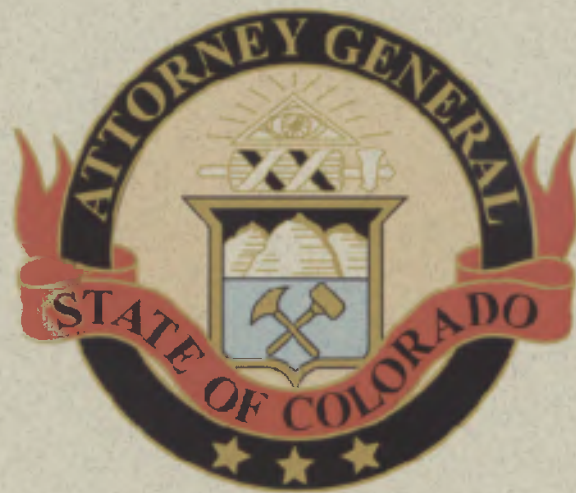


**Department of Law**  
**FY 2011-2012**  
**Strategic Plan**  
**&**  
**Budget Request**



**John W. Suthers**  
**Attorney General**

# Colorado Department of Law Strategic Plan and Budget Request

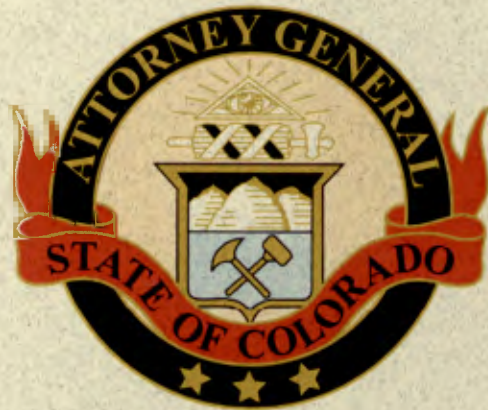
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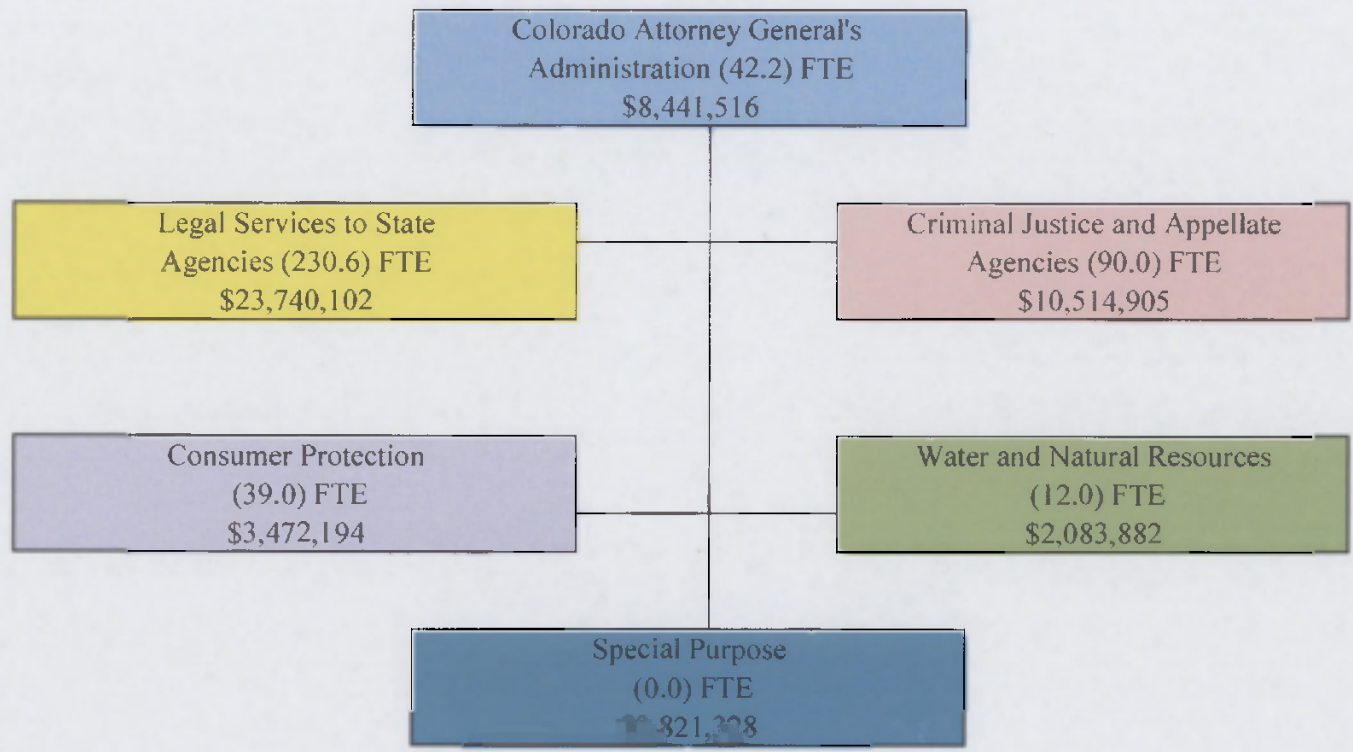
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# Department Organizational Chart

