


ANNUAL REPORT

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

COLORADO DEPARTMENT OF LAW



**2021
EDITION**

ANNUAL REPORT

Department of Law Overview..... 2

Collaboratively Building a Stronger Colorado:

 a Message from Attorney General Phil Weiser..... 3

Engaging Colorado’s Communities.....4-6

 Safe2Tell..... 7

 Combating the Opioid Epidemic..... 8

Defending the Rule of Law.....9-11

Improving Criminal Justice and Protecting Public Safety.....12-16

 Colorado Peace Officer Standards and Training.....17

Protecting Consumers.....18-21

Protecting our Land, Air, and Water..... 22-25

Budget and Administration 26-27



Cover photo: Hanging Lake, Colo. Photo by Lawrence Pacheco.

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.
- **Division 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.



COLLABORATIVELY BUILDING A STRONGER COLORADO

As we work to rebuild both our way of life and economy and adjust to what Colorado is shaped like more than two years into the pandemic, we can look at the relationship between U.S. Supreme Court Justices Ruth Bader Ginsburg and Antonin Scalia for an example of unity across differences. The [Ginsburg/Scalia Initiative](#) I announced last year aims to bring together people from different corners of Colorado to solve a variety of challenges, which is something I and the many public servants at the Department of Law are dedicated to achieving on a daily basis.

At the Department of Law, we are committed to protecting the health and safety of our state’s residents. Last year at the U.S. Supreme Court we successfully defended the Affordable Care Act, protecting health care for many Coloradans who have care because of the Medicaid expansion and who have pre-existing conditions. And our commitment to address the ongoing opioid epidemic and emerging fentanyl crisis remains a critical priority. More people died in the last year due to drug overdoses—mostly opioids—than ever before. Colorado collaborated in 2021 to announce an opioid settlement framework that will ensure the millions of dollars that begin coming into our state this year will have the highest impact on individual communities possible, as each region will have the opportunity to address their communities’ individual needs.

Our work to protect consumers is a top priority for our office, and we continued to act in 2021 against companies taking advantage of consumers during the pandemic. That included ensuring companies like StubHub provided refunds they promised to those whose concerts were canceled due to the pandemic. In 2021, that work also included bringing in millions in student debt relief for those who were misled by their student loan servicers.

We are committed to improving the criminal justice system and protecting public safety, including supporting an innovative reentry initiative to help those leaving prison find employment and access critical services rather than ending up back in prison. We’re also elevating policing, through our work with the Peace Officer Standards and Training program.

We brought back funds to remedy damaged natural resources in the Bonita Peak Mining District, which includes the Gold King Mine. And we remain committed to securing a clean energy future for Colorado. That work includes supporting other statewide agencies and boards, such as the Air Quality Control Commission’s work to limit emissions impacting our air quality and the Public Utilities Commission’s work on Senate Bill 19-236’s landmark Colorado carbon emission reduction targets.

We showed up to all 64 counties—including safely distanced events during the pandemic—and worked hard in our Safe2Tell program to protect all students, even as they transitioned from remote to in-person learning and faced additional challenges to their mental health and wellbeing.

As we reflect on yet another challenging year, we continue to listen and lead with empathy, to approach our work with a learning and growth mindset, and to defend Coloradans from those who would cause harm.



Attorney General Phil Weiser signs a memorandum of understanding with Colorado’s cities and counties regarding the distribution of opioid settlement funds in August of 2021.

Colorado Attorney General

ENGAGING WITH IMPACT

While our approach to gathering shifted to new platforms and practices during the pandemic, the department's steadfast emphasis on engaging Colorado communities remains central to our public service mission.

The Division of Community Engagement (DCE) works continuously to better understand how the department can best serve our state through meaningful connections and partnerships that build resiliency across Colorado.

Attorney General Weiser and DCE continued to conduct virtual outreach in 2021, and prioritized safe, in-person engagement across Colorado.

Adapting to social distancing and safety requirements, we traveled the state to discuss issues and solutions with communities from Montezuma to Sedgwick counties, to Mesa to Kit Carson and Cheyenne counties. Attorney General Weiser has visited all 64 of Colorado's counties in person since taking office.

Throughout this travel, the attorney general hosted public events and townhalls, listening sessions with the community, workshops with issue stakeholders and advocates, and meetings with law enforcement and local officials. These visits featured discussions around timely issues such as responding to Colorado's opioid epidemic, public safety and criminal justice, pandemic response and economic recovery, promoting positive outcomes for Colorado's youth, school safety, and protecting Colorado consumers and natural resources.



Attorney General Phil Weiser visits Fort Lewis College, a Native American serving, nontribal institution in Durango.

PROMOTING RESILIENCE IN RURAL COLORADO

The Colorado Partnership for Education and Rural Revitalization ([COPERR](#)), which was launched in 2020, is underway with two current grant partners, Trinidad State College and Lamar Community College, training students and renovating blighted housing in Trinidad and Lamar.

In 2021, the department announced a partnership with Action22, a membership organization representing Southern Colorado, to host a series of action-oriented meetings aimed at capacity building and promoting equitable project development across rural Colorado.

Throughout the year, Attorney General Weiser and departmental leadership traveled across the state to learn about unique needs and shared opportunities for communities to respond to the opioid crisis, providing critical insights to the draft framework for how Colorado will use opioid litigation settlement funds to abate the opioid epidemic.



EMPOWERING COLORADO'S YOUTH



Attorney General Phil Weiser poses for a photo with students who lead the Sources of Strength program at Golden High School.

In 2021, the department and Rocky Mountain Health Plans, a UnitedHealth Group company, established the [Healthy Youth/Strong Colorado Fund](#), a \$5 million partnership supporting nonprofit organizations that offer mental health support and services to empower youth and help youth avoid criminal justice system involvement. Recipient organizations include Boys and Girls Clubs, Sources of Strength, The Center on Colfax, The Place, YouthZone, and three youth corps: Mile High Youth Corps, Rocky Mountain Youth Corps, and Western Colorado Conservation Corps.

The department continues to invest in longtime partners. The department regularly supports the Colorado Department of Public Health and Environment’s implementation of Sources of Strength programming in Colorado schools, which focuses on building positive school cultures, promoting youth mental health, and preventing youth suicide.

PROMOTING REENTRY EMPLOYMENT TO REDUCE RECIDIVISM AND STRENGTHEN OUR COMMUNITIES

The department announced a partnership with the Department of Corrections and the Latino Coalition for Community Leadership to build a network of employers in Colorado dedicated to fair chance employment to help people leaving prison find jobs,

which will decrease recidivism and promote public safety. The three-year, \$1.1 million grant will help employers recruit, hire, and retain formerly incarcerated jobseekers.

STRATEGIZING TO REDUCE GUN VIOLENCE



Storing firearms safely saves lives

Colorado departments and agencies continue to work together to reduce gun violence in our state, including through utilizing the red flag law, which was designed to give law enforcement a valuable tool to keep guns out of the hands of those who pose a significant risk to themselves or others.

A report the department [released](#) on the state’s red flag law recommended continued education and outreach on how individuals can appropriately use the to prevent gun violence.

The report found that during the first year of the law’s implementation, families, household members, and law enforcement successfully used the red flag law to intervene in cases where suicide, intimate partner, or mass violence were threatened.

The department will partner with law enforcement agencies and gun violence prevention organizations,



STRATEGIZING TO REDUCE GUN VIOLENCE

utilize resources through the Colorado Peace Officer Standards and Training Board, and collaborate with the public to expand education and outreach efforts to help ensure the tool's use.

