
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

2023
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 state 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:

- **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. The Consumer Protection team investigates corporate fraud, false claims, and Medicaid fraud. This section also protects civil rights including patterns and practices of civil rights violations, fair housing, and workers’ rights.
- **Criminal Appeals Section:** Represents the state 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 judicial jurisdiction, including presenting cases to the Statewide Grand Jury and serving as special state prosecutors and special assistant district attorneys in local counties upon request, in addition to investigating 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 & Regulatory Law Section:** Provides litigation and general counsel support to the Department of Revenue, the Property Tax Administrator and Property Tax Division within the Department of Local Affairs, Department of Regulatory Agencies, and the Public Utilities Commission trial staff.
- **State Services Section:** Provides representation to eight of twenty executive branch principal Departments and Colorado’s five statewide elected public officials - the Governor, Lieutenant Governor, Attorney General, Secretary of State, and Treasurer - as well as the State Board of Education.
- **Division of Community Engagement:** Serves as Coloradans’ open door to the Department, ensures court settlement funds are responsibly, legally, and efficiently invested and disbursed, and administers important public programs such as Safe2Tell.



PRINCIPLED ■ PUBLIC SERVANTS
INNOVATIVE ■ BETTER TOGETHER

COLORADO DEPARTMENT OF LAW

DEFENDING AND SERVING
THE PEOPLE OF COLORADO

Dear Fellow Coloradans,

I am pleased to present the annual report of the Colorado Department of Law, a testament to our firm commitment to engaging with and serving the state. In 2023, our efforts to foster meaningful dialogues and address pressing issues were propelled by a surge in engagement, exemplifying our dedication to actively listening to and responding to the needs and voices of Coloradans. Notably, the Attorney General's Office saw growing demand for our services, and we made significant strides in addressing the opioid crisis, with Colorado slated to receive settlement funds exceeding \$750 million (to date), resulting from nationwide legal settlements with drug companies, distributors, pharmacies and others. Furthermore, our extensive outreach efforts - dozens of public events and town halls in addition to 19 listening sessions about the Kroger/Albertsons merger - underscore our commitment to addressing critical issues ranging from public safety to consumer rights.

Youth mental health is a central focus in my second term. This past year, we led a multistate lawsuit against Meta and continue to investigate TikTok for their impact on our children's well-being. My administration also resolved litigation against JUUL and secured \$31.7 million for vaping cessation, prevention, and youth mental health programs. A critical tool in supporting our children, Safe2Tell saw an unprecedented increase in reporting over the year, connecting more students than ever to the help they need.

Our dedication to protecting public safety and enhancing the criminal justice system remains unwavering. Through collaborative efforts with communities statewide, our Criminal Justice Section and the Colorado Peace Officer Standards and Training (POST) Board work diligently to prosecute threats to public safety, improve law enforcement training and accountability, and advocate for justice. Additionally, our steadfast commitment to combating organized crime, particularly in areas such as auto theft and retail theft, reflects our resolve to safeguard our communities.

Moreover, we continue to prioritize consumer protection, taking decisive action against deceptive and unfair business practices that harm Coloradans. To date, my administration has secured over \$1 billion in consumer protection cases, and \$534 million in refunds, restitution, credits, and debt relief for Colorado consumers. We took companies like Walmart and Google to task this past year, as well as held local businesses accountable like Four Star Realty and Wyatts Towing, exercising our authority in housing and the Towing Bill of Rights for the first time. Through legal action and settlements, we ensured consumers are treated fairly and ethically in the marketplace. Our ongoing efforts in this area underscore our commitment to safeguarding the economic well-being and rights of all Coloradans.

Finally, we remain committed to protecting our land, air, and water. Through vigilant enforcement of environmental laws and regulations, we strive to preserve Colorado's natural beauty for future generations, ensuring that our state remains a thriving and sustainable place to live. In the last year alone, we took actions to defend key federal protections against methane emissions, brought back \$5.52 million to Colorado to address natural resource damages, and sued oil & gas companies who broke the law and harmed the public.

We look forward to a productive year in serving the people of Colorado.



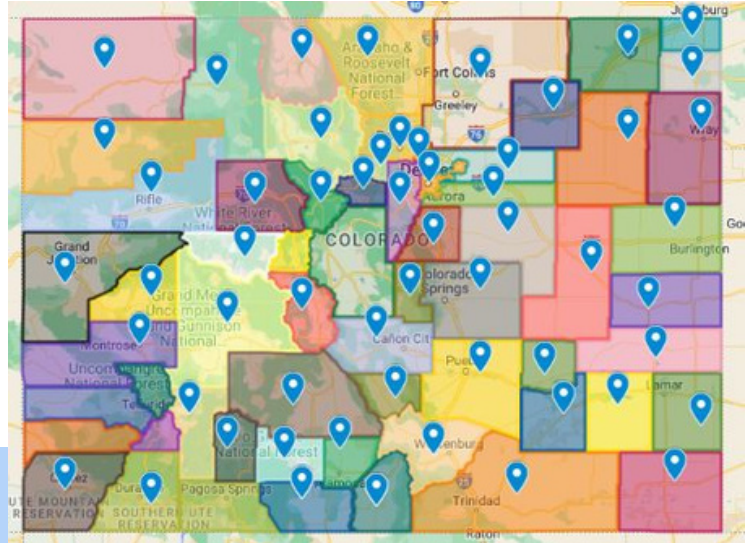
Phil Weiser, Colorado Attorney General

ENGAGING COLORADO

Our mission at the Department of Law to serve the people of Colorado, and actively engage, listen to, and respond to communities is paramount in ensuring our statewide impact. The Division of Community Engagement (DCE) is dedicated to fulfilling the Department's statutory duty to responsibly administer settlement funds received by the state, and fostering relationships and facilitating meaningful dialogues throughout Colorado to understand the needs, ideas, and voices of our state's residents.

In 2023, DCE fielded 18,743 complaints and received 11,573 calls from Coloradans regarding consumer rights, data privacy concerns, and patterns and practices of civil rights violations—an increase of 28% compared to 2022.

Attorney General Weiser conducted a series of public events, town halls, and meetings with law enforcement, local officials, and stakeholders throughout the year. These engagements focused on pressing topics such as combating the opioid epidemic, enhancing public safety and criminal justice measures, promoting youth mental health and safety, and safeguarding Colorado consumers and natural resources. Additionally, we held 19 listening sessions to gather feedback from Coloradans concerning the proposed Kroger/Albertsons mega-merger, including one with the Chair of the Federal Trade Commission.



