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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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**COLORADO DEPARTMENT OF LAW**

**2022  
EDITION**



# ANNUAL REPORT

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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 sections and offices:

- **Business and Licensing Section:** Provides legal advice and litigation services to several state agencies, including the Department of Regulatory Agencies and, specifically, the Division of Professions and Occupations, Banking, Civil Rights, Financial Services, Insurance, Real Estate, and Securities.
- **Civil Litigation & Employment Law Section:** Represents 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 Section:** 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 Section:** Represents law enforcement when defendants challenge felony convictions in the state and federal appellate courts.
- **Criminal Justice Section:** 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 Section:** 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 Section:** 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 Section:** 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 division builds relationships and establishes meaningful dialogue across Colorado to truly hear the needs, ideas, and voices of the people of our state.



## DEFENDING AND SERVING THE PEOPLE OF COLORADO

As I enter a second term as attorney general, I remain committed to our vision at the Department of Law: "Together, we serve Colorado and its people by advancing the rule of law, protecting democracy, and promoting justice for all." And we will continue to work towards that vision by living our values of being principled public servants who are innovative and better together.

In 2022, we saw what can happen when Coloradans from across the state come together to find common ground as part of the Unify Colorado Challenge. This program was a product of the Ginsburg/Scalia initiative I announced that looks to the relationship between U.S. Supreme Court Justices Ruth Bader Ginsburg and Antonin Scalia for an example of unity across differences. This unity is critical to our work at the department and to the wellbeing of our state. And the rule of law depends on respectful engagement, rather than demonizing others, as the basis of problem solving and resolving our differences.

A top priority for our department remains protecting consumers. In 2022, we secured more than \$190 million in refunds or debt cancellations for student loan borrowers in Colorado with additional settlements from schools like ITT Technical Institute which misled students about the value of their degree. We also continued to combat the opioid crisis and secured more than \$740 million that will go to 19 regions, local governments, and the state for addiction treatment, recovery, and prevention programs throughout Colorado.

We are committed to improving the criminal justice system and protecting public safety, including through our work with the Peace Officer Standards and Training (POST) program. To that end, we launched a partnership in 2022 among POST, Denver Police Department, and Georgetown Law to create ABLE Colorado. Active Bystandership for Law Enforcement training provides peace officers with the tools and skills necessary to intervene with coworkers before they make a life-ending or career-ending choice.

We continued to engage across Colorado, including for our state's young people. In 2022, we visited Golden High School for a discussion with students who were part of the Sources of Strength program, which aims to prevent suicide by increasing help-seeking behaviors and promoting connections between peers and caring adults. Our office provides grant funding to assist the organization in its work. We also released a Youth Mental Health Report highlighting the work of Sources of Strength and other programs, which play a pivotal role in empowering teens across Colorado through their peer-leadership programs, emotional support services, and therapeutic approaches to learning and development.

We also are committed to protecting our land, air, and water, ensuring that we make decisions that protect our natural resources and protect our entire state. To that end, we are committed to fighting short-sighted water management strategies—like selling water rights from the San Luis Valley to the Front Range—and developing sound collaborative solutions. We are also fighting to protect our water quality, including taking on the manufacturers of forever chemicals (PFAS) for the damages and injuries that these toxic chemicals have caused to public health and natural resources.

I and public servants throughout the department are focused on defending and serving the people of Colorado, and we will continue to do so together and with determination for the next four years.



Colorado Attorney General

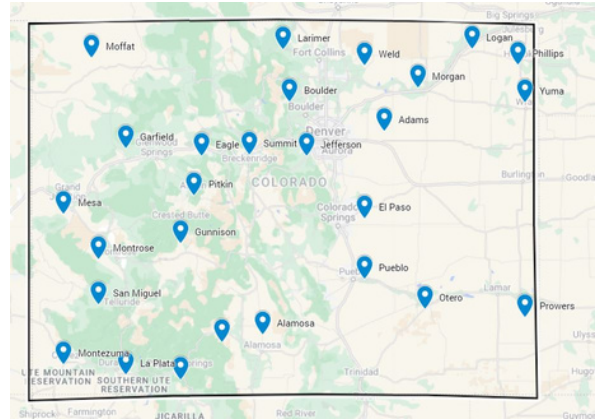


# ENGAGING WITH IMPACT

Our work throughout the Department of Law is centered on the people of Colorado, and listening, responding and engaging with communities is key to ensuring we have a statewide impact.

The Division of Community Engagement (DCE) works continuously to serve our state through meaningful connections and partnerships that build resiliency across Colorado.

Throughout this travel, Attorney General Weiser 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 combating Colorado’s opioid epidemic, public safety and criminal justice, promoting positive outcomes for Colorado’s youth, school safety, and protecting Colorado consumers and natural resources.



Locations across Colorado where Attorney General Weiser traveled in 2022. Since 2019, the attorney general has visited all 64 Colorado counties.