In addition to increasing public awareness of the law, the report also recommends leveraging law enforcement's experience in those jurisdictions that have used the law and encouraging them to share best practices with other law enforcement agencies throughout the state.

As part of the effort to increase awareness of tools to reduce gun violence in Colorado, the department also partnered with experts and law enforcement agencies to highlight the vital importance of safe gun storage. Thousands of firearms are stolen in Colorado each year, and we know that safe gun storage can help prevent these thefts and save lives. To learn more about firearm safety, click [here](#).



ENGAGING ACROSS COMMUNITIES



The DCE works to engage all of Colorado's communities. As a part of this mission, the department emphasizes bilingual engagement with Spanish-speaking Colorado. In 2021, DCE provided Spanish-language consumer alerts, advisories, and many other materials that educate Colorado's Spanish-speaking residents about departmental services and resources, like No Más Fraude Colorado, which provides an avenue for residents to report fraud and learn how to avoid common scams. Our bilingual outreach professionals met with communities across the state to promote these resources and to listen to the experiences, needs, and opportunities facing Spanish-speaking families, and translate that feedback into actions designed to benefit all Coloradans.

ENLACE COMUNITARIO VIRTUAL

TEMAS:

- EXPLICACION DEL ESTÍMULO ECONÓMICO.
- CAMPAÑA NO MÁS FRAUDE.
- ACTUALIZACIÓN DE COVID-19 Y RECURSOS.

Mayra Gallegos - Lopez, David Wachsmann, Ana Mostaccero

Martes 23 Marzo | 4PM

ADAMS COUNTY, Tri-County Health Department, ADELANTE, CITY OF COLORADO

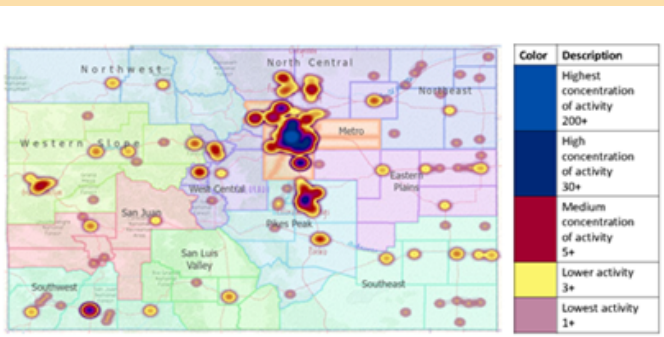
safe²tell™ Colorado

Safe2Tell, a successful violence intervention and prevention program housed in the DCE, 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, or through the Safe2Tell mobile app.

In the 2020-2021 school year, Safe2Tell received a total of 11,388 tips. The most frequently reported tip categories were suicide threats, welfare checks, drugs, self-harm, and cyber-bullying. Of the tips that were reported, 95.2% were actionable, 3.1% were misuse, and 1.7% were false. The percentage of false tips has declined steadily over the last three years.



ENSURING SAFE2TELL IS ACCESSIBLE STATEWIDE



Safe2Tell conducted 185 training sessions reaching a diverse audience including primary and secondary students, school staff, law enforcement, and community leaders. Safe2Tell also conducted outreach through social media platforms.

Informative videos, training messages, and trending themes related to reporting through Safe2Tell and to build engagement with our program were regularly shared on Instagram, Twitter, TikTok and YouTube.

ENGAGING COLORADO STUDENTS

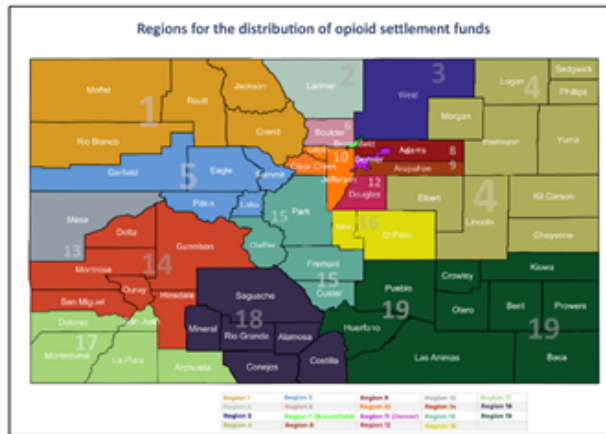
In 2021, Safe2Tell launched its Student Ambassador program. Ambassadors provide insight and feedback on the Safe2Tell program and offer suggestions to keep the program youth-centered. The focus for the 2021-2022 program is breaking the code of silence. Through this program, ambassadors will encourage more students to reach out with concerns, whether that is to a trusted adult in their life or through Safe2Tell.



COMBATING THE OPIOID EPIDEMIC

In August 2021, after reaching several historic settlements with major drug manufacturers and distributors, the office announced a [groundbreaking framework](#) for distributing nearly \$400 million in opioid settlement dollars throughout the state for addiction treatment, recovery, and prevention programs. This framework will guide our work to collectively address a long-lasting, devastating epidemic.

The joint framework is structured according to a memorandum of understanding between the Colorado Department of Law and all counties, municipalities, towns, and county and city municipal corporations that agree to the framework even if they have not filed lawsuits against opioid manufacturers, drug distributors, or others for their role in creating and fueling the opioid epidemic. More than 95% of Colorado’s counties and towns agreed to the framework, including all 64 counties and most municipalities. All participants in the framework must use the funds they receive for opioid abatement purposes such as drug treatment, recovery, prevention and education, and appropriate harm reduction programs, as well as addressing the epidemic’s impact on the criminal justice system.



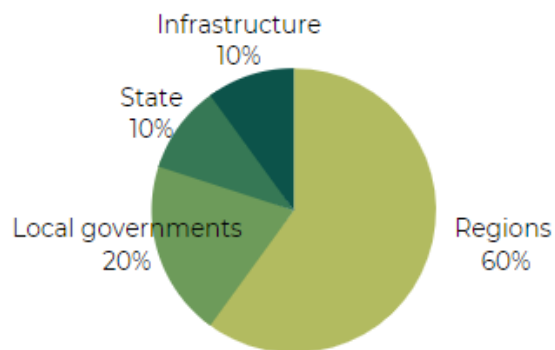
In addition to securing \$385 million from a settlement agreement with Johnson & Johnson and the nation’s three largest drug distributors, Colorado played a leading role in a nationwide settlement with McKinsey & Company. The state received more than \$8 million of the \$10 million it anticipates from the McKinsey & Company settlement, and it will also receive funds from Purdue Pharma and the Sackler family and from Mallinckrodt when the companies exit bankruptcy.

THE WORK AHEAD

During the past year, we witnessed a record number of opioid-related [overdose deaths](#) in our state. According to preliminary data from the Colorado Department of Public Health and Environment, in 2021, 1,238 Coloradans died of an opioid overdose. More than 900 of those deaths were the result of fentanyl. Fentanyl is approximately 100 times more potent than morphine and 50 times more potent than heroin. Illegally manufactured fentanyl is most often found in the form of a powder, which is then pressed into counterfeit prescription pills (like counterfeit Oxycontin, Xanax, and Adderall) and can be laced with drugs like cocaine and heroin.

As the urgency of addressing the opioid crisis accelerates in Colorado, the department will continue to hold the companies accountable that fueled this epidemic. We also will continue to work hard to get settlement dollars to local communities to spend on opioid abatement. In this effort, we have been proud to partner with community leaders, elected officials, state departments, service providers, members of law enforcement, as well as organizations including Colorado Counties, Inc., Colorado Municipal League, and the Colorado Consortium for Prescription Drug Abuse Prevention—and many others. Together, we will write the next chapter, one that is focused on treatment, recovery, and prevention.