Attorney General Weiser visited 57 counties in 2023, and has visited every Colorado county since taking office, often several times.

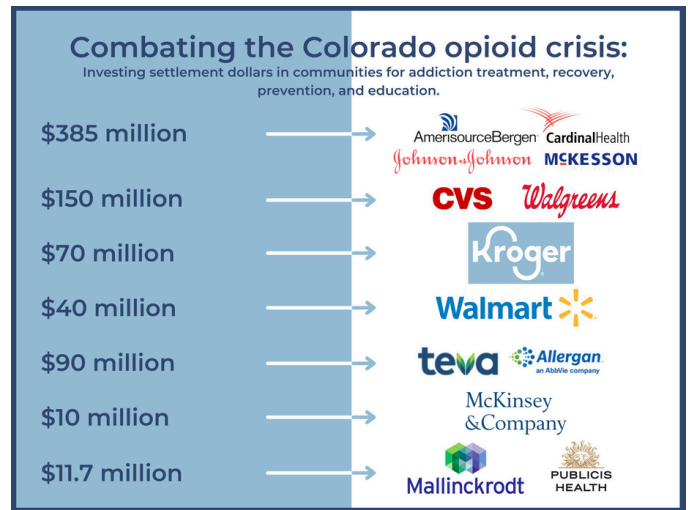


Attorney General Weiser at various communities around the state.

COMBATING THE OPIOID CRISIS

Colorado is making significant strides in addressing the opioid crisis on the legal and litigation fronts, and the state is on track to receive over \$750 million in opioid settlement funds. In June 2023, Attorney General Weiser unveiled the final approval of national opioid agreements with Teva, Allergan, CVS, and Walgreens, securing approximately \$270 million for Colorado over 15 years.

In September 2023, an agreement in principle with Kroger was announced, adding approximately \$70 million to Colorado's opioid recovery resources. 90% of all funds will be spent at the regional and local level. As for the State Share, representing 10% of all opioid settlement funds, the Department of Law is expected to allocate a total of \$81.9 million to state-level priorities over 18 years. From July 1, 2022, to Dec. 31, 2023, \$7.6 million in funding awards were finalized from the opioid settlement State Share.



Among the first state grants were to the Southern Ute and Ute Mountain Ute Tribes, which received one-time distributions from the State Share. These distributions, totaling \$1,274,536 and \$747,178 respectively, were allocated based on the impact of the crisis within these communities, utilizing public health data and are comparable to nearby areas. These funds, distinct from settlements with Native American tribes and other entities, underscore a commitment to targeted interventions.

In December 2023, the Department of Law allocated \$4 million through the Opioid Innovation Grants to combat the crisis. Eight organizations were selected to expand efforts in prevention, early intervention, appropriate harm reduction, treatment, recovery, and behavioral health, further bolstering Colorado's multifaceted approach to addressing opioid misuse and its repercussions.

Of the \$7.6 million awarded, \$3 million was expended from July 1, 2022, to December 31, 2023.

► 2ND ANNUAL CONFERENCE

Over 200 in-person attendees convened at the 2nd annual Colorado Opioid Abatement Conference in Montrose. Thirty-one elected officials, 19 regional councils, and several national, state, and local leaders from law enforcement and treatment, including individuals with lived experience, attended.



PUBLIC AWARENESS CAMPAIGN

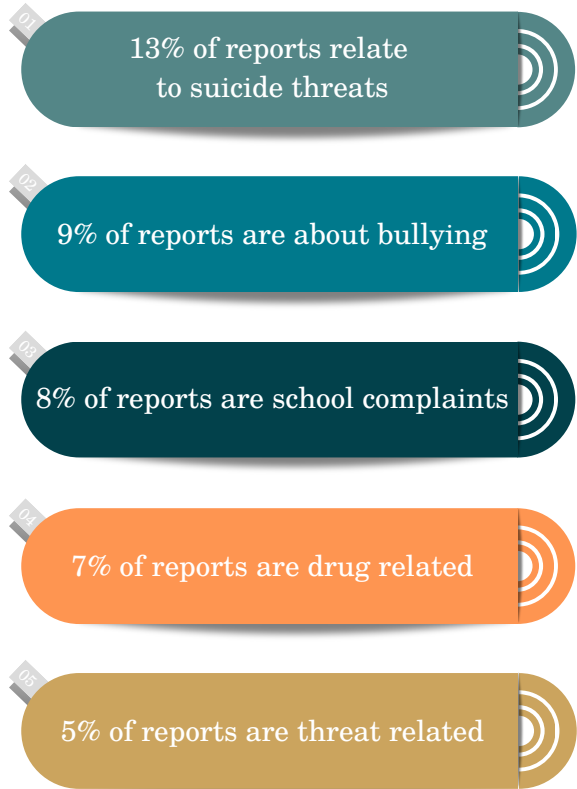


A new statewide educational campaign, Connect Effect (ConnectEffectCO.org), started in 2023, and highlights to Colorado youth and their parents that most teens are not misusing prescription pills that could be laced with fentanyl. In fact, as the campaign notes, 87% of teens would try to protect their peers from this deadly threat.

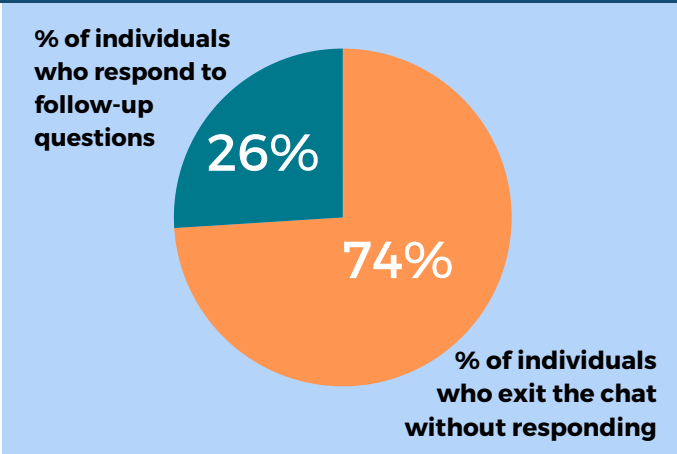


Safe2Tell, a successful violence intervention and prevention program administered by the Attorney General's Office, is an anonymous reporting tool that students, parents, and community members can use to report potential threats to their own and others' safety by calling 1-877-542-7233, going to safe2tell.org, through the Safe2Tell mobile app, or new this year, texting S2TCO to 738477. Also new this year, the program began tracking two-way dialogue between the Safe2Tell analysts and reporting parties to maximize the information available for follow-up.