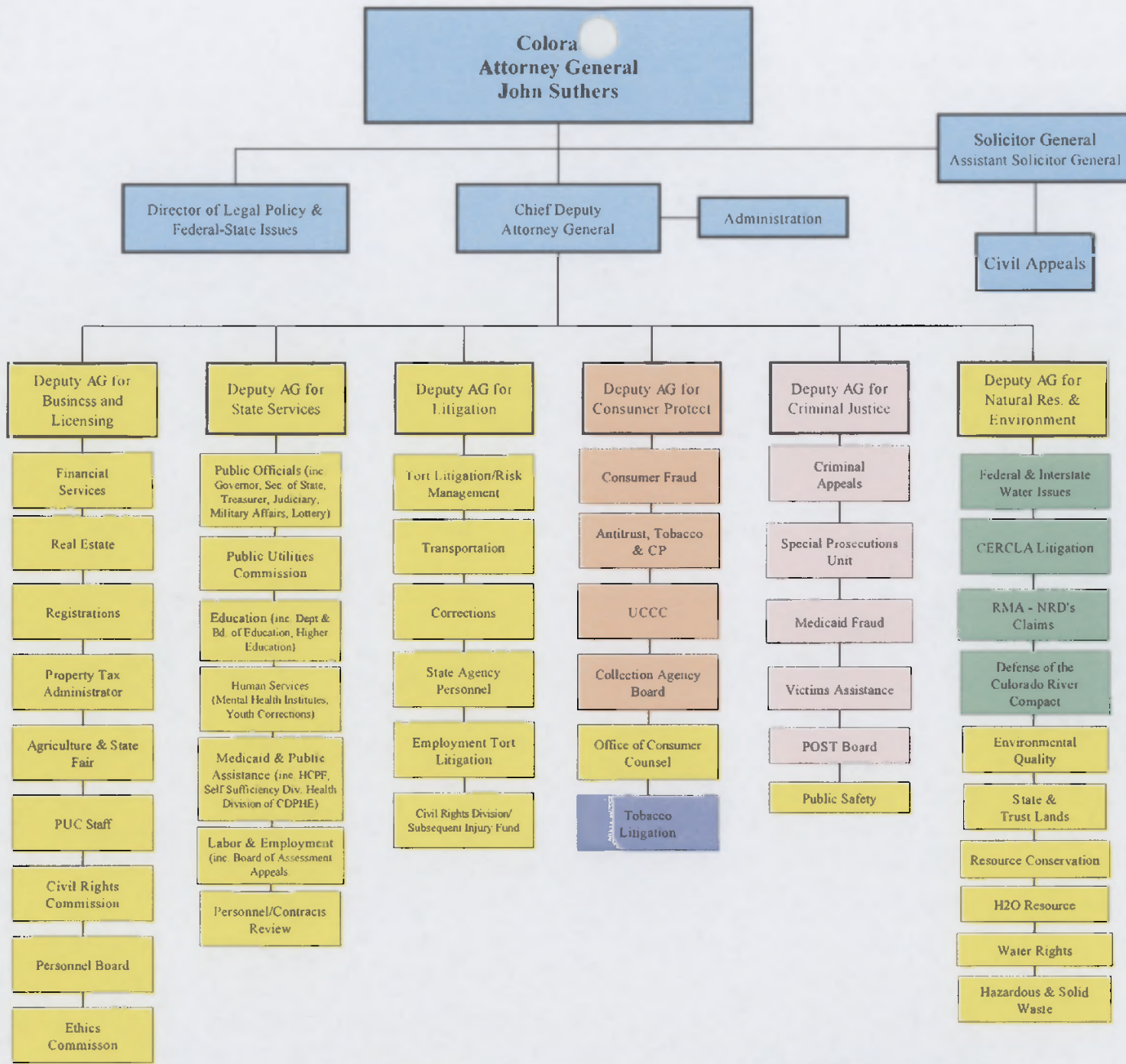


**Colorado Department of Law  
FY 2010-11 Appropriation**



**FY 2010-11 Total Appropriation**

TF	\$52,073,927
FTE	413.8
GF	\$9,615,003
CF	\$9,900,454
RF	\$31,089,374
FF	\$1,469,096



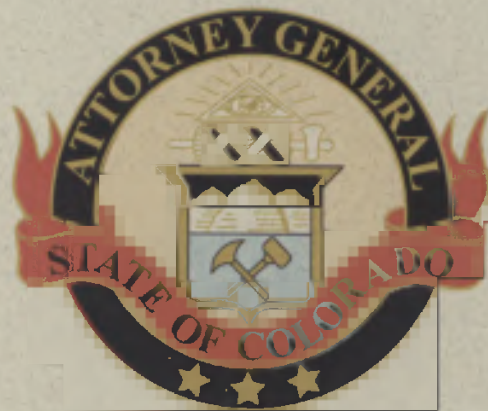
Long Bill Funding Sources: LSSA=Yellow Criminal Justice & Appellate=Pink Administration=Blue

Natural Resources & Water Rights=Light Green

Consumer Protection=Orange

Special Purpose =Purple

# FY12 Budget in Brief





## Department of Law FY12 Budget in Brief

The FY 12 Department of Law budget request totals \$53,417,550 and 410.8 FTE. This is an all fund source \$1.3M (2.6 %) increase over the FY11 appropriation. The increase is due to a \$712,102 increase due to the State PERA contribution going back to 10.15% from a onetime decrease to 7.65% in FY 11. The balance of the increase is due to other state paid benefits, such as SAED, AED, and HLD, as well as minor adjustments to other common policy lines. The appropriated FTE actually decreases from 413.8 to 410.8 in FY12.