Distribution of settlement funds



DEFENDING THE RULE OF LAW

Defending the rule of law means protecting constitutional freedoms and guarantees of equality and justice that form the foundation of this country. No one is above the law. The Department of Law works to ensure all Coloradans are protected by the rule of law and treated fairly.

STANDING UP FOR WOMEN'S RIGHT TO REPRODUCTIVE HEALTHCARE



As part of an ongoing commitment to defend women's right to reproductive healthcare, Colorado joined a coalition of 24 state attorneys general in defending in federal court a 2021 rule put in place by the U.S. Department of Health and Human Services. The rule allows a greater number of health service providers that deliver reproductive healthcare to millions of low-income or uninsured individuals to receive Title X funding.

Title X is the only federal grant program that funds family planning and counseling programs to help patients access contraception, as well as breast and cervical cancer screenings, screenings and treatments for sexually transmitted infections, and other related health services. The 2021 rule the coalition defended ensured that Title X funds can, once again, go to clinics that do not physically separate non-abortion and abortion services, and that provide referrals to abortion providers at a patient's request.

The coalition's [amicus brief](#) filed in the U.S. District Court for the Southern District of Ohio argues for the court to reject a request by a group of states to halt the 2021 rule.

Colorado also joined 23 other states in urging the U.S. Supreme Court to halt Texas' unconstitutional six-week abortion ban, Senate Bill 8.

[The amicus brief](#), filed with the Supreme Court in the case of United States of America v. State of Texas et al., supported a challenge by the U.S. Department of Justice and called on the Court not to allow Texas to openly disregard nearly a half-century of precedent by keeping the unconstitutional ban in place within its borders. The brief urged the Court to stop the Fifth Circuit Court of Appeals' hold on a District Court order blocking the ban from going into effect.

Colorado continues to urge the U.S. Supreme Court to uphold abortion rights as *Dobbs v. Jackson Women's Health Organization*, a case arguing whether a Mississippi law banning abortions after 15 weeks of pregnancy is constitutional, awaits a 2022 decision that threatens to overturn decades of precedent set by *Roe v. Wade*.

CELEBRATING SUCCESSFUL DEFENSE OF AFFORDABLE HEALTHCARE ACCESS

Colorado celebrated in 2021 the U.S. Supreme Court ruling upholding the Affordable Care Act in the case *California v. Texas*. Colorado was one of the states defending the ACA in the case.

Despite attacks to the ACA, it remains in place to ensure hundreds of thousands of Coloradans with pre-existing conditions like cancer or diabetes have access to healthcare, as do 400,000 more because of the Medicaid expansion. For the past two years, the COVID-19 health emergency has highlighted just how crucial access health care is to Coloradans who faced health and financial hardships.

#PROTECTOURCARE



PROTECTING COLORADO'S YOUTH AND THEIR ACCESS TO QUALITY EDUCATION AND CARE

In 2021, the lawyers of the Department of Law's K-12 Unit provided critical assistance in the creation of the Department of Early Childhood, which will, starting in 2023, oversee Colorado's universal pre-K program and help ensure Colorado's preschoolers are provided the educational opportunities voters approved in 2020's Proposition EE. The newest principal department in state government, the DEC will merge the childcare programming currently housed within the Department of Human Services with the Department of Education's Colorado Preschool Program.

The Department of Law also successfully assisted the Colorado Charter School Institute and the State Board of Education in navigating the unique complexities at issue in authorizing and funding a school operated by the Ute Mountain Utes on their own tribal land. In August of 2021, the Kwiyaqat Community Academy opened its doors as Colorado's first tribally operated public school—the culmination of two years of legal work.

HELPING COLORADO NAVIGATE THE ONGOING COVID-19 PANDEMIC

The COVID-19 pandemic continued to cause great tragedy in our state and our nation, while causing continued uncertainty regarding health and safety best practices in our education system and working environments. The Department of Law in 2021 helped Colorado provide vital healthcare and other resources to residents, advised state agencies, and investigated those seeking to take advantage of Coloradans during the crisis.

► UNEMPLOYMENT INSURANCE

Among continued losses and health challenges, the COVID-19 pandemic brought serious changes to the Colorado Department of Labor and Employment and its Division of Unemployment Insurance. Unemployment Insurance claims went from a couple 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.

The Department of Law's Civil Litigation and Employment Division assisted the Division of Unemployment Insurance in implementing numerous emergency and permanent rules to change long-established procedures. The team assisted in this effort by giving advice and counsel on those rule changes.

In addition, the department's Criminal Justice Division joined the Colorado Department of Labor and Employment in the creation of the Colorado Unemployment Fraud Task Force to investigate the unprecedented number of fraudulent unemployment insurance reports.

This multi-disciplinary task force was established in 2021 to better coordinate regular and ongoing communications and investigations amongst an array of state, local, and federal partners who were tasked with identifying viable pandemic-related unemployment fraud cases and suspects for eventual criminal prosecution.

Given the unprecedented levels of the alleged fraud which occurred since the beginning of the pandemic in March 2020, Colorado determined that criminal investigators and prosecutors needed to implement a coordinated and structured approach. These efforts were strategically engineered so those proven offenders could be held accountable in addition to the efforts to recoup state funds which were been fraudulently obtained. The joint task force continues to investigate and prosecute those who have committed identity theft and used that information to commit fraud against the state of Colorado and the unemployment insurance system.

► HIGHER EDUCATION

The Department of Law's State Services Division continued to support Colorado's institutions of higher education as they developed policies to protect the health and safety of their students. The Division also provided its second annual comprehensive training regarding the federal Title IX Rules, represented institutions of higher education's interests in two dozen cases that were resolved with another three dozen ongoing, and - in partnership with other attorneys in the department - advised clients on more than 800 unique legal issues.

► WORKING COLORADANS

Colorado voters approved Proposition 118 in November of 2020, paving the way for a state-run Paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program will ensure all Colorado workers have access to paid leave to take care of themselves or their family during life circumstances that pull them away from their jobs. Employers and employees will start contributing to the fund in January 2023 and FAMLI will start providing benefits to employees beginning Jan. 1, 2024. Eligible employees will receive up to 12 weeks of leave. Ensuring equity in working environments.

ENSURING EQUITY IN WORKING ENVIRONMENTS

Colorado voters approved Proposition 118 in November of 2020, paving the way for a state-run Paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program will ensure all Colorado workers have access to paid leave to take care of themselves or their families during life circumstances that pull them away from their jobs. Employers and employees will start contributing to the fund in January 2023 and FAMLI will start providing benefits to employees beginning Jan. 1, 2024. Eligible employees will receive up to 12 weeks of leave.

► HEALTHCARE AMID A HEALTH CRISIS

The department continues to provide legal representation to the public health programs within the Colorado Department of Public Health & Environment, which has involved ongoing and numerous enforcement and litigation matters related to the COVID-19 pandemic. The department 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 court to the U.S. Supreme Court. The department has also, where appropriate, represented CDPHE in affirmative actions to enforce its orders and protect public health. These efforts are critical in helping to successfully manage the pandemic in Colorado.

Together with our client agencies at DORA, the department's Business & Licensing Division advised numerous state boards on public complaints filed against various practitioners and licensees who were violating Executive Orders, obstructing the state's COVID response, or disseminating false information. Business & Licensing provided advice to the Division of Insurance and the Division of Professions & Occupations on creating special enrollment periods, hospital discharges and transfers, vaccine administration and rollout, and temporary easing of licensure requirements for certain healthcare personnel allowing them to provide the necessary care to the Coloradans affected by the pandemic.