## COMBATING THE OPIOID CRISIS

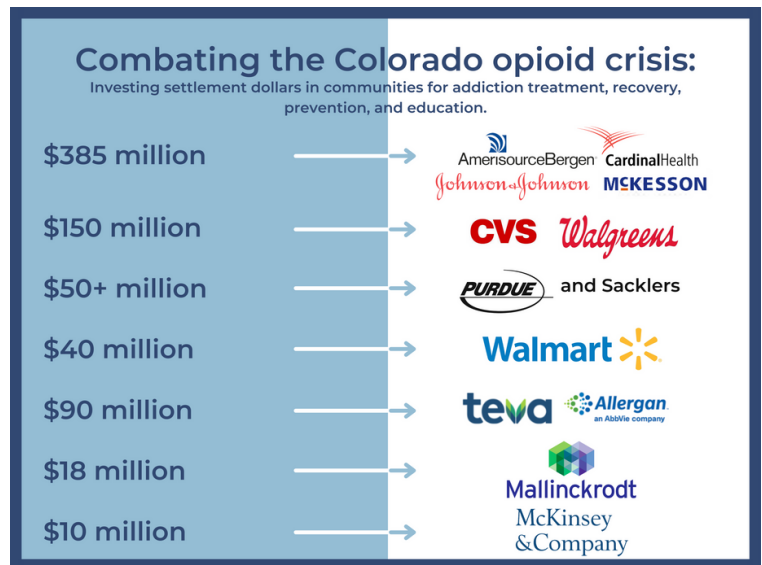
Opioid overdoses and addiction have devastated families and communities throughout Colorado, and this crisis poses a serious threat to the state’s public health, safety, and economy. Our department is committed to collaborative problem-solving and working toward sustainable solutions.

In 2022, the department announced additional settlements, including [\\$150 million from CVS and Walgreens](#) and \$60 million from Teva/Allergan. Attorney General Weiser in the past several years secured more than \$740 million for Colorado.

Sixty percent of all settlement funds are going to 19 regions, so different communities can work together to find solutions that best help residents in their area of the state. Local governments will receive 20%, the state receives 10%, and a statewide infrastructure fund will receive 10%.

The department launched a dashboard to help demonstrate how much is available to each region, how much it requested, and how much has been distributed thus far.

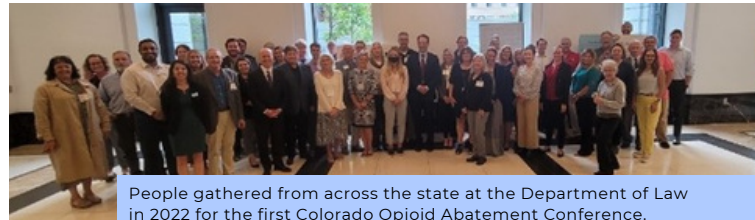
For more information, go to [coag.gov/opioids](https://coag.gov/opioids). To view resources for communities, regional councils, and local governments, go to [coag.gov/opioid-response-resources/](https://coag.gov/opioid-response-resources/).



## LOCAL INVOLVEMENT TO ENSURE COMMUNITY-SPECIFIC SOLUTIONS

In 2022, the department hosted the first Colorado Opioid Abatement Conference, which brought over 200 local, county, and regional representatives from across the state together for collaborative problem solving.

The [Colorado Opioid Abatement Council](#) (COAC) launched in 2022 in agreement with local governments to provide oversight of the opioid funds and to oversee the compliance of fund distribution under the terms of any settlement and the Colorado Opioid Settlement Memorandum of Understanding.



People gathered from across the state at the Department of Law in 2022 for the first Colorado Opioid Abatement Conference.



The COAC is specifically responsible for oversight of opioid funds from the regional share and for developing processes and procedures for the statewide infrastructure share.

The board includes Attorney General Weiser; two licensed professionals with experience in substance use disorder treatment; three members who are professionals with significant experience in prevention, education, recovery, treatment, criminal justice, rural public health issues, or government administration related to substance use disorders; one member or family member affected directly by the opioid crisis; two western district representatives; two eastern district representatives; and two front range district representatives.

In 2022, the council oversaw the distribution of more than \$19 million statewide.



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](https://safe2tell.org), or through the Safe2Tell mobile app.

Safe2Tell updated its website, informational materials, and training program in 2022, working to make the program, its materials and its resources accessible and relevant to students, schools, and other community partners.

In May of 2022, the program launched a new, more accessible, and appealing website that is easier to navigate and allows students and community members to simply and quickly submit urgent safety concerns through that portal.

**19,364**

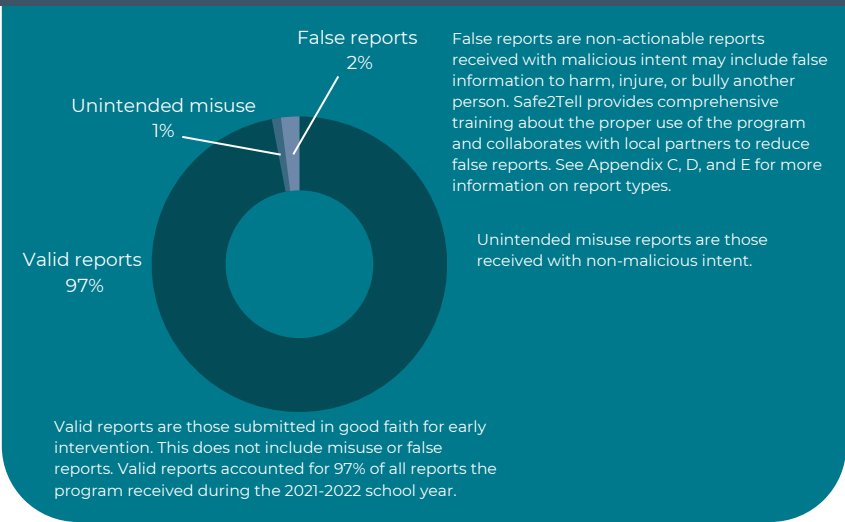
reports were received during the 2021-2022 school year. Of these reports, 5% were documented to have had some form of social media involvement.

**Top report categories 2021-2022 school year**



**ENGAGING COLORADO STUDENTS**

In 2021, Safe2Tell launched its Student Ambassador program, and in 2022 10 student ambassadors completed the program. Ambassadors provide insight and feedback on the Safe2Tell program and offer suggestions to keep the program youth centered. Student ambassadors surveyed more than 1,000 of their fellow students, offering helpful insights as Safe2Tell's trainers travel throughout the state to help schools and students learn more about the program.





