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# ANNUAL REPORT

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

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**2020  
EDITION**

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# DEPARTMENT OF LAW

## What we do

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 champion four core values—we are **principled, public servants** who are **innovative** and **better together**.



## Who we are

The Attorney General and the Department of Law represent and defend the legal interests of the people of the State of Colorado and its sovereignty. The Attorney General has primary authority for enforcement of consumer protection and antitrust laws, prosecution of criminal appeals and certain complex white-collar crimes, training and certification of peace officers, and many natural resource and environmental matters. The department is comprised of the following divisions and offices:

- **Business and Licensing Division:** Provides legal advice and litigation services to several state agencies, including the Department of Regulatory Agencies and, specifically, the Divisions of Professions and Occupations, Banking, Civil Rights, Financial Services, Insurance, Real Estate, and Securities.
- **Civil Litigation & Employment Law Division:** Defends state agencies, including the Colorado Department of Transportation and the Department of Corrections, and employees in administrative, state, and federal courts, and prosecutes civil rights violations in administrative and state courts in addition to providing general employment advice.
- **Consumer Protection Division:** Protects Colorado consumers and businesses by enforcing state and federal laws designed to maintain a fair and competitive business environment while protecting consumers from being targets of fraud.
- **Criminal Appeals Division:** Represents law enforcement when defendants challenge their felony convictions in the state and federal appellate courts.
- **Criminal Justice Division:** Assists local prosecutors and law enforcement agencies throughout the state on matters that occur in more than one local jurisdiction, including presenting cases to the Statewide Grand Jury and serving as special district attorneys in local counties upon request, in addition to investigating Medicaid, insurance, and securities fraud.
- **Natural Resources and Environment Division:** Works with client agencies to protect and improve the quality of Colorado’s natural environment, as well as providing counsel to state agencies charged with protecting air, land, and water.
- **Revenue and Utilities Division:** Provides litigation and general counsel support to the Department of Revenue, the Public Utilities Commission trial staff, and the Property Tax Administrator and Property Tax Division within the Department of Local Affairs.
- **State Services Division:** Provides representation to eight of sixteen executive branch principal departments and Colorado’s five statewide elected public officials: the Governor, Lieutenant Governor, Attorney General, Secretary of State, and Treasurer.
- **Office of Community Engagement:** Serves as Coloradans’ open door to the department. The office builds relationships and establishes meaningful dialogue across Colorado to truly hear the needs, ideas, and voices of the people of our state.

# GRACE AND INNOVATION IN A CHALLENGING TIME



The once-in-a-century COVID-19 pandemic radically changed how we live as we lost many Coloradans to this illness. We carry those losses in our hearts and minds as we confront this year's other crises: economic challenges that arose from the pandemic, a long overdue reckoning with racial injustices, wildfires caused by an ongoing climate crisis that will require our work now and in the years to come, and a mental health crisis that arose from the above causes and hit young people particularly hard.

At the Department of Law, we worked on a range of challenges related to protecting our public health—and moved our whole department to working remotely. We also continued our vigorous defense of the Affordable Care Act, protecting health care for 400,000 Coloradans who have health care because of the Medicaid expansion and 700,000 Coloradans who have pre-existing conditions, which is more important than ever during this pandemic.



*Attorney General Phil Weiser*

Our work to protect consumers is vital, as we continue to stand up for vulnerable Coloradans who are being scammed or mistreated during the pandemic. To that end, we acted against firms that falsely marketed cures for COVID-19, stood up for airline customers who did not receive promised refunds or credits, and protected those with student loans or debts and who need forbearance during this difficult time.

This summer, we engaged with calls for a long overdue reckoning to address a range of racial injustices, including those related to our criminal justice system. At our department, improving the criminal justice system includes our work with the Peace Officer Standards and Training Program to enhance police training and accountability. Additionally, we worked with partners throughout the state to address the school-to-prison pipeline, develop proposals to end cash bail, and encourage effective re-entry programs after incarceration.

The climate crisis was evident this summer with drought conditions and raging wildfires. To combat climate change, we challenged federal rollbacks of critical protections like the methane rule and clean car standards. We also took actions to protect our land, air, and water, by successfully suing the federal government for rescinding water quality protections and working with partners to better manage our water during a time of drought and decreasing natural snowpack.

We are meeting the current mental health crisis through our work to address the opioid epidemic, prevent teen suicide, and enable access to mental health care. As we reflect on the year and look ahead to how we continue to serve the people of Colorado, my overriding feeling is one of gratitude for how our team members and fellow Coloradans supported one another. We must continue calling on ourselves to face these crises with innovation, resilience, and grace.

Colorado Attorney General



# DEFENDING COLORADO AMID THE COVID-19 PANEMIC



The COVID-19 pandemic has caused great tragedy in our state and our nation, while radically impacting the daily lives of even the Coloradans who have not felt direct or family health impacts from the virus. As the pandemic necessitated swift action in 2020, the Colorado Department of Law helped Colorado provide vital healthcare and other resources to residents, alerted consumers to new threats, advised state agencies, and moved to protect its employees.

### Advising on the state’s emergency actions

While some of our work was aimed at helping businesses survive the necessary restrictions due to the pandemic, our department also advised the state in establishing public health orders, which we also defended.

When the Governor took action to curtail transmission of the virus, that included closing ski areas. Directing the ski areas to suspend operations helped Colorado’s mountain communities that were hit hard by the pandemic preserve necessary medical resources, rather than dealing with an influx of

visitors who could also potentially contract the virus. Our department provided advice as needed to help state agencies implement these directives.

[Our department also provided guidance to local governments](#) in how to enforce public health orders and encouraging local agencies to seek voluntary compliance first, before implementing any necessary enforcement measures.



Throughout the pandemic, our Health Care Unit, through its representation of the Colorado Department of Public Health and Environment (CDPHE), advised CDPHE on the public health response, and assisted with ongoing and numerous enforcement and litigation matters related to

COVID-19. We successfully defended CDPHE in numerous challenges to the state’s authority to impose public health orders to curtail the transmission of disease at every level of state and federal courts—from county courts to the United States Supreme Court. We also represented CDPHE by issuing cease and desist letters when needed to enforce its orders and protect the public health, after temporarily running an intake program for the state to receive complaints of public health order violations.

The Public Officials Unit also defended the state and handled expedited constitutional challenges to several executive orders concerning the COVID-19 pandemic, including those requiring masks to be

worn statewide in public indoor spaces, halting evictions, and imposing indoor capacity limits on businesses—all critical measures to helping Colorado manage the pandemic.

### Protecting consumers as new, COVID-19-related threats emerged

Early in the pandemic, the department warned Coloradans to be on the lookout for [COVID-19-related scams](#). Throughout 2020, our department provided updates on potential scams and threats that were arising as the pandemic continued to impact our daily lives, from [coronavirus relief check scams](#) to advice on cybersecurity best practices while working from home. We know scammers take advantage of people during emergencies, so rapid updates were imperative during the worldwide pandemic to keep Coloradans informed of the latest threats to their health and security.

Our department also monitored reports of fake COVID-19 tests and cures. In conjunction with our client agencies at the Department of Regulatory Agencies, the Business and Licensing Division mobilized two dozen lawyers, paralegals, and administrative support staff to handle the complaints concerning state licensees failing to comply with the state executive orders during March through May. In response to the spread of false COVID-19 information, we issued [cease-and-desist letters](#) to bad actors that marketed tests for COVID-19 infection or immunity and overstated the reliability and accuracy of the tests.



*Click above for more information regarding vaccine fraud.*

As vaccines began to be made available at the end of 2020, our department [released an advisory](#) warning Coloradans about potential COVID-19 vaccine scams and vowing that the State will enforce laws prohibiting fraudulent or deceptive sales of fake COVID-19 vaccinations and cures. We also undertook legal work to ensure personal protective equipment and supplies were not substandard or mislabeled to keep consumers safe and healthy. Out of our enforcement efforts, [Nationwide Medical Supply, Inc.](#) agreed to specific injunctive relief and to pay \$70,000 to the State after misleading buyers about masks and respirators and price gouging on masks during the COVID-19 crisis. Similarly, [a hand sanitizer company](#) agreed to improve its delivery and quality controls, and pay \$62,500 after we found that it misrepresented the quality of its product and failed to make timely delivery for product that had been purchased.

Colorado consumers continued to help inform our department's actions to defend them by submitting complaints to us through [stopfraudcolorado.gov](#). The department received more than 600 complaints from consumers in Colorado and 29 other states about one airline alone, largely centered around the failure to provide refunds, redeem vouchers or credit, or help consumers when they called to resolve the issues. In light of these complaints, we sent a letter [urging the U.S. Department of Transportation](#) to investigate this airline's business practices and we asked Congress to adopt new consumer protections for airline passengers, including granting authority to state attorneys general to investigate airlines for unfair and deceptive acts and practices against consumers.



Our department also worked with Ticketmaster and entertainment venues to [obtain refunds for consumers](#) for events canceled because of the coronavirus pandemic.

### **Supporting continued learning amid a pandemic**

While health and safety were a priority in 2020, we also focused on ensuring students in the state could continue learning even as in-person learning was suspended.

The lawyers of the K-12 Unit in the State Services Division spent much of 2020 navigating the legal challenges flowing from the cancellation of in-person learning.

Many of Colorado’s education laws reflect obligations and deadlines that assume students are on campus. The statewide assessment of K-12 students, canceled during the pandemic, is the cornerstone of statutory systems for evaluating schools, districts, and teachers. The team guided state education personnel while assisting with executive orders, proposing emergency rules, and consulting on legislative relief. By these efforts, the team ensured that districts and charter schools could function effectively in a remote environment while still providing appropriate services to Colorado’s students.

Some K-12 students hoping to travel did not get the opportunity to do so due to the pandemic. Our department also reached a settlement with Colorado-based travel company [Voyageurs International](#) to provide full refunds for canceled high school music trips to Europe. Over 400 consumers will receive over \$800,000 in refunds.

The Higher Education Unit supported our state institutions of higher education throughout the COVID-19 pandemic, as they also were faced with decisions related to in-person and online learning, ensuring students’ safety while still providing a valuable learning experience.