IMPROVING THE CRIMINAL JUSTICE SYSTEM AND PROTECTING PUBLIC SAFETY

The Department of Law 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 the [Colorado Peace Officer Standards and Training \(POST\) Board](#), we collaborate with communities around the state 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 throughout the state to ensure all Coloradans are protected and treated fairly under the rule of law.

AURORA PATTERN & PRACTICE INVESTIGATION



Attorney General Weiser announces the results of the investigation into the Aurora Police Department at a news conference on Sept. 15, 2021.

The attorney general in 2021 [announced the results](#) of an investigation into the Aurora Police Department, which found the department has a pattern and practice of violating state and federal law through racially biased policing, using excessive force, and failing to record legally required information when interacting with the community. The investigation team also found Aurora Fire had a pattern and practice of administering ketamine in violation of the law.

[Senate Bill 20-217](#), a law enforcement accountability bill enacted in 2020, authorizes the state attorney general to investigate any governmental agency for engaging in a pattern or practice of conduct that violates state or federal constitutions or laws. In August 2020, Attorney General Weiser announced an investigation of Aurora Police and Aurora Fire based on multiple community reports about misconduct.

The department [also announced](#) that the statewide grand jury indicted three police officers and two Aurora Fire Rescue paramedics for their conduct during a stop on the night of Aug. 24, 2019, that resulted in Elijah McClain's death. The case is currently in pretrial motions in Adams County District Court.

CRACKING DOWN ON BICYCLE, VEHICLE, & PROPERTY THEFT

[Operation Vicious Cycle](#) led to eight individuals being indicted on 227 counts for allegedly committing a series of crimes involving 29 bike shop burglaries, 22 auto thefts, and multiple attempted burglaries and thefts stretching from Fraser to the Denver metropolitan and Boulder areas. The value of the stolen vehicles, stolen property, and property damage carried out in 2019 and 2020 is approximately \$1.5 million.

Few bikes were recovered. The approximate value of the stolen bikes is \$985,000 and the approximate value of the stolen vehicles is \$258,000. Total property damage between vehicles and businesses was \$231,837.

The operation was a lengthy multi-jurisdictional State Grand Jury investigation led by the department’s Criminal Justice Division and conducted in conjunction with the Boulder County District Attorney and the Boulder Police Department.

In a recently prosecuted auto theft case in Jefferson County, dubbed Operation Car Hauler, the department was able to consolidate 40 instances of auto theft, which affected 100’s of victims and caused more than \$100,000 in loss and damage. More than 300 people’s identities were stolen as part of the theft ring, which spanned several counties in the Denver metro area.

Five people were indicted on several felony charges, including identity theft; second degree burglary; and aggravated motor vehicle theft. A main organizer of the ring, Michael Samson, was sentenced to 24 years in the Colorado Department of Corrections.



This enforcement action was completed under the Colorado Auto Theft Prevention Authority (CATPA) grant funding, which funds a position in the Department of Law and other auto theft prevention action in Colorado. CAPTA is funded by a surcharge through all our auto insurance policies.

HALTING AN ILLEGAL AND DEADLY DRUG TRAFFICKING RING

Attorney General Weiser, in partnership with the U.S. Drug Enforcement Administration, Arvada Police Department, and the 17th Judicial District Attorney’s Office, announced in 2021 [the dismantling of an international drug trafficking ring](#) and a related money laundering enterprise operating throughout Colorado. More than 77,000 counterfeit oxycodone pills containing fentanyl that flooded the Metro area during the pandemic were seized.

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

In the last 20 years in Colorado, thousands have died of an opioid overdose. The number of people who died of an overdose involving fentanyl [rose sharply](#) in recent years, from 49 deaths in 2016 to 540 in 2020, according to the Colorado Department of Public Health & Environment.

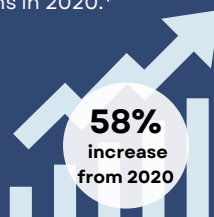
As a result of the investigation, 64 people were charged with participating in an international drug trafficking network that transported large quantities of methamphetamine, heroin, cocaine, and fentanyl from Mexico through U.S. ports of entry into Colorado in motor vehicles with concealed compartments.

Fentanyl-related deaths in Colorado drove the increase in opioid overdoses in 2021:

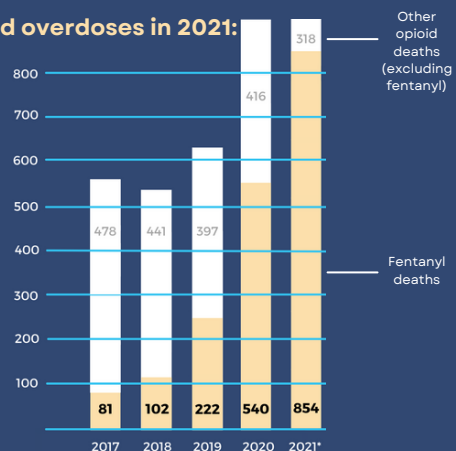
Fentanyl:

a synthetic opioid approved for treating severe pain, such as advanced cancer pain. Illicitly manufactured fentanyl is the main driver of recent increases in synthetic opioid deaths.

In 2021, there were more than 900 fentanyl-related overdose deaths compared to 540 deaths in 2020.*



*according to preliminary data from Colorado Department of Public Health and Environment.



PROTECTING COLORADANS FROM FINANCIAL FRAUD & PROSECUTING THESE CRIMES

Colorado residents are swindled out of millions of dollars each year through securities fraud. The state's 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:

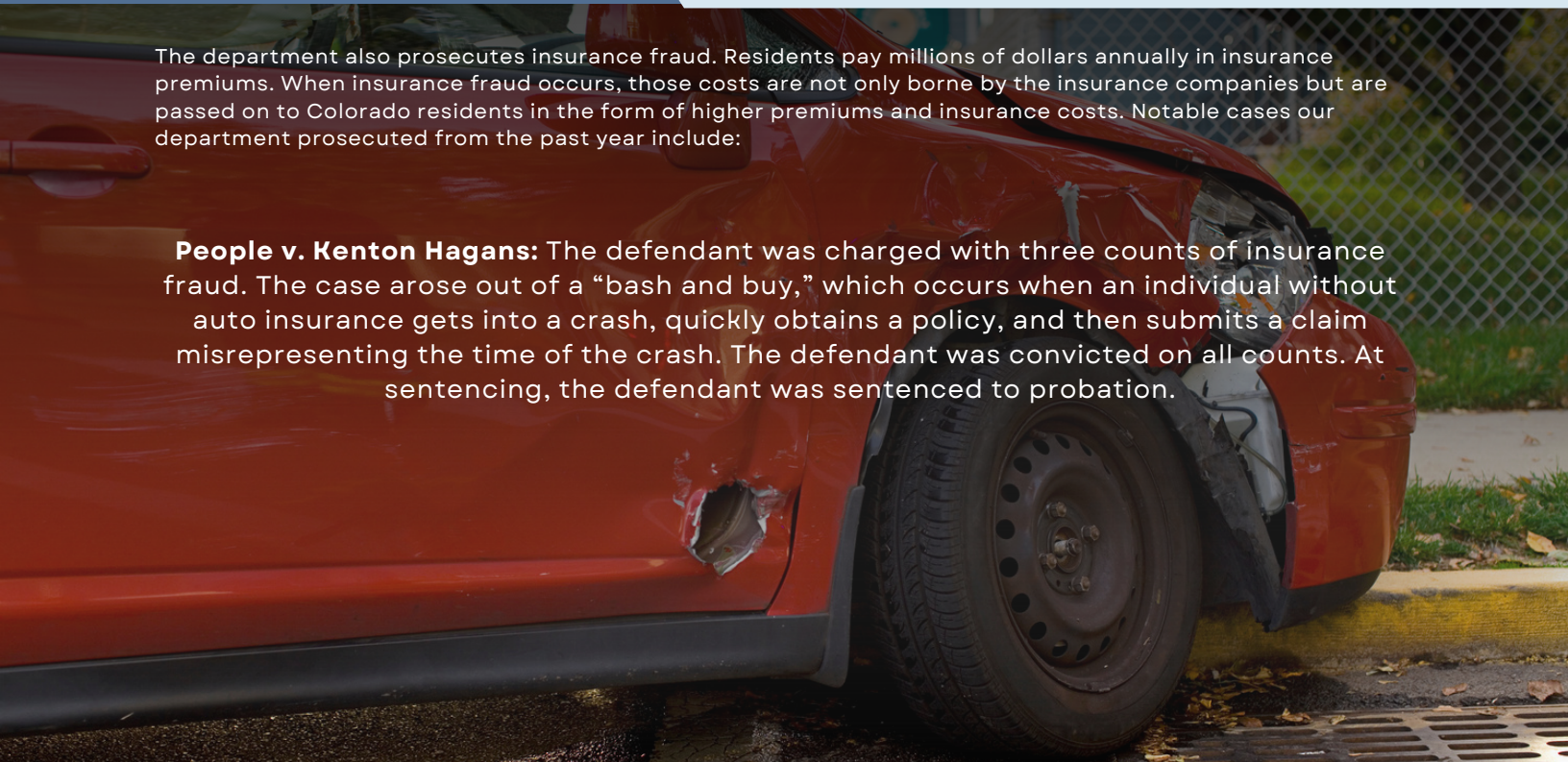
- **People v. Andrew Thacker:** The defendant solicited investment funds for an international bank lending scheme. The defendant was charged with securities fraud and theft. A week-long jury trial held in June of 2021 resulted in jail time and economic crime probation, and the defendant was ordered to pay over \$400,000 in restitution to the victim.
- **People v. Phil Hudnall:** The defendant operated a scheme whereby he agreed to obtain the rights for drilling and operating oil and gas wells in Colorado. In several instances, he never owned the rights or had already sold the rights to others. The defendant was extradited from Kansas and ultimately pleaded guilty to securities fraud. He was sentenced to 9 years in the Department of Corrections and ordered to pay over \$2 million in restitution.



PROSECUTING INSURANCE FRAUD

The department also prosecutes insurance fraud. 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 residents in the form of higher premiums and insurance costs. Notable cases our department prosecuted from the past year include:

People v. Kenton Hagans: The defendant was charged with three counts of insurance fraud. The case arose out of a "bash and buy," which occurs when an individual without auto insurance gets into a crash, quickly obtains a policy, and then submits a claim misrepresenting the time of the crash. The defendant was convicted on all counts. At sentencing, the defendant was sentenced to probation.



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.

 **4.02 million** 

The amount of money the Medicaid Fraud Control Unit recovered for the State of Colorado in 2021. Each recovery prevents the offending entity from stealing additional funds from the State and serves to deter others from engaging in such conduct.



The unit's work in 2021 included:

- Reckitt Benckiser Pharmaceuticals, Inc.: COMFCU recovered \$1.47 million in a settlement with Reckitt. From 2010 through 2014, Reckitt, directly or through its subsidiaries, knowingly promoted the sale and use of Suboxone to physicians for uses that were unsafe, ineffective, medically unnecessary and that were often diverted for uses that lacked a legitimate medical purpose. Reckitt also promoted the sale or use of Suboxone Sublingual Film based on false and misleading claims that it was less subject to diversion and abuse than other buprenorphine products.
- COMFCU resolved parallel civil and criminal investigations in Larimer County involving fraudulent billing for the provision of nursing services. The unit's investigation determined that over a six-year period while some services were indeed provided to the Medicaid patient that the level, frequency, and duration of the service provided were inflated. In the criminal case, the defendant was convicted of felony theft and ordered to pay \$208,391 in restitution. The Unit also reached a civil settlement which required that the defendant pay \$208,391 in penalties associated with the fraudulent Medicaid billing.
- The COMFCU continued to expand its efforts to protect the most vulnerable citizens of our state and as a result 10 of the 14 convictions obtained by the unit in 2021 were for abuse, neglect, and exploitation of Medicaid patients. In addition to cases on the front range, the COMFCU obtained convictions as far south as Prowers County and as far west as Mesa County. The charges ranged from neglect of an at-risk person to neglect resulting in serious bodily injury to unlawful sexual contact with an at-risk adult.

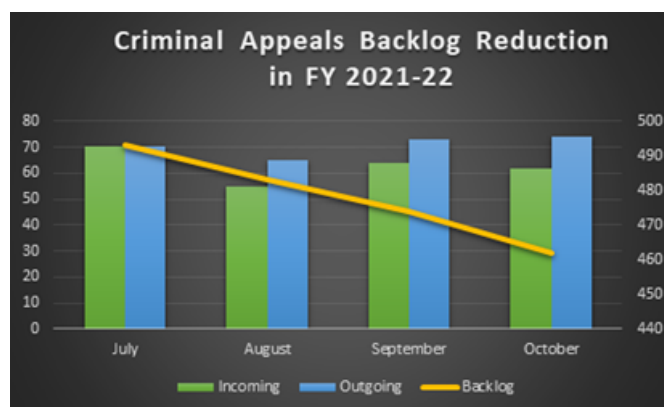
CRIMINAL APPEALS

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 most 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 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.



CARR FELLOWS

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.

"The Carr Fellowship is unique because Fellows gain civil and criminal appellate experience from day one. Fellows collaborate on complex civil appeals with senior attorneys and work independently to draft our own criminal appeal briefs. In my short time here, I have helped write a Supreme Court brief defending Colorado's Anti-Discrimination Act, collaborated on a Tenth Circuit appeal, and assisted on an amicus brief for the Supreme Court evaluating the Fourth Amendment's impact on state DUI laws. In addition to drafting several criminal appeals, I've also presented oral arguments in the Colorado Court of Appeals and served on a multi-disciplinary team investigating unconstitutional policing in the City of Aurora. **Fellows are trusted with substantive work but are also supported by mentors and colleagues who ensure our writing and advocacy skills advance at a pace impossible for most junior attorneys.**"

Melody Joy Fields, Carr Fellow 2021

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.

COLORADO POST

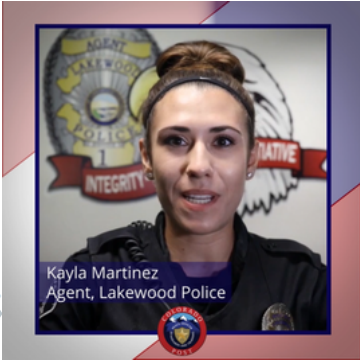
The Colorado POST Board documents and manages the certification and training of all active and reserve peace officers working for Colorado law enforcement agencies. The POST Board establishes state standards for peace officer training and certification that remain realistic, relevant, and responsive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

BUILDING TRUST & TRANSPARENCY BETWEEN LAW ENFORCEMENT PROFESSIONALS AND THE PUBLIC

In 2021, Colorado POST launched a new database that allows the public to access information regarding an officer’s state certification, compliance with training requirements, and employment status. The public database is required under law enforcement accountability legislation the Colorado General Assembly enacted in [2020](#) and [2021](#).

[The database](#) is located on the [ColoradoPOST.gov homepage](#).

The POST “My Why” project was also launched in 2021—a series of videos telling the stories of officers throughout the state. The series aims to help Colorado’s law enforcement community find qualified applicants, particularly from diverse backgrounds, and clarify how various agencies serve our communities.

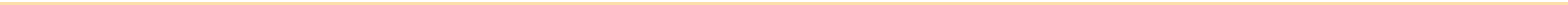


Click the image above to view the "My Why" videos.

HELPING CREATE, SUPPORT, & PROMOTE CONTINUED LEARNING OPPORTUNITIES

POST developed training to educate and support law enforcement, and tracked in-service training hours for certified peace officers, pursuant to POST Rule 28. Several new trainings for members of law enforcement were completed in 2021, including:

- Integrating Communications, Assessment, and Tactics (ICAT) Training. This is the first in-person training that POST Staff has taught in the history of POST. POST taught three classes for a total of 38 students in 2021.
- Eyewitness Identification.
- Bias-Motivated Hate Crimes.



By the numbers:

Important numbers from POST's 2021 work

6

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



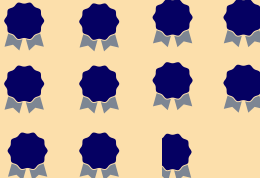
839

The number of scholarships provided to peace officers



1,781

The number of officers who were trained due to a POST training grant.



PROTECTING CONSUMERS

Protecting consumers is one of the attorney general's primary responsibilities and priorities, and the Consumer Protection Division redoubled its efforts in 2021, when Colorado residents were already facing a variety of threats to their wellbeing.

HALTING BUSINESSES FROM TAKING ADVANTAGE OF CONSUMERS DURING THE COVID-19 PANDEMIC

The department continues to work to assure that businesses treat Coloradans fairly as impacts from the COVID-19 pandemic continue. Those efforts included stopping those offering fake COVID-19 cures. Most providers who received cease and desist orders from our office corrected their practices. The owner of the [Loveland Medical Clinic](#), however, persisted in his deceptive practices and was ordered to pay \$40,000 after violating an order to stop illegally marketing and overstating the effectiveness of alleged cures for COVID-19, including the anti-parasite drug Ivermectin often used in animals.

The following are additional actions the office took in 2021:

- [Frontier Airlines](#): Attorney General Weiser lead an effort by state attorneys general to encourage the U.S. Department of Transportation to examine Frontier's flight change policies and customer service practices during the pandemic, and to use USDOT's authority under federal law to order Frontier to stop any unfair and deceptive practices and, where appropriate, consider civil penalties.
- [StubHub](#): The department reached a settlement with StubHub requiring the company to return \$3,120,442 in refunds to 8,688 Colorado consumers whose events were canceled during the pandemic. StubHub, one of the largest ticket reselling marketplaces in the country, initially refused to pay refunds to consumers for concerts, sports events, and other events that were canceled due to the pandemic as it had earlier promised.
- [EF Education Tours and Voyageurs International, Ltd](#): The department investigated two student tour companies that canceled several trips due to the pandemic. These companies failed to refund appropriate amounts to consumers. As a result of the department's efforts, Voyageurs International returned almost \$800,000 to over 400 consumers and EF Tours significantly extended its rebooking period or offered full refunds, except a small fee, to all consumers.



StopFraudColorado.gov is a website for the department'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.

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 y seleccione "en español".

PROTECTING BORROWERS FROM MISLEADING LENDING PRACTICES

The department acted throughout 2021 to stop bad conduct and ensure lenders with poor lending practices reimbursed consumers after mistreating them. The following are some of the actions the department took:

- [Santander](#): Attorney General Phil Weiser secured a settlement with Santander Consumer USA, Inc., the nation's largest subprime auto financing company, to stop deceptive practices relating to auto-lending. The settlement also will provide \$3.065 million in debt relief for 340 Colorado consumers.
- [GAP](#): Many auto-lenders fail to follow Colorado law in providing refunds to Colorado car buyers who also purchase Guaranteed Automobile Protection (GAP), an add-on product sold to car buyers who finance their purchase. If a buyer's car is totaled in an accident, the buyer's auto 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. If a borrower pays off the loan early, or the car is repossessed before the loan is paid off, Colorado law requires that the lender automatically refund borrowers any unearned GAP payments—that is, funds that are not paying for any service of value to consumers. In 2021, investigations revealed several companies failed to refund unearned GAP fees to consumers as required by Colorado law. The department has secured more than \$18 million in GAP refunds, including [\\$9.5 million](#) in consumer refunds from Wells Fargo, more than [\\$1.68 million](#) from BBVA USA (formerly known as Compass Bank), and [\\$121,983](#) from American Assurance Corporation for failing to provide customers with the full GAP benefits they were entitled to.

ENFORCING FAIR TREATMENT FOR STUDENT LOAN BORROWERS

The department undertakes significant efforts to help Coloradans with student loan issues. Our student loan ombudsperson provides education and advocacy for the thousands of Coloradans straddled with student loan debt, and when lenders or servicers take advantage of consumers. The department recovered over \$3 million for almost 8,700 Colorado consumers and obtained over \$6 million in debt forgiveness for over 650 Colorado consumers who attended ITT Tech.

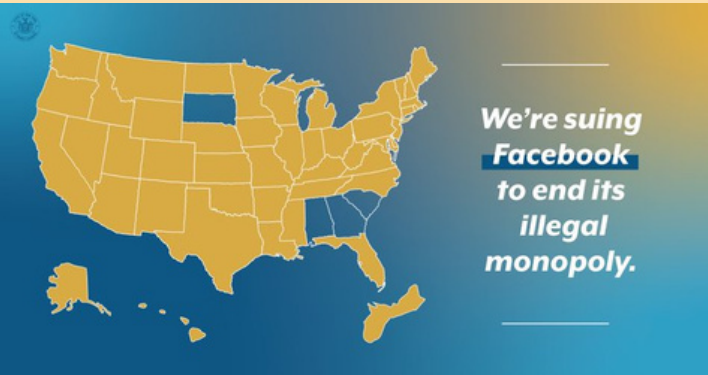
The department also announced in 2021 that Navient, one of the nation's largest student loan servicers, will provide debt relief to 1,339 Colorado student loan borrowers totaling more than \$35 million, and pay \$260 each in restitution to 6,844 Colorado borrowers after widespread unfair, deceptive, and predatory student loan servicing practices.



HOLDING COMPANIES ACCOUNTABLE TO PROTECTING COLORADANS' DATA PRIVACY & SECURITY

The department holds businesses accountable for protecting the private information of consumers. In 2021 we brought actions against two Colorado businesses for failure to adequately protect consumer information leading to data breaches: [Impact MHC](#) and [SEMA Construction](#). These failures included failure to effectively train employees on cybersecurity best practices, failure to maintain written information disposal policies, failure to maintain an information security policy, and failure to have data incident/breach response plans. The department also required each of these businesses to improve their practices and to forfeit \$25,000 and \$63,000 respectively for these violations.

JOINING OTHER STATES IN HOLDING BIG TECH COMPANIES ACCOUNTABLE



Colorado joined a [multistate investigation](#) into alleged willful practices by Facebook that harmed children.

The announcement came after the release of information related to Facebook’s internal research into the impact of its product on children. As investigative reporting of that issue revealed, the company knew for years of the risks its products, namely Instagram, created for kids—increased risks of physical and mental health harms to young people, including depression, eating disorders, and even suicide. Despite knowing these risks, Facebook sat by and took no action to address them. Colorado is also [playing a leading role](#) in the antitrust litigation against Facebook.

SECURING REFUNDS FOR CONSUMERS & HALTING DECEPTIVE & ILLEGAL PRACTICES

The department acted against television providers and a magazine company to secure refunds for consumers who were mistreated and to halt deceptive and illegal practices. The following were some of these efforts in 2021:

- [DIRECTV](#): DIRECTV paid more than \$1 million in refunds to over 200,000 Coloradans who were overcharged for a regional sports fee during a blackout of Altitude Sports. DIRECTV will also refund thousands of Coloradans monthly for continuing to charge an obsolete fee for high-definition service, even though high-definition television is now a household standard.
- [CenturyLink](#): The department earlier settled with CenturyLink for charging escalating so-called internet cost recovery fees, which were just designed to increase revenue while advertising locked-in prices and other deceptive practices. CenturyLink refunded \$1 million dollars to over 13,000 consumers and paid \$6.7 million to our office. In 2021, our office then distributed those funds to consumers. So far, over 149,000 consumers have cashed \$6 million in checks sent from our office from this recovery.
- [Atlantic Publishers](#): In a joint settlement of lawsuits filed against two companies that targeted consumers nationwide with deceptive mailers that sold overpriced magazine subscriptions designed to look like renewal notices for consumers’ legitimate existing subscriptions, Colorado and Wyoming received \$1 million. These companies and individuals are also banned from operating magazine subscription businesses in both states and from sending deceptive mailers to Colorado and Wyoming consumers.



DIRECTV used these fees to take advantage of Coloradans, charging them for services they weren’t getting or were no longer relevant, and only refunding those who noticed and reached out to the company about the issue. Consumers should not be penalized for being too busy to wait on hold to demand fair treatment. Today’s settlement remedies the harms caused by DIRECTV’s actions and will provide refunds to consumers.

ATTORNEY GENERAL PHIL WEISER

HALTING POOR BUSINESS PRACTICES THAT LEAD TO CONSUMER HARM

The department's Business and Licensing Division's financial, healthcare, medical, nursing, and real estate units represented various client agencies regarding numerous public complaints filed against practitioners and licensees and helped obtain license revocations, suspension relinquishments, and other disciplinary actions. This work included but was not limited to, the relinquishment of a physician's license who pled guilty to federal charges involving child pornography, revocation for a pharmacist for diverting controlled substances from an employer pharmacy for personal use, a permanent injunction issued against a former massage therapist for continuing to practice after revocation for having sexually assaulted a client and important disciplinary revocation against a mortgage loan originator based on the alteration and falsification of multiple loan documents.

The Business and Licensing Division's financial unit argued before the Colorado Supreme Court in a long-running securities case in which promoters set up oil and gas ventures as general partnerships, which solicited investments from over 300 mostly elderly investors via boiler-room cold calls. The department argued on behalf of the securities commissioner that Colorado's securities laws and securities fraud protections should apply to these oil and gas ventures.

In addition, Business and Licensing represented Colorado in an interstate fraud lawsuit joined by 29 other states and the Commodity Futures Trading Commission against a precious metals seller that had persuaded mostly elderly investors to convert their retirement accounts into metals.

ENSURING MARIJUANA IS SAFE FOR THE PUBLIC & ACCESS FOR YOUTH IS LIMITED

The Marijuana, Liquor and Bankruptcy Unit assisted the Colorado Department of Revenue's Marijuana Enforcement Division with the implementation of new rules, a tangible educational resource and uniform certification form, all of which were necessary to implement HB21-1317. This bill and the associated rules attempt to make regulated marijuana concentrate safer and to reduce youth access to marijuana in Colorado.

MLB Unit attorneys continue to collaborate with attorneys representing Colorado Department of Public Health and Environment, Colorado Department of Agriculture and the Consumer Protection Section to brainstorm ideas to respond to the proliferation of intoxicating CBD produced from hemp that are being sold to Colorado consumers without testing, labeling or age restrictions.



Attorney General Weiser speaks at the Colorado Capitol on HB21-1317.

PROTECTING OUR LAND, AIR, & WATER

Our state's natural resources are critical to Colorado's way of life. Protecting our land, air, and water allows Colorado residents to utilize clean water to grow and raise food, consumer safe drinking water and enjoy the many outdoor recreational opportunities our state has to offer.

LAND

HOLDING OIL AND GAS OPERATORS ACCOUNTABLE TO FOLLOWING COGCC RULES

The department in 2021 assisted the Colorado Oil and Gas Commission (COGCC) in holding accountable KP Kauffman Co. for failing to submit accurate and timely spill reports, failing to properly isolate an active gas leak prior to commencing work on the flowline, and spreading contaminated soils over a field behind their corporate offices rather than a proper disposal facility.

The COGCC found that KP Kauffman committed 22 separate violations of COGCC rules and assessed a civil penalty of \$1.84 million. Additionally, they increased the total penalty to \$2,014,530 for the continued pattern of violations, which is the second largest ever issued by the COGCC. After the findings of violations, KPK and COGCC staff were able reach agreement on a compliance plan, which was adopted on Nov. 5, 2021. The detailed action plan outlines the steps to bringing KPK into compliance with COGCC rules. Upon timely compliance, a percentage of the assessed civil penalty will be canceled.

SAFE USE & CLEANUP OF COLORADO'S LAND

The Colorado Natural Resources Trustees—Attorney General Phil Weiser, Dan Gibbs, executive director of the Colorado Department of Natural Resources, and Jill Hunsaker Ryan, executive director of Colorado Department of Public Health & Environment— approved a [\\$1.6 million settlement](#) in 2021 with Sunnyside Gold Corporation (SGC) to resolve the company's liability for damaged natural resources at the Bonita Peak Mining District Superfund Site where the 2015 Gold King Mine blowout occurred.

The trustees claimed that the SGC caused or contributed to releases of acidic, metals-laden mine wastewater into the Upper Animas River watershed.

The \$1.6 million settlement will enable the trustees to fund projects to restore damaged natural resources from the spill and other releases of hazardous substances within the Bonita Peak Mining District Superfund Site. The trustees will consult with regional stakeholders, including local governments and not-for-profit groups, solicit proposals, and allocate the money for environmental restoration and property acquisition projects. This work reflects the mandate of the trustees to take necessary actions to address when Colorado's natural resources are injured or destroyed.

The department also worked in 2021 to assist in the transfer of a former uranium mill near Grand Junction, where cleanup has been underway for decades, to the federal Department of Energy for long-term management. The Uranium site requires certain restrictions to ensure the land is safely used, and the department was involved in negotiations to ensure most or all parties involved agreed to those restrictions.



PROTECTING COLORADO WILDLIFE

Attorneys in the Natural Resources and Environment Division advised Colorado Parks and Wildlife, Colorado Water Conservation Board, and the Department of Natural Resources in ongoing efforts to recover four endangered fish species in the Upper Colorado River Basin. After decades of participating in a multistate endangered fish recovery program, Colorado’s efforts paid off with the U.S. Fish and Wildlife Service down-listing two of the four fish species from endangered to threatened (under the federal Endangered Species Act). The humpback chub is now listed as threatened and the razorback sucker is awaiting final approval of the change to threatened.

AIR

PROTECTING OUR ENVIRONMENT BY REDUCING EMISSIONS & CONSERVING RESOURCES

In November 2021, the Air Quality Control Commission adopted a proposal to impose new haze-forming emissions limits for the Hayden Power Plant, Suncor Refinery, Holcim Cement, and GCC Rio Grande Cement, incorporating the terms into Colorado’s State Implementation Plan.

These limits include Xcel Energy’s plans to retire the Hayden Generating Station and convert the Pawnee Generating Station from coal to gas, planned emission control upgrades, and the optimization of another existing control at Suncor by Dec. 31, 2023. The commission adopted additional protections and more stringent compliance deadlines applicable to Suncor in an effort to establish additional protections in disproportionately impacted communities. To ensure the success of those additional protections, the Department of Law worked collaboratively with other agencies and stakeholders to balance numerous competing interests and navigated jurisdictional issues with the Public Utilities Commission.

SECURING A CLEAN ENERGY FUTURE

In 2021, attorneys in the Revenue and Utilities Division supported the Public Utilities Commission (PUC) in cases concerning Xcel Energy’s implementation of Senate Bill 19-236’s landmark Colorado carbon emission reduction targets. The division, through supporting the PUC advocated for the retirement of coal-fired electric generation plants in Brush, Hayden, and Craig, and supported the construction of transmission facilities to bring wind and solar-generated energy from the Eastern Plains to the Front Range.

The division also sought, through proceedings concerning Xcel, Black Hills Colorado, and Colorado Natural Gas, to mitigate the negative impact of the February 2021 Winter Storm Uri on the gas and electric rates paid by Coloradans served by these utilities, and to help ensure, through conservation messaging and system resiliency, that future storms are less likely to cause such disruptions to gas and electric rates.

As always, the PUC, with guidance from the experienced attorneys in the State Services Division, remained vigilant in its regulation of electric and gas utilities in Colorado. This year the division worked with commission advisors and the three commissioners to hear electric and gas rate cases from both of Colorado’s large investor-owned utilities and worked diligently to ensure that the resulting rates for electricity and natural gas were just and reasonable for Colorado’s ratepayers.

WATER

PROTECTING COLORADO'S ABILITY TO PROTECT & REGULATE THE STATE'S WATER

The Natural Resources and Environment Division continues to safeguard and defend Colorado's water, including our state's ability to uphold interstate water compacts and ensure the water in different areas of our state are used to the benefit of that region's residents.

The division in 2021 successfully defended Colorado's anti-speculation doctrine under Colorado water law on behalf of Colorado's State and Division Engineers, which means those seeking water rights have detailed plans to put that water to beneficial use.

A negotiated settlement with the Rio Blanco Water Conservancy District in the Yampa River Basin eliminated speculative claims for certain water rights while affirming other storage rights to benefit the inhabitants and neighbors of the Rio Blanco District. Due to the settlement, the district can now move forward with a 66,720-acre-foot Wolf Creek Reservoir for recreation, with municipal water for the town of Rangely, augmentation water for the neighboring Yellow Jacket Water Conservancy District, a pool of environmental mitigation water for the reservoir project, and incidental hydropower use.

The division also worked closely with the State Engineer in the Division of Natural Resources for several years on the adoption of compliance rules for the Republican River Compact that ensure the State Engineer has authority to regulate the consumption and replacement of water to the river.

The rules have been pending in the Division 1 Water Court since early 2019, in Case No. 19CW3002. The Department of Law continues to defend the State Engineer's authority and ability to maintain compliance with the compact.

SAFEGUARDING COLORADO'S STREAMS & WETLANDS

Colorado continues to press the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers to update a federal rule that protects Colorado streams and wetlands from pollution under the Clean Water Act.

The definition of "waters of the United States" that are protected under the act was altered under the 2020 Navigable Waters Protection Rule, leaving many of Colorado's streams vulnerable to pollution, undermining protections for Colorado's headwaters, and placing new, extensive regulatory burdens on the state. The EPA and Army Corps of Engineers requested comments as part of a new rulemaking to update the Clean Water Act, and in 2021 Attorney General Weiser and Governor Jared Polis, on behalf of the state of Colorado, submitted comments recommending the agency develop a rule that is consistent with the 2008 guidance—which included ephemeral streams and wetlands that aren't connected on the surface to larger bodies of water—with additional clarifications and adoption of sensible agricultural exemptions from the Navigable Water Protection Rule.

The Clean Water Act protects U.S. streams, wetlands, and rivers from pollution. However, under the new Navigable Waters Protection Rule, Trout Unlimited and The Nature Conservancy estimate that at least 25% of Colorado's streams and 22% of Colorado's wetlands lost protection. The rulemaking process and implementation remains ongoing.

OVERSEEING PUBLIC ACCESS TO CLEAN DRINKING WATER & PROPER WASTEWATER MANAGEMENT

In 2021, the department worked with the Water Quality Control Division on an emergency order temporarily suspending a water facility operator’s certification pending a hearing on disciplinary charges for failure to properly supervise two drinking water systems. The emergency suspension order was issued after an inspection of a third system revealed additional serious violations, including failure to follow required procedures to startup the seasonal system, failure to maintain disinfection and filtration systems, and a failure properly disinfect the drinking water.

The emergency order represented the first time the Water Quality Control Division used its authority to temporarily suspend an operator’s certification. This close partnership between the department and the Water Quality Control Division protected public health by preventing further deficient operations at several other public water systems that used the operator to manage their systems.

The department also successfully argued in the Bayfield Landfill case before the Colorado Supreme Court. The case began when LaPlata County refused to implement deep groundwater sampling to determine whether vinyl chloride leaking from the closed Bayfield Landfill impacts drinking water wells. Due to the ruling in the department’s favor, proper safety measures will be taken to ensure drinking water in the region is safe for residents.



BUDGET & ADMINISTRATION

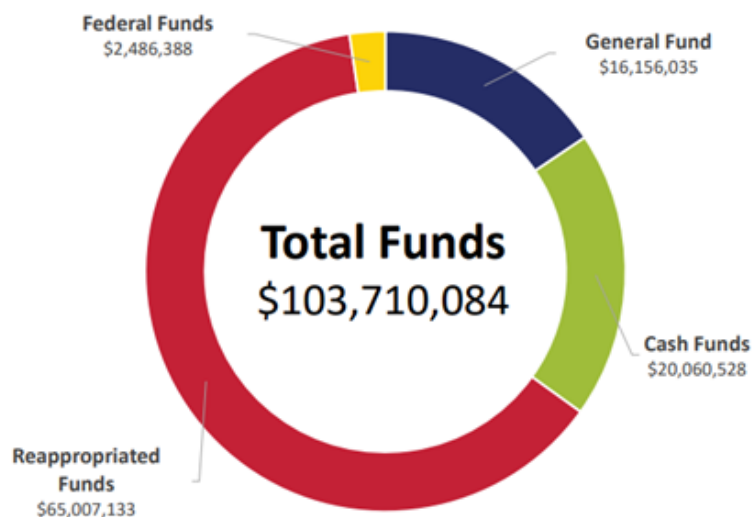
The department pays for its operations through four main funds, which are designated for specific uses: general fund, cash funds, reappropriated funds, and federal funds. The department has a \$104 million appropriated budget and approximately 565 employees.

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:

- Division 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/.

MEASURING EMPLOYEE SATISFACTION

Every other year, state employees participate in an employee engagement survey to gauge how well we are working together for the people of Colorado and the Department of Law as a whole. In 2022, employees of the department indicated they are happy with working conditions and engaged in serving the public well. Scores in nearly every area of the survey rose from 2019-2022, further demonstrating the department’s commitment to continually improving working conditions for employees. The mindset of improvement is a vital aspect of leadership and that is demonstrated in that nearly 90% of employees indicated their trust and satisfaction with their immediate supervisors.

The department also scored significantly higher than the rest of the state enterprise for overall engagement. The department attained that level in the fall of 2019, the last time the survey was conducted and did so once again in the fall of 2021. For instance, the overall level of pride in the State of Colorado as a place to work is 69% and is 90% in the department.

The department also worked over the last several years to build a more inclusive workplace, setting up a Diversity, Equity, and Inclusion Impact Team and creating other programs to promote inclusion. Team members viewing the department as an inclusive place to work increased from 76% to 88% over the last two years.

Below: A photo of Department of Law employees taken in 2019.





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

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