# 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.*

## DEFENDING FREE AND FAIR ELECTIONS

The department's cross-unit attorneys successfully represented the Secretary of State in a lawsuit seeking enforcement of election orders primarily related to a county clerk relinquishing copies of election servers created as part of a misguided campaign to attack the validity of the 2020 election. The lawsuit resulted in a decisive order recognizing the authority of the Secretary of State over election matters.

## ONGOING COVID-19 PANDEMIC RESPONSE AND RECOVERY

### ▶ WORKERS

As part of the department's ongoing work to support Colorado's pandemic response and recovery, the Business and Licensing Section worked with the Colorado Division of Insurance and the Division of Professions & Occupations to provide advice regarding Executive Orders and to craft emergency rules to respond to the impacts of the COVID and RSV/Influenza/Respiratory Illness emergencies.

The Labor Unit in the State Services Section also supported Coloradans working through the pandemic. The pandemic brought serious changes to the Colorado Department of Labor and Employment and Division of Employment Insurance. Throughout the pandemic, the division paused all adjudications to streamline payments to unemployment insurance claimants, and the department is assisting the division with its backlog. This work is likely to continue for several years as the division resumes pre-pandemic processes and a similar level of claims.

### ▶ EDUCATION

The K-12 Education Unit in the State Services Section also supported the Department of Education, the State Board of Education, the Charter School Institute, and the Colorado School for the Deaf and the Blind as they worked to relaunch existing programs that were put on pause during the pandemic. A key component of this work is the state's accountability system for schools and districts. After multiple years of disrupted learning, the Department of Education and the K-12 Unit worked together on rebuilding the state's systems to support school and district turnaround.

## DEFENDING COLORADANS' RIGHT TO AFFORDABLE HEALTHCARE

The Insurance Unit in the Business and Licensing Section continued to help the Colorado Division of Insurance (DOI) navigate legal challenges surrounding health insurance affordability, including assisting DOI's implementation of the Colorado Option Health Plan to offer reduced premiums on the individual and small group health insurance markets, advising the newly created Prescription Drug Affordability Board as it implements rules to begin prescription drug affordability reviews, and supporting DOI's efforts to address mental health parity through investigations and market conduct examinations.

The department also advised two new clients in 2022 that play a role in helping make health insurance more available and affordable for Colorado citizens: the Colorado Option Advisory Board and the Colorado Prescription Drug Affordability Advisory Council.

## FIGHTING FOR COLORADANS' RIGHT TO ABORTION AND REPRODUCTIVE HEALTHCARE

Attorney General Weiser continued to defend and protect safe access to medication abortion nationwide and reaffirmed his commitment to those efforts in the wake of the U.S. Supreme Court decision in *Dobbs v. Jackson Women's Health Organization*.

Additional information on reproductive rights in Colorado is available here: [Know Your Reproductive Rights](#).

“

Overruling *Roe v. Wade*—a decision repeatedly reaffirmed over the last 50 years—was a momentous mistake on multiple levels.

And the Court's lack of sensitivity in *Dobbs* to a range of issues now open to litigation portends more legal battles to come. I will stand firm for protecting personal freedoms when they are attacked—whether those challenges relate to access to the morning after pill to access to birth control to marriage equality.

— Attorney General Weiser



## FIGHTING FOR COLORADANS' RIGHT TO LIVE FREE FROM DISCRIMINATION

In December of 2022, in oral arguments before the U.S. Supreme Court, the Colorado solicitor general urged the justices to uphold the state's long-standing civil rights law that requires public businesses to serve all customers and prohibit denials of service because of a customer's religion, sexual orientation, race, sex, disability, or other characteristics protected under the law in the case *303 Creative LLC v. Aubrey Elenis, et al.*

The question before the Court is whether a public accommodations law violates the First Amendment's Free Speech Clause when it requires a business to offer its goods and services—including customized goods and services—to all customers regardless of protected characteristics. The federal district court and the 10th Circuit Court of Appeals in Denver both ruled that the state's law is constitutional. The business that appealed the case asked the U.S. Supreme Court to allow it to turn away same-sex couples and not offer them the same website design services it would offer opposite-sex couples.

In a brief filed with the U.S. Supreme Court, the attorney general argued that the Colorado Anti-Discrimination Act simply prevents sales discrimination. What a business chooses to sell to the public remains entirely up to the business. Once a business offers something to the public, however, the law ensures it must offer it to any customer regardless of their race, religion, sexual orientation, or other protected characteristic.

The Court is expected to issue its decision in the case in late June 2023.

## PROTECTING COLORADO STUDENTS

The K-12 Unit in the State Services Section led a year-long project in 2022 to revamp the [Colorado School Safety Manual: A Legal Guide](#). Attorney General Weiser created this legal manual as one tool of many in the state's ongoing commitment to prevent school violence and provide safe schools for Colorado's students. The manual recognizes the impact of trauma and mental health in our schools and works to provide an overview of the many legal issues, tools, and resources available for Colorado's schools and staff.

## BOLSTERING EDUCATION IN COLORADO

The Higher Education Unit in the State Services Section serves as general and litigation counsel for the Colorado Department of Higher Education, the Division of Professional Occupational Schools, CollegeAssist, College Invest, History Colorado, the Institute for Cannabis Research, and the Auraria Higher Education Center, as well as for many of the State's public postsecondary institutions. During the 2022 calendar year, the unit provided general counsel and litigation support to the institutions, including Title IX training in anticipation of the 2023 rule changes, assisting two clients with board training and advice on outgoing presidents and presidential searches, gun safety and other related return to campus issues, affordable housing, continuing to defend our clients on issues related to the pandemic, including vaccinations and tuition cases, and assisting clients with compliance related to the Colorado Equal Pay for Equal Work Act. The department represented its clients' interests in dozens of cases and advised our clients on 582 unique legal issues.