Our department also worked to support students and past students facing student loans amid

employment challenges wrought by the pandemic.

While the CARES Act provided much-needed relief for many borrowers with student loans, including the temporary suspension of monthly payments, interest, and involuntary collection activity, it left out millions of student loan borrowers with loans not owned by the U.S. government as well as loans made by private lenders. The expanded payment relief our department [announced in April](#) helped close that gap, and ensured student loan borrowers not covered by the federal CARES Act would receive similar relief during the COVID-19 pandemic.



*Attorney General Weiser visits Colorado Mesa University in August of 2020.*

### **Bridging the digital divide and closing the homework gap**

Brick-and-mortar school closures brought additional challenges to state students as well. The COVID-19 pandemic highlighted the need for internet access in Colorado—especially for students and employees now working remotely due to the pandemic.

In September, [we announced](#) that thousands of low-income student households in Colorado would receive access to free and low-cost internet options for the 2020-21 school year.

As part of its nationwide effort to provide internet access to underserved students, called Project 10Million, T-Mobile agreed to provide up to 34,000 low-income student households in Colorado with a free WiFi hotspot and 100GB of data per year for free. Qualifying households also have access to internet-enabled devices, such as tablets or computers, at a significant discount. The effort fulfilled one of T-Mobile’s commitments under an agreement reached in 2019 with the department.

In an effort to help expand students’ access, in September 2020, the department urged the Federal Communications Commission (FCC) to fund internet connectivity and internet-enabled devices to K-12 students whose schools closed as a result of the COVID-19 pandemic and who are learning online at home or other locations. In February, 2021, the [FCC asked for comment](#) on this proposal and we led a 30 state coalition to call for such action.

In another effort to ensure broadband access, this time for residents in under- and un-served regions of the state, the Business and Licensing Division’s Real Estate Unit defended the Colorado Broadband Deployment Board’s grants for broadband development, including one case in which the Division defended the Board against an incumbent internet provider who sued to block a grant to a competitor to expand broadband access on the Western Slope. The court upheld the Board’s grant following judicial review.



*Attorney General Weiser speaks at announcement of expanded access to broadband for Colorado students.*

### **Helping Colorado respond to the pandemic and provide vital healthcare**

As the health and wellbeing of Colorado residents became the focus of our state, the department moved quickly to advise other state agencies so they could ensure healthcare access for all Coloradans.

The department’s Business and Licensing Division worked with the Division of Insurance, the Division of Professions and Occupations, and the Department of Agriculture to craft emergency rules to help the state respond to the pandemic, including:

- Provisions to expand telehealth access through health insurance reimbursement for telehealth appointments that ensured social distancing for patients and medical staff;
- Provisions to expand the healthcare workforce during hospitalization surges by allowing healthcare professionals to practice outside the specific areas of their licenses, such as to



- allow dentists, chiropractors, and aides to engage in nursing and other healthcare services; and
- Provisions to allow retired and out-of-state healthcare professionals to obtain temporary emergency licenses when staffing pandemic-affected facilities.

Colorado’s pets were also affected by the pandemic, and our team helped craft provisions to address Colorado’s animal shelters, pet rescues, and sanctuaries that faced unprecedented staff and resource shortages. This allowed more pets to be cared for and allowed that work to continue in ways that protected the health of facility staff.

We also helped the state prepare for the potential for too many patients for the hospital system to support. The State Services Contracts and Procurement Unit completed numerous leases for space to accommodate Alternate Care Sites for overflow patient capacity.

The Unit also assisted the Governor’s COVID-19 Response Team with numerous contracts with companies to purchase personal protective equipment and secured leases for additional storage space for that equipment.

**Supporting safe, continued business function with ongoing emergency rules**

In 2020, businesses were required to rapidly adjust to executive orders and emergency rules, and our Revenue and Utilities Division’s Marijuana, Liquor, and Bankruptcy Unit counseled state agencies on how to accommodate industry requests to continue to operate while ensuring the public health and safety of Coloradans.

Attorneys provided guidance on amendments to permit businesses to offer take-out and delivery from on-premise liquor licenses (bars and restaurants) and to implement online and telephone marijuana ordering for pickup outside the dispensary.

Throughout 2020, the Tax Unit advised the Department of Revenue, the Department of the Treasury, and the Governor’s Office regarding multiple COVID-19-related issues, including the deferral of sales tax payments, the extension of income tax filing deadlines, the state’s ability to take advantage of federal emergency loan programs, TABOR-related issues, issues related to small business recovery, and potential solutions to budget shortfalls.

The State Services Division also advised various state agencies, including the Colorado Department of Labor and Employment (CDLE) and its Division of Unemployment Insurance. Unemployment insurance benefit claims went from several hundred per week to

more than 600,000 in the first months of the pandemic and the Governor’s Emergency Declaration on March 10, 2020. Because of this change, CDLE implemented numerous emergency and permanent rules to change long-established procedures. The State Services’ Labor Unit assisted in this effort by giving advice and counsel on those rule changes and also advising on the unprecedented number of fraudulent unemployment insurance claims the CDLE received. To address the staggering degree of fraud, we set up a statewide task force to work to find fraudsters and hold them accountable.



**“Colorado AG, labor officials announce task force to combat unemployment fraud”**

## **Supporting the state's workforce**

Our state employees are an invaluable resource, and the Civil Litigation & Employment Division takes pride in helping state employers maintain a healthy, safe, and highly functional work environment. In 2020, that work was primarily focused on supporting our public servants as they managed a redefined workplace in a remote work environment.

The COVID-19 pandemic would have serious and long-term implications for the state workforce, so our team became deeply engaged—providing advice and counsel to human resources teams, division leaders, and supervisors on a wide range of pressing legal issues, including navigating the federal and state public health leave laws, advancing policies and practices to support the novel safety and health issues facing our employees, and considering employee privacy issues related to potential exposure or testing, religious accommodations, medical restrictions, and more.

We also monitored the ever-expanding U.S. Equal Employment Opportunity Commission guidelines permitting employers to use health screening and testing to keep workplaces safe, and we helped employers understand the Families First Coronavirus Recovery Act, which among other things, extended The Family and Medical Leave Act leave to parents of children whose school or day care facility closed. This meant state employers and employees had to work collaboratively to support non-traditional workdays.

Our Labor and Employment Units also developed a framework for helping the state navigate the newly implemented Colorado Partnership for Quality Jobs and Services Act. This work continues to this day as our team supports the state in its assessment how to partner most efficiently with Colorado Workers for Innovative and New Solutions.

In addition to supporting employers across the state, the Civil Litigation & Employment Division helped the state navigate the pandemic in other ways. For example, the Division provided critical guidance and advice concerning multiple emergency orders and rules that created optionality for the state as it navigated the pandemic. Our team also leveraged its deep litigation experience to help state agencies assess risk and adjust operations and practices during the pandemic.

The State Services Division's Labor Unit also provided guidance on the very tight timelines the Department of Personnel and Administration faced in light of new COVID-19 rules, as the state's employees had to adjust to changing work conditions and remote workplaces required by the pandemic.

The department supported our own personnel as well, as teams within the department, including our Information Technology team, moved swiftly to enable remote work capabilities. We provided additional support for department employees as the initial state emergency orders went into effect early in 2020, enabling us to continue to serve the state with minimal interruption.



# SAFEGUARDING FREE AND FAIR ELECTIONS



## Defending the will of the voters in *Colo. Dept. of State v. Baca*



Attorney General Weiser argues by phone before the U.S. Supreme Court.

Last spring, as the pandemic was just beginning, Attorney General Weiser [argued before the U.S. Supreme Court](#) in a landmark elections case *Colorado Department of State v. Baca*, urging the court to uphold Colorado’s law that binds presidential electors to follow the will of the voters when casting their Electoral College ballots for President.

The case arose as the result of a 2016 Colorado presidential elector who violated Colorado law by failing to cast his Electoral College ballot for Hillary Clinton, the state’s winner. When former Secretary of State Wayne Williams declined to count his ballot and removed him as an elector, Baca sued the state. The 10<sup>th</sup> Circuit Court of Appeals ruled that Colorado cannot remove electors for failure to cast their ballot for the winner of the state’s election. On review, the Supreme Court voted unanimously to uphold the Colorado law, and in turn, protect the will and the voice of voters in Colorado and across the country in voting for president of the United States.

## Safeguarding our voting system

Colorado also joined a [multistate federal lawsuit](#) challenging drastic operational changes at the U.S. Postal Service that could have threatened critical mail delivery and undermined the national election in November.

The Postal Service cuts—including the removal of five Delivery Bar Code Sorters and at least one Flat Sequencing System from a major Denver distribution center—threatened the timely delivery of mail to Coloradans who rely on the Postal Service for everything from medical prescriptions to ballots.

Colorado also [filed its own case](#) against the Postal Service after it sent inaccurate mailers to Colorado voters by mail. The Postal Service agreed to allow the State to review other communications about voting by mail and destroy the misleading postcards.

## WHAT TO KNOW



### A person cannot simply “show up at the polls and watch.”

Only certified, sworn poll watchers who are on the county clerk and recorder’s official list are permitted to observe election activities in a polling center. A person may not simply show up at a polling center and claim to be or act as a poll watcher. Poll watchers are subject to the same laws prohibiting voter intimidation as others.

### A person may not block voters from entering a polling place or approaching an official ballot drop box.

Campaigning for a candidate or ballot measure inside a polling center or within 100 feet of the building a polling center is located is prohibited. It is illegal for a person to threateningly or aggressively confront a voter with questions about their citizenship, age, party registration, religion, or how they voted.



### Other behavior that might constitute voter intimidation includes:

Misleading phone calls, texts, or emails to a voter with deliberately false information about voting and voting locations; calling voters to tell them that they must have an identification card or be vaccinated in order to vote; or brandishing a weapon in a manner to frighten and dissuade voters from entering a polling center or approaching an official ballot drop box.

*Click the image to view full size.*



As polling centers opened across the state in mid-October of 2020, our department [issued an advisory](#) educating Coloradans on their rights to safely vote and participate in our elections free from intimidation, and making clear that voter intimidation is illegal under state and federal law.