Top report categories 2022-2023 school year



TWO-WAY DIALOGUE WITHIN REPORTS

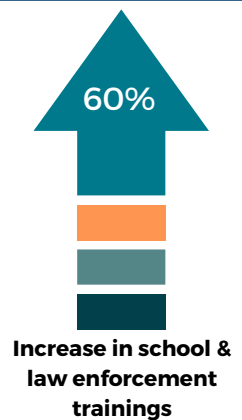


22,486 Reports were received during the 2022-2023 school year. Of these reports, 4% were documented to have had some form of social media involvement.

TRAINING INCREASED AWARENESS STATEWIDE

Statewide awareness and preparedness have been significantly bolstered through expanded training efforts. In the 2022-2023 academic year, Safe2Tell received a record-high volume of reports, totaling 22,486, underscoring its vital role. This surge coincided with the program's team expansion with the addition of a new trainer. Consequently, combined school and law enforcement trainings increased by 60% compared to the prior year, comprising 193 school presentations and 61 law enforcement agency sessions. The momentum continues with the enactment of Senate Bill 23-070, mandating Safe2Tell training for all school resource officers from 2024 onwards.

The program had many accomplishments throughout the year including piloting the Handle with Care program in Summit County, allowing law enforcement responding to a traumatic situation involving children to send a "Handle with Care" notification to the child's school so the student can be monitored. Safe2Tell also participated in 11 outreach events and shipped 100,000+ materials to nearly 2,000 schools in Colorado.

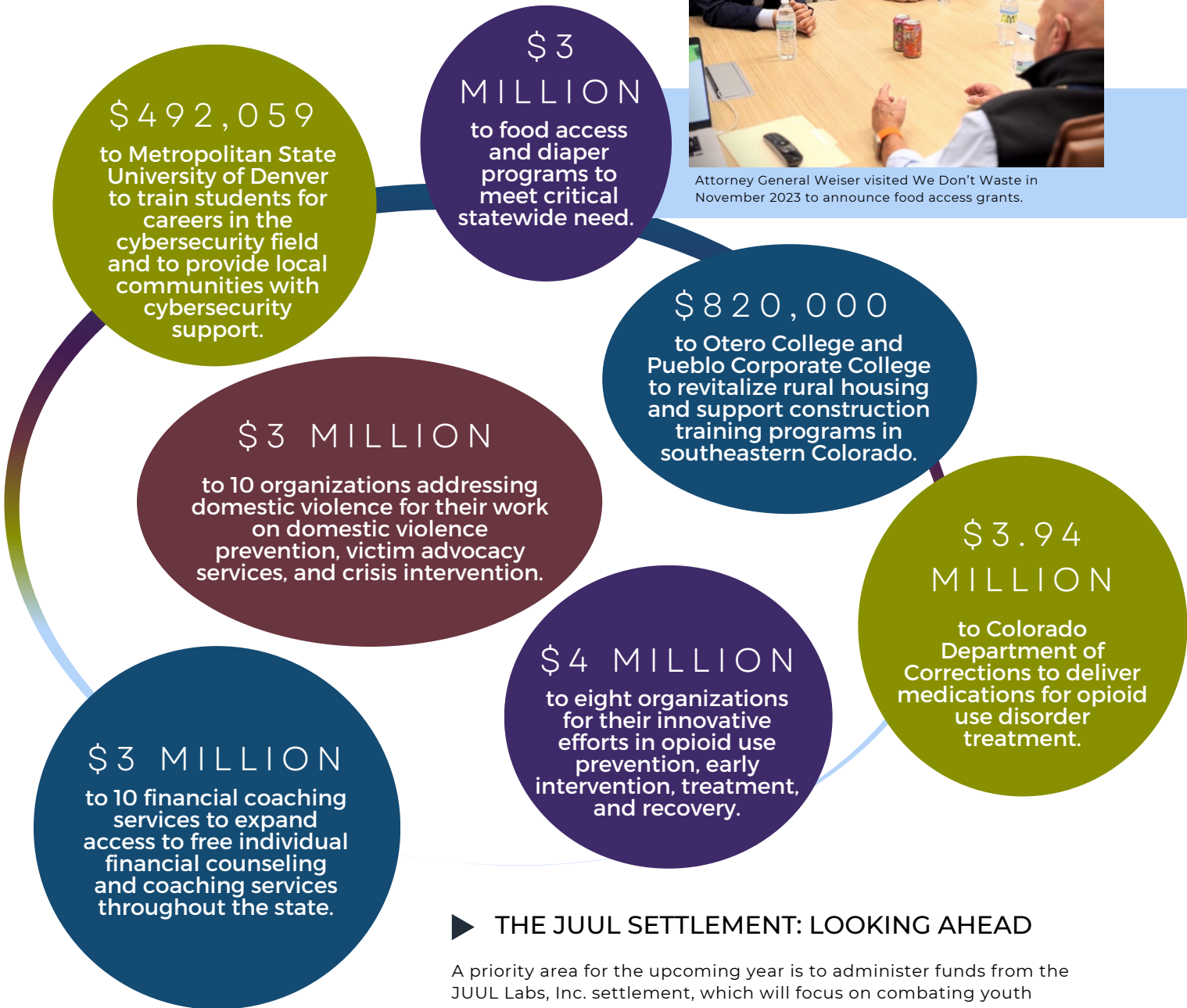


GRANTING & PARTNERSHIPS

When refunds and restitution aren't possible, grants awarded from settlements with companies like Walmart, Equifax, opioid manufacturers and distributors, and others are making a real difference. These funds address issues such as domestic violence, addiction recovery and treatment services, financial literacy, rural housing, food insecurity, and so much more. In the past year, the Department of Law awarded and supported over 40 organizations with over \$18 million in funding, including:



Attorney General Weiser visited We Don't Waste in November 2023 to announce food access grants.



▶ THE JUUL SETTLEMENT: LOOKING AHEAD

A priority area for the upcoming year is to administer funds from the JUUL Labs, Inc. settlement, which will focus on combating youth vaping. In 2023, we engaged with stakeholders, facilitated a Request for Information, and hosted a town hall discussion with over 200 participants to inform how these funds should be distributed.

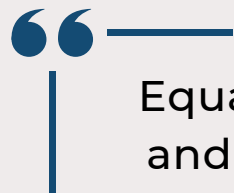
DEFENDING THE RULE OF LAW

Defending the rule of law entails safeguarding the constitutional freedoms and principles of equality and justice that underpin our nation's foundation. The Colorado Department of Law is committed to ensuring all Coloradans are protected by the rule of law and treated fairly.