The Department is submitting a General Fund decision item reduction of \$194,949 in its FY 2011-12 budget request. This request is to refinance 2.0 Criminal Investigator FTE supporting the Securities Fraud Unit from GF to the Securities Fraud Cash Fund. This fund is administered by the Department of Regulatory Agencies and would require a roughly 5% fee increase on the regulated population to accommodate the refinance. The agency is still internally working through other GF budget reductions, that may be addressed through Budget Amendment submissions.

Other budget changes November submission:

- Requesting a \$75,000 RF increase to the CERCLA Line Item with a like decrease in the CERCLA Contracts line item, equating to a \$0 TF request.
- The Colorado Department of Public Health and Environment is initiating a request for additional legal support for their Air and Water Divisions. This request for 1.0 FTE and associated spending authority the Legal Services to State Agencies Line Items.

## Department of Law

### Budget Assumptions and Calculations FY12

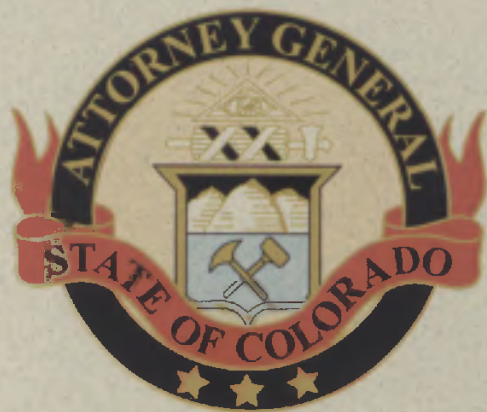
- **Personal Services**— In accordance with Executive Budget Instructions, the FY11 Request is calculated by the continuation of the FY10 base personal services appropriation, plus special bills. A PERA rate of 10.15% is utilized. The Medicare rate is 1.45%.
- The **PERA Factor** utilized for the FY 12 request is 10.15%
- The **FY11 Health Life Dental Request** is an estimate based on July 2010 enrollees and the revised State Contribution Rates per OSPB Instructions.
- The **FY11 STD** request is calculated at .177% per OSBP instructions.
- The **FY11 Amortization Equalization Distribution** Pot is 2.8% of the July 2010 Total Compensation employee run.
- The **FY11 Supplemental Amortization Equalization Distribution** Pot is 2.25% of the July 2010 Total Compensation employee run.
- **Operating Expenses**—Is a continuation of the FY10 appropriation, adjusted for any decision items. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments, etc) to the various line items where they are expended. The actual column expenditures (FY09 and FY010) include these allocated appropriations. The Estimate column includes the projected allocation of these central pots in the current fiscal year.
- **GGCC** – This appropriation is to pay for usage of services from the Governmental Computing Center.
- **Vehicle Lease Request**— appropriation is adjusted from FY11 appropriation to reflect vehicles coming off lease. The department is not replacing any vehicles in FY 11 and is not requesting any replacements for FY 12.
- **Capital Complex Lease Space** - This line item provides for leased space for the offices of the Attorney General (Department of Law) at 1525 Sherman Street. In accordance with OSPB budget instruction this is an increase of \$88,0252 from the FY11 appropriation.
- **Lease Space** — This line provides funding for storage space at 16<sup>th</sup> and Broadway per contract.
- **Communication Service Payments** — This line provides funding for the payment of mobile radios and other communication services.

***For Single Program Line items*** - The Personal Services and Operating Request are calculated per JBC policy. To calculate the base appropriation (for both PS and Operating), take the FY10 actual expenditures for personal services and operating and subtract all allocated POTS (both personal services POTS and Operating POTS). Then take the two remaining figures (PS and Operating) add them together for a total. Then calculate the percentage that is Personal Services and the percentage that is operating. Take those two percentages, multiply them by the current year appropriation (FY 10) and derive a personal services figure and an operating figure for the current appropriation. Those numbers are your base figures for FY10. Then add to the Personal Services Base FY10 number, the Salary Act (classified & exempt) allocation and the Performance based Pay POT (classified & exempt) to determine the FY11 Personal Services Request.

Operating Expenses for single purpose lines — The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY09 and FY10) include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

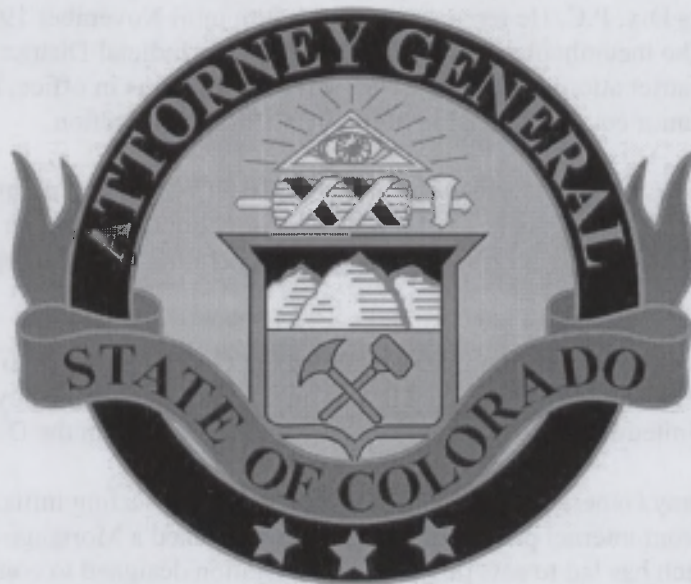
# Department of Law

# Annual Report



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## Attorney General John W. Suthers



On Jan. 4, 2005, John W. Suthers was appointed as Colorado's 37th Attorney General. In November of 2006, the voters of Colorado elected Attorney General Suthers by a substantial margin to serve a full, four-year term. As Attorney General, Suthers is charged with representing and defending the interests of the People of the State of Colorado, and serves as chief legal counsel and advisor to state government, its statewide elected officials, and its many state agencies, boards, and commissions.

