission on Criminal and Juvenile Justice, the Mandatory Parole Subcommittee, Colorado Bar Association Ethics Committee, Colorado Supreme Court Committee on Rules of Civil Procedure and the Colorado Supreme Court Chief Justice's Commission on the Legal Profession, Center for Legal Inclusiveness, Denver African American Commission, Colorado Chapter of the Association of Certified Fraud Examiners, Metro Volunteer Lawyers, and the State Association of Bankruptcy Attorneys.

PROFESSIONAL AWARDS, RECOGNITION AND LEADERSHIP

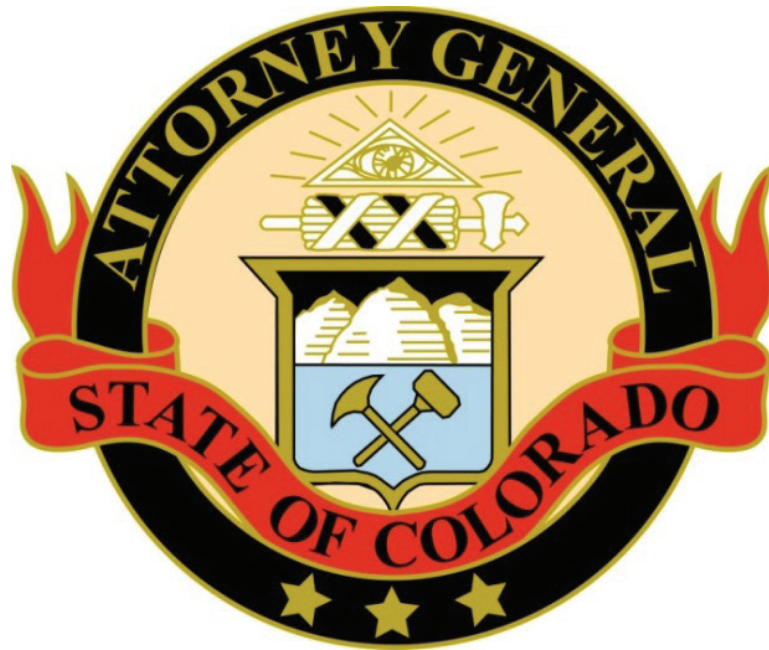
Department of Law employees received awards and were recognized for their professional work and leadership in a variety of settings. For example:

- The StopFraudColorado.com initiative received the Conference of Western Attorneys General (CWAG) Award for the Best Consumer Outreach Website.
- An Investigator received the Outstanding Consumer Protection Award for 2015 from the National Association of Consumer Protection Investigators.
- A First Assistant Attorney General from the Consumer Protection Unit was named one of two Best Public Sector Lawyers by Law Week Colorado receiving the People's Choice Award for 2015.
- An Investigator was named as The Investigator of the Year by the International Association of Fraud Crimes Investigators.
- A Senior Assistant Attorney General was appointed to the Training Committee of the National Association of Medicaid Fraud Control Units.

OTHER COMMUNITY ACTIVITIES

Department of Law employees volunteer their time serving on a wide range of community boards, and participating in other community activities including:

Air Force Reserves, Colorado Youth at Risk, Denver City Park Jazz, Boy Scouts of America, Youth Soccer Coach, Park People, Denver Kids, Arapahoe County Santa Shop, Lacrosse coach, Summit for Someone Campaign, Denver Public Library Read Aloud Program, Promise Ranch Therapeutic Riding, PawsCo, Denver Dumb Friends League, Trout Unlimited, Colorado Open Lands, and many more.



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