FIGHTING FOR COLORADAN'S RIGHTS

► TO LIVE FREE FROM DISCRIMINATION

The Department stands firm in advocating for Coloradans' rights to live free from discrimination and in 2022 defended the Colorado Anti-Discrimination Act in *303 Creative LLC v. Aubrey Elenis, et al.*, at the U.S. Supreme Court. Following the court's 2023 decision, in which the court ruled in favor of allowing certain businesses with an expressive product to refuse services for same-sex weddings, Attorney General Weiser vowed to oppose any efforts to undermine the state's anti-discrimination laws.



Equality and fairness are core Colorado values, and we will vigorously uphold our state's laws against unlawful discrimination.

- Attorney General Weiser



► TO ABORTION AND REPRODUCTIVE CARE

In the aftermath of the 2022 *Dobbs v. Jackson Women's Health Organization* decision, Attorney General Weiser continues to champion safe access to abortion and reproductive care. Throughout the year, he actively advocated for the reversal of restrictions on medication abortion, including filing a court brief in the U.S. Supreme Court to challenge unnecessary limitations on the abortion drug mifepristone.

SHIELDING VICTIMS FROM STALKERS AND ABUSERS

Attorney General Weiser joined forces with 24 attorneys general in a collective effort to urge the U.S. Supreme Court to uphold states' authority in preventing individuals under domestic violence restraining orders from accessing firearms, after a lower court invalidated the law. The court is expected to issue its decision in summer 2024.

Additionally, in a recent ruling in *Counterman v. Colorado*, the U.S. Supreme Court issued a decision with significant ramifications, particularly for women. The court determined that in order to prosecute a defendant for true threats, the prosecution must establish the defendant's intent to threaten the victim based on a showing of recklessness. This decision heightens the likelihood that victims of threats will live in perpetual fear and may be deterred from speaking out against their stalkers.

Attorney General Weiser, who argued the case before the Supreme Court, is firmly committed to safeguarding victims of stalking and threatening speech, ensuring that all Coloradans can live without fear.

UPHOLDING THE CLEAN WATER ACT

The Department is dedicated to conservation, particularly protecting Colorado's rivers and streams from pollution. The U.S. Supreme Court's decision in *Sackett v. U.S. Environmental Protection Agency* has posed challenges to water quality protection efforts in Colorado and beyond. The Natural Resources and Environment Section remains resolute in finding solutions to safeguard our water resources for present and future generations.



DEFENDING COLORADANS

▶ VETERANS RIGHTS

In addition, the Department advocated for veterans' rights in *Rudisill v. McDonough*, ensuring that veterans have access to the education benefits they deserve under the GI Bill.

▶ LAWS DESIGNED TO PROTECT OUR SAFETY

The Attorney General's Office defended multiple new laws imposing reasonable restrictions on firearms to protect public safety. These included successfully defeating motions for preliminary injunction to enjoin laws preventing ghost guns and a three-day waiting period. We are also defending challenges to the large capacity magazine ban and a new law limiting purchases of firearms to persons over the age of 21.

IMPROVING THE CRIMINAL JUSTICE SYSTEM AND PROTECTING PUBLIC SAFETY

The Department of Law is committed to improving the criminal justice system and supporting law enforcement officers by prioritizing threats to public safety according to risk, acting in a data-driven manner, and working collaboratively to protect victims and public safety.

Through the work of attorneys and staff in the Criminal Justice Section, we collaborate with communities around the state to prosecute those who harm others, build better training in law enforcement, and support community safety.

PROTECTING COLORADANS FROM FRAUD

► FINANCIAL FRAUD

The Financial Fraud Unit has two primary missions: to investigate and prosecute insurance fraud and securities fraud. In 2023, court ordered restitution was ordered in the amount of \$2,070,709 for securities fraud and \$420,786 for insurance fraud.

► UNEMPLOYMENT INSURANCE FRAUD

The Department of Law continued to hold accountable those who defrauded the state's unemployment insurance system. Attorney General Weiser launched the Colorado Unemployment Fraud Task Force with state and federal law enforcement partners in 2021 to investigate and prosecute suspected identity theft and fraud against the state's unemployment insurance program. For all of 2022 and 2023, the task force referred 137 cases covering 240 claims to prosecutors throughout the state, seeking \$2,761,891 in restitution.

SEEKING JUSTICE FOR ELIJAH MCCLAIN AND HIS FAMILY

Attorney General Weiser was appointed by the governor as a special prosecutor for the state in June 2020 to investigate the death of Elijah McClain following an encounter with law enforcement and paramedics on Aug. 24, 2019. In September 2021, a statewide grand jury indicted former Aurora police officers Randy Roedema, Nathan Woodyard, and Jason Rosenblatt, and former Aurora Fire Rescue paramedics Jeremy Cooper and Peter Cichuniec for their conduct that resulted in Elijah McClain's death.

Three separate trials were held in the fall of 2023, finding Roedema, Cooper, and Cichuniec guilty. Their convictions and sentencings are as follows:

- Roedema was convicted of criminally negligent homicide and third-degree assault and was sentenced to 14 months in jail with work release.
- Cichuniec was convicted of criminally negligent homicide and second-degree assault and was sentenced to five years in state prison.
- Cooper was convicted of criminally negligent homicide and was sentenced to four years of probation and 14 months in jail with work release.

“

We now have a measure of justice for Elijah McClain, his family, and loved ones. True justice, however, would be having Elijah alive today. His death was an unnecessary tragedy. We recognize important work around integrity in law enforcement and improving first responders remains to be done, and Elijah McClain's memory will continue to inspire us to do that work.”

- Attorney General Weiser

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WORKING ACROSS COLORADO TO STOP ORGANIZED CRIME

Last year, the Department continued to dedicate significant resources to investigate and prosecute organized crime.*

► ORGANIZED AUTO THEFT

A statewide grand jury returned a 90-count indictment charging five individuals in an auto theft and burglary crime ring that spanned multiple metro-area counties—including Arapahoe, Douglas, and Jefferson counties—to Clear Creek and Weld counties, between December 2019 and March 2021.