Attorney General Suthers graduated magna cum laude from the University of Notre Dame with a degree in government in 1974, and from the University of Colorado Law School in 1977. From 1977 to 1981, he served as a deputy and chief deputy district attorney in Colorado Springs. From September of 1979 to January of 1981, he

headed the Economic Crime Division of the DA's office and co-authored a nationally published book on consumer fraud and white-collar crime.

In January 1981, Mr. Suthers entered private practice as a litigation partner in the Colorado Springs firm of Sparks Dix, P.C. He remained with the firm until November 1988, when he ran against and defeated the incumbent district attorney for the 4th Judicial District. He was elected to a second term as district attorney in 1992. After serving two terms in office, he returned to Sparks Dix, P.C. as senior counsel in charge of the firm's litigation section.

In 1999, Mr. Suthers was appointed executive director of the Colorado Department of Corrections by Gov. Bill Owens. As head of the state's correctional system, he oversaw an organization with almost 6,000 employees and an annual operating budget of approximately \$500 million.

On July 30, 2001, Mr. Suthers was nominated by President George W. Bush to be the United States Attorney for the District of Colorado. He was unanimously confirmed by the U.S. Senate, and represented the United States in all criminal and civil matters within the District.

In his tenure as Attorney General, Mr. Suthers has founded a safe surfing initiative to protect Colorado's children from internet predators. He also has convened a Mortgage and Foreclosure Fraud Task Force which has led to several pieces of legislation designed to combat mortgage and foreclosure fraud. Attorney General Suthers has been a champion for Colorado's environment, leading the charge to reclaim damages for the Rocky Mountain Arsenal Superfund site. He serves on the executive committee of the National Association of Attorneys General and as a

member of the U.S. Attorney General's Executive Working Group.

Mr. Suthers currently serves as the chairman of the Conference of Western Attorneys General. As part of his tenure as head of the organization, whose members include the attorneys general of 15 western states and three pacific territories, Mr. Suthers has chosen to focus on water issues during his time as the organization's chairman.

Mr. Suthers has served on the board of numerous civic organizations. He served as president of the El Paso County Bar Association in 1990-91, president of the Colorado District Attorney's Council in 1994-1995, and senior vice president of the Colorado Bar Association in 1996-1997. In 1992, Suthers was appointed by the Colorado legislature to serve as a delegate to the National Conference on Uniform State Laws, serving as such until January 1997. In the summer of 2000, Mr. Suthers received a Gates Foundation Fellowship to attend the Government Executives Program at Harvard University's Kennedy School of Government.

John and his wife, Janet, have been married for 34 years and have two daughters, Alison, a graduate of Georgetown University Law School and attorney with Holland & Hart in Washington, D.C., and Kate, a Lieutenant J.G. in the United States Navy Reserve and a MBA student at the University of Hawaii.

### **Daniel Domenico** Solicitor General



Attorney General Suthers appointed Dan Domenico as Solicitor General of Colorado in April 2006. Before joining the Office of the Attorney General, Domenico was special assistant to the solicitor of the United States Department of the Interior. In that role, he advised the Secretary and senior management of the Department on a wide range of matters relating to National Parks, federal land, water resources, energy production, and other issues important to Coloradans and citizens of the American West.

Prior to his work at the Interior Department, Domenico practiced for several years in the Denver and Boulder offices of the national law firm Hogan & Hartson. He also clerked for Judge Tim Tymkovich of the United States Court of Appeals for the 10th Circuit (himself a former Colorado Solicitor General), and also worked with U.S. Senator John Thune.

Domenico, a Boulder native, received his undergraduate degree, magna cum laude, from Georgetown University. He attended the University of Virginia School of Law, where he served as editor for two academic journals, including the Virginia Law Review, and was elected to the Order of the Coif.

**Cynthia Coffman**  
Chief Deputy Attorney General



Cynthia Honssinger Coffman joined Attorney General John Suthers' administration as Chief Deputy in March 2005. Her responsibilities include managing the office's attorneys and administration and serving as the Attorney General's second in command.

Ms. Coffman has been in public service since graduating from Georgia State University Law School in 1991.

Immediately prior to joining the Attorney General's staff, Ms. Coffman served as chief legal counsel to Colorado Governor Bill Owens. She has worked for the Colorado Department of Public Health and Environment, the Office of Legislative Counsel of Colorado's General Assembly, the Georgia Attorney General and the Atlanta Committee for the Olympic Games.

**Geoff Blue**  
Deputy Attorney General for Legal Policy and Governmental Affairs



Geoff Blue joined the Attorney General's Office in early 2008 as a senior policy adviser to the Attorney General and the office's liaison to the governor, General Assembly and local governments.

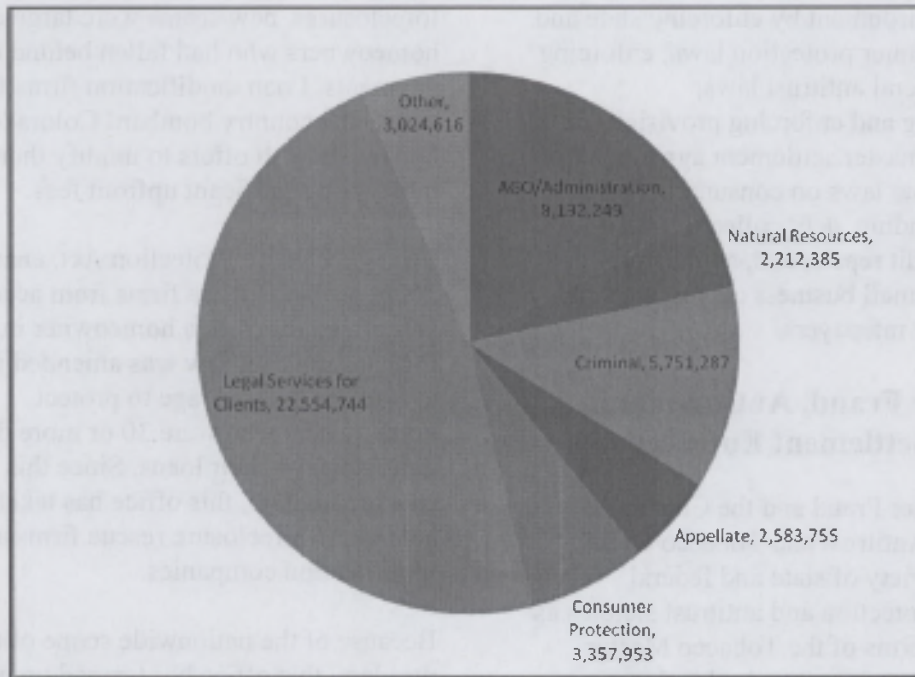
Prior to joining the office, Mr. Blue practiced law with Farfield and Woods, P.C., as a general commercial litigator. His legal experience includes stints with Higgins, Hopkins, McLain & Roswell, LLC, Wheeler Trigg & Kennedy, P.C., and Wolf, Block, Schorr & Solis-Choen, LLP.

Mr. Blue received his bachelor of arts degree in politics from Princeton University. From there, Mr. Blue matriculated to Victoria University of Manchester, England, where he earned a master of arts in health care ethics. Finally, Mr. Blue was granted a JD from the Georgetown University Law Center in 1998.



## The Department of Law budget by the numbers

Total FY2009-2010 appropriation	\$47,616,989
Total full-time positions	396.1



## 2009 Legislative Initiatives

The Office of the Attorney General had a spectacular 2009 legislative session with every bill it pushed becoming law. The office's successes ranged from securing better funding for police training initiatives to strengthening the state's consumer protection laws. The bills that became law were:

- **House Bill 1109**, which expands the definition of when a home is in foreclosure to help protect homeowners late on their mortgage payments from being victimized by foreclosure-consulting scams;
- **Senate Bill 54**, which raises the civil-penalties cap for companies that violate the Colorado Consumer Protection Act and increases the maximum penalty a company can incur for violating the Colorado Antitrust Act of 1992;
- **House Bill 1036**, which increases funding for law enforcement training programs provided through the Peace Officer Standards and Training program;
- **House Bill 1183**, which toughens the criminal penalties for those who commit appraisal fraud;
- **Senate Bill 119**, which clarifies provisions of the Colorado Water Quality Control Act, making it clear no part of the law impairs the state's ability to enforce penalties for companies discharging hazardous waste or hazardous materials into Colorado waters;
- **House Bill 1141**, which updates the Uniform Consumer Credit Code; and,
- **House Bill 1124**, which expands the authority of public bodies' governing boards to go into executive session to discuss legal issues with their attorneys.

## Consumer Protection Section

The Colorado Attorney General's Office protects Colorado consumers and businesses against fraud and maintains a competitive business environment by enforcing state and federal consumer protection laws; enforcing state and federal antitrust laws; implementing and enforcing provisions of the tobacco master settlement agreements; enforcing state laws on consumer lending, predatory lending, debt collection, rent-to-own and credit repair; and, advocating for residential, small business and agricultural public utility ratepayers.

### Consumer Fraud, Antitrust and Tobacco Settlement Enforcement

The Consumer Fraud and the Consumer Protection, Antitrust and Tobacco Units enforce a variety of state and federal consumer protection and antitrust statutes as well as the terms of the Tobacco Master Settlement Agreement and related statutes. The laws enforced by this unit includes the Colorado No-Call List Act (§ 6-1-901, *et seq.*, CRS), the Colorado Antitrust Act (§ 6-4-101, *et seq.*, CRS), the Foreclosure Protection Act enacted in 2006 (§ 6-1-1101, *et seq.*, CRS) and the mortgage fraud-related laws that were enacted in 2007 (§§ 12-61-905.5 and 911 and § 38-40-105, CRS). Most of the work of this unit in 2009 focused on mortgage fraud and addressing the fallout from the foreclosure crisis. This unit also launched a new educational program to prevent bid rigging on federal, state and local contracts. This unit also continues to enforce the Colorado No-Call Act and terms of the Tobacco Master Settlement Agreement and related tobacco laws.

### *Loan Modification Scams*

In 2009, foreclosures again reached record levels in Colorado. With the rise in foreclosures, new scams were targeted at homeowners who had fallen behind on their payments. Loan modification firms from across the country bombard Colorado borrowers with offers to modify their loans, most with significant upfront fees.

The Foreclosure Protection Act, enacted in 2006, prohibits these firms from accepting an upfront fee from a homeowner in foreclosure. This law was amended in 2009 to broaden its coverage to protect homeowners who were 30 or more days delinquent on their loans. Since this law was enacted in 2006, this office has taken action against 33 foreclosure rescue firms and loan modification companies.