The advisory also answered frequently asked questions about the election and provided guidance on the crime of voter intimidation, its penalties, and how to report violations should a person witness or be a target of voter intimidation at a polling center or at an official ballot drop box. In addition to issuing the advisory, the department created a simple and straightforward method for reporting voter intimidation on the department website.

To halt voter intimidation in Fort Morgan, our office sent a [cease and desist letter](#) to the owner of a mobile home park who threatened to raise rent for tenants if President Joe Biden were to win the election.

The Public Officials Unit also safeguarded our elections by successfully defending the Secretary of State against numerous primary ballot access challenges.

#### **Affirming the results of a free and fair election**

Following the announcement and certification of President Joe Biden’s electoral college victory, Colorado [joined a coalition of states](#) opposing Texas’ undemocratic effort to invalidate 2020 election results in Georgia, Michigan, Pennsylvania, and Wisconsin.

The coalition explained in their amicus brief to the Court that Texas’s unprecedented lawsuit ignored the Constitution’s structure and would have overridden state elections and the will of the voters.

Attorney General Weiser also condemned the Jan. 6 mob attack on the U.S. Capitol, stating it was “not only an assault on one of our iconic democratic structures, it is an assault on democracy itself.” Weiser also led a 46 State AG coalition that called for those who participated in the siege of the Capitol to be held accountable and prosecuted.

## **COLORADO GOES SUPREME**



Learning civics with  
Attorney General Phil Weiser

While Attorney General Weiser was preparing for his oral argument, which was over the phone due to the COVID-19 Pandemic, he was also working with the Office of Community Engagement to create a recorded series of civics lessons for Colorado’s youth. The series, [Colorado Goes Supreme](#), is a six-video compilation in which Attorney General Weiser details the process of bringing a case to the Supreme Court and explains the issues that the court considered in the Baca case. The series was a partnership between the department and the Colorado Center for Civic Learning and Engagement (C3LE) and was distributed to teachers and classrooms across the state.

**COLORADANS  
HAVE THE RIGHT  
TO VOTE SAFELY  
AND SECURELY**





# DEFENDING THE RULE OF LAW



Every decision made in the department is grounded in a commitment to ensuring all Coloradans are protected and treated fairly and equally under the law. That work includes protecting equality for Colorado residents, issuing legal opinions, defending the State 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

## Fighting for equality for LGBTQ Coloradans

Colorado was part of a coalition of 21 states and the District of Columbia that filed a friend of the court brief in support of equality in the workplace in three cases that were consolidated and heard before the U.S. Supreme Court.



Those cases included *Zarda v. Altitude Express* and *Harris Funeral Homes v. EEOC*, in which federal appeals courts ruled in favor of the employees who were fired for being gay or transgender. In another case, *Bostock v. Clayton County*, however, a federal appeals court ruled in favor of the employer for firing a Georgia man from his job as a county child welfare services coordinator after learning he is gay.

In June of 2020, the Supreme Court ruled that employment discrimination based on sexual orientation and gender identity is illegal under Title VII of the Civil Rights Act of 1964, an historic decision for equality.

Attorney General Weiser speaks at an event in Denver honoring the late U.S. Supreme Court Justice Ruth Bader Ginsburg.

## Ensuring all Coloradans are counted in the census

In July, Colorado joined a large coalition of states, cities, and counties in [filing a lawsuit](#) against the federal government for attempting to illegally leave millions out of the apportionment base that establishes the number of members in the U.S. House of Representatives that each state receives. The lawsuit sought to stop the administration from politicizing the census and violating basic constitutional commands, and instead aimed to ensure the federal government counts the “whole number of persons” residing in the country for apportionment, as the U.S. Constitution clearly requires.

The lawsuit filed against the U.S. Department of Commerce, the U.S. Census Bureau, and others, alleged that apportionment based on a population count that unlawfully excludes undocumented immigrants would:

- Lead to the loss of congressional seats and presidential electors in the Electoral College, and

- Skew the division of electoral districts within jurisdictions by impairing state and local redistricting efforts that rely on the census count.

The previous administration ceased its efforts to add the citizenship question to the census after this and several other lawsuits were filed opposing the move.

**Protecting the future of DREAMers: Home is Here**

Colorado was one of 21 states and the District of Columbia that [challenged](#) the federal government’s decision to end the Deferred Action for Childhood Arrivals (DACA) program.

The attempt to end DACA—and revoke a commitment that information that DREAMers shared with the federal government would not be used for other purposes—threatened the well-being and livelihood of 17,000 DREAMers living in Colorado, who are an integral part of Colorado’s diverse communities and make significant contributions to our state. In June, the Supreme Court ruled that the prior administration’s attempt to end DACA was illegal, paving the way for thousands of young Coloradans to continue living and working in our country.



**Preserving Coloradans’ access to affordable, quality healthcare**

Colorado remains part of the coalition of states defending the Affordable Care Act in the case *Texas v. United States of America*. In Colorado, the ACA prevented insurers from denying coverage or charging unaffordable premiums to more than [700,000](#) adults with pre-existing conditions like cancer or diabetes. And the ACA’s Medicaid expansion brought health care to [400,000](#) Coloradans and [enabled](#) rural hospitals and clinics to survive and provide care for low-income patients who were previously underinsured or uninsured. The court heard oral arguments in the case and a decision is expected sometime before summer 2021.



In 2020, the Colorado Court of Appeals upheld a District Court ruling that kept the Colorado Hospital Provider Fee and the Health Affordability and Sustainability Fee, both of which provide critical funding for our state’s Medicaid program, in place.

These fees provide more than \$6.4 billion in state and matching federal funds for our state’s Medicaid program, which helps support some of our state’s most vulnerable residents.

The Hospital Provider Fee 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 ACA.

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

Another 46 individuals who were sexually abused by Catholic priests came forward with substantiated claims of abuse since the department [released its first report](#) on clergy sex abuse in the fall of 2019.

The newly substantiated claims are included in a [supplemental report](#) that the office released in December 2020, concluding 22 months of Special Master Bob Troyer’s work investigating and reporting



on a 70-year history of Catholic clergy child sexual abuse in Colorado and the Colorado dioceses' systems for preventing it.

All the newly substantiated incidents of abuse occurred between 1951 and 1999 and were committed by 25 diocesan priests in the Denver Archdiocese and Pueblo Diocese. Sixteen of those priests were already identified in the first report and nine of them are newly identified in the supplemental report. Of the newly identified priests, five served in the Denver Archdiocese and four served in the Pueblo Diocese. There were no additional reports of sexual abuse by diocesan priests serving in the Colorado Springs Diocese.

The three Dioceses agreed, following the first report, to fund an independent, voluntary program that compensates victims of abuse, regardless of when the abuse occurred. [That program](#) paid out over \$7.3 million in funds to compensate more than 70 victims.

### Ensuring education reform remains

In a series of friend-of-the-court briefs filed on behalf of the State Board of Education and the Attorney General, State Services Division K-12 Unit lawyers defended a 2010 landmark education reform bill. Senate Bill 191 created a uniform statewide evaluation system and specified that teacher employment protections (formerly tenure) could be both earned or lost based on performance ratings. For experienced teachers, though, SB 191 made non-probationary status, once earned, portable between employers. Both school districts and the teacher's union have taken aim at various aspects of the legislation, and the K-12 lawyers remain committed to defending state law.

### Defending states' rights and sovereignty under the Constitution

The Civil Litigation & Employment Division [defended](#) Colorado's extreme risk protection order law, when it was challenged in Larimer County, and prevailed in district court.

Colorado's extreme risk protection order law, commonly called the "red flag" law, was designed to give law enforcement a tool to keep guns out of the hands of dangerous people and to save lives. That's what happened in this case in Larimer County: an investigator with the Larimer County Sheriff's Office obtained an order against a man who threatened to use guns to carry out attacks against people once he was released from custody.

Also in 2020, our department successfully defended the state's [large-capacity magazine limit law](#), arguing it is constitutional under the Colorado Constitution. As the Colorado Supreme Court stated in its opinion, there is overwhelming evidence that the General Assembly placed reasonable limitations on large-capacity magazines to 15 rounds when it passed the law over seven years ago.

We defended our state's rights under the U.S. Constitution as well, including when the federal government refused to fund our law enforcement efforts, citing our failure to comply with unlawful immigration-related conditions. We [sued the federal government](#) for infringing on our state's rights and prevailed in federal district court.

### Bring it inside

Keeping your gun in the car leaves it susceptible to theft.



Our office [partnered with local law enforcement officials](#) across Colorado to remind firearm owners to safely secure their guns when not in use in order to stem the rise in the number of guns stolen each year.

The partnership built off a model developed by the Larimer County Juvenile Gun Safety coalition.



# ENGAGING COLORADO'S COMMUNITIES



## Outreach in the time of COVID-19

The department works continuously to better understand how we can best serve our state by building relationships with communities across Colorado. In 2020, the ongoing pandemic tested our traditional outreach strategies, causing the department to pivot to new ways of engaging the public.

Throughout the year, the Office of Community Engagement (OCE) organized several socially distanced in-person events, virtual events, and online interactive discussions across Colorado. At these events, the OCE gathered actionable ideas, complaints, and information from residents and community leaders. We strengthened partnerships with organizations, had transparent discussions on how to move our vision and goals forward during 2020's trying times, and closely listened to our constituents' needs.



*Click above to watch a video highlighting engagement in 2020 throughout Colorado.*

## Showing up for justice

The OCE [announced the five recipients](#) of the department's first [School Justice Partnership Innovation Grant](#) in July of 2020. These recipients included innovative and dedicated organizations in Colorado that promote positive school justice partnerships and address the so-called "school-to-prison pipeline."



*Click above to watch a video highlighting one recipient of the department's first School Justice Partnership Innovation Grant.*

Recipients also brought their valuable perspective and insights to school justice convenings held by the department throughout the year, including the Restorative Justice Roundtable in October. Along with our grantees, the virtual roundtable brought together educators, school district officials, community-based service providers, and a range of restorative justice experts from across the state to discuss school discipline policies and how they impact a student's future involvement in the criminal justice system.