In addition to representing higher education institutions, the Department of Law through the Human Services Unit now serves as counsel to the newly created Colorado Department of Early Childhood (CDEC) and is in advising the new state agency as it becomes operational. In November 2020, voters overwhelmingly passed Proposition EE to increase the state tax on tobacco, establish a nicotine products tax, and direct funding to a universal, voluntary preschool program. In June 2021, HB21-1304 established the CDEC to oversee the preschool program.

All programs and services that had previously been administered by the Office of Early Childhood within the Colorado Department of Human Services, including childcare licensing, will now be administered by the CDEC. The CDEC will also oversee several programs and services that had been administered by the Colorado Department of Education such as the Colorado Preschool Program and the Early Childhood Workforce Development team. The Human Services Unit was involved with the rulemaking process for CDEC. The Human Services Unit also provided several trainings on rulemaking to assist the CDEC through the process.

## SUPPORTING COLORADO'S AGRICULTURE

Agriculture and healthy livestock are essential to Coloradans' way of life, and in 2022 the Agriculture Unit in the Business and Licensing Section of the department assisted the Colorado Department of Agriculture as it considered a complicated animal situation that involved over 150 head of animals – both companion and livestock – that were malnourished, living in inhumane conditions, and not receiving timely or appropriate veterinary care. With the department's legal assistance, the animals were removed from the owner's possession in May 2022, and the owner was further enjoined in October from further possession of pet or companion animals on her property.

The Agriculture Unit also advised the Department of Agriculture in adopting rules and organizing a work plan to implement the new Future Agricultural Loan Program, which is designed to provide loans and grants to historically underserved populations and to new and beginning farmers and ranchers throughout Colorado. In 2022, CDA rolled out its plans for the prior allocation of \$20 million from the General Assembly for this program.

The department helped defend agricultural workers in 2022 when the Agricultural Workers' Rights Act ushered in needed reforms to protect agricultural workers. The Labor Unit in the department is supporting the Division of Labor Standards and Statistics, the agency responsible for enforcing the act.

## ADVANCING BEHAVIORAL HEALTHCARE IN COLORADO

The Human Services Unit in the State Services Section in the Department of Law is advising the new Behavioral Health Administration (BHA) on rulemaking, interagency agreements, contracts, and its first regulatory action among other miscellaneous legal issue associated with creating a new system for behavioral health care. The BHA is a new cabinet member-led agency housed within the Department of Human Services and is designed to be the single entity responsible for driving coordination and collaboration across state agencies to address behavioral health needs.



## 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 Section](#) 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.

### PROSECUTING MEDICAID FRAUD AND SAFEGARDING PUBLIC HEALTH FUNDS

The Attorney General's Medicaid Fraud Control Unit is dedicated to protecting the integrity of the system that provides healthcare to the most vulnerable Coloradans. It accomplishes this through the investigation and prosecution of Medicaid provider fraud as well as the investigation and prosecution of the abuse and neglect of Medicaid clients in non-institutional settings as well as the abuse and neglect of patients in institutions that receive Medicaid dollars

 **5,373,917.99 in civil judgments**  
**399,514.68 in criminal restitution**



**The amount of money the Medicaid Fraud Control Unit recovered for the State of Colorado in 2022. 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 announced several cases in 2022, including:

- [Aurora woman charged with stealing \\$372K from Medicaid in fraudulent home healthcare billing](#)
- [Three women charged in Medicaid fraud scheme after claiming imprisoned woman provided healthcare services](#)
- [Pueblo woman charged with stealing \\$577K from Medicaid in fraudulent telemedicine billing](#)
- [Attorney General Phil Weiser announces woman sentenced in death of 86-year-old](#)

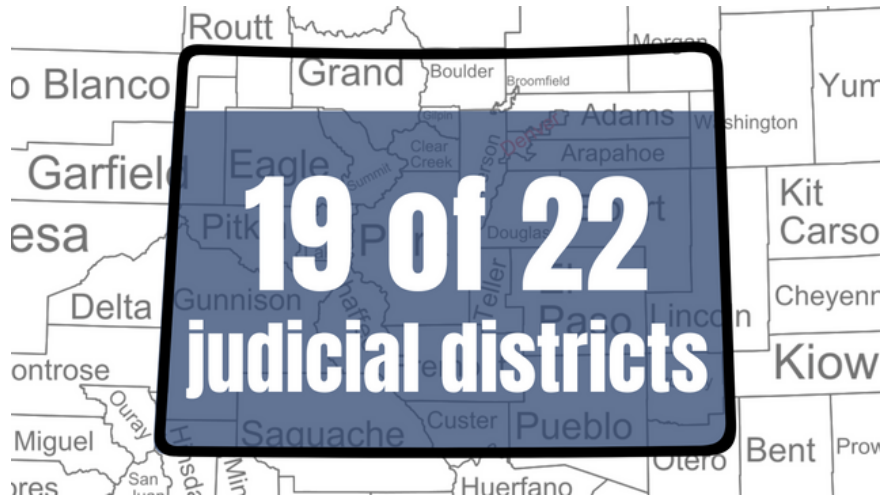
To report potential Medicaid fraud, click [here](#) or call (720) 508-6696.

### PROTECTING COLORADANS FROM FINANCIAL FRAUD

Two Department of Law investigators received the International Association of Special Investigative Units investigation of the year award in San Diego in March for their exceptional work on a case involving insurance agents who coached customers how to falsify information to reduce their worker's compensation insurance premiums. The case was investigated with cooperation from Pinnacle Assurance, and an investigator. This complex investigation is just one example of the cases worked by the Financial Fraud Unit.