► RETAIL THEFT RING

In spring 2023, Mario Hehr pled guilty to theft and Alexandra Gaiswinkler pled guilty for conspiracy to commit theft for carrying out an organized retail theft scheme involving The Home Depot stores in Adams, Jefferson, Boulder, Broomfield, and Weld counties, and pawning or selling the stolen items for their own personal benefit. Hehr was sentenced to 60 days in jail and four years supervised probation. Gaiswinkler was sentenced to a four-year supervised deferred judgment and sentence. The couple must pay \$39,682 in restitution to victims.

► FINANCIAL FRAUD ON VULNERABLE OLDER COLORADANS

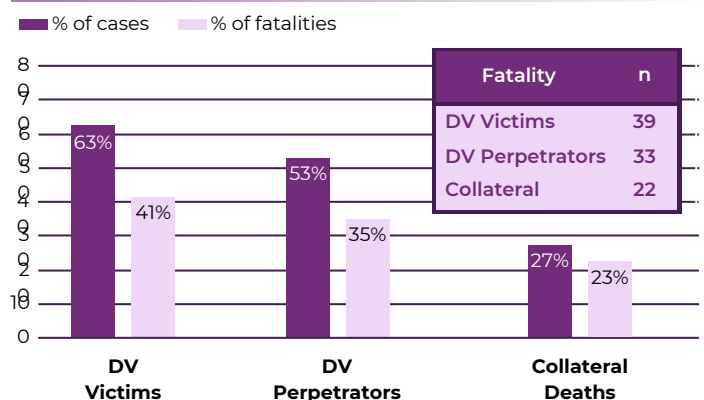
The statewide grand jury indicted a couple on 51 counts for allegedly operating a criminal tree-trimming scam that targeted older Coloradans in Adams, Arapahoe, Denver, El Paso, Jefferson, and Otero counties from February 2020 until October 2022. Joseph Tyler pleaded guilty to theft targeting at risk victims, and to theft, a class five felony. In March 2024, he was sentenced to eight years in state prison and ordered to pay \$23,000 in restitution to the older Coloradans that he defrauded. His wife, Amelia Tyler, cooperated with prosecutors and pleaded guilty to felony theft. She served a year in the Jefferson County jail and is currently on probation at an intensive residential program for three years.

DOMESTIC VIOLENCE FATALITIES

In 2023, the Attorney General’s Office released its annual comprehensive report from the Colorado Domestic Violence Fatality Review Board revealing a new all-time high for domestic violence fatalities in 2022. Domestic violence-related incidents claimed at least 94 lives in Colorado. Among these, 39 were killed by their current or former intimate partners, and 22 were collateral victims, including six children and two peace officers.

To address domestic violence across the state, \$3 million in grant funding was awarded to 10 organizations for their work on domestic violence prevention, victim advocacy services, and crisis intervention.

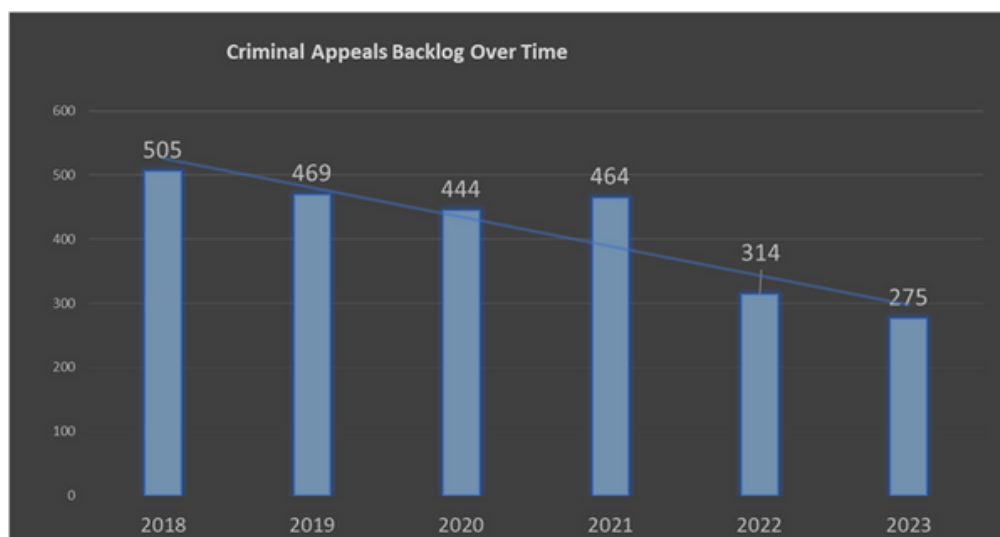
Representation of Fatalities by Who Was Killed



* Please note: A grand jury indictment is a formal accusation that an individual committed a crime under Colorado laws. All defendants are presumed innocent until proven guilty.

CRIMINAL APPEALS

The Criminal Appeals Section represents the state 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 state 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.



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 relevant and responsive to modern community needs.

 **\$2.9**
million

of grant funds were invested in rural and urban law enforcement communities.

2023 Highlights:

- \$2.9 million in grant funds invested in rural and urban enforcement communities with 118,864 officers trained through a grant program.
- Training excellence: 3,611 students took in person training and 123,453 students took online training.

POST Staff certified 1,278 new peace officers, with 101 on provisional certification and 37 renewing their expired Colorado POST certification.

The certifications for 46 peace officers were revoked or suspended: 14 for untruthfulness, 17 for misdemeanors, and 15 for felony criminal matters. Four peace officers voluntarily relinquished their certification in lieu of the revocation process.



officers trained



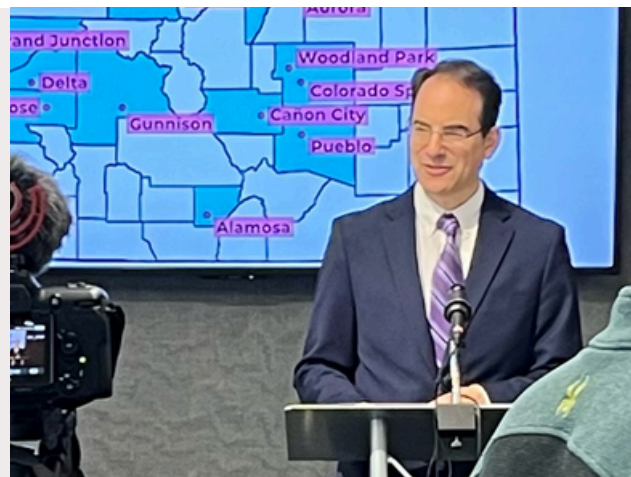
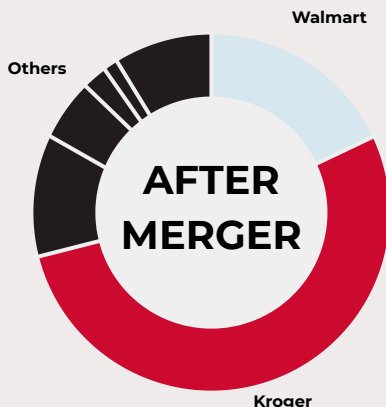
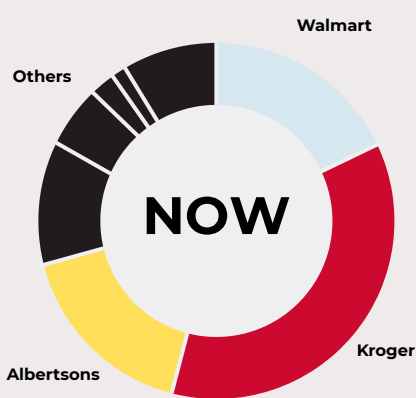
PROTECTING CONSUMERS

The Consumer Protection Section led the charge in addressing deceptive and unfair business practices harming Coloradans.

PREVENTING HARM TO CONSUMERS AND MORE

► SUING TO STOP A PROPOSED GROCERY MERGER

Following 19 listening sessions held across the state and the receipt of over 6,100 comments regarding the proposed merger, Attorney General Weiser filed a lawsuit in state court to block the \$24.6 billion merger between Kroger and Albertsons, the parent companies of major Colorado grocery chains such as King Soopers, City Market, and Safeway.



The lawsuit contends that the merger would eliminate competition between the two companies, resulting in a heavily concentrated market that would lead to stores closing, higher prices, fewer jobs, worse customer service, and less resilient supply chains. Additionally, the lawsuit challenges an illegal "no-poach" agreement between the companies during a 2022 King Soopers strike, when King Soopers attempted to block employees from other employment opportunities.

► WALMART SETTLEMENT

Further protecting consumers, the office recovered \$3 million in a settlement with Walmart for the company's failure to ensure the prices that customers paid for its products matched the price listed on the shelf. This was after failing nine of 17 state inspections. These settlement funds were distributed to local food access and diaper programs to address food insecurity.



PROTECTING TENANTS AND DRIVERS

▶ ILLEGAL TOWS

In December, the Department of Law concluded a lengthy investigation with a \$1 million settlement with Wyatts Towing. The investigation revealed that since 2019, Wyatts Towing had unlawfully towed thousands of vehicles without proper authorization, imposed unlawful fees, withheld consumer funds, and engaged in deceptive practices discouraging Coloradans from asserting their rights under state towing laws. This was the first enforcement action by the Attorney General under the recently enacted Towing Bill of Rights.



▶ HOUSING

In a new effort to protect the rights of renters, the Consumer Protection Section reached a settlement with Colorado property management firm Four Star Realty. The settlement followed a state investigation uncovering multiple instances of the company unlawfully withholding deposits and charging tenants for routine repairs and services. Under the terms of the settlement, Four Star Realty agreed to pay nearly \$1 million to the state, with the majority earmarked for consumer restitution.



HOLDING THOSE WHO COMMIT MEDICAID FRAUD ACCOUNTABLE

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.

\$ 1,357,407 in civil judgments 
1,555,309 in criminal restitution

The amount of money the Medicaid Fraud Control Unit recovered for the State of Colorado in 2023. 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 successfully resolved several cases in 2023, including:

- In 2020, Renee Fasano of Pueblo County routinely filed claims and received Medicaid reimbursement for telehealth services that were not provided. On July 7, 2023, Fasano was convicted of Medicaid fraud and waste, a class four felony, and sentenced to 20 years of intensive supervised probation, 90 days county jail, and ordered to pay restitution of \$567,935.
- DeJane Lattany of Denver routinely filed claims and received Medicaid reimbursement for fraudulent home care services between 2019 and 2021. In May 2023, Lattany was convicted of Medicaid fraud and waste, a class five felony, and sentenced to two years in the Department of Corrections, to be served in federal prison concurrent to a United States District Court case and ordered to pay restitution of \$372,150.



PROTECTING COLORADANS WITH MEDICAL DEBT

Attorney General Weiser successfully advocated for Senate Bill 23-093, a bill that provides Coloradans with additional consumer protections from high interest rates for medical debt and confusing collection practices that lead to long-lasting debt and harms consumers' long term financial instability.

ADDRESSING THEFT-PRONE HYUNDAI AND KIA VEHICLES

In 2023, Attorney General Phil Weiser pressed Hyundai and Kia to take stronger steps in addressing the safety concerns of their vehicles and also joined a multistate coalition calling for a federal recall of Hyundai and Kia vehicles following the companies' continued failure to take adequate steps to address the alarming rate of theft of their vehicles.



HOLDING BIG TECH ACCOUNTABLE

The Department secured a landmark \$700 million settlement with Google, resolving a multistate lawsuit challenging monopolistic practices with the Google Play Store. Allegations included anticompetitive contracts preventing the preloading of other app stores on Android devices, influencing app developers to discourage rival app stores, creating technological barriers for direct app downloads, and imposing monopoly pricing on in-app purchases. Consumers who made purchases on the Google Play Store between August 2016 and September 2023 may be eligible for restitution.

PROTECTING THE MENTAL HEALTH OF COLORADO YOUTH

Further holding big tech accountable, Attorney General Weiser is leading a nationwide lawsuit against Meta, filed in federal court. The filing alleges that Meta knowingly designed and implemented harmful features on Instagram and other social media platforms, specifically targeting children and teens. Meta falsely reassured the public of the safety of these features for young users, according to court filings. The lawsuit asserts that Meta's business practices violate state consumer protection laws and the federal Children's Online Privacy Protection Act. These practices have inflicted and continue to inflict significant harm on the physical and mental health of children and teens, exacerbating what the U.S. Surgeon General has labeled a "youth mental health crisis," leading to tragic loss of life, shattered families, and stunted potential among the younger generation.

In ongoing efforts to safeguard the wellbeing of Colorado's youth, the Department of Law secured a landmark \$31.7 million settlement with JUUL Labs, Inc. This settlement resolves the state's lawsuit against the company for targeting young people through marketing strategies and its misrepresentation of the health risks associated with its products. The funds obtained will be allocated to affected communities to support youth vaping cessation, prevention, and youth mental health programs.



DEFENDING LOAN BORROWERS

▶ STUDENTS

In July 2023, the U.S. Department of Education announced \$130 million in automatic loan forgiveness for 7,400 students who attended Colorado-based locations of CollegeAmerica between Jan. 1, 2006, and July 1, 2020. This action was based on evidence the Department provided after a yearslong investigation and lawsuit against CollegeAmerica parent company, the Center for Excellence in Higher Education. The company made widespread misrepresentations about the salaries and employment rates of its graduates, the programs it offered, and the terms of a private loan product it offered.

▶ VEHICLE OWNERS

The Department also secured a series of settlements with more than \$6.87 million in refunds for Colorado vehicle owners. These consumers were entitled refunds because they did not receive their full guaranteed automobile protection benefits under Colorado law. GAP is an optional benefit offered to car buyers who finance their purchase.

PROTECTING DATA PRIVACY - COLORADO PRIVACY ACT

Enacted in 2021, the new data privacy law took effect on July 1, 2023, giving consumers new rights and requires new responsibilities for some businesses and other entities when it comes to the collection and use of personal data. The law's implementation follows rulemaking conducted by the Department of Law after months of public comment from consumers, businesses, nonprofits, and other organizations in Colorado and across the country.

FOR CONSUMERS, THE NEW LAW MEANS NEW RIGHTS:

- The right to opt-out from the sale of their personal data, or use of personal data for targeted advertising and certain types of profiling;
- The right to know whether certain personal data is being collected;
- The right to access certain personal data collected about them;
- The right to correct personal data;
- The right to delete personal data; and
- The right to download and remove personal data from a platform in a format that allows the transfer to another platform.

INTRODUCING THE NEW STOP FRAUD COLORADO WEBSITE

Redesigned websites for Stop Fraud Colorado and the Spanish-language No Mas Fraude Colorado launched in March 2024. The new websites are a modern, user-friendly update to the Department's consumer education programs that will make it easier for Coloradans to educate themselves about fraud and scams, find resources to help protect themselves, and report fraud, scams, and other complaints to the Consumer Protection Section.



PROTECTING OUR LAND, AIR, & WATER

Coloradans value every aspect of the unique environment in which we live, and being a responsible steward of our natural resources is vital to preserving our state's economy and quality of life. Protecting our land, air, and water ensures Coloradans continue to have access to a reliable supply of clean water for drinking and agriculture, healthy air, and the multitude of outdoor recreation opportunities our state has to offer.

LAND

HOLDING COMPANIES ACCOUNTABLE TO CONSERVING OUR NATURAL RESOURCES

► CLEANING UP WASTE

The Hazardous and Solid Waste Unit brought three unrelated district court suits on behalf of the Hazardous Materials & Waste Management Division (HMWMD) of the Colorado Department of Public Health and Environment (CDPHE) to force sham recyclers to clean up their waste. In Colorado Springs, a roofing company advertised they would recycle old asphalt shingles, accepted payment for recycling them, and accumulated a large pile near a residential area. In another case in Montezuma County, a lumber mill generated a major pile of wood waste hundreds of feet long and 60 feet high, proposing various reuse schemes. And in Grand Junction, a couple offered to recycle used electronics for a fee, abandoned their rental store-front property filled with hazardous and solid waste, and left the owner on the hook. The Unit assisted HMWMD with initial administrative enforcement and then sued defendants at all three sites, ultimately leading the local District Courts to hold the defendants in contempt, forcing continuing cleanup at the sites.

► RESTORING NATURAL RESOURCES

Colorado's Natural Resources Trustees negotiated claims stemming from injuries to Colorado's resources caused by the Bonita Peak Mining District Superfund Site (BPMD) and the 2015 Gold King Mine blowout. The trustees announced a \$5 million settlement with the federal government in May of 2023, bringing the total damages collected from BPMD defendants to \$7,064,000. The trustees also began the local stakeholder process to distribute the settlement funds to restore damaged natural resources from releases of hazardous substances within the BPMD Superfund Site.

The trustees also approved a \$275,000 settlement with Vail Corporation to resolve natural resources damages claims related to an inadvertent release of water from Vail's snowmaking system that discharged into Mill Creek and flowed into Gore Creek through the town of Vail in September of 2021. Under the terms of the settlement, \$249,000 was deposited in the state's Natural Resources Damages Fund to be used for a restoration project in the Gore Creek basin. The remaining \$26,000 went to the state's Water Quality Improvement Fund.

► ENSURING PROPER CLOSURE AND RECLAMATION OF OIL AND GAS WELLS

The Resources Conservation Unit assisted Colorado's Energy and Carbon Management Commission in issuing new financial assurance regulations to ensure the cost and burden of proper closure and reclamation of oil and gas wells is borne by the operator and not the State. These regulations were quickly implemented, requiring each operator to demonstrate it has the financial capability to meet all of its obligations under the Oil and Gas Act through the development of a first-ever, individual operator-specific financial assurance plan. The Unit also worked closely with the Division of Reclamation Mining and Safety to secure a \$177 million financial warranty for the Henderson Mine and Mill located near Empire.

PROTECTING STATE TRUST LANDS TO BENEFIT SCHOOLS

The Parks, Wildlife, and Trust Lands Unit helped the Colorado State Land Board close on the acquisition of 2,015.55 acres, valued at \$9.05 million, to partially settle the 147-year-old In Lieu Lands debt from the United States, which owes Colorado for lands that were not available at statehood. The Unit also helped the Land Board convey nearly 12,000 acres of school trust land to the Trust for Public Land and The Nature Conservancy for more than \$8.3 million for the school lands trust. The land will be placed under a conservation easement to protect buffer lands near Schriever Space Force Base.



Williams Park Ranch in Routt County, one of the State Land Board's acquisitions in 2023. Photo courtesy of the Colorado State Land Board.

AIR

INNOVATING TO REDUCE CLIMATE POLLUTION

Members of the Air Quality Unit represented CDPHE's Air Division, the Colorado Energy Office, and the Air Quality Control Commission in an August 2023 rulemaking hearing that adopted the state's first-ever energy benchmarking requirements and performance standards for large commercial and residential buildings. The rules are designed to achieve significant statewide greenhouse gas reductions from these buildings as mandated by state law.

In 2023, the state enacted new legislation governing deep geothermal operations. Following the bill's passage, the Resources Conservation Unit worked closely with the Energy and Carbon Management Commission to develop a new regulatory framework to regulate these operations in a protective manner, as required by statute.

SUPPORTING ENVIRONMENTAL JUSTICE

Over the course of 2023, the Air Quality Unit supported client agencies in addressing many of the current and historic environmental injustices affecting disproportionately impacted communities across Colorado. We helped our clients work to maximize air quality and economic benefits and minimize environmental detriments to these communities. As a result of this work, CDPHE was able to issue more stringent permitting and emission reduction requirements for air pollution sources impacting these communities; prioritize grants and other projects that benefit these communities; and advocate for these communities' increased access to energy efficiency, electrification, and solar energy resources. The Unit is also developing best practices and recommendations for legislative and regulatory action to further advance environmental justice interests across the state.

WATER

COLORADO RIVER BASIN



The Colorado River Basin continues to face ongoing and unprecedented drought that, coupled with overuse in the Lower Basin, has depleted storage reserves and stretched the system to its breaking point. Finding a path forward requires working within the flexibilities in the existing legal framework and building on the shared interests between the Basin States. In 2023, Colorado continued to bring our long history of administering water based on actual hydrology and finding common ground across diverse water sectors to protect Colorado's significant interests in the Colorado River.

PROTECTING COLORADO'S WATER QUALITY

▶ COLLABORATING WITH OTHER STATES TO PRESERVE OUR RESOURCES

In the culmination of 10 years of litigation among Colorado, New Mexico, Texas, and the United States over compact apportionments in the Rio Grande River, the three states came to an agreement on the administration and enforcement of the apportionments to lower New Mexico and Texas. Colorado will continue to defend and protect its rights and the ability of states to enforce their own compacts as the U.S. Supreme Court decides the issue in 2024.

▶ PROTECTING DRINKING WATER QUALITY

The Water Quality Unit advised the Water Quality Control Division on House Bill 23-1257, which was signed into law in June 2023. The law requires the Division to develop a new program to test the drinking water at all Colorado mobile home parks by July 1, 2028, and where necessary, require remediation of drinking water issues. The Unit is working closely with the Division to implement the law. In addition, 2023 saw continued efforts to hold the owner of the Elephant Rock Mobile Home Park in El Paso County accountable for providing safe drinking water to park residents. The Unit executed an effective enforcement strategy in court to require the owner to develop and implement a solution.

▶ ADDRESSING FOREVER CHEMICAL CONTAMINATION

Last year, the Department of Law's PFAS Impact Team successfully led a multistate coalition opposing a \$12 billion settlement with 3M and \$1.5 billion settlement with Dupont – this resulted in substantive changes to the scope of the release of the settlement and protected water systems in Colorado from entering into an over broad settlement. The team is working on outreach to these water systems to ensure eligible systems receive funds from these settlements to improve Colorado water. The team also continues to work on litigation against PFAS manufacturers to address statewide PFAS contamination. PFAS exposure is correlated to an array of harmful health effects, including kidney and testicular cancer, high cholesterol, thyroid disease, among others. 97% of people have PFAS present in their blood.

▶ AVOIDING NUTRIENTS POLLUTION IN COLORADO'S WATERS

The Water Quality Unit represented the Water Quality Control Division and the Water Quality Control Commission in an April 2023 rulemaking hearing that adopted new water quality standards for nutrient pollution across Colorado. Nutrient pollution from excess nitrogen and phosphorus harms lakes, reservoirs, rivers, and streams by causing toxic algae blooms and killing fish. The new standards will require wastewater treatment plants and other sources to reduce nutrients in their discharges, improving water quality statewide.

▶ PROTECTING WATER RIGHTS

The Parks, Wildlife, and Trust Lands Unit in the section assisted the Colorado Division of Parks and Wildlife and the Colorado State Land Board in acquiring and protecting water rights that serve state properties throughout Colorado. The Unit filed 12 applications for water rights in the past year to serve state wildlife areas, state parks, and hatcheries, and benefit state trust lands. The Unit obtained a water court decree in one application and reached stipulations in 14 cases. The Unit also filed statements of opposition in 22 cases to protect the state's properties and water rights.

In 2023 the Water Conservation Unit filed for lake level protection on one lake and for instream flow water rights on fourteen creeks totaling about 108 stream miles across four different water divisions.

In May of 2023, in a case handled by the Water Resources Unit, the Colorado Supreme Court issued a favorable ruling in *Front Range Feedlots, LLC v. Rein*, upholding the State Engineer's authority to enforce the terms and conditions of a Substitute Water Supply Plan (SWSP) after the withdrawal of the SWSP and its related water court application, and to require replacement of depletions stemming from diversions made prior to the filing of the water court application. The holding affirms the State Engineer's authority to implement and enforce its orders and will allow the State Engineer to continue its critical role in protecting against injury to water rights.

BUDGET & ADMINISTRATION

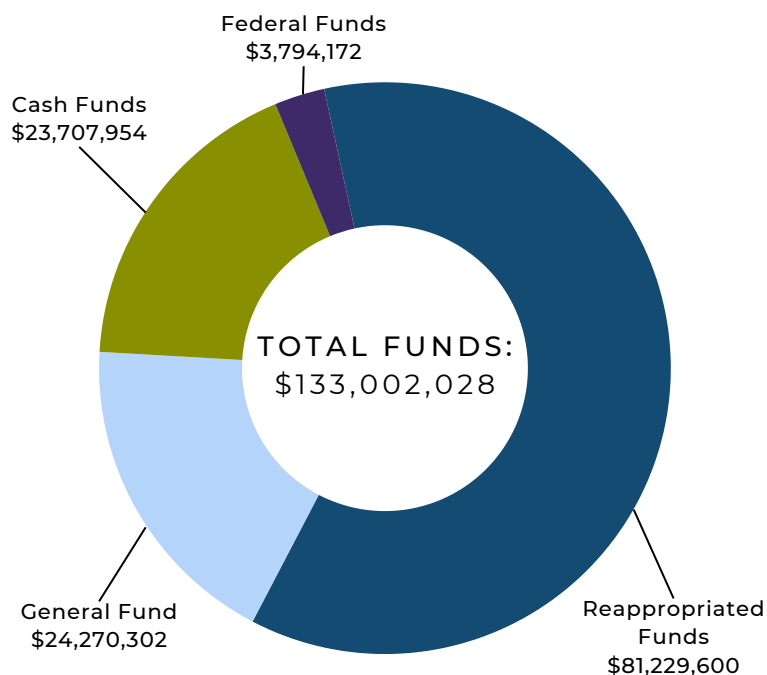
The Department pays for its operations through four main funds, which are designated for specific uses: general fund, cash funds, reappropriated funds, and federal funds. The Department has a \$133 million appropriated budget and approximately 630 employees.

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, the Colorado Peace Officers and Standards Board, insurance fraud, 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 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/.



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