Amid a national call for racial justice, Attorney General Weiser and department staff organized and participated in

a series of events to engage and respond to our nation’s justice crisis. These efforts focused on reaching out and listening to leaders of Colorado’s African American communities, social justice leaders, law enforcement, and individual Coloradans mobilized by the events of 2020. Participants and hosts discussed law enforcement accountability, school equity and discipline, and other reform and implementation priorities.

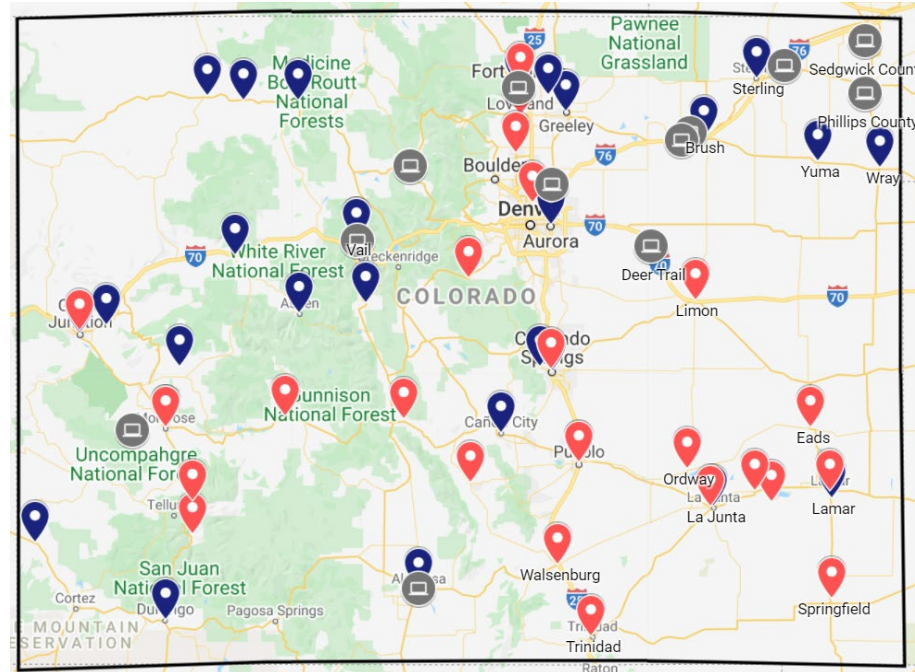
### Connecting with rural Colorado

This year, the department announced two grant awards to address long-standing economic and workforce issues in rural parts of the state.

The department awarded a [\\$500,000 grant](#) to Colorado Northwestern Community College (CNCC) to start a cybersecurity degree program. The grant will support efforts to build talent in the growing field of cybersecurity and support economic development in Northwestern Colorado.

The department also launched the [Colorado Partnership for Education and Rural Revitalization](#) (COPERR) to address the housing challenges Southeastern Coloradans have faced for years. COPERR was designed to both revitalize rural housing and support construction training programs at community colleges in Southeastern Colorado. The up to \$5 million grant will go to Trinidad State Junior College, Lamar Community College, and Otero Junior College to develop skilled trades programs, address labor shortages, and increase affordable housing availability in Southeastern counties.

Attorney General Weiser travel



Attorney General Weiser continued to prioritize safe, in-person engagement across the state throughout 2020, adapting to new social distancing and safety requirements in order to hold public events across rural Colorado like those in Baca, Bent, Chaffee, Custer, Huerfano, Las Animas, Montrose, Ouray, and Park counties, among others. Attorney General Weiser also held public forums in Alamosa, Grand, Logan, and Phillips counties, among others. These events featured discussions about priority topics for Coloradans in those counties, including the COVID-19 pandemic, its economic impact and response, education and broadband access, land, air, and water protection, and the response to Colorado’s opioid epidemic.

### Connecting with Latino communities

The OCE works to engage all of Colorado’s communities. As a part of this mission, the office has focused on bilingual engagement with Spanish-speaking Colorado. In 2020, the OCE organized events with four Spanish-speaking consulates and ensured our Spanish-speaking residents received Spanish-language consumer alters, advisories, civics lessons, and many other materials.





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.

Throughout the COVID-19 pandemic, Safe2Tell remains available for students and community members to report school-related safety concerns. Although tips have decreased, likely due to delayed school openings and distance learning practices as a result of the COVID-19 pandemic, continued use of the program shows its value to our state’s residents even while school buildings are not in use.

**Outreach**

In 2020, Safe2Tell developed a [series of outreach videos](#) designed to highlight the vital function and the continuing availability of the program, and remind students and communities across Colorado: we’re here for you, even during the COVID-19 pandemic.

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.



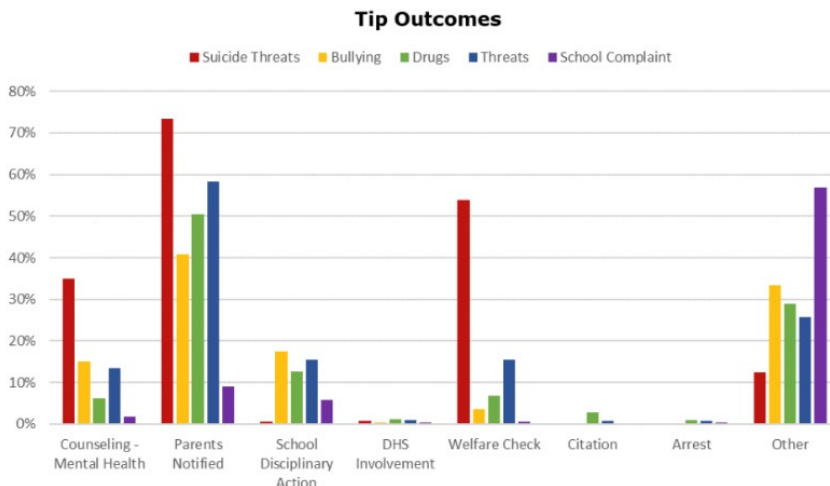
*Click above to watch one of Safe2Tell's 2020 outreach videos.*

**2019-2020 school year**

Safe2Tell’s [annual report for the 2019-2020 school year](#) provides an overview and analysis of tip data submitted to Safe2Tell during the previous school year and includes recommendations on how to improve the program.

From Aug. 1, 2019, through July 31, 2020, Safe2Tell received a total of 20,822 tips, and 91.8% of those were actionable tips—excluding test tips, duplicate reports, pranks, and hang-ups. This is a 7% decrease in the number of tips received compared to the 2018-2019 school year, following continuous increases in tip volume for the past several years. Monthly tip volume began to decrease in March of 2020 as schools transitioned to online learning due to the COVID-19 pandemic.

Tips regarding suicide (3,821), drugs (1,468), and bullying (1,286) continue to be the top threats reported to Safe2Tell. The highest volume of reports was submitted via phone (30%), followed by mobile browser (25%), mobile app (25%), and web browser (18%). Of the 20,822 tips received by the program, 356 were self-reports. Of those, 137 were mental health related, and 219 were other concerns.





# ADDRESSING THE OPIOID EPIDEMIC



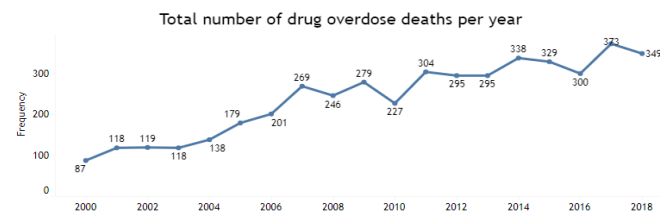
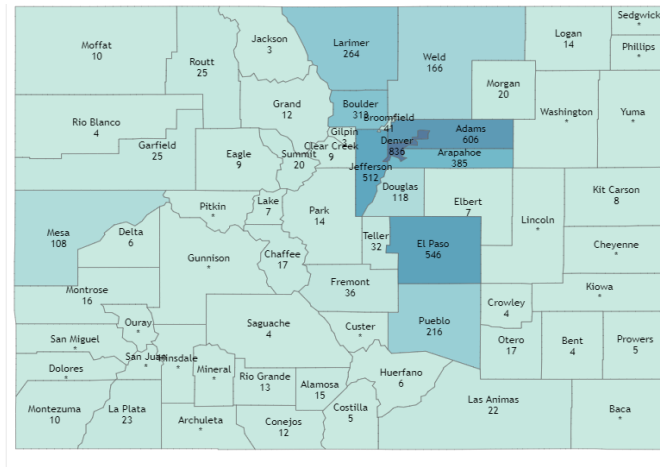
Colorado communities and families have suffered greatly from the opioid epidemic—and that impact has been exacerbated by the COVID-19 pandemic as the losses caused by this crisis become more acute. Due to social isolation and work and family related stressors, including income loss, work-family imbalance, excessive unstructured time, and cancellation of in person treatment and recovery meetings, opioid and other substance-related overdose deaths [have increased](#). Colorado’s urgent need to address this epidemic is clear, and the department will continue to address it by holding bad actors accountable and developing strategies in partnership with communities statewide.

## Halting those who would profit from the opioid epidemic

As our state’s residents feel daily the strain of this crisis, our department continues to hold those responsible for the epidemic accountable.

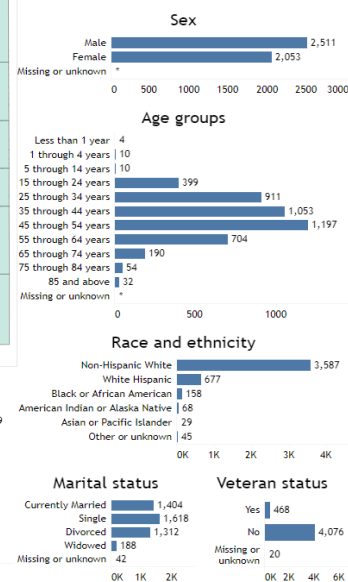
After a two-year investigation, our department led 47 states and 5 territories to reach a [\\$573 million national settlement](#) with McKinsey & Company for its role in turbocharging the opioid epidemic with Purdue Pharma.