WORKING ACROSS COLORADO TO STOP ORGANIZED CRIME

The Special Prosecutions Unit in the Department of Law focuses on multi-jurisdictional organized crime investigations, which include cases involving drug trafficking, auto theft, human trafficking, and a wide variety of fraud. This team also provides support to district attorneys' offices across the state. In 2022, the Special Prosecutions Unit consulted with 19 of 22 judicial districts and in many instances provided significant case support by providing investigators and prosecutors to work on complex and violent cases.



► ORGANIZED AUTO THEFT PREVENTION

Last year, the unit dedicated significant resources to investigate and prosecute high level, organized auto theft cases. One case, [Operation Vicious Cycle](#), led to the sentencing of a defendant for committing a series of bike shop burglaries and auto thefts that impacted Denver, Boulder, Arapahoe, and Douglas counties. The [statewide grand jury indicted](#) eight individuals in November 2021 on 227 counts in the vehicle theft and bike shop burglary crime spree that occurred during the height of the COVID-19 pandemic and stretched from mountain communities to the Boulder and Denver metro areas. The value of the stolen vehicles, stolen property, and property damage carried out from December 2019 until June 2020 is approximately \$1.5 million.

► OPERATION DAYLIGHT BURGLARIES

The department secured prison time for two people who conducted and participated in a 2019 home burglary ring that targeted 26 Asian-American business owners in Colorado and Wyoming.

The statewide grand jury [indicted](#) the defendants in July 2020 on 46 counts related to the criminal enterprise. The defendants used a common plan to commit the residential burglaries and theft. They worked together to gather intelligence about Asian-American businesses and connected the businesses to the owners' home addresses. One or more members of the criminal enterprise then conducted a daytime or early evening burglary of the homes while the residents were away at work. The burglars often persistently knocked on the door or rang the doorbell before forcing entry through a door or window. Total losses from this crime spree include approximately \$1.4 million in stolen cash and jewelry.

► UNEMPLOYMENT INSURANCE

The department in 2022 coordinated local, state and federal resources to strengthen the investigation and prosecution of criminal activity which attempted to defraud Colorado by targeting state benefits that were made available through Colorado's Unemployment Insurance system.

Beginning in 2021 and further strengthening in 2022, this unit established and maintained a communication channel and an investigative protocol with the criminal investigators from the Colorado Department of Labor and Employment and agents from both the Colorado Department of Revenue and the Colorado Bureau of Investigation, who serve as the primary law enforcement resources to investigate these types of public benefit frauds. Prosecutions have been referred to prosecutors throughout the state and handled by the unit.

## FIGHTING INSURANCE FRAUD

Two Department of Law investigators received the International Association of Special Investigative Units investigation of the year award in San Diego in March for their exceptional work on a case involving insurance agents who coached customers how to falsify information to reduce their worker's compensation insurance premiums. The case was investigated with cooperation from Pinnacol Assurance, and an investigator. This complex investigation is just one example of the cases worked by the Financial Fraud Unit.

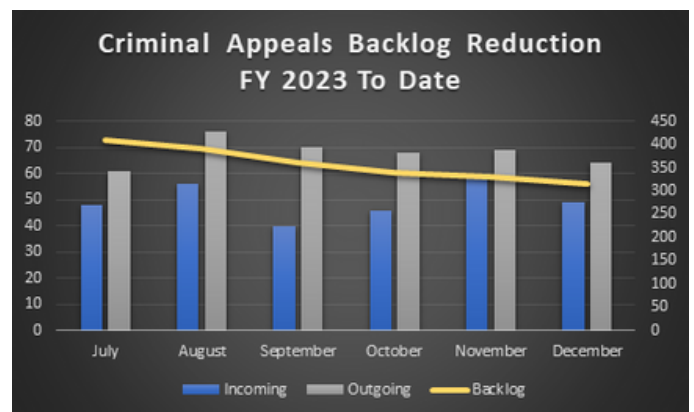
## CRIMINAL APPEALS

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

Cases handled by the section range from minor sentencing and post-conviction appeals to complicated white-collar crime, homicide, child abuse, and sexual assault cases. 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.

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

Attorneys in the Criminal Appeals Section 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

Additionally, the Criminal Appeals Section 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 20 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 Attorney General Weiser and state officials about a wide variety of federal and state constitutional issues.

Working in the Criminal Appeals Section 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.

## IMPROVED TRAINING

Up-to-date training standards are essential to law enforcement's ability to protect Coloradans. In 2022, POST developed and updated various training standards, including the following:

- In 2022, with assistance from the Business and Licensing Section, the POST developed curriculum for working cases regarding Missing and Murdered Indigenous Relatives, which will be taught in the basic academy and in-service training.
- POST created a statewide model policy for the selection, training, and evaluation of School Resource Officers, which will be housed on the Department of Education website.
- A partnership was created among POST, Denver Police Department, and Georgetown Law to create ABLE Colorado. Active Bystandership for Law Enforcement training provides peace officers with the tools and skills necessary to intervene with coworkers before they make a life-ending or career-ending choice.

POST Staff certified 1,121 new peace officers, with 108 of those being experienced peace officers coming to Colorado from out-of-state agencies, and 27 renewing their expired Colorado POST certification.

The certifications for 43 peace officers were revoked; 18 for untruthfulness, 15 for felony criminal matters, and 9 for misdemeanor criminal matters. One peace officer voluntarily relinquished their certification in lieu of the revocation process for an untruthfulness matter.

10 certifications were suspended for failure to meet the training requirements outlined in § 24-31-315, C.R.S. One of these peace officers has since been reinstated by completing the required training.

## ► LAW ENFORCEMENT ACADEMY OVERSIGHT

The new law enforcement training academy approval and re-approval process was implemented in 2022, along with the creation of the Academy Subcommittee of the POST Board, to verify that academies are meeting necessary standards.