Because of the nationwide scope of this problem, this office has teamed up with the Federal Trade Commission and other state attorneys general to crack down on loan modification companies. One half of this office's enforcement actions against loan modification companies were concluded as part of two separate sweeps that this federal-state working group conducted in 2009. The first sweep (Operation Loan Lies) was announced July 15, 2009 in Southern California, which is home to many of these loan modification companies. The second sweep (Operation Stolen Hope) was announced Nov. 24, 2009 in Las Vegas, Nevada, one of the regions hardest hit by the foreclosure crisis.

### *Mortgage Fraud*

This office continued to take a leading role

on a national level in combating mortgage fraud. Staff and the Attorney General work on two federal-state task forces that are designed to enforce laws that will protect fair lending and prevent mortgage scams, the State-Federal Task Force on Mortgage Enforcement and the Mortgage Fraud Working Group of the recently formed Financial Fraud Enforcement Task Force. This office also led a training session in April 2009 for the offices of other state attorneys general concerning enforcement actions that our offices can undertake to combat mortgage fraud.

Also in 2009:

- This office has also continued to enforce Colorado's mortgage fraud laws. It reached a \$100,000 settlement with a local mortgage brokerage firm that used deceptive direct-mail solicitations designed to appear as though they were coming from federal lending authorities.
- Unit attorneys sued a brokerage firm that placed numerous borrowers in the Cañon City area into loans that they could not afford.
- We settled another lawsuit against a loan originator who ran numerous false advertisements in *The Denver Post* and *Rocky Mountain News*. The settlement bars the broker from originating loans in Colorado and required him to pay \$7,887 in restitution to an elderly couple that took out an option ARM loan after responding to an advertisement.
- In February 2009, this office joined the nationwide settlement with Countrywide, which was acquired by Bank of America in 2008. This settlement resulted from an investigation that was focused on Countrywide's deceptive marketing and originating of exotic subprime and option ARM loans that ultimately proved unaffordable to borrowers. Under this settlement, Bank

of America paid \$4.4 million to the state. Approximately one half of this amount has been paid as restitution to Colorado borrowers who lost their homes as a result of these risky loans with Countrywide. The remainder has been reserved for future losses by borrowers and for foreclosure-prevention efforts.

*Foreclosure Prevention*

This office continues to work with the State Foreclosure Prevention Working Group in order to prevent foreclosures. The State Foreclosure Prevention Working Group is a multistate group composed of the offices of sixteen attorneys general and three state banking agencies. This group is working with loan servicing companies to modify loans where it makes economic sense to keep the borrower in the home rather than let it fall into foreclosure. Since the Home Affordable Modification Program was announced by the Department of Treasury in early 2009, this working group has remained in constant contact with the Treasury Department in order to improve upon the modifications that are being offered to borrowers under this new plan.

*Antitrust*

In 2009, this office launched an educational effort in order to identify and prevent bid rigging federal, state and local contracts. This office has designed a presentation for government procurement officials to use to identify signs of possible bid rigging. Several presentations have been made to these officials across the state. It is hoped that this education effort will prevent inflated bids on government contracts, thereby saving government dollars in these difficult economic times.

*No-Call Act Enforcement*

During 2009 the nature of no-call enforcement became complicated by the various calling techniques that no-call violators employed to hide their identities and make their calls difficult to trace. These calls generally use auto-dialer devices and recorded messages that make offers to consumers, including solicitations on auto warranties and credit-card rates. This office has persistently traced these calls despite the callers' use of various masking technologies. This office provided invaluable assistance to the Federal Trade Commission as it shut down one of these violators, Voice Foundations, in an action filed in a Chicago federal court.

*Consumer Fraud*

The Consumer Fraud Unit handles about 75 consumer complaints a day. Consumers can file complaints by phone, mail, e-mail and online at [www.coloradoattorneygeneral.gov/complaint](http://www.coloradoattorneygeneral.gov/complaint).

In 2009, Unit attorneys filed a variety of complaint-driven cases, including:

- *State of Colorado v. The Colorado Humane Society & S.P.C.A. et al.*  
In December 2008, we brought an action in Arapahoe County District Court against the Colorado Humane Society and its top management for charitable fraud and mismanagement of charitable assets. We successfully got the Court to appoint a custodian to manage the charity and to have the top management step down. We continued with our case against the managers of the Colorado Humane Society. In December 2009, the Court found that even if the State did not prevail in its case, the managers would have no right to return to the Colorado Humane Society. We ultimately entered into a settlement with

the former Colorado Humane Society management that prevents them from serving as an officer, director or manager of a charity for 10 years, and from owning, operating or managing any facility governed by the Pet Animal Care Facilities Act for five years.

- *State of Colorado v. National Rebate Fund, Inc.*  
We sued National Rebate Fund and its president, Timothy Stubbs, in February 2009 for violations of the Colorado Consumer Protection Act. Specifically, Stubbs ran a rebate program through the National Rebate Fund purporting to offer consumers the opportunity to obtain thousands of dollars in rebates on home improvement items, when in fact the National Rebate Fund arbitrarily and rarely paid out rebate claims. The Court granted our motion for default judgment, awarding a \$4.3 million judgment against National Rebate Fund and Stubbs, and allowing us to distribute \$4.4 million to consumers that the National Rebate Fund held in escrow to pay rebate claims.
- *State of Colorado v. Sara Paige Widener et al.*  
In September 2009, we obtained a temporary restraining order against Sara Widener, a young woman who acquired thousands of dollars in gifts, services and donations as a result of misrepresenting that she suffered from cancer. We entered into a stipulated judgment with Ms. Widener whereby she agreed to stop representing herself as a cancer patient and to pay more than \$8,000 to defrauded consumers.
- *State of Colorado v. Immigration Center, Charles Doucette*  
This Colorado Springs-based Web site offered legal advice on immigration matters and marketed itself as affiliated with the U.S. Customs and Immigration Service. Defendants claim to be able to

provide immigration services (without a law license) but actually provide little more than the governmental application forms readily available at the actual the U.S. Customs and Immigration Service Web site. We obtained a preliminary injunction order preventing the Immigration Center and Doucette from continuing to market their legal services. A trial is set for May.

- *State of Colorado v. Legal Aid Daniel Ketelson*  
We sued and obtained a default judgment against this Colorado based Internet company offering to provide “legal services” to consumers across the country. Consumers paid thousands of dollars for advertised legal services for work performed by non-lawyers that often times was rejected by the courts.

### Consumer Credit, Debt Settlement and Collection Agencies

The Consumer Credit Unit enforces six state credit-related laws: the Uniform Consumer Credit Code (consumer finance) including the Consumer Equity Protection Act (predatory lending) and the Deferred Deposit Loan Act (payday loans), the Fair Debt Collection Practices Act (collections), the Debt-Management Services Act (debt management/settlement), the Credit Services Organization Act (credit repair) and the Rental Purchase Agreement Act (rent-to-own).

During 2009, Unit attorneys:

- Supervised 1,043 licensed lenders consisting of payday lenders (47 percent), mortgage companies (39 percent), finance companies (12 percent), and small installment and other lenders (2 percent).
- Enforced credit laws against other creditors, including 987 companies that file notification and collect their own credit contracts.
- Conducted 699 compliance examinations of licensed lenders and required them to take corrective action and refund overcharges as appropriate.
- Investigated 459 written consumer complaints against licensed lenders, creditors, and credit repair companies, including 72 against payday lenders.
- Refunded more than \$1.6 million in overcharges to consumers from compliance examinations, investigations, and legal and administrative actions of lenders, creditors, and credit repair companies, including \$994,315 from payday lenders. Collected \$241,000 in penalties, educational funds and cost reimbursements, including \$42,500 from payday lenders.
- Investigated or litigated 20 cases against lenders, creditors and credit repair companies, including a payday lender’s failure to comply with the payment plan law, mortgage and loan servicers charging consumers non-permitted fees when they paid by telephone or online, and unlicensed lending.
- Registered 46 credit counseling and debt settlement companies under the Debt Management Services Act.
- Investigated or litigated 22 cases against debt management companies for excessive fees and unregistered activity. Obtained refunds of \$1 million in enrollment fees for Colorado consumers and penalties of \$354,250.
- Sent nine cease and desist advisory notices to unlicensed payday lenders.
- Sent six cease and desist advisory notices to unregistered debt management companies.
- Continued to litigate a case against a lender that makes small installment

loans alleging that it failed to assess consumers' repayment ability, falsified application information and charged excessive fees. The trial will be in 2011.

- Filed briefs in the Colorado Supreme Court in a case involving our ability to investigate unlicensed internet payday lenders that may be tribal entities of two Native American Indian tribes.
- Passed legislation to add consumer protections to leases and modernize the fee structure paid by licensees and registrants.
- Updated existing Uniform Consumer Credit Code rules to comport with the new law.
- Issued the Uniform Consumer Credit Code composite data reports and a press release on 2008 activity in supervised lending, payday lending, and small installment lending.
- Oversaw the activities of 716 licensed collection agencies.
- Investigated or litigated 47 cases, collected \$51,130 in fines, and required \$12,721 in consumer refunds. Most of the cases involved unlicensed debt collection activities and collection of illegal fees.
- Investigated 757 written complaints against collection agencies in addition to telephone complaints and inquiries.
- Issued 73 cease and desist notices to unlicensed collection agencies.
- Litigated an administrative discipline case against a collection agency that continued to contact a consumer after the consumer requested it cease communication. Awaiting the administrative law judge's decision.
- Continued to litigate a lawsuit against a collections law firm and its principals that allegedly threatened legal action on old debts beyond the statute of limitations and misrepresented that civil penalties were due prior to obtaining court judgments. The matter is pending.

- Gathered information for a legislative study on whether to continue the in-state office requirement for out-of-state collection agencies. The study was completed in October 2009 by the Department of Regulatory Agencies.

## Office of Consumer Counsel

The Office of Consumer Counsel Unit provides legal support and represents the Office of Consumer Counsel. By statutory mandate, the Office of Consumer Counsel advocates on behalf of residential, small business, and agricultural interests before the Colorado Public Utilities Commission and in other forums on issues concerning electricity, natural gas, and telephone service. On behalf of the Office of Consumer Counsel, staff in this Unit appeared or worked on 52 matters before the Public Utilities Commission, including protests, interventions and rulemaking activities. In fiscal year 2009, consumers realized savings, based on the Office of Consumer Counsel's representation, of \$58.5 million.

### Significant cases include:

- Public Service Company of Colorado filed in November 2007 its 2007 Colorado Resource Plan that identifies future electric generating needs through 2015. In addition, Public Service requested that the Commission waive its competitive procurement rules to approve the Company's proposal, for carbon reduction purposes, to replace two coal units at its Cameo Station, east of Grand Junction, and two coal units at its Arapahoe Station in Denver with a new 480 mW natural gas combined cycle facility at the Arapahoe Station. The Commission issued its Phase I Decision which included the closure of

the Cameo and Arapahoe Stations.

Phase II Decision by the Commission approved Public Service's generation resources through 2015.

- On June 30, 2008, Aquila Networks-PNG filed Advice Letter No. 528, which is a Phase I (Revenue Requirements) Gas Rate Case, seeking to increase its annual revenue requirement by nearly \$27 million or 14.94 percent. Aquila subsequently transferred all of its Colorado utility properties to Black Hills/Colorado Electric Utility Company, LP. Black Hills filed its Phase II (Rate Design) Testimony on September 19, 2008 with the following proposed rate impacts: 4.13 percent increase for residential; 4.40 percent increase for small commercial; 5.02 percent decrease for large volume; 26.24 percent increase for large volume transportation and \$0.01 increase per month for small volume and irrigation classes. A settlement among various parties including the Office of Consumer Counsel was reached which provided for a nearly \$1.4 million revenue requirement increase. The Commission approved the settlement.
- On Nov. 14, 2008, Public Service Company filed Advice Letter No. 1522, which is a Phase I (Revenue Requirements) Electric Rate Case. Public Service proposed an electric revenue requirement increase of approximately \$175 million. A settlement among various parties including the Office of Consumer Counsel was reached which provided for a \$112.2 million revenue requirement increase. The Commission approved the Settlement Agreement.
- On Sept. 8, 2008, Qwest Corporation filed an Application to set the maximum price for residential basic local exchange service, and for an Order from the Commission approving its proposed rates and tariffs for residential basic local exchange service, measured service, message service, the tribal lifeline credit and the low income telephone assistance program. After a hearing the Commission set a maximum cap of \$16.52 for residential basic local exchange service which will be increased to \$17 one year after the effective date of the order. The Office of Consumer Counsel filed a Complaint and Writ of Certiorari regarding the Commission's decision in the District Court for the City and County of Denver. The case will continue in 2010.
- On May 1, 2009, Public Service Company filed Advice Letter No. 1535, which was a Phase I (Revenue Requirements) and Phase II (Rate Allocation) Electric Rate Case. Public Service proposed an electric revenue requirement increase of approximately \$180 million over the rates set in its previous electric rate case discussed above. After the Phase I hearing a settlement among various parties, but not including the Office of Consumer Counsel, was reached which included an electric revenue requirement increase of approximately \$136 million. The Commission modified the Settlement Agreement and authorized a revenue increase of approximately \$128 million. Because Comanche 3 would not be in-service until 2010, the Commission authorized an increase of approximately \$67 million effective Jan. 1, 2010 with the remaining increase to be effective when Comanche 3 comes on line. The Commission's revenue requirement decision has been appealed and the final decision will be forthcoming in 2010. A hearing on the Phase II portion of the proceeding will be held in 2010.

## Criminal Justice Section

The Criminal Justice Section of the Colorado Attorney General's Office 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 as requested. Section members provide special assistance to district attorneys in death penalty and gang activity cases and administer the Peace Office Standards and Training Board.

The Criminal Justice Section coordinates the prosecution of foreign fugitives and represents the Department of Public Safety. The Division has statutory authority to prosecute white-collar crimes, environmental crimes and multi-jurisdictional matters through direct filings and the use of the Statewide Grand Jury.

### Insurance Fraud

Under Colorado law, the Attorney General has original jurisdiction to prosecute allegations of criminal conduct relating to insurance fraud. The Insurance Fraud Unit consists of two attorneys, four investigators and a paralegal, all assigned full-time to insurance fraud matters.

In 2009, the Unit opened 41 investigations which resulted in the filing of 18 new cases in Colorado courts. The cases were filed in Arapahoe, Chaffee, Denver, Douglas, Jefferson, Mesa and Weld Counties. Four of these cases were initiated by indictments issued by the Statewide Grand Jury. The remainder were directly filed by Complaint and Information. During 2009, one case

went to trial and 15 cases were resolved through plea negotiations.

Noteworthy cases included:

- Trenton Stone was charged in 2007 with both working as an accountant while drawing full medical disability pay and embezzling about \$250,000 from one of his clients. He had worked for the State of Colorado as an accountant at the time he filed his disability claim. The case went to a jury trial in May of 2009 in Arapahoe County District Court and the defendant was convicted of felony theft.
- Susan Weiss-Nakash was indicted by the statewide grand jury in May of 2009 for two counts of felony theft relating to mortgage fraud. Weiss-Nakash used her mortgage company, Miracle Mortgage, to create fraudulent loans to illegally obtain monies from both a lender and a title insurance company. She then deposited those funds into accounts for her personal use. She pleaded guilty to both counts in December and was sentenced to 10 years of probation, 25 hours of community service and ordered to pay restitution in the amount of \$189,100.65 to the defrauded companies.
- C.P. Fortney, Terry Robinson and Mary Catherine Cross were indicted by the Statewide Grand Jury in May of 2009 and charged with multiple counts of bribery and theft. Fortney was a used car salesman, Robinson was a field claims adjuster, and Cross was an in-house claims adjuster. Fortney paid bribes to Robinson to write estimates showing that wrecked vehicles were total losses, and paid bribes to Cross to arrange to sell the cars to him without salvage titles. Fortney repaired the vