

# ANNUAL REPORT

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**Attorney General Phil Weiser**  
**Colorado Department of Law**

Together, we serve the people of  
Colorado, advancing the rule of  
law, protecting our democracy,  
and promoting justice for all.

2019

EDITION

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Cover photo: Alberta Falls in Rocky Mountain National Park  
Back page photo: Staunton State Park

# VISION AND VALUES

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At the Colorado Department of Law, we are committed to serving as the “People’s Lawyer.” Our vision for this role is: **Together, we serve the people of Colorado, advancing the rule of law, protecting our democracy, and promoting justice for all.**

To guide how we implement this vision, we developed four core values—we are **principled public servants who are innovative and better together.**

Our first core value is that we are **principled**. This value means that, as we work on a range of issues on behalf of the people of Colorado, we act according to the highest ethical standards, rigorous legal analysis, and a careful evaluation of the facts.

Our second core value is to act as **public servants**. That means that our work is not about us; it is about the people of Colorado. It also means that whatever matters we are working on—improving our criminal justice system and protecting public safety; addressing the opioid epidemic; protecting consumers; or protecting our land, air, and water—we are doing it to serve the people of Colorado.

Our third core value is to be **innovative**. At the Department of Law, we ask “what is the best way we can accomplish our goals?” In some cases, the traditional approach will be best; in other cases, we will try new approaches. In all events, we will make decisions deliberately and with an eye to whether there are opportunities to improve or experiment with new approaches.

Finally, we are **better together**. At the Department of Law, we are committed to supporting one another across the office, working collaboratively with our clients, and engaging people and resources across the state to accomplish our goals. Our best work will be done in partnership with others.

We in Colorado have a special opportunity to demonstrate how government can work efficiently, effectively, and fairly. By doing so, we advance our constitutional commitment to work towards a more perfect union.



**PRINCIPLED ■ PUBLIC SERVANTS**  
**INNOVATIVE ■ BETTER TOGETHER**

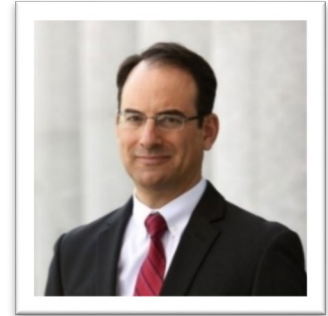
**COLORADO DEPARTMENT OF LAW**

# YEAR ONE AS THE PEOPLE'S LAWYER:

## *Collaboratively cultivating a culture of public service*

As I reflect on my first year serving as Colorado's Attorney General, I am proud to say we at the Department of Law have embraced serving as the People's Lawyer by advancing the rule of law, protecting our democracy, and promoting justice for all. This mission informs all that we do, and our core values are at the forefront of all we do: leading as principled public servants who are innovative and better together.

In 2019, we cultivated a culture of public service through the guidance of our talented leadership team, the dedication of all our employees, and input from Colorado residents. I am also proud to say our Department ratings on a 2019 state employee engagement survey were higher than those of the rest of the Executive Branch departments. Over the last year, we continued to execute on our top five priorities: Defending the Rule of Law; Addressing the Opioid Epidemic; Improving our Criminal Justice System and Protecting Public Safety; Protecting Consumers; and Protecting our Land, Air, and Water.



*Attorney General Phil Weiser*

The rule of law is a foundation of our republic, and every decision we make in the Department stems from a commitment to ensuring all Coloradans are treated fairly under the law. In the case of the [Affordable Care Act](#), which protects 700,000 Coloradans who have pre-existing conditions and provides healthcare coverage to 400,000 through the Medicaid expansion, upholding the rule of law means we are defending Coloradans' healthcare from a challenge by the federal government.

As we protect Coloradans, we are focused on addressing the opioid epidemic, which is endangering lives, families, and communities. We are in [active litigation](#)—and active settlement talks—with those companies and executives who fueled this epidemic by misleading providers, doctors, and consumers about the addictive effects and dangers of opioids. And we are committed to devoting the proceeds from settlements or litigated judgments to education, drug treatment, and recovery programs to address this crisis.

In Colorado, we support a business environment that fosters entrepreneurship, celebrates responsible business practices, and ensures consumers benefit from a fair marketplace. In 2019, the General Assembly updated the [Colorado Consumer Protection Act](#)—the first update in decades—to give our Consumer Protection Section stronger tools to hold irresponsible businesses accountable, closing loopholes that allowed some businesses and individuals to get away with scams.

Finally, climate change is posing a range of challenges as we work to protect our land, air, and water, which are essential to our way of life and economy. We will continue to work collaboratively with all water stakeholders to create more smart storage, better conservation efforts, more re-use, and other innovative strategies. To protect air quality, we will also continue to defend our state's right to set clean car standards under the federal Clean Air Act.

In this annual report, you will learn about our work to safeguard a government “of the people, by the people, and for the people.” That is our true north and will continue to serve as our guide in 2020.

A handwritten signature in blue ink that reads "Phil J. Weiser".

Colorado Attorney General



# ENGAGING COLORADO'S COMMUNITIES

The Department works to build relationships with communities across Colorado, in order to better understand how we can best serve our state. In 2019, Attorney General Weiser visited nearly half of Colorado's 64 counties, hosting meetings and public events organized by the [Office of Community Engagement](#) (OCE). At those events, the office gathered actionable ideas, complaints, and information from residents and community leaders. We maintained and began partnerships with organizations statewide and championed the OCE's enhanced efforts to reach our Spanish-speaking residents.

## Actionable feedback

While speaking with residents throughout Colorado, we learned what issues and topics were priorities for them. We then translated that feedback into actions intended to benefit Colorado's residents and communities.

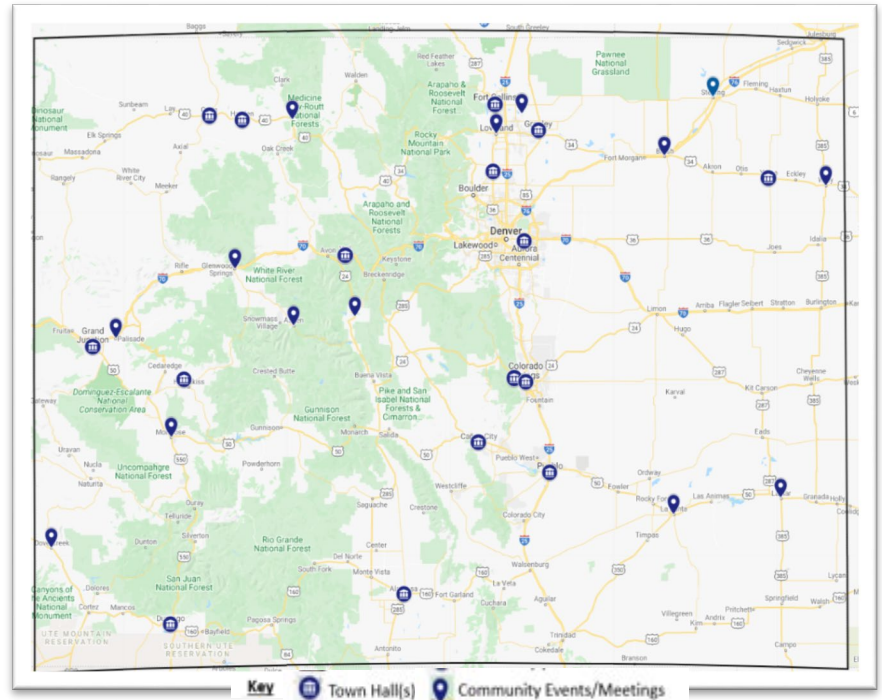
In LaPlata County, local residents highlighted the challenges they face in receiving Denver-based television programming. Residents said they are isolated from the rest of the state in the programming

they receive, and they want access to Colorado television stations. So Attorney General Weiser met with the Federal Communications Commission chair and took on a leadership role in encouraging the [recently announced agreement](#) that brought Rocky Mountain PBS to their area.

While this was an important first step, our office continues to work to bring Colorado network broadcasting to southwestern Colorado.

Community discussions in Grand Junction and Craig also led to ideas for future collaboration, including how to support the development of a new cybersecurity degree program at Colorado Northwestern Community College

(CNCC). In January 2020, the Department [announced](#) it granted \$500,000 to CNCC to make that degree program possible by supporting the initial years of the program. The money for the CNCC grant comes from the \$3.6 million Colorado received from a 2019 [multistate settlement with Equifax, Inc.](#) regarding a national data breach that occurred in 2017.



*Attorney General Weiser held town halls and community meetings throughout the state in 2019.*



*Attorney General Weiser speaks with a town hall event attendee in Yuma.*

The grant will be used to hire a cybersecurity program director, hire a cybersecurity instructor, and purchase necessary lab equipment and software licenses. During [remarks](#) at a data privacy and cybersecurity event hosted by his office, Attorney General Weiser said the grant for CNCC both builds talent in the growing cybersecurity field and also supports economic development in rural communities.

### Community Partnerships

The OCE also supports organizations across Colorado that are addressing critical challenges facing our state, including mental health, substance abuse, opioid addiction, domestic violence, and financial literacy.

The [Substance Abuse Trend and Response Task Force](#), which is chaired by the Attorney General, works to address substance abuse in our state, and is a collaboration with the OCE, child advocates, public health officials, drug treatment providers, child welfare workers, law enforcement officers, and prosecutors throughout the state. The task force, established by the Colorado General Assembly in 2013, developed a statewide, five-year strategic plan in 2019 to address substance abuse.

Task force members also coordinated public awareness campaigns in 2019, including [Responsibility Grows Here](#), [Speak Now!](#) and [Lift the Label](#).

In an effort to help Coloradans achieve financial security, the OCE partners with the Colorado Department of Education on [MoneyWi\\$er](#), a program that promotes personal financial literacy to teachers, students, and parents. The office also collaborates with the offices of the Governor and Treasurer on the [Financial Security Coalition](#), a joint consumer protection effort for older Coloradans.

Finally, [AARP ElderWatch Colorado](#), a joint project of the Department and the AARP Foundation, fights the financial exploitation of older Coloradans through education, outreach, data collection, and other assistance.

### Spanish-speaking Colorado

The office works to engage all of Colorado's communities, including by hiring the Department's first outreach specialist to focus on bilingual engagement with Spanish-speaking Colorado.

In conjunction with the Consumer Protection Section, OCE staff members present at various forums and appear on Spanish television and radio shows to help educate Colorado's Spanish-speaking residents about the services we offer, like [No Más Fraude](#), which provides an avenue for residents to report fraud and learn how to avoid common scams.



*Attorney General Weiser and the OCE hosted a celebration of Hispanic Heritage Month at the Department of Law.*

Safe2Tell, a successful violence intervention and prevention program housed in the OCE, is an anonymous reporting tool that students, parents, and community members can use to report potential threats to their own and others' safety by calling 1-877-542-7233, by going to [safe2tell.org](https://safe2tell.org), or through the Safe2Tell mobile app.



**“Use of Safe2Tell, created in response to Columbine, is growing as front line tool in school safety”**

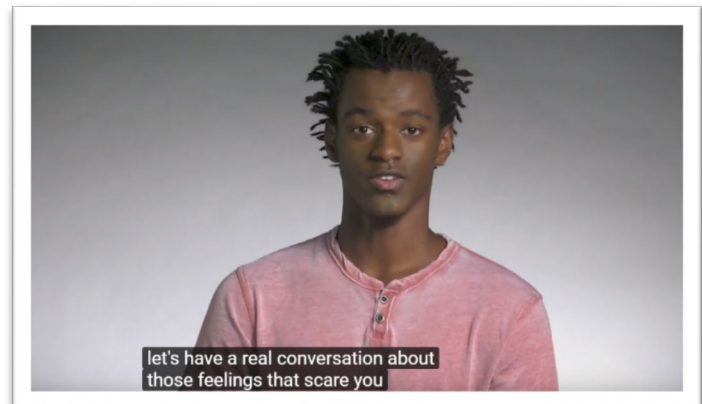
After tips are collected, they are shared with local law enforcement, school officials, and other appropriate responding parties according to state law. Safe2Tell's mission is to ensure that every student, parent, teacher, and community member in Colorado has a safe and anonymous way to report any concerns for their safety or the safety of others, with a focus on early intervention and prevention through awareness and education.

### Outreach

In 2019, the OCE partnered with state agencies and [Colorado youth](#) to develop a series of outreach videos designed to raise public awareness of teen mental health and youth suicide prevention. The teens spoke not only to their peers, but also to parents, telling them through videos some of what teens experience and how they can help.

Safe2Tell and the OCE worked with the Colorado Office of Film, Television, and Media; the Colorado Department of Human Services; and other community partners to develop the public service announcements.

The Safe2Tell [Facebook](#), [Instagram](#), and [twitter](#) pages also provide information for our Colorado communities, as do the Safe2Tell trainers who travel throughout the state, educating residents—including our youth—on how to properly use Safe2Tell.



*Safe2Tell and other partners produced Teens2Teens videos to raise public awareness of youth mental health and youth suicide prevention. Click [here](#) to watch the videos.*

### Early intervention and prevention

During the [2018-2019 school year](#), Safe2Tell Colorado received a record-breaking number of tips. Tips regarding suicide (3,668), drugs (2,164), and bullying (1,871) continue to be the top threats reported to Safe2Tell. The highest volume of reports was submitted via mobile app (31%), followed by mobile browser (25%), phone (23%), and web browser (21%).

The high volume of tips received during the 2018-2019 school year indicates that youth are empowered to use the system and proactively be part of the solution. Duplicate tips, reports made regarding a concern or event that has already been reported, are another indicator of a healthy reporting culture within a community.

# DEFENDING THE RULE OF LAW

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Every decision made in the Department is grounded in a commitment to ensuring all Coloradans are protected and treated fairly under the law. That work includes protecting equality for our state's residents, advising client agencies, providing legal opinions, defending the State appropriately in litigation, and challenging actions of the federal government when it violates the law or our state sovereignty under the 10<sup>th</sup> Amendment of the U.S. Constitution.

## Defending Colorado

Attorney General Weiser and the Department acted decisively in 2019 to ensure our state's laws were and continue to be upheld.

The State's Solicitor General and attorneys in the Civil Litigation & Employment Law Section defended Colorado's large-capacity magazine limitation law before the Colorado Supreme Court ([\*Rocky Mountain Gun Owners, et al. v. Polis\*](#)).

The law, passed in 2013, prohibits the sale of large-capacity magazines that hold more than 15 rounds of ammunition, unless someone owned the magazine when the law was passed. The State's position is that the law is constitutional and consistent with the right to bear arms for personal defense under the Colorado Constitution.

To date all courts have upheld its constitutionality, and the Department expects a decision from the Colorado Supreme Court in 2020.



**THE DENVER POST**  
**“Supreme Court will hear Colorado  
'faithless electors' case”**

The Department is also defending the State's laws in a federal case that will have significant importance for how our nation elects our President ([\*Baca v. Colorado Department of State\*](#)). Like most states, Colorado law requires its presidential electors to follow the will of its voters when casting their Electoral College ballots for President. But in an unprecedented decision issued in August 2019, the U.S. Court of

Appeals for the 10<sup>th</sup> Circuit ruled that the Colorado Secretary of State erred when he removed an elector for not casting his Electoral College ballot for the candidate who won the most votes in the state in the 2016 presidential election.

In October 2019, Attorney General Weiser and Colorado Secretary of State Jena Griswold petitioned the U.S. Supreme Court to review the case because the 10<sup>th</sup> Circuit's decision would allow presidential electors to disregard state law and the votes of the people by choosing whomever they want for President and Vice President, thereby upending a foundational principle of our democracy. The U.S. Supreme Court has agreed to hear the case and oral arguments are scheduled for April 2020.

The Attorney General is defending the state in another case in the 10<sup>th</sup> Circuit that concerns Article X, §20 of the Colorado Constitution, known as the Taxpayer Bill of Rights (TABOR). In 2011, several state legislators and others sued in federal court to invalidate TABOR in the case [\*Kerr v. Polis\*](#). In July 2019, a panel of three judges on the 10<sup>th</sup> Circuit voted 2-1 to reverse a federal district court decision and ruled that the local government plaintiffs could bring suit in federal court. Attorney General Weiser has asked the full court to reconsider the decision.



### Defending Colorado's sovereignty

Under the 10<sup>th</sup> Amendment to the U.S. Constitution, the federal government cannot 'commandeer' or compel state and local officials to enforce federal law. In [State of Colorado v. Barr](#), we are carrying out our duty to defend the State's sovereignty.

In this case, Colorado challenges the federal government for withholding congressionally appropriated funds the State is entitled to under the Edward Byrne Memorial Justice Assistance Grant Program unless state and local law enforcement officials comply with unlawful immigration-related conditions imposed by the U.S. Department of Justice.

In March 2019, Attorney General Weiser and Governor Jared Polis filed a lawsuit in federal court in Denver to force the Department of Justice to release the [\\$2.7 million in public safety funds](#) to which the State is entitled. The State's action in this case defends the rule of law and fights for Colorado's right to congressionally mandated funds dedicated to state and local law enforcement agencies.

### Ensuring fair, equitable treatment for all Coloradans

The rule of law requires defending equality for all our Colorado residents, including by defending their right to healthcare and fair treatment.

Many Coloradans have access to healthcare because of the [Affordable Care Act](#), including 700,000 who have pre-existing conditions and 400,000 with healthcare through the Medicaid expansion. Access to healthcare is critical for Coloradans and that is why the State of Colorado is part of a multistate lawsuit to uphold the Affordable Care Act.

The Department also is [challenging a federal rule](#) that would allow medical providers to deny services to patients based on personal beliefs or moral convictions. Colorado and several other states filed a lawsuit against the U.S. Department of Health and Human Services to overturn the "refusal of care rule," which conflicts with various existing state laws, including those that protect women's access to contraception and ensure survivors of sexual assault have access to information about emergency contraception.

Upholding the rule of law includes defending the rights and dignity of all Coloradans. In July, the Attorney General joined 21 attorneys general from around the country in submitting an amicus brief in three key LGBTQ workplace discrimination cases currently before the U.S. Supreme Court, explaining that the prohibition on employment discrimination on the basis of sex under Title VII of the Civil Rights Act of 1964 includes discrimination based on sexual orientation and gender identity.

### Speaking Out for Equality for All



Attorney General Weiser speaks out for equality at the State Capitol, saying job discrimination against LGBTQ Americans [should be banned nationwide](#) under federal civil rights law.

## Home is Here: Defending Colorado's DREAMers



*The Attorney General continues to fight for DREAMers, who, under the Deferred Action for Childhood Arrivals Program, are 17,000 Colorado students, military members and members of our workforce. Colorado joined a multi-state lawsuit in 2019 challenging the administration's actions to dismantle the program, an action that seeks to ensure justice and opportunity for immigrants brought here as children. A U.S. Supreme Court decision is expected this year.*

And in the continued pursuit of fair treatment for all Coloradans under the law, in February 2019 the State stopped opposing [Clarence Moses-EL](#)'s Petition for Exoneration in a criminal case from 30 years ago that ultimately ended in his acquittal in 2015.

Attorney General Weiser said the decision saved resources from not having to defend a case the State would have lost in court, acknowledged the State's failure to make available DNA evidence it was required to preserve, and prevented the parties from having to relive the experience. With the State ending its opposition to the Petition for Exoneration, Moses-EL was able to receive compensation provided under the Colorado Exoneration Act, §§ 13-65-101 – 13-65-103, C.R.S., for the years he spent in prison.

## Ensuring mental health access

Some Colorado residents who were not competent to stand trial waited in jail prior to receiving necessary treatment in the state mental health facilities. In 2019, Department attorneys negotiated an agreement to improve conditions in the state after Disability Law Colorado sued due to the shortage of beds and mental health care for Colorado residents.

Under the agreement, the Colorado Department of Human Services agreed to improve care for the state's criminal defendants, hire more clinicians, shift care to community-based programs when appropriate, improve data collection and analysis, work with a Special Master to improve processes, request increased funding to expand facilities, and to work with stakeholders in the community to formulate a comprehensive plan to improve the larger behavioral health system.

## Defending state boards and agencies

Through the work of the [Business and Licensing](#) and [State Services](#) Sections, the Department represents many boards and state government agencies.

One board, the State Board of Education, took an unprecedented action in 2019 to change the leadership of the Adams 14 School District under the Accountability Act of 2009, which allows the State to intervene in failing schools and districts if they have underperformed. The K-12 Education Unit of the State Services Section provided legal representation to the Board when a local teacher's union filed claims against the action.

The unit successfully defended the Board's action and the Accountability Act in Denver District Court, and the court dismissed the claims, stating only school districts could challenge the Board's order. The teacher's union has filed an appeal to the Colorado Court of Appeals.

Many state boards monitor businesses and issue licenses for state professionals, reviewing and revoking licensure when needed and halting illegal practices. The following were several cases in which the Business and Licensing Section successfully defended Colorado boards and agencies in 2019:

- In *Office of Massage Therapy Licensure v. Huang, et al.*, it defended the Colorado Division of Professions and Occupations in its suspensions of massage therapy licenses against 13 therapists who cheated on a licensing examination and submitted falsified records for their license applications.
- In *Cheval v. Jumar Management, LLC, et al.*, the Section worked with the Division of Securities as they pursued securities fraud charges arising out of a more than \$300 million Ponzi scheme. The resulting negotiation and settlement will ensure substantial recoveries for Colorado investors who were affected by the scheme.
- To protect some of our most vulnerable residents, the Business and Licensing Section worked with the Division of Insurance to secure nearly \$1.3 million in refunds for disabled seniors who were overbilled for their health insurance in *Commissioner of Insurance v. Anthem Blue Cross*.

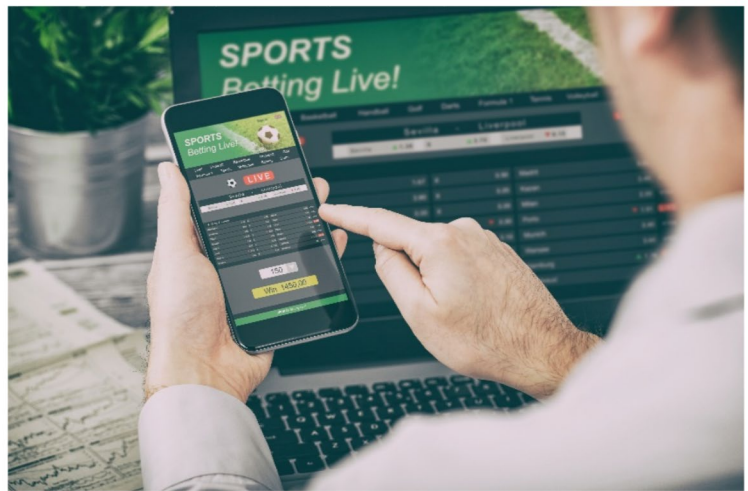
### Protecting access to affordable healthcare

The Department also successfully defended the Colorado Hospital Provider Fee and the Healthcare Affordability and Sustainability Fee, both of which provide funding for our state's Medicaid program.

A Denver District Court judge [ruled](#) in March 2019 that the fees do not violate the Taxpayers Bill of Rights, allowing a Medicaid funding mechanism that brought in more than \$6.4 billion to Colorado to remain in place. The fees are collected from Colorado hospitals, then matched by federal dollars and redistributed to Colorado hospitals through Medicaid use.

The Hospital Provider Fee increased payments to hospitals, allowed Colorado to expand coverage to more children and pregnant women in Child Health Plan *Plus* (CHP+), funded continuous eligibility for kids, and funded the Medicaid expansion under the Affordable Care Act. These coverage expansions allowed more than 450,000 Coloradans to gain access to health coverage helping reduce Colorado's uninsured rate to historically low levels.

### Working to Implementing the New Sports Betting Law



*The Revenue and Utilities Section advised the Gaming Commission in drafting initial rules to implement a new sports betting law that Colorado voters approved in November 2019.*

# ADDRESSING THE OPIOID EPIDEMIC

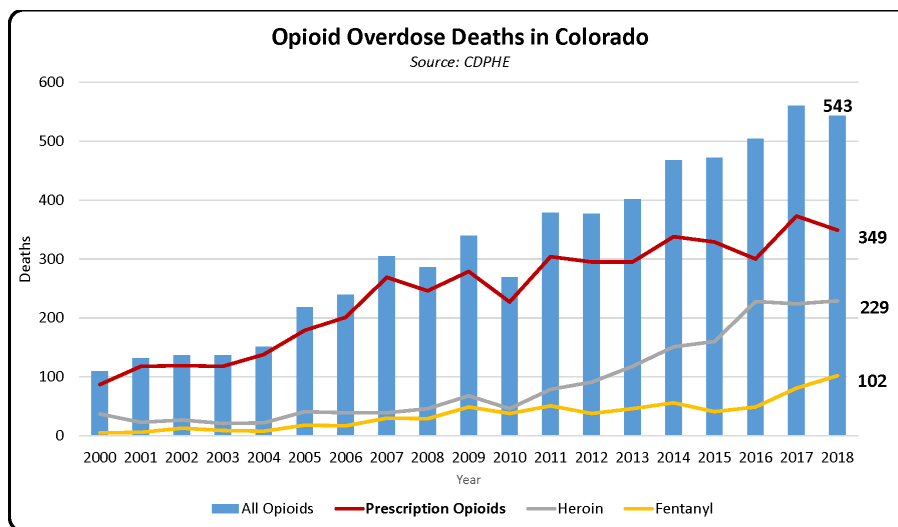
The opioid epidemic has killed thousands of Coloradans, left thousands more struggling with addiction, and devastated communities throughout the state. Attorney General Weiser has made addressing the crisis one of his top priorities. Its impacts are devastating, and the Attorney General is committed to working with public health authorities, law enforcement agencies, and our communities to develop effective strategies to address opioid addiction. In addition to public outreach and collaboration, the Department is also fighting to hold those responsible for the epidemic accountable.



Heidi Williams

## Collaborating with Colorado communities

A new [Director of Opioid Response](#) will work with Attorney General Weiser, the OCE, and the Opioid Unit in the Consumer Protection Section to develop and implement a comprehensive plan that will drive the Department's efforts in combating the opioid crisis. Heidi Williams, former mayor of Thornton, will oversee opioid-related community outreach efforts. Different communities in Colorado will require different solutions, and Williams will work with those communities to identify best practices and how they can be implemented statewide.



A chart with information from the Colorado Department of Public Health and Environment shows an increase in opioid deaths in Colorado since 2000.

Attorney General Weiser is also committed to directing all funds that the State obtains from opioid litigation judgments or negotiated settlements to drug treatment and recovery, as well as education and prevention programs. The money that comes into the State is almost certain to be time limited, which will require thoughtfully investing those funds to both address the demand for treatment and catalyze the development of long-term, sustainable solutions.

## Holding individuals and companies accountable

The Department is holding those responsible for the opioid epidemic accountable and working to recover funds to address the opioid crisis. In 2019, Colorado [filed an updated lawsuit](#) against opioid manufacturer Purdue Pharma, adding claims against former company executives and members of the Sackler Family, who own and control Purdue, for their roles in the opioid epidemic. The Department also is pursuing other contributors to the opioid epidemic, including manufacturers, distributors and retail chain pharmacies, whose conduct drove the proliferation of these dangerous drugs in our communities.

Nurses and doctors who overprescribe opioids must also be held accountable for their role in providing harmful drugs to our state's residents.



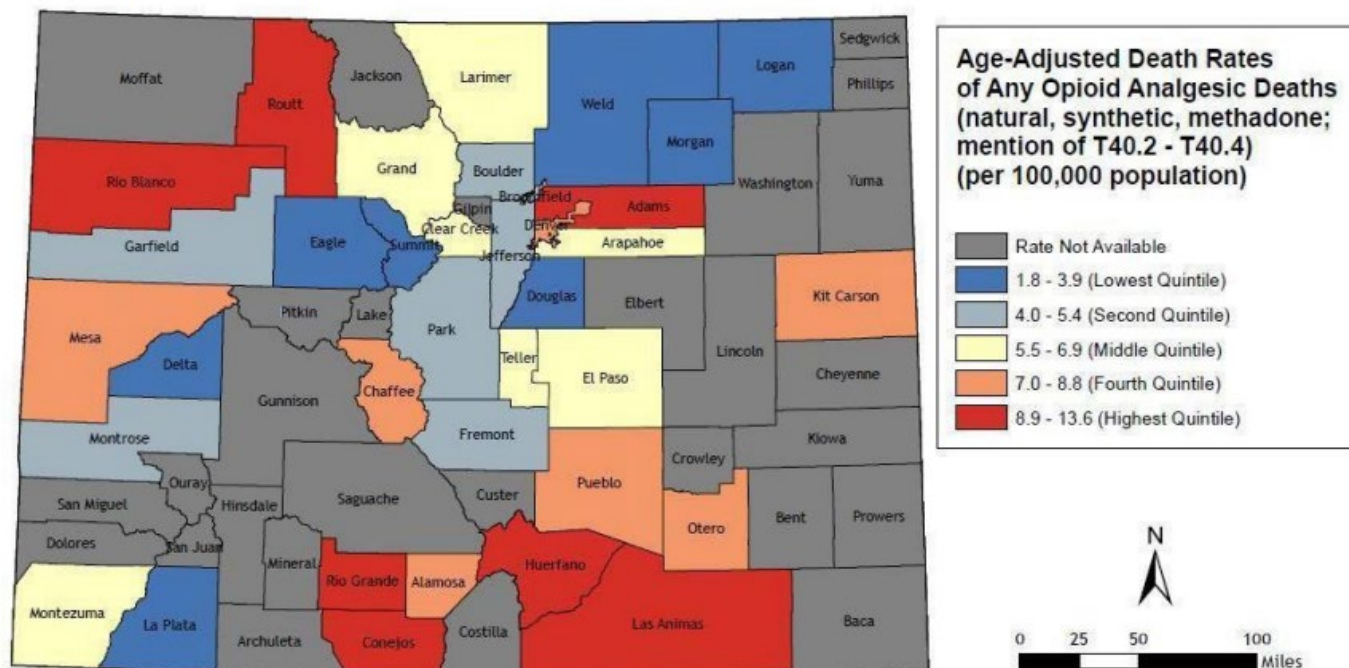
In 2019, our office finalized the suspension of the licenses of a pharmacist and her Rio Grande Pharmacy in Del Norte, Colorado, where the pharmacist had illegally used the Drug Enforcement Administration's semi-annual Prescription Drug Take Back Day to collect opioid medications being returned by conscientious residents. She then distributed those medications for unauthorized use to others.

The license suspension occurred in conjunction with a criminal case, prosecuted by another agency, in which the woman pleaded guilty to distribution of a controlled substance.

In a [speech](#) at the Colorado Hospital Association's Opioid Safety Summit, Attorney General Weiser explained that in too many cases—namely, 80% of heroin users—their addiction begins with the use of prescription opioids.

Given these alarming numbers, we must remain committed to education, awareness, and vigilance against the dangers of opioids.

**Map 1: Prescription Opioid-Related Age-Adjusted Overdose Death Rates by County, Colorado, 2013-2017**



\* Missing Indicates one or two events in a category  
 Rates are per 100,000 population  
 Some deaths in which the drug was poorly specified or unspecified may involve opioid analgesics.  
 Opioid analgesics include natural and semi-synthetic opioid analgesics (for example, morphine, hydrocodone, and oxycodone) and synthetic opioid analgesics (for example, methadone and fentanyl).  
 Definitions used based on NCHS Data Brief, No. 81, December 2011, "Drug Poisoning Deaths in the United States, 1980-2008".  
 Source: Vital Statistics Program, Colorado Department of Public Health and Environment.

# IMPROVING THE CRIMINAL JUSTICE SYSTEM AND PROTECTING PUBLIC SAFETY

Attorney General Weiser and the Department are committed to improving the criminal justice system through prioritizing threats to public safety according to risk, acting in a humane and data-driven manner, and working collaboratively to protect victims and protect public safety.



*Attorney General Weiser and partners announce the start of a public/private partnership to address hate crimes in Colorado.*

Through the work of attorneys and staff in the [Criminal Justice Section](#) and Peace Officer Standards and Training, we collaborate with Colorado communities to prosecute those who are a threat to our residents, build better practices in law enforcement, and fight for justice.

The Department also partners with organizations across the state, including through the [Colorado Coalition Against Hate](#), a public/private partnership launched

in 2019 to address a rise in hate crimes in the state, and the [Domestic Violence Fatality Review Board](#), which is chaired by Attorney General Weiser. Both partnerships aim to ensure all Colorado residents are protected and treated fairly under the rule of law.

## **Childhood sexual abuse: Recognition of past wrongdoing and an opportunity for healing**

In February 2019, the Attorney General and the Archdiocese of Denver announced joint initiatives intended to support and comfort survivors of the sexual abuse of minors by Catholic priests:

- An independent review by a special master to examine the records and policies of the three Colorado Dioceses concerning the sexual abuse of minors.
- An independent, voluntary program to compensate victims of abuse, regardless of when the abuse occurred, funded by the three Dioceses in the state.
- A separate victims' support service to assist victims/survivors with the reparations program and connect them with resources for future care.

The October release of the [special master's report](#) on sex abuse of minors by Catholic priests was the culmination of an effort to catalogue substantiated incidents of the sexual abuse of children by Diocesan priests in Colorado over the last 70 years, and the Colorado Dioceses' response and lack of response to that abuse.

In addition, the report evaluated all three Colorado Dioceses' current practices for preventing child sex abuse and responding when it is reported to them.

The joint initiatives were a collaborative solution that enhanced transparency and provided victims access to support services and compensation, and hopefully, an opportunity to heal.

## Improving the criminal justice system

Protecting public safety and improving the criminal justice system are efforts requiring actions on a variety of fronts, from ensuring fair treatment of incarcerated individuals to bail reform.

Different parts of our state have different needs and concerns. On the Western Slope, Attorney General Weiser joined community leaders to gather feedback on criminal justice issues facing rural communities. He hosted conversations on criminal justice reform with local officials in [Aurora](#), [Colorado Springs](#), and [Pueblo](#). Through learning the needs of our communities and collecting their ideas, the Department can collaborate with communities to improve the criminal justice system in our state.

In pursuit of that goal, the OCE invited organizations across Colorado to apply for funding through the [School Justice Partnership Innovation Grant](#). The grant aims to support entities in starting and developing innovative programming that keeps school communities safe and improves outcomes for Colorado youth, through a fairer and more equitable response to school discipline.

Colorado is also committed to the fair and dignified treatment of transgender offenders. Attorneys in the Civil Litigation & Employment Section exemplified that commitment when advising the Colorado Department of Corrections (CDOC) on a [settlement with a transgender offender](#) who sued the State alleging injuries while she was serving out her sentence in various correctional facilities.

The offender filed various claims against the CDOC and other parties, alleging that the State was not providing adequate housing, services, and treatment for transgender inmates. The settlement with the offender specifically addressed claims she brought against the State, and the CDOC implemented additional agency-wide training and other changes so that transgender offenders are treated fairly. Colorado is at the forefront of this issue and over the years has implemented progressive policies aimed at the fair and dignified treatment of all transgender offenders. This settlement reflects Colorado's commitment to these values and continuous improvement.

Attorney General Weiser has also made bail reform a priority. In March 2019, [he testified](#) before the House Judiciary Committee, explaining the main purpose of bail is to ensure defendants appear in court and to protect public safety while defendants await trial, not to serve as a *de facto* jail sentence.

# \$25,216,857

The amount of money the Medicaid Fraud Control Unit recovered for the State of Colorado in 2019. Each recovery prevents the offending entity from stealing additional funds from the State and serves to deter others from engaging in such conduct.



The Medicaid Fraud Control Unit works to protect the integrity of the system that provides health care to the most vulnerable Coloradans, including by prosecuting those entities and people who bill for items not needed by patients, falsify their credentials and inflate prices.

## Protecting Public Safety: Ride-sharing Services



*The Motor Vehicle Enforcement Unit in the Revenue and Utilities Section also this year settled civil penalty charges brought by the Public Utilities Commission Transportation Section against Lyft, Inc. The settlement led to increased safety checks and enhanced oversight procedures for monitoring drivers who should be excluded from Lyft's network due to their criminal histories, a move that will help ensure public safety in Colorado.*

The legislature passed one bill in 2019, HB19-1225, which ended cash bail requirements for lower-level traffic, petty, or municipal offenses – with exceptions for traffic offenses involving death or injury, eluding a law enforcement officer, tampering with an ignition interlock device, or similar municipal offenses. There is more work to do, and the Department will continue working on bail reform legislation in 2020.

### Prosecuting fraud

The Criminal Justice Section successfully prosecuted multiple cases involving individuals who harmed Colorado residents.

The Section's Special Prosecutions Unit worked with the Mesa County District Attorney's office to bring to justice a roofing contractor who scammed 30 victims in Durango, Grand Junction, Montrose, and Summit County, many of whom were older residents. He was sentenced to the Colorado Department of Corrections with more than \$200,000 in court-ordered restitution.

In 2019, the Financial Fraud Unit in the Section successfully prosecuted the week-long jury trial of Fred Hornick. Hornick was convicted on two counts of securities fraud after defrauding two women of most or all their retirement savings, funneling their money into an insurance company he was working for and taking substantial kickbacks and payments in return for obtaining the money. He was ordered to pay more than \$1 million in restitution.

### Criminal Appeals

The [Criminal Appeals Section](#) represents law enforcement interests when defendants challenge their felony convictions in Colorado and federal appellate courts, always working to provide effective and ethical representation in all cases.

Cases handled by the Section range from relatively minor sentencing and post-conviction appeals to complicated white-collar crime, homicide, child abuse, sexual assault, and death penalty litigation.

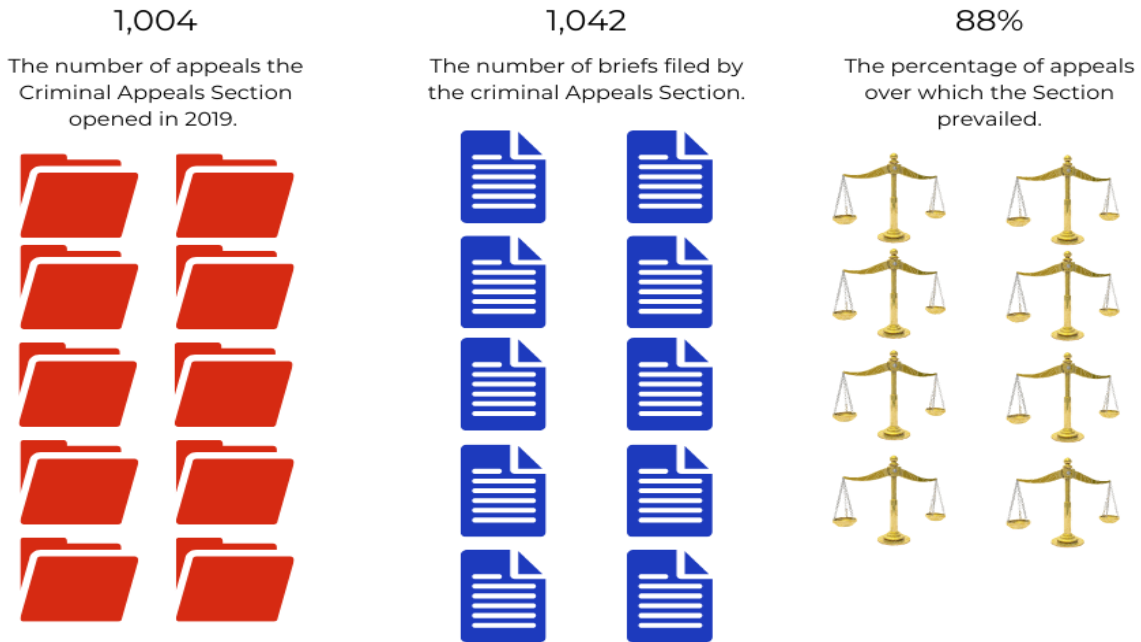
While a majority of the cases impact only the defendants and the victims directly involved, any given case may result in new published law that has a significant impact on law enforcement procedures, procedures for criminal trials and sentencing hearings throughout the state, the state's Department of Corrections, or those on probation, parole, and in county community corrections programs.

Criminal Appeals Section attorneys are among the state's most experienced appellate advocates. In addition to their appellate litigation, they share their expertise in criminal law and appellate issues with the state's prosecutors and others through informal advice, presentations at meetings and training sessions, and weekly case law updates to the Colorado District Attorneys Council.



## By the numbers:

Important number's from the Criminal Appeals Section's 2019 work



Attorneys in the Criminal Appeals Section also comment on proposed legislation, and serve on the Appellate Rules Committee and the Criminal Rules Committee under appointments by the Colorado Supreme Court.

The Criminal Appeals Section also provides recent law school graduates with the opportunity to work with some of the state's most experienced appellate advocates and obtain extensive brief-writing experience at the outset of their legal careers through the innovative Ralph L. Carr Appellate Fellowships Program. Carr Fellows brief approximately 25 appeals each year and conduct several oral arguments.

*"That opportunity to do an oral argument before the Court of Appeals is unique as a young lawyer, and definitely a rewarding experience."*

—Danny Rheiner, Carr Fellow 2019

Carr Fellows also work with the Solicitor General in preparing briefs and oral arguments, working on multistate litigation, and advising the Attorney General and state officials about a wide variety of federal and state constitutional issues.

Danny Rheiner and Daniel De Cecco, who started as Carr Fellows in October 2019, said working in Criminal Appeals has given them opportunities not always afforded young lawyers, like working their own cases, writing briefs, and doing oral arguments. Getting to serve the public at the same time as gaining those experiences, De Cecco said, is also rewarding.

The Colorado Peace Officer Standards and Training Board documents and manages the certification and training of all active peace officers and reserve peace officers working for Colorado law enforcement agencies. Colorado Peace Officer Standards and Training (POST), a unit of the Criminal Justice Section, works with the board to ensure standards for peace officer training and certification in the state remain realistic, relevant, and responsive to our ever-changing world.

## Supporting local law enforcement training

The POST Grants Program, which allocates money to local government, colleges, universities, or nonprofits to fund peace officer training programs, created a new grants database. Training regions and agencies can now apply directly through the database, which also tracks all transactions on the grants. The addition of this critical database should make it easier to track how the grant funds are being expended and the benefit the program provides to our communities.

Managers with the Regional Training Grant program will also begin conducting site visits, which will help ensure the integrity of the grants program.

## Ensuring peace officers have access to valuable training

Staff in the POST Training Program increased their development of online training courses for law enforcement in 2019, including adding a new Narcan training course, consular notifications training, tourniquet application training and domestic violence training. The Extreme Risk Protection Order training and policy was released in December, and a Peer Support Toolkit was created to help agencies develop peer support programs, as a centerpiece to POST's law enforcement mental health efforts.

The Training Program also won the Bronze Horizon Award for best government website. Training staff created an [Academy Video Contest](#) on the POST [Facebook](#) account, more than doubling the number of followers and increasing our connection to our law enforcement communities. Go to [colorado.gov/post](https://colorado.gov/post) to see more of POST's work in 2019 to improve the criminal justice system and protect public safety.

## By the numbers:

Important numbers from POST's 2019 work

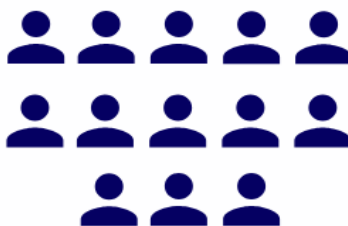
11

The number of agencies assisted by a new Capital Improvement Grant to help improve law enforcement training facilities. This year, \$250,000 was allocated.



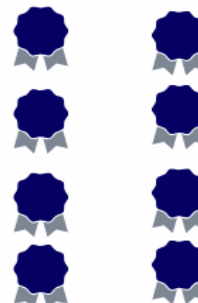
13

The number of peace officers' certifications revoked in 2019 for felony matters. Another 13 officers' certifications were revoked for misdemeanor matters.



1,045

The number of basic certifications achieved at law enforcement training facilities across the state.



Holding irresponsible businesses and individuals accountable when they harm Colorado consumers is a top priority for the Department. By so doing, we support a business environment that fosters entrepreneurship, celebrates responsible business practices, and protects responsible businesses that play by the rules from becoming unfairly disadvantaged as compared to unscrupulous actors.

Through both enforcement and outreach, the Consumer Protection Section works to protect consumers and give consumers tools to protect themselves.

## Enforcing antitrust laws

Colorado has an important role in enforcing antitrust laws, which were developed to ensure fair competition in the marketplace and protect consumers from anticompetitive mergers and business practices.

In three marquee cases in 2019, the Department exercised its authority to enforce antitrust laws and protect Coloradans from anticompetitive harms. First, Coloradans eligible for Medicare Advantage in the Colorado Springs Area will continue to have a selection of physicians and quality, cost-effective



## **“Colorado attorney general intervenes in \$4.3 billion DaVita-UnitedHealth merger just as deal is finalized”**

healthcare following the Attorney General’s challenge to UnitedHealth Group’s \$4.3 billion bid to acquire DaVita Inc.’s physician practice group. If left unchecked, the merger would have resulted in reduced competition, higher health care costs, reduced benefits, and fewer choices for seniors. When the federal government decided not to challenge the merger in Colorado, the Department used its own authority to protect older Coloradans from increased prices and decreased options in healthcare.

Second, the Department is protecting Coloradans from increasing prescription drug prices. Access to quality, affordable health care is a top concern for Coloradans. Many struggle to pay for the prescription drugs they need to treat disease or maintain their health. For months, the Department has participated in a multistate investigation into anticompetitive practices of the generic drug industry. From that investigation, Colorado and 42 states joined in [filing a lawsuit](#) against some of the nation’s largest generic drug manufacturers for conspiring to fix prices and thwart competition in a scheme to violate the antitrust laws and harm consumers.

[The lawsuit](#) alleges that Teva Pharmaceuticals, Sandoz, Mylan, Pfizer, and 16 other generic drug makers engaged in a coordinated and systematic effort to conspire with each other to fix prices, divide market share and rig bids for more than 100 different generic drugs. The generic drugs at issue span all types and classes—including statins, ace inhibitors, beta blockers, antibiotics, anti-depressants, contraceptives, and non-steroidal anti-inflammatory drugs—and treat a range of diseases and conditions from basic infections to diabetes, cancer, epilepsy, multiple sclerosis, HIV, ADHD and more. The states filed the lawsuit in federal court in Connecticut, and are seeking damages, civil penalties, and actions to restore competition to the generic drug market.

Third, the State joined a multistate lawsuit to halt the proposed merger of telecom giants T-Mobile and Sprint over concerns that the \$26 billion merger would reduce competition in retail mobile wireless services and drive up the prices Colorado consumers pay for those services. To resolve concerns about the merger's effects on consumers, the Department reached an agreement with T-Mobile and DISH—which will become the fourth largest nationwide wireless carrier as part of the merger. Under the agreement, DISH will locate its new wireless headquarters with at least 2,000 full-time employees in Colorado, and Colorado residents will benefit from low-cost mobile plans and T-Mobile's build out of a statewide 5G network, particularly in rural areas. The companies have agreed to pay up to a total of \$100 million if they fail to meet these commitments.

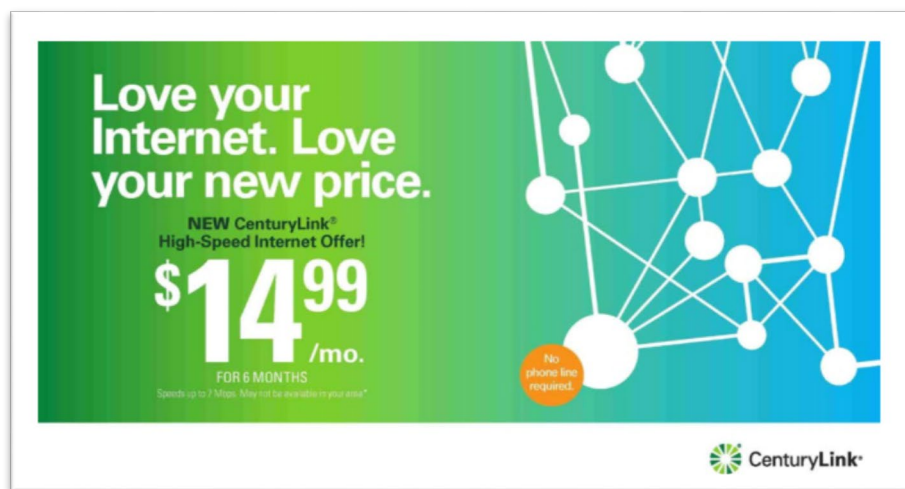
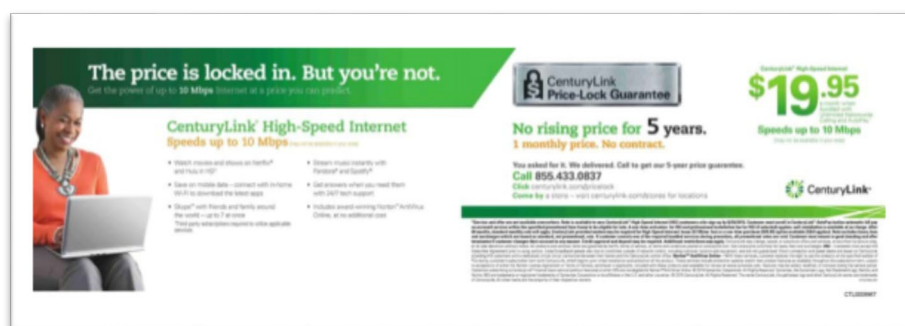
Because Coloradans will benefit from these commitments and DISH's success as a nationwide wireless competitor, the State agreed to end its participation in the lawsuit.

### Protecting consumers from deceptive business practices

In a successful effort to protect consumers, the Department [announced in December](#) that CenturyLink will pay more than \$8 million to Coloradans and the State of Colorado for unfairly and deceptively charging hidden fees, falsely advertising guaranteed locked prices, and failing to provide discounts it promised to consumers who signed up for internet, television, and telephone services in Colorado.

The company also agreed to clearly disclose the prices of its services, stop adding deceptive Internet Cost Recovery Fees, and stop charging unreturned equipment fees to customers who return equipment on time.

The Department's [Consumer Protection Section](#) started investigating CenturyLink's conduct in October 2017. The investigation uncovered evidence dating back to 2014 that the company systematically and deceptively overcharged consumers for services.



*These CenturyLink mailers show promised, low prices, which the company did not honor or keep at a "fixed" or "locked" price.*



### Protecting student loan borrowers

With additional authority from the General Assembly, the Consumer Credit Unit took several steps in 2019 to protect student loan borrowers. In November, Colorado [joined 20 other states](#) in filing [a brief](#) in a federal case in support of public servants who were promised student loan debt forgiveness in exchange for 10 years of public service, but were denied that relief due to the U.S. Department of Education's mismanagement of the program. The Attorney General also [joined 51 attorneys general](#) in issuing a letter urging the U.S. Department of Education to develop a process to automatically forgive the student loans of veterans who are totally and permanently disabled because of their military service.

To help ensure that work can continue, Colorado joined a bipartisan coalition of 32 states in defending their role in enforcing state and federal consumer protection laws against student loan servicers. In an [amicus brief](#) filed in the U.S. Court of Appeals for the Third Circuit, the attorneys general explain that the case brought by the Commonwealth of Pennsylvania against student loan servicer Navient for exploiting student loan borrowers should be permitted to go forward in the federal courts.

The Colorado legislature passed the Colorado Student Loan Servicers Act in 2019, requiring student loan processors to be licensed, providing for the Department to have supervisory authority to assure appropriate legal practices by the industry, and creating the position of a loan ombudsperson. The ombudsperson will be based in the Department and will help oversee outreach and data collection to ensure the public and federal stakeholders have access to information regarding student loans in the state.

### Listening and responding to consumers

Although enforcement is vital to protecting Colorado consumers, the Department also provides residents with tools to protect themselves from and report fraud through a variety of outreach efforts.

The office developed robust consumer education and outreach tools through [Stop Fraud Colorado](#) and [No Más Fraude](#), including by creating active accounts on [twitter](#) and [Facebook](#), and we continue to

## By the numbers

Consumer complaints in 2019

12.6%

The percent complaints and inquiries received by the Consumer Protection Section Intake Unit increased from 2018-2019, from 7,682 to 8,649.



766

The number of complaints consumers made in 2019 about fraudulent or unwanted telephone calls (robocalls).



409

The number of complaints consumers made in 2019 about telecommunication providers.



operate our consumer protection services complaint center with web-based and telephone intake. The complaint center allows us to focus our enforcement efforts and better direct our consumer education.

In 2019, the Department expanded No Más Fraude's reach by adding new social media accounts, to help connect with other organizations that focus on the Spanish-speaking community, educate consumers on scams affecting this community to help prevent fraud, and establish trust with the Spanish-speaking community to increase consumers' comfort with reporting complaints to the Department.

In another effort to protect consumers, the Department also added student loans to its Stop Fraud Colorado outreach efforts, and a new [website](#) provides tips for borrowers and a way for them to file a report if they believe they have been victimized by a scam or wish to report suspicious activity.

According to the Federal Trade Commission, Colorado had

# 90,559

robocall complaints in 2019, and was #3 nationally for Do Not Call Registry complaints per 100K population.



### Acting upon consumer complaints

Because we know fraudulent or unwanted telephone calls are a concern for Coloradans, the Attorney General announced in August that a [public/private coalition of 51 attorneys general and 12 phone companies](#) agreed to adopt eight principles to fight illegal robocalls. The agreement will help protect consumers from illegal robocalls and make it easier for attorneys general to investigate and stop bad actors.

In August, the office also announced an investigation of JUUL, the leading manufacturer of e-cigarettes. To combat the youth vaping epidemic, we are also investigating other companies that continue to market kid-friendly e-cigarette flavors despite data and evidence which suggests that these flavors are enticing non-smoking youth to use e-cigarettes.



## About half of Colorado high school students have tried vaping nicotine.

Source: Colorado Department of Public Health and Environment

# PROTECTING OUR LAND, AIR, AND WATER

The Department is committed to preserving and protecting Colorado's natural resources. Protecting our land, air, and water and creating a clean energy future are top priorities for Attorney General Weiser.

## Public Lands

In 2019, attorneys in the [Natural Resources and Environment Section](#) helped the Colorado State Land Board and Colorado Parks and Wildlife negotiate a lease to add an additional half-million acres of state trust lands to the Land Board's Public Access Program.

Over the next few years, this agreement will open these lands to the public for wildlife-related recreation, including hunting and fishing, typically in the fall and winter when hunting opportunities are at a premium in Colorado.



## Air and climate

Climate change poses a range of challenges that cannot be ignored. In 2019, the Natural Resources and Environment Section worked with the Colorado Air Quality Control Commission and Air Pollution Control Division to develop a zero-emission vehicle standard, requiring that by 2023 at least 5% of car manufacturers' vehicles available for sale in Colorado are electric. By making more zero-emission vehicles available to Coloradans, we can work together to reduce greenhouse gas emissions and pollution in a state that is coming together to address climate change and our challenging air quality issues.

Throughout 2019, the Department defended the State's authority to protect public health and environment when it comes to setting emissions standards from cars and trucks. Colorado joined a [multistate lawsuit](#) challenging the federal government's unlawful regulation preempting the state's zero-emission vehicle standards. These standards—authorized in 2013 by a Clean Air Act waiver from the U.S. Environmental Protection Agency and adopted by Colorado and 13 other states and the District of Columbia—are a key part of our state's efforts to improve air quality, give customers more choice in the clean-vehicle market, and transition our state to a clean-energy economy.

Also in 2019, Colorado joined [multistate settlements](#) with Fiat Chrysler and Bosch for undermining auto emissions regulations with unlawful defeat devices and software in diesel vehicles. Fiat Chrysler cheated on federal and state emissions tests by calibrating the vehicles' software to conceal that the vehicles emitted higher-than-permitted levels of harmful nitrogen oxides.

By cheating on emissions testing, Fiat Chrysler misled Colorado consumers, harmed the environment, and potentially gained an advantage over automakers who played by the rules. Under the settlement

Fiat Chrysler is required to fix affected vehicles, provide restitution to Colorado consumers, and address environmental harms. The State received \$5 million in civil penalties from the \$171 million multistate settlement.

Attorney General Weiser has vowed to challenge the U.S. Environmental Protection Agency's announced rollback of standards for reducing methane emissions from oil and gas operations.

Colorado's cutting-edge, fair, and effective regulations, which were developed as part of a collaborative effort between state government, the oil and gas industry, and environmental groups, served as a model for the federal methane standards that have been in place since 2016.

Methane emissions don't stop at state lines. As such, Colorado has a strong interest in regulating the release of this harmful greenhouse gas on a national level. Colorado is committed to challenging the EPA's rollback of the methane standards. At the same time, the Department is working to enforce the state regulations Colorado currently has in place.

### **Water**

Attorneys and staff in the Natural Resources and Environment Section work with partners to creatively manage water, a critical and increasingly vulnerable resource. In 2019, the Section worked with other states on a plan that is designed to provide more specific tools to address water supply issues in the Colorado River basin, developing collaborative solutions and avoiding the specter of litigating with our surrounding states.

We are committed to securing a constructive water future for Colorado and the states that rely on us for their water, too. In conjunction with the [Colorado Water Congress](#), the Colorado Water Conservation Board, and local basin roundtables, our water lawyers collaborate to create solutions that work for everyone. Through innovation and collaboration, with leadership and support from our office, we can ensure water is available to future generations, and the Colorado communities that rely on water as an economic driver will continue to thrive.

### **Wildlife**

A strong team of our attorneys works with the Colorado Water Conservation Board (CWCB). With the CWCB, we work on the State's program to protect our rivers. In 2019, we helped the CWCB and Colorado Parks and Wildlife to protect a strain of cutthroat trout thought until recently to be extinct.



*Amy Beatie, Deputy Attorney General for the Natural Resources and Environment Section, left, and Attorney General Weiser fishing on the Arkansas River.*



Attorneys in the Natural Resources and Environment Section are working to secure protections for the creek in southwest Colorado where this fish was found.

Natural Resources and Environment Section attorneys also work to defend Colorado's ability to choose the way we protect threatened and endangered species, while helping the Department of Natural Resources work with the federal government to enforce the federal Endangered Species Act.

### **Keeping energy prices affordable for Coloradans**

Department staff also provided legal counsel to the Public Utilities Commission (PUC) as it commenced on one of the largest and most controversial rulemakings in recent years. Due to changes in the marketplace, advances in renewable energy technology, and comprehensive legislative changes, the PUC is revamping and updating its Renewable Energy Standard and Electric Resource Planning Rules, which have drawn national interest with solar and wind producers, utilities and individuals from around the country. State Services Section attorneys who represent the PUC have overseen this rulemaking and provided significant input into the new regulations.

The Section will continue in this work, helping the PUC develop regulations that will significantly alter the way Colorado addresses its resources and ensures we have renewable, clean energy in place for future generations.



The office also represented the PUC, PUC staff and the Office of Consumer Counsel in complex legal proceedings, including Xcel Energy's 2019 rate case. Xcel Energy-Colorado sought to increase electric rates by \$158 million distributed throughout the state, but due to extensive negotiations that increase was cut by more than a third, to \$41.5 million.

The new rates mean Coloradans can expect an additional \$1.03 on their monthly residential bills and small business customers will see a monthly increase of nearly \$2.

# **Attorney General Phil Weiser Colorado Department of Law**

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