### By the numbers:

Financial support for additional training and development

**\$188,393**

The amount awarded to 6 law enforcement training facilities through POST's Capital Improvement Training Grants to improve law enforcement training facilities.



**10**

The number of scholarships provided to rural and smaller law enforcement agencies for peace officer candidate tuition costs, for a total of \$56,612.



**25**

The number of officers who attended one of the Public Safety Leadership Development Programs hosted by the Daniels College of Business. \$50,000 provided by the Public Safety Leadership Development Grant Program.



# PROTECTING CONSUMERS

Protecting consumers is one of Attorney General Weiser's top priorities, and the Consumer Protection Section defended student loan borrowers, halted deceptive business practices, and secured reimbursement for Coloradans who were mistreated throughout 2022.

## DEFENDING STUDENT LOAN BORROWERS

The Consumer Protection Section in the Department of Law focused on financial security of Coloradans by protecting student loan borrowers. As a result of that work, the loan processor Navient [forgave the loans](#) of more than 1,000 Coloradans, and nearly 7,000 received \$260 each in restitution from Navient.

The section also obtained loan forgiveness for student borrowers defrauded by unscrupulous institutions. For example, as a result of the department's efforts [2,440 Colorado borrowers](#) received \$46 million in loan forgiveness because ITT Technical Institute misled students about the value of an ITT degree. Similarly, [5,440 Colorado borrowers](#) deceived about employment and salary prospects by Westwood College received over \$107 million in loan forgiveness.



## INVESTIGATING A PROPOSED GROCERY MERGER

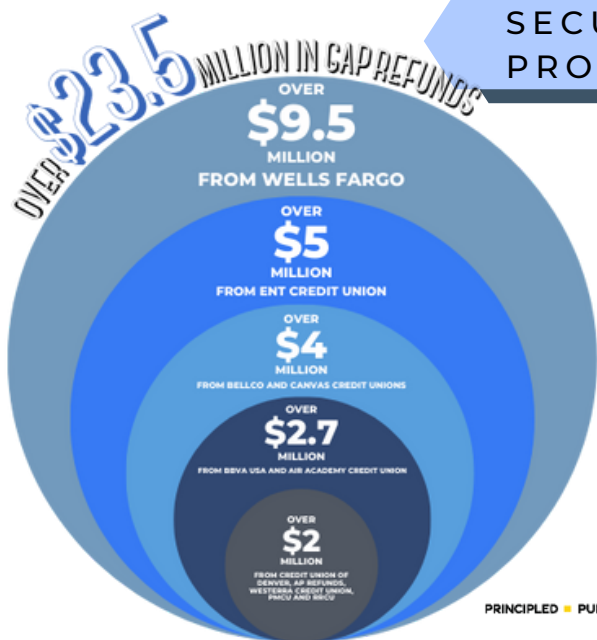
In 2022, Attorney General Weiser announced an investigation into a proposed merger between Kroger and Albertsons. On Oct. 14, 2022, Kroger announced it agreed to purchase Albertsons in a \$24.6 billion supermarket merger that would have nationwide impacts on consumers, including in Colorado. Kroger operates 148 stores in Colorado under the King Soopers and City Market banners; and Albertsons operates 105 stores under the Safeway and Albertsons banners. The companies expect to finalize the merger in early 2024 if it is approved by state and federal regulators.

As authorized by state law, the department is reviewing this proposed merger to determine if it is lawful, does not undermine competition, and is fair to consumers, workers, farmers, and suppliers. Provide feedback at [coag.gov/grocerymerger](https://coag.gov/grocerymerger).

## SECURING GUARANTEED AUTOMOBILE PROTECTION REIMBURSEMENT

Guaranteed automobile protection (GAP) is 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.

Many lenders fail to do this, and the department is requiring that they refund money to consumers.



## ADDRESSING UNFAIR AND DECEPTIVE BUSINESS PRACTICES

Attorney General Weiser focused on fake or misleading fees which deceive consumers into believing that they either receive a benefit for the fee or the fee is required by law. In 2022, the department's work resulted in Comcast committing to clearer disclosures and reduced charge and DISH stopping charges for HD fees altogether.

The department combated deception in other cases in 2022, including the following:



- [TurboTax](#) deceived consumers into paying for tax services that were supposed to be free under a federal program for low-income families. Over \$2.5 million was paid to thousands of Coloradans because of the department's investigation.
- Where companies fail to honor promised discounts or coupons, the department holds them accountable. [Pfizer](#) refunded over \$100,000 to 1,500 Coloradans for failure to honor coupons on three medications.
- Companies who deceive consumers, particularly older Coloradans with false advertisements such as fake sweepstakes will also be held accountable. Broomfield-based [Mountainview Publishers](#) agreed to pay \$250,000 for deceiving consumers.
- The department shut down and fined businesses like [One Connection LLC](#) for deceptively offering immigration and family law services without a license and that did not provide any benefit.
- When businesses and their owners refuse to stop their deceptive conduct after agreeing to do so, the department continues to hold them accountable. For instance, a fake charity scam artist was [sentenced to two years in jail](#) for violating court cease and desist orders. In another case, Larry Perez was [sentenced to 18 months in jail](#) for violating an order banning him from deceiving consumers in the food truck business.

## ENSURING DATA PRIVACY AND SECURITY FOR COLORADANS

Colorado is the third state in the country to enact a law protecting consumer data privacy and Attorney General Weiser is working with consumers and businesses to establish regulations and guidelines to implement that law in 2023. Learn more and sign up for updates at [coag.gov/cpa](https://coag.gov/cpa).

As part of enforcement efforts, the department requires businesses to establish better practices and procedures to protect consumer data and also requires that they pay the state. Recoveries for data breaches and privacy violations in 2022 include the following:

- [\\$8.3 million](#) associated with Google location tracking without consent
- [\\$20,000](#) from Experian for failure to protect consumer data
- [Savory Spice Shop](#), a company based in Denver that failed to safeguard the payment card information of 13,888 Colorado customers and waited months to notify them that their information had been compromised will pay \$30,000.
- [Carnival](#), a cruise-based travel agency, will pay \$24,000 to the state of Colorado after a data breach compromised the personal information of 3,037 Colorado residents



**HOLDING PRACTITIONERS ACCOUNTABLE FOR MISTREATING COLORADANS**

The Business and Licensing Section's Financial and Mental Health, Healthcare, Medical, Nursing and Professional Boards, and Real Estate Units represented various client agencies regarding numerous public complaints filed against practitioners and licensees, and helped obtain license revocations, suspensions, relinquishments, and other disciplinary actions. Holding accountable these practitioners for mistreatment of Coloradans can help make certain they do not repeat those actions in the future. The following are some of the issues on which the unit worked in 2022:



PROTECTING COLORADO YOUTH

In March 2022, Attorney General Weiser announced a nationwide investigation into TikTok and Instagram for providing and promoting its social media platform to children and young adults. Use of the platform is also associated with physical and mental health harms. Attorneys general nationwide are examining whether the company violated state consumer protection laws that put the public at risk.

Lawyers from the Marijuana, Liquor and Bankruptcy Unit continued their work protecting youth from accessing tobacco and nicotine products. In 2022, this included assisting the Colorado Department of Revenue’s Liquor Enforcement Division and its continued efforts to get previously unlicensed tobacco retailers licensed under HB20-1001. The unit also received the first administrative action seeking to prevent a licensed tobacco retailer from selling tobacco and nicotine products for a period of time based on serial underage compliance check failures.



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](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, & WATER

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

### LAND

#### HOLDING COMPANIES ACCOUNTABLE TO CONSERVING OUR NATURAL RESOURCES

The Natural Resources and Environment Section in the Department of Law ensures that companies and agencies follow rules protecting Colorado's land. Below are some of the ways the section advanced these efforts in 2022:

- The Colorado Natural Resources Trustees approved a \$1.6 million settlement 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 \$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.
- The section continued in its enforcement efforts against KP Kauffman (KPK) and confirm substantial compliance with its Compliance Plan Agreement entered in late 2021. In fall of 2021, KPK was found liable for 22 separate Colorado Oil and Gas Conservation Commission (COGCC) rule violations and assessed a penalty just over \$2 million. KPK was ordered to pay only a portion of the penalty so that it could direct its avowed limited resources to implementing a wide-ranging compliance plan. The agreement requires KPK to address outstanding corrective actions at locations part of the enforcement hearing, to achieve closure at all open spill/release and environmental remediation projects as of the effective date of the plan, and to implement other measures, including spill training and proper waste management, to bring KPK back into compliance with COGCC rules.
- Attorneys from the Revenue and Utilities Section supported the Public Utilities Commission by filing 21 notices of probable violation against major Colorado gas pipeline utilities as well as master meter operators (i.e., systems serving less than 100 customers such as campgrounds) requiring them to correct safety violations or pay substantial fines. These notices, issued under newly promulgated PUC rules, resulted in ensuring utilities implement much-needed gas distribution system upgrades and improve their adherence to gas pipeline safety standards.

### AIR

#### SECURING A CLEAN ENERGY FUTURE

The section advised commissioners and a team of experts through one of the largest litigated cases ever filed before the Public Utilities Commission – Xcel Energy's Electric Resource Plan. Through the plan, the commission approved a path forward to achieving clean energy targets, including an 80% reduction of CO2 emissions by 2030 and enabling the shutting down of coal plants decades early in Colorado.

The section also advised the commission on one of the largest transmission projects built in recent memory in Colorado.



The Air Quality Unit in the section is also assisting Colorado Department of Public Health & Environment leadership to address concerns about its stationary source permitting program to align changes with statutory and regulatory requirements.

These changes are intended to address complaints about the permitting practices of the Air Pollution Control Division that led to investigations by the Department of Law and the U.S. Environmental Protection Agency. In response, the section advanced a comprehensive evaluation of its permitting program to verify that the agency is meeting its statutory mandates. In response to complaints that highlighted concerns with the permit process, the Air Pollution Control Division implemented new processes. These new processes establish timely, well developed, consistent advice. As a result, the unit now has an improved understanding of the division's permitting program and improved processes for managing higher general counsel demand.

## ESTABLISHING RULES TO MONITOR AIR POLLUTION IN CONSTRUCTION PROJECTS

The Civil Litigation and Employment Law Section Transportation Unit assisted the Transportation Commission and Colorado Department of Transportation staff in implementing transportation planning greenhouse gas rules that were adopted in late 2021. The new rules established greenhouse gas, or air pollution, budgets for certain highway and road construction projects and established a mechanism to comply with the greenhouse gas budgets.

## PREVENTING HAZARDOUS WASTE FIRE DANGER

The Natural Resources and Environment Section worked with a waste tire processor in north Denver on a compliance order in 2019 because the facility had a history of non-compliance with the solid waste statute and regulations. The Hazardous Materials and Waste Management Division conducted an inspection of the facility in April of 2022 and again found it drastically out of compliance with requirements. Massive, continuous piles of whole waste tires and tire shreds filled two adjacent parcels with no fire breaks. Most of the facility was inaccessible to fire trucks and equipment if a tire fire were to break out. The facility is in a dense, industrial part of northern urban Denver which qualifies as a disproportionately impacted community. A tire fire in this part of Denver would have been catastrophic.

The section filed a lawsuit in June of 2022 to force ATR and the main corporate officer to address these violations. The business agreed in a settlement to expedited clean-up and a \$40,000 penalty. The facility met all deadlines, due to careful oversight. The case was dismissed in November after the defendants fully complied with the settlement.

## WILDLAND FIRE PREVENTION SUPPORT

Natural Resources and Environment attorneys assisted the Division of Fire Prevention and Control with the purchase of a helicopter to assist with wildland fire mitigation and rescue. In addition, attorneys assisted with the purchase of a hangar at Rocky Mountain Metropolitan Airport for the Firehawk.

## WATER

### COLORADO RIVER BASIN

The Colorado River Basin faces historic drought that, coupled with overuse by the Lower Basin, stretches the limits of the system and the existing agreements that all the states agreed to. Finding solutions will require innovation and collaboration from each state along with a recognition of our shared vulnerabilities and opportunities.

Colorado, together with the other Upper Division States, recognizes that we must be part of the solution in the Colorado River Basin. Colorado's system of water rights administration and the Upper Basin Compact provide the framework to do just that.

## PROTECTING COLORADO'S WATER QUALITY

Attorneys in the Water Quality Unit and Hazardous and Solid Waste Unit of the Natural Resources and Environment Section worked throughout 2022 to verify the safety and quality of Colorado's waterways, including through the following:

The unit prepared and filed an amicus brief in *Sackett v. Environmental Protection Agency* in the United States Supreme Court. The *Sackett* case involves a challenge to the EPA's definition of "waters of the United States" under the federal Clean Water Act, in which two landowners are seeking to vastly scale back the scope of federal protections for the nation's wetlands and waterways. Colorado's brief argued in support of maintaining EPA's current test for determining which waters are subject to federal protection, which dates back to 2008 and has been applied under each of the last four presidential administrations.

In November of 2022, the Water Quality Control Commission adopted a new drinking water rule to govern the use of treated wastewater as a drinking water source, where treated wastewater enters directly into a drinking water treatment system with no intervening discharge to the environment, a process known as "direct potable reuse." The new rule supports a comprehensive regulatory framework to ensure that any direct potable reuse projects undertaken in Colorado produce safe drinking water and properly protect the public health. Attorneys in the Water Quality Unit counseled both the Commission and the Colorado Department of Public Health & Environment's Water Quality Control Commission throughout the development of the proposed rule and the rulemaking process.

In September, in response to a petition from a coalition of conservation and environmental justice groups, the Water Quality Control Commission adopted new, more protective water quality designations for segments of the South Platte River and Clear Creek. The new designations classify these urban stream segments as "reviewable" for purposes of antidegradation reviews required by the Clean Water Act and our state Water Quality Control Act. This results in an added level of water quality protection that preserves the ability of the streams to absorb pollution and requires dischargers to undergo additional reviews to determine appropriate pollutant limits, ensuring that improvements in water quality are maintained and built upon going forward. The commission and the Water Quality Control Division were represented by attorneys in the Water Quality Unit, who advised on several novel procedural and legal issues raised by the petition.

The Water Quality Unit is representing CDPHE's Drinking Water Program in this enforcement action against a mobile home park in El Paso County that has elevated levels of radium in its drinking water, presenting a cancer risk to residents. In December, we secured a default judgment in CDPHE's favor requiring the system to hire an engineer, design and install a treatment system, provide additional information to residents on the health risks of the drinking water, and pay an administrative penalty.

Attorneys supported the Natural Resources Damages Program in a successful effort to stabilize Alamosa River flow dynamics that had been damaged by years of human intervention to river habitat. The restoration included work to prevent unnatural erosion and sedimentation. The project also enhanced fish habitat by preventing unnatural erosion and creating deeper pools for fish.

The State filed a lawsuit against 15 manufacturers of a firefighting foam containing polyfluoroalkyl substances (PFAS) for damages and injuries that these toxic chemicals have caused to public health and natural resources. In the lawsuit, the State alleges that these companies knew that these chemicals posed significant threats to human health and the environment and nonetheless put Colorado at risk; it is important that they pay for the harm they caused to Colorado. This lawsuit represents the culmination of significant work and study regarding the impact of PFAS in Colorado.

## BUDGET & ADMINISTRATION

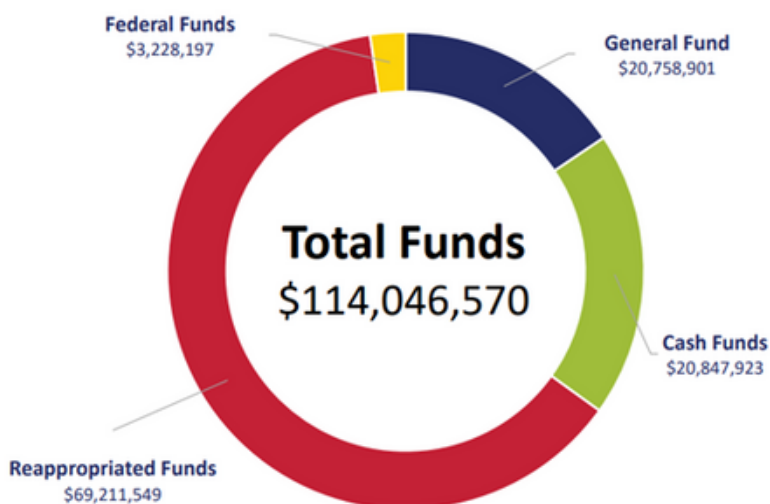
The department pays for its operations through four main funds, which are designated for specific uses: general fund, cash funds, reappropriated funds, and federal funds. The department has a \$114 million appropriated budget and approximately 593 employees.

### 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 sections, units, offices, and programs:

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

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 Section 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/).





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