The filing in Denver District Court described how McKinsey contributed to the opioid crisis by promoting marketing schemes and consulting services to opioid manufacturers, including OxyContin maker Purdue Pharma, for over a decade. [The complaint](#), filed with the settlement, detailed how McKinsey advised Purdue on how to maximize profits from its opioid products, including targeting high-volume opioid



## Total number of drug overdose deaths among Colorado residents:

4,564



*Click the map above for opioid overdose data in your region.*

prescribers, using specific messaging to get physicians to prescribe more OxyContin to more patients, and circumventing pharmacy restrictions in order to deliver high-dose prescriptions.

Colorado will receive nearly \$10 million from the settlement, the first substantial opioid recovery funds that the state will receive to address the epidemic.

Our department also announced [a global settlement framework agreement](#) between state attorneys general, local subdivisions, and the opioid manufacturer Mallinckrodt (MNK), its subsidiaries, and other affiliates. Under the new settlement, MNK will pay \$1.6 billion into a trust that will go to the states to address the opioid epidemic. MNK is currently the largest generic opioid manufacturer in the United States.

Funds resulting from these and other legal settlements or litigated judgments will offer Colorado a unique opportunity to foster innovative state, regional, and local partnerships to abate the opioid epidemic and help those suffering from an opioid use disorder and related substance use disorders or mental health conditions.

Our department continues to collaborate with local government partners to create a regional network plan, which will be the basis for distributing dollars received from these settlements into our communities.

### **Protecting public safety through combating illegal drug trafficking**

Drug interdiction efforts are also a crucial element of addressing the opioid epidemic in our state. To that end, our department, in partnership with the Drug Enforcement Administration (DEA), Arvada Police Department, and other partners, announced [the dismantling of an international drug-trafficking ring](#) and a related money laundering enterprise that operated throughout Colorado.

The investigation, which launched in March 2019, uncovered a thriving market for illicit controlled substances, including heroin and counterfeit oxycodone pills containing fentanyl. Nationwide, as well as here in Colorado, synthetic opioids like fentanyl, are the primary drivers of the recent increase in opioid overdose deaths in the U.S. before and during the COVID-19 pandemic according to [reports](#) from the Centers for Disease Control and Prevention.

At the end of 2020, the Colorado Statewide Grand Jury had indicted 64 defendants for felony drug trafficking violations.

The investigation also recovered:

- 77,000 counterfeit oxycodone pills (containing fentanyl)
- 250 pounds of methamphetamine
- 60 pounds of heroin
- \$931,000 in U.S. currency and 19 vehicles valued at \$229,000

In the last 20 years in Colorado, nearly 5,000 Coloradans died from a prescription opioid overdose. More than 900 of those deaths were due to synthetic opioids that included fentanyl. That number rose sharply in recent years, from 49 deaths in 2016 to 220 in 2019, according to the Colorado Department of Public Health and Environment.





# IMPROVING CRIMINAL JUSTICE AND PROTECTING PUBLIC SAFETY



The department is 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 public safety.

Through the work of attorneys and staff in the [Criminal Justice Division](#) and Peace Officer Standards and Training (POST) Board, 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, working to ensure all Coloradans are protected and treated fairly under the rule of law.

## **Conducting an investigation worthy of the public's trust**

Under an executive order, our department was tasked with conducting an independent investigation into the death of Elijah McClain, who died after being taken into custody by the Aurora Police Department in August 2019.

We have now opened a grand jury investigation. The grand jury is an investigative tool that has the power to compel testimony from witnesses and require production of documents and other relevant information that would otherwise be unavailable.

Our office has also been investigating patterns and practices of the Aurora Police Department that might deprive individuals of their constitutional rights under state or federal law. This patterns and practices investigation, authorized by SB20-217, is in addition to a separate investigation the office is conducting into the death of McClain.

## **Protecting Coloradans from auto theft**

In 2020, the Special Prosecutions Unit successfully prosecuted a large group of suspects who were engaged in organized and repetitive auto theft activity and related criminal behaviors. The prosecutions spanned five judicial districts within Colorado, incorporated the work of 20 law enforcement agencies, and identified hundreds of victims and over \$800,000 worth of stolen vehicles.

Following the state grand jury returning a 161-count indictment against 10 defendants, five indicted defendants were charged with violating the Colorado Organized Crime Control Act (COCCA). The cases were subsequently prosecuted in partnership with the District Attorney's Office for the First Judicial District.

Throughout 2020, several defendants entered plea agreements. The Colorado Auto Theft Investigators awarded this case the Investigation of the Year Award for 2020.

## **Holding fraudulent actors accountable Financial Fraud**

Colorado citizens are swindled out of millions of dollars each year through securities fraud. Our aging population is often specifically targeted by those seeking to perpetrate investment crimes, and the resulting losses to retirement funds and life savings can be catastrophic

The Criminal Justice Division's Financial Fraud Unit is recognized for its expertise on prosecuting securities fraud crimes and works on many high-profile cases. Notable cases from the past year include the following:

- ***People v. Shawn King***: As an investment advisor, the defendant stole approximately \$300,000 from his clients, which he put towards personal expenses. The defendant pleaded guilty to multiple counts of securities fraud and tax evasion.
- ***People v. Raymond Kim***: The defendant, the owner of several small businesses, used investment funds for personal expenditures and defrauded his investors of one quarter million dollars. The defendant pleaded guilty to securities fraud.
- ***People v. James Lindell***: After using investment funds for personal use, the defendant pleaded guilty to one count of securities fraud.

Insurance fraud is also an issue the department enforces against. Residents pay millions of dollars annually in insurance premiums. When insurance fraud occurs, those costs are not only borne by the insurance companies but are passed on to Colorado citizens in the form of higher premiums and insurance costs. Notable cases our department prosecuted from the past year include:

- ***Tia Bond***: The defendant submitted several fraudulent documents in support of an insurance claim for lost pension benefits totaling nearly \$1.4 million related to injuries suffered in an automobile accident. The defendant pleaded guilty to insurance fraud.
- ***People v. Harinder Singh***: The defendant made two false claims to recover his car that had been impounded by police. First, he claimed that he was in a car accident. Then, the defendant claimed his care was stolen. Ultimately, the defendant pleaded guilty to insurance fraud.

## **Halting fraudulent billing by Medicaid providers and protecting Medicaid patients**

The Colorado Medicaid Fraud Control Unit (COMFCU) was first formed in 1978 and is tasked with protecting the integrity of the system that provides health care to the most vulnerable Coloradans. In furtherance of this mission, the work of the COMFCU focuses on two areas: the investigation and prosecution of abusive, wasteful, or fraudulent billing by Medicaid providers; and the abuse, neglect, and exploitation of patients.

COMFCU receives most of its fraud referrals from the public and from medical professionals. As a result, the investigations are worked from the ground up and involve a significant number of interviews which must often be conducted in person. The abuse, neglect, and drug diversion cases that are investigated and prosecuted generally require the ability to interview residents of medical facilities, as well as the ability to visit those facilities to conduct staff interviews and to collect evidence. Despite the challenges that COVID-19 created for both the investigation and litigation of both types of cases, the Unit was able to successfully close 117 cases.

# By the numbers

Jan. 1, 2020-Dec. 31, 2020 Colorado Medicaid Fraud Control Unit cases

\$5,430,796.04

Total recoveries



493

Active cases



144

New cases



117

Cases closed



20

Criminal cases filed



11

Criminal cases sentenced



18

Civil cases settled



Another high point of 2020 was the addition of a full-time criminal investigator based permanently in Grand Junction. The addition of this investigator extended the outreach efforts of the unit as well as enhanced our partnerships with law enforcement agencies on the Western Slope. This has resulted in the opening of several investigations and the filing of three criminal cases in Mesa County.

## Criminal Appeals

The [Criminal Appeals Division](#) 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 Division range from relatively minor sentencing and post-conviction appeals to complicated white-collar crime, homicide, child abuse, and sexual assault

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

Criminal Appeals Division 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

## By the numbers:

Important number's from the Criminal Appeals Division's 2020 work

966

appeals opened in 2020.



973

briefs filed by the criminal Appeals Section.





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.

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

The Criminal Appeals Division also provides recent law school graduates with the opportunity to work with some of the state’s most experienced appellate lawyers 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.

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.

Working in the Criminal Appeals Division offers Carr Fellows opportunities not always afforded to young lawyers, like working their own cases, writing briefs, and conducting oral arguments—thereby helping build a new class of qualified attorneys for public sector legal roles.

*“The Carr Fellowship provides a unique opportunity to work on high profile cases and to develop advocacy skills. I have worked with senior attorneys on United States Supreme Court litigation and multistate litigation to ensure that the votes of every Coloradan are counted. And I have had autonomy in criminal appellate cases, writing over twenty answer briefs and orally arguing four cases before the Colorado Court of Appeals.”*

—Danny Rheiner, Carr Fellow 2020



# PEACE OFFICER STANDARDS AND TRAINING (POST)



The Colorado POST Board documents and manages the certification and training of all active and reserve peace officers working for Colorado law enforcement agencies. The POST Board ensures state standards for peace officer training and certification remain realistic, relevant, and responsive to modern community needs.

### Ensuring high quality standards for law enforcement professionals

Throughout 2020, 959 POST basic certifications were issued. Additionally, during its final 2020 quarterly meeting, the [Colorado POST Board revoked the certifications of six peace officers](#) for knowingly making untruthful statements while conducting their official duties. It is the first time the Board has decertified officers for untruthfulness under the recently enacted Senate Bill 19-166.

### Helping to create, support, and promote continued learning opportunities

Several new trainings for members of law enforcement were added in 2020, including:

- Standard Field Sobriety Test Refresher training;
- Law Enforcement Integrity training (as a result of the passage of Senate Bill 20-217);
- Vehicle Identification Number Inspector Renewal training; and
- Support for Peace Officers: Use of Force and Preparing for Traumatic Experiences.

The POST Grants Program, which allocates money to local government, colleges, universities, and nonprofits to fund peace officer training programs, created three new grant programs to fund trainings:

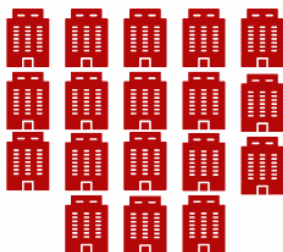
1. The Capital Improvement Training Grant Program to improve law enforcement training facilities in Colorado.
2. The Public Safety Leadership Development Grant Program to grant scholarships to 30 peace officers who wish to attend one of the Public Safety Leadership Development Programs hosted by the Daniels College of Business.
3. The Rural and Small Academy Scholarship Grant Program established under House Bill 20-1229 to provide scholarships to law enforcement agencies in rural and smaller jurisdictions with limited resources. Funding is available to assist rural agencies for peace officer candidate tuition costs to attend an approved basic law enforcement training academy. In 2020, the granting board awarded a total of \$103,364 through the program.

## By the numbers:

Important numbers from POST's 2020 work

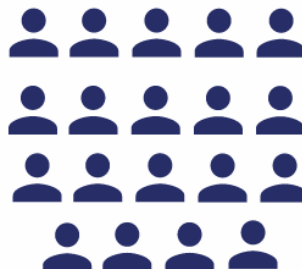
18

agencies assisted by a new Capital Improvement Grant to help improve law enforcement training facilities.



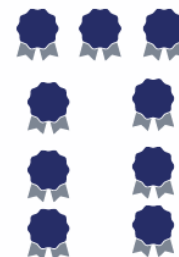
19

peace officer certifications revoked in 2020.



959

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





# PROTECTING CONSUMERS



Protecting consumers is one of our department's primary responsibilities and priorities, and we redoubled our efforts in 2020, when Colorado residents were already facing a variety of threats to their well-being.

## Enforcing antitrust laws

The department took the lead on challenging anticompetitive conduct at several large technology companies. Enforcing antitrust laws in the digital realm is critical to ensure an open marketplace and protect consumers against unlawful mergers, anti-competitive conduct, and violations of their privacy.

Attorney General Weiser led a bipartisan coalition of 38 state attorneys general in [filing a lawsuit](#) in December against Google, LLC for anticompetitive conduct in violation of the Sherman Act. The lawsuit alleges that Google illegally maintains its monopoly power over general search engines and related advertising markets through a series of anticompetitive contracts and conduct. Specifically, the lawsuit alleges that Google enters into exclusionary contracts that shut potential competitors out of distribution channels, denies interoperability with competing search advertising firms, and limits consumers' access to information.



As a result, consumers are denied the benefits of competition, including the possibility of higher quality services and better privacy protections, and advertisers are harmed through lower quality and higher prices that are, in turn, passed along to consumers. The lawsuit asks the court to halt Google's illegal conduct and unwind any benefits it may have accrued from its unlawful conduct, including asset divestiture.

Our department also played a leading role in another [multistate antitrust lawsuit](#) challenging Facebook's illegal monopoly. The lawsuit alleges that, to insulate itself from any competitors, Facebook either acquired growing rivals or blocked their access to Facebook. Then, once there were no alternatives, Facebook subjected its users to a host of invasive data-gathering and -sharing techniques to further its business interests. To remedy that anti-competitive conduct, the states are asking the court to divest the acquired companies, block the company from continuing its behavior in the future, and impose any other remedies the court may deem appropriate.

## Protecting public health of young and vulnerable consumers

In the interest of protecting consumers, especially youth, against the vaping epidemic, the department [filed a lawsuit](#) against JUUL Labs, Inc. The lawsuit is the result of a nearly yearlong investigation into JUUL the department announced in August 2019. The complaint alleges that from 2015 to the present,



## HOLDING TOBACCO AND VAPING COMPANIES ACCOUNTABLE

Department staff also took steps to respond to the unlawful business practices of tobacco and vaping companies. First, the department ensured that Colorado received \$82,359,389.24 for its 2020 Tobacco Master Settlement (MSA) Payment. These payments go to several programs, like the Nurse Home Visitors Program, that improve the lives of thousands of Coloradans each year. Department staff worked collaboratively with 52 jurisdictions under the MSA to share best practices, fight illicit trade in cigarettes and tobacco products, and raise awareness on public health issues such as characterizing flavors in tobacco products, brand name advertising, graphic warning labels, and depictions of smoking in entertainment.

JUUL, which develops and markets e-cigarettes, targeted youth with deceptive advertising that downplayed its ultra-high, addictive nicotine concentration and the related health risks, and falsely suggested its usage as a healthy alternative to smoking cigarettes, thereby violating the Colorado Consumer Protection Act.

In another consumer outreach effort, initiated by the General Assembly, the department posted a survey and shared it with Colorado residents to learn what barriers Coloradans face in receiving the life-saving insulin they need. The department [released a report](#) based on survey responses and other research detailing those barriers and providing recommendations for how to make the vital drug more affordable and accessible. Insulin prices rose by an inflation-adjusted 262% between 2007 and 2018 in Colorado. As a result, more than 40% of Coloradans who responded to the department survey reported having rationed their insulin at least once a year to save on costs. Some respondents also reported that, in some cases, they even chose to fast as a means of managing their blood sugar levels.

### **Protecting consumers from deceptive business practices**

Combating deceptive business practices is a crucial aspect of the department's efforts to protect consumers. Doing so is more important than ever during the ongoing pandemic, which has strained the finances of so many Coloradans.

In several cases, the department's Business & Licensing Division successfully took on bad actors—both businesses and individuals—trying to unfairly advantage of Colorado consumers. For example, the Division's Financial Unit represented the Securities Commissioner in an interstate fraud lawsuit that was joined by 29 other states and the U.S. Commodity Futures Trading Commission against Metals.com, a precious metals seller that cost elderly investors up to half their retirement savings by persuading them to convert their retirement accounts to precious metals. The Financial Unit also helped restore \$20 million to investors by representing the Securities Commissioner in the settlement of a securities fraud case that involved a \$100 million Ponzi scheme.

The Business & Licensing Division also challenged substandard healthcare practices. The Division's Dental Unit successfully prosecuted the license of a

dentist who engaged in false billing for limited-English language patients who received substandard dental implant treatments. The Division's Nursing Unit prosecuted the certification of a nurse midwife who provided substandard care to two patients by failing to recognize high-risk factors during labor and delivery, resulting in infant death. This Unit also secured a permanent ban from the funeral home industry of the operator of seven funeral home facilities in mountain communities where inspectors had found unsafe and unsanitary conditions, including the presence of biological waste from improperly handled corpses.

# Student Loan Debt Relief & Repayment Scams

Approximately 743,900 Coloradans owe over \$26.7B in federal student loans. During uncertain economic times, unscrupulous people may try to take advantage of you - don't let them!

Publication Date: May 26, 2020

Do	Don't
<ul style="list-style-type: none"> <li>Reach out to your servicer if you expect you won't be able to make your student loan payments.</li> <li>Get the most up-to-date information from your servicer or reliable sources such as a governmental agency.                             <ul style="list-style-type: none"> <li>Colorado Attorney General's Office</li> <li>US Department of Education</li> <li>Consumer Financial Protection Bureau</li> <li>Federal Trade Commission</li> </ul> </li> <li>Do your research before signing any document or giving money to someone you don't know.</li> <li>Check the status of your federal student loans through the National Student Loan Database System at <a href="https://nslds.ed.gov/nsas">nslds.ed.gov/nsas</a></li> <li>Walk away from anyone who pressures you to pay before they help, demands monthly service fees, or rushes you into signing anything.</li> <li>Be cautious before accepting unsolicited offers or help from people or companies you don't know.</li> <li>File a complaint with the Colorado Attorney General's Office if you find out about a scam at <a href="https://www.StopFraudColorado.gov">StopFraudColorado.gov</a>.</li> </ul>	<ul style="list-style-type: none"> <li>Don't be fooled by people pretending to be from the government or your servicer; only call phone numbers and visit websites you know are correct.</li> <li>Don't give money to people who promise to forward your loan payments to your servicer. They likely will keep your money and leave your bills unpaid.</li> <li>Don't provide anyone with any personal information, give them access to your finances or NSLDS account, or sign documents allowing others to take actions on your behalf.</li> <li>Don't believe people who make promises to get your loans immediately forgiven or cancelled. If it sounds too good to be true, it probably is.</li> </ul>



The Attorney General does not serve as legal counsel or advisor or provide legal advice, interpretation, or counsel to private citizens. Any information in this document constitutes only general statements and is not intended to serve as legal advice for any personal or specific situation.

If you notice any scams, fraud, price gouging, or other attempts to take advantage of Coloradans during this public health emergency, contact Stop Fraud Colorado at 800-222-4444 or [www.StopFraudColorado.gov](https://www.StopFraudColorado.gov).

Click above image to view full size.

## Protecting student loan borrowers

The rising levels of student debt is creating stress and challenges for many Coloradans. Our office has [several programs](#) to protect these borrowers— an ombudsperson who takes complaints from student loan borrowers and provides guidance; and a regulatory program providing licensing and supervision over student loan servicers.

Last year, the department halted unscrupulous lenders providing student loans to borrowers under false pretenses and defended states' ability to continue enforcing student consumer protection laws against student loan servicers.

In March 2020, our department [secured a settlement](#) that resulted in forgiveness of \$1.2 million in private loans taken out by Art Institute of Colorado students who were misled about the school's accreditation. In August, our department facilitated the refund of an additional \$66,000 that those students had paid on their loans.

This followed on the heels of our successful group application to the U.S. Department of Education seeking discharge of Art Institute students' federal student loans, resulting in more than \$10 million discharged, affecting Colorado and Illinois Art Institute students.

In another 2020 case, a Denver District Court judge ordered CollegeAmerica to pay \$3 million in civil penalties to the state and forgive loans after the nonprofit school was found to have deceived students.

CollegeAmerica overstated to students their future potential earning capacity, which careers may be available to graduates, graduate employment rates, and availability of certain training and certifications. The school also overstated the affordability of its institutional loan, EduPlan, misleading students to incur thousands of dollars in debt. Our litigation stopped this predatory behavior.

In order to continue protecting student loan borrowers from such practices, Colorado joined a bipartisan coalition in 2020 in defending the states' ability to enforce 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 argued that the case brought by the Commonwealth of

## By the numbers

Consumer complaints in 2020

23.5%

The percent complaints and inquiries received by the Consumer Protection Division Intake Unit increased from 2019-2020, from 8,649 to 12,130.



662

The number of complaints consumers made in 2020 about airlines.



638

The number of complaints consumers made in 2020 fraudulent or unwanted telephone calls (robocalls).



Pennsylvania against student loan servicer Navient for exploiting student loan borrowers should be permitted to go forward in the federal courts.

### **Listening to Colorado consumers**

Last year, consumers filed a record-breaking 12,130 complaints and inquiries with the Consumer Protection Division. The top 10 consumer complaints and inquiries our department received in 2020 was regarding airlines' responses to upended travel, robocalls, and pandemic purchase scams.

### **Getting consumers their money back and ensuring fair lending practices**

When Coloradans seek out a loan, they should be able to trust that they are being treated fairly.

Last year, our department [reached a settlement](#) in two precedent-setting lawsuits involving Colorado's right to enforce its interest rate limits on consumer loans to protect residents from predatory lending practices.

Under federal law, certain out-of-state banks can lend in Colorado at interest rates that exceed Colorado's limits. The Attorney General brought an action against non-banks Avant and Marlette for having illegally partnered with two out-of-state banks—WebBank and Cross River Bank, respectively—in a scheme to “rent” those banks' ability to lend above Colorado's rate limits.

Under the settlement, WebBank, Cross River Bank, and all of their non-bank partners, including Avant and Marlette, agreed to provide Colorado consumers with certain protections to ensure that they are making true banks loans. Additionally, they committed to not offer loan products to Colorado consumers at rates above 36% and to provide consumers with other protections required by Colorado law. In addition, non-bank partners will maintain a Colorado lending license.

The companies agreed to pay \$1,050,000 to the State of

Colorado for consumer protection efforts consistent with the settlement agreement. Furthermore, the companies will make a \$500,000 contribution to the MoneyWi\$er program, a partnership between the Department of Law and the Colorado Department of Education that supports K-12 financial education in Colorado.

Our department held another bank, Wells Fargo, accountable in 2020 for not refunding customers who purchased guaranteed automobile protection (GAP) insurance. GAP is often sold to car buyers who finance their purchase. If a buyer's car is totaled in an accident, the buyer's insurance typically pays only the fair market value of the car, which can be less than the amount owed on the buyer's loan.

GAP applies in that situation to cancel, or pay off, the remaining balance owed on the loan. Borrowers pay the full GAP fee when they buy the car, but if the borrower pays off the loan early, or if the car is repossessed before the loan is paid off, the borrower should receive a refund of the unearned portion of the GAP fee.

Through a multi-year multistate effort, Colorado investigated Wells Fargo for not refunding unearned GAP fees owed to consumers in Colorado and other states. Colorado entered a multistate settlement



*Click above to watch a video released during National Consumer Protection Week.*



with Wells Fargo that required the bank to refund unearned premiums to Colorado consumers, either in the form of cash payments or account credits.

Late last year, Wells Fargo completed and confirmed the total of those refunds. In total, Wells Fargo refunded \$9,580,950.36 on 51,434 accounts to Colorado consumers. These refunds are in addition to refunds Wells Fargo made to consumers in certain other states totaling \$82.4 million.

Our department is currently focused on ensuring that Colorado consumers are receiving GAP refunds, and that Wells Fargo and other institutions comply with the law.

### **Protecting consumers from hazardous products**

While much of our department's work includes protecting consumers from being taken advantage of financially, we also work to hold businesses accountable for prioritizing profit over consumer safety.

In 2020, our office announced that the State of Colorado received \$1,590,271 from an [\\$85 million multistate settlement](#) with American Honda Motor Co., Inc. and Honda of America Mfg., Inc., over [allegations](#) Honda concealed safety issues related to defects in the frontal airbag systems installed in certain vehicles sold in the United States. The systems were designed and manufactured by Takata Corporation, a long-time Honda supplier, and were first installed in Honda vehicles in the 2001 model year.

The settlement, reached between 43 state attorneys general and the District of Columbia and Honda, concludes a multistate investigation into Honda's alleged failure to inform regulators and consumers that the frontal airbags posed a significant risk of rupture, which could cause metal fragments to fly into the passenger compartments of many Honda and Acura vehicles. The ruptures resulted in at least 14 deaths and over 200 injuries in the United States alone.

### **Addressing unfair bidding practices**

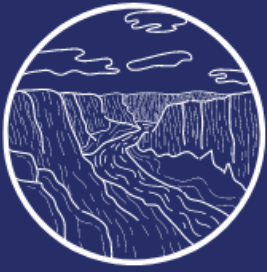
As many Coloradans were left [vulnerable to homelessness](#) during the COVID-19 pandemic, our department negotiated support for a housing project.

After a months-long investigation, our department reached an [agreement with Mortenson Company](#) and several individual employees involving their alleged role in a bid-rigging scheme related to the City and County of Denver's plans to upgrade and expand the Colorado Convention Center. [Under the agreement](#), Mortenson paid \$650,000 to the State and donated its construction services to help build a [tiny home village](#) for women and transgender individuals experiencing homelessness.



[StopFraudColorado.gov](http://StopFraudColorado.gov) is a website for the attorney general's office's Consumer Protection Division that is designed to emphasize consumer protection outreach and makes it easier for Coloradans to avoid becoming a victim of fraud, while streamlining the process for filing fraud reports. If you notice any scams, fraud, price gouging, or other attempts to take advantage of Coloradans, contact Stop Fraud Colorado at 800-222-4444 or [www.StopFraudColorado.gov](http://www.StopFraudColorado.gov).

Si notas cualquier estafa, fraude, aumento abusivo de precios u otros intentos para aprovecharse de la gente de Colorado, comuníquese con Stop Fraud Colorado al 800-222-4444 (opción 9) o visite [www.StopFraudColorado.gov](http://www.StopFraudColorado.gov) y seleccione "en español".



# PROTECTING OUR LAND, AIR, AND WATER



In the face of climate change and its effects on Colorado, the department is diligent in preserving and protecting Colorado's natural resources. Protecting our land, air, and water and creating a clean energy future remains a top priority.

## Protecting Colorado's water

The department is committed to securing a constructive water future for Colorado and its surrounding states through dialogue and collaboration. For over a year, attorneys in the Environment and Natural Resources Division's Colorado River Unit engaged in collaborative discussions with our fellow Colorado River Basin states over Utah's proposed Lake Powell Pipeline Project. While the discussion is ongoing, the Division remains focused on reaching a seven-state solution.



*Horn Creek*

Additionally, the Division successfully litigated several important cases to preserve water access for current and future Coloradans. In April, a ruling by the Colorado Supreme Court protected water flow for irrigators in the San Luis Valley, and in June and November, the Supreme Court enhanced the Colorado Division of Water Resources' authority to protect water rights and preserved Colorado's anti-speculation protections. We will continue to defend the state's sovereignty and guarantee water access for future generations.

In another effort to protect Colorado's water in 2020, our department [filed a lawsuit](#) in federal district court in Denver to protect Colorado's streams and wetlands from a dangerous federal rule that would leave them vulnerable to pollution under the Clean Water Act.

By radically changing how the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers define "waters of the United States" protected under the Clean Water Act, the new 2020 rule will leave a substantial portion of Colorado's streams and wetlands without federal protection and jeopardize the integrity and quality of Colorado's waters.

Through the lawsuit, Colorado asked the court to stop the new, unlawful rule from going into effect and reinstate the Revised Guidance on Clean Water Act Jurisdiction Following the Supreme Court Decision in *Rapanos v. U.S. and Carabell v. United States* (2008 guidance). While the court halted the rule from going into effect in Colorado, the 10<sup>th</sup> Circuit Court of Appeals reversed that decision. Colorado will work

with the new federal administration to protect Colorado’s streams and wetlands, protect state sovereignty over water rights administration, and promote predictability for Colorado water users.

In Colorado, the General Assembly also passed [House Bill 20-1143](#), which increased penalties for people and businesses who violate our state’s water and air quality regulations. While previous state law set most air quality violations at \$15,000 per day and most water quality violations at \$10,000 per day, the bill raised the maximum fine in the state to \$47,357 per day for air quality violations and \$54,833 per day for water quality violations. It also directed the Air Quality Control Commission and CDPHE to annually adjust that maximum fine based on changes in the consumer price index. This bill was supported by the department as a necessary step forward to further discourage air and water quality violations.

### **Air and climate**

The department is committed to ensuring oil and gas produced in Colorado will be produced in a manner that protects public health and welfare while creating jobs and economic opportunity for residents.

In 2020, the Air Quality Unit worked with the CDPHE to develop, adopt, and implement greenhouse gas reporting and reduction regulations, a step toward meeting a legislatively mandated greenhouse gas reduction goal. The Unit also assisted CDPHE with establishing guidance for utilities to use in calculating the emissions needed to satisfy clean energy plan requirements.

In an effort to reduce emissions from the transportation sector, Colorado joined a multistate coalition in [filing a lawsuit](#) challenging the federal government’s final rule rolling back the national clean car standards.



*Cars drive on a Colorado road.*

In 2010, the EPA, states, and automakers established a unified national program harmonizing improvements in fuel economy and reductions in greenhouse gas emissions from passenger cars and light trucks and then applied those standards to vehicle model years 2017-2025. The previous administration took its first step toward dismantling the national clean car standards in 2018, alleging that the standards were no longer appropriate or feasible despite the fact that the auto industry was on track to meet those standards.

On March 31, 2020, the EPA announced its final rule rolling back the clean car standards. The rule takes aim at the corporate average fuel efficiency standards, requiring automakers to make only minimal improvements to fuel economy on the order of 1.5% annually instead of the previously anticipated annual increase of 5%. The rule also diminishes the requirements to reduce vehicles’ greenhouse gas



emissions, allowing hundreds of millions of metric tons of avoidable carbon emissions into our atmosphere over the next decade.

The current administration indicated its intent to reverse this rule, and the President signed an executive order in January 2021 calling for a revision to fuel economy standards.

Attorneys in the Resource Conservation Unit also worked closely with Colorado Oil and Gas Conservation Commission (COGCC) staff to protect public health, safety, and the environment by implementing the broad mission change mandate in Senate Bill 19-181 which shifted the mission of the COGCC from fostering oil and gas development to regulating such development in the interest of public health and safety.

The Air Quality Unit throughout the year defended the state's authority to protect public health and the environment. The Unit represented CDPHE in negotiating the settlement of its enforcement actions against Suncor Refinery for a host of significant violations and assisted in securing landmark remedies including new and enhanced emissions testing and monitoring, an approved community communications plan, and a committee to develop plans for funding supplemental environmental projects.



*The view near Morrison, Colorado*

### **Working together toward clean energy**

In 2020 the Public Utilities Commission (PUC) Unit continued its representation of the Colorado PUC commissioners, advisors, and staff. The Unit assisted the PUC in developing and promulgating long-awaited natural gas pipeline safety rules enabling gas pipeline operators in Colorado to operate more efficiently and safely. The Unit also represented the PUC at the Colorado Supreme Court, defending a decision that permitted Black Hills Electric to site wind turbines in San Isabel Electric, Inc.'s operating territory and provide the power necessary to maintain the wind generators when not generating electricity.

In addition, the Unit worked tirelessly on Xcel Energy's Transportation Electrification Plan. After a lengthy hearing and a six-hour deliberation, the PUC approved Xcel Energy's \$110 million

investment in new electric vehicle infrastructure and programs. The commission emphasized supporting programs that benefit lower-income households and communities impacted by transportation pollution, including a rebate for low-income customers to purchase electric vehicles to ensure that the benefits of electrification are broadly shared. Under the approved program, Xcel Energy will deploy approximately 20,000 electric vehicle charging stations across Colorado. The plan is the first full-scale electric vehicle infrastructure program approved in the state, and it helps Colorado stake out its place among states leading the charge on electrifying the transportation sector.

In addition to the Unit's representation of the PUC commissioners, other Divisions represented the PUC Trial Staff, Office of Consumer Counsel, and Governor's Energy Office in these proceedings.



## Colorado's outdoors

In Colorado, our public lands are critical to our quality of life and economy.

Our department joined the Department of Natural Resources in [filing a lawsuit](#) in Colorado federal court challenging the approval of the U.S. Bureau of Land Management's Resource Management Plan for the Uncompahgre Field Office. The Uncompahgre Resource Management Plan, finalized in April 2020, governs mineral extraction and other land use activities on federal lands spanning five counties in southwestern Colorado.

Colorado protested the proposed plan in 2019, but the Bureau ignored that protest when it finalized the Resource Management Plan. In the lawsuit, our department and the Department of Natural Resources contended that the plan should be invalidated because the approval of the plan by an unconfirmed appointee since the appointee he was never confirmed by the U.S. Senate and he served as acting Bureau director beyond the lawful time limit in law.

Colorado's lawsuit follows a recent ruling in a federal lawsuit in Montana that invalidated two Resource Management Plans and a plan amendment that were approved based on a similar unlawful protest resolution by the former Bureau director.

The Natural Resources and Environment Division in 2020 also advised the Colorado Division of Parks and Wildlife on the opening of [Fisher's Peak State Park](#), Colorado's newest, nearly 20,000-acre park. The park is another resource that Colorado residents can enjoy, and our Division will continue to ensure that our public lands are defended under the law.



*Fishers Peak*



# ADMINISTRATION



In 2020, our department worked internally to modernize existing systems and processes to improve employee productivity and efficiency to better serve the people of Colorado.

This year, our department revamped the underlying platform and technology of the licensing and complaint management system, enabled the entire department workforce of about 525 employees overnight to work remotely in response to the COVID-19 pandemic, and updated our employee evaluation system to ensure we continue to grow and improve as public servants.

## **Modernizing the department complaint system**

The department receives hundreds of complaints, requests, and queries monthly from multiple sources including via the internet, email, and telephone. These communications historically were handled in a primarily manual manner, making it challenging for department staff to respond as efficiently as possible.

To ensure continuity of services, the department started the process to overhaul the technology and platform of its licensing and complaint management system. By modernizing with a new database platform and application, we will increase internal efficiencies and improve the overall user experience when interacting with consumers. The work is ongoing and expected to be completed by the end of the fiscal year.

## **Enabling department staff to work remotely during the pandemic**

The department's Information Technology team reacted swiftly in response to the COVID-19 stay-at-home order in March of 2020 to enable our employees to work from home with very little notice.

The team quickly activated the Disaster Recovery Plan and other systems which included:

- Allowing employees to securely utilize personal computers during a mass evacuation event;
- Pre-deploying seamless Virtual Private Network technology on laptops to increase security for our employees and clients; and
- Supporting four times the usual number of helpdesk tickets and phone calls to quickly enable employees to work from home.

## **Professional growth and development**

In 2020, the department transformed its performance evaluation system by implementing a new goal setting and evaluation system focused on talent development, coaching, and offering more frequent feedback. This will help department's legal professionals deliver excellent, creative legal services effectively, efficiently, and collaboratively with a high degree of integrity, professionalism, and empathetic leadership.

We also increased our collaboration, providing interdepartmental support for employees who may be more personally and professionally isolated due to the pandemic, and allowing us to combine and expand our expertise across divisions.



# BUDGET



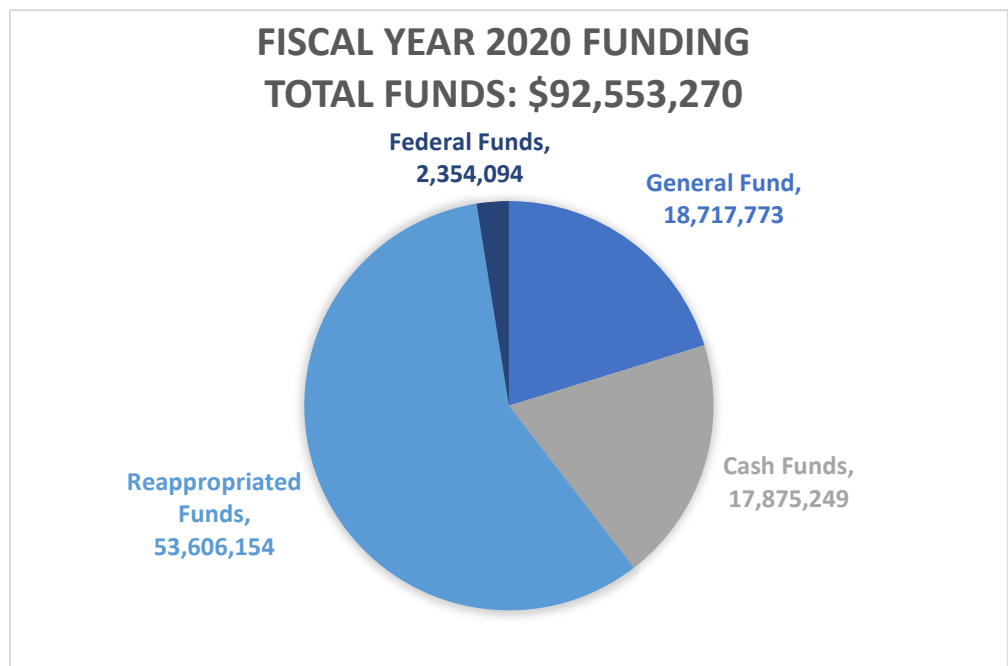
The department pays for its operations through four main funds, which are designated for specific uses: general fund, cash funds, reappropriated funds, and federal funds. The department has a \$91 million appropriated budget and approximately 525 employees.

## General fund

The General Assembly determines how state revenues are raised and allocated to various state government agencies, including the Department of Law. The State General Fund supports department employee positions in the following divisions, units, offices, and programs:

- Office of Community Engagement/Safe2Tell;
- Special Prosecution;
- Criminal Appeals;
- Medicaid Fraud;
- Federal Interstate and Water Unit; and
- Consumer Protection Division

The department also receives approximately \$2.8 million from the general fund in pass-through funds to provide for 80% of district attorney salaries, and \$350,000 for district attorney training. This pass-through funding mechanism is designated by state statute.



## Cash funds

Cash Funds derive from sources such as fees and legal settlement dollars.

These funds include money the department received from settlements that has a specific purpose, such as when a consumer protection-related settlement specifies that money will be paid to the state for continued consumer protection efforts.

They also include funding for enforcing the Uniform Consumer Credit Code, regulating operations for the student loan servicer industry, Safe2Tell program marketing, the Colorado Peace Officers and Standards Board, and other litigation.

**Reappropriated funds**

Reappropriated funds are funds appropriated, or designated for specific purpose, more than once in the same fiscal year and typically are transferred from one agency or budget line item to another.

The department provides a variety of legal services for other state agencies, and these efforts operate out of a specific cash fund. As this money comes from other state agencies, these dollars and spending authority are considered “reappropriated” within the state budget system, as they are already counted prior to the department receiving the funds. Additionally, the department receives funds from the Department of Regulatory Agencies and Colorado Department of Public Health and Environment to fund securities fraud, mortgage fraud, and Comprehensive Environmental Response, Compensation, and Liability Act efforts.

The Office of the Attorney General and the Administration Division are funded through indirect recoveries (overhead) on the department cash funds and the Medicaid Fraud grant. These dollars are budgeted as reappropriated for these efforts, because their first appropriation is as cash and federal funds in the department’s budget bill.

**Federal funds:**

Funds provided from the federal government are received to support the Medicaid Fraud Control Unit Grant.

Learn more about the department’s budget at [coag.gov/resources/budget-and-accounting/](https://coag.gov/resources/budget-and-accounting/).



**ATTORNEY GENERAL PHIL WEISER  
COLORADO DEPARTMENT OF LAW**

Office of the Attorney General  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway  
Denver, Colorado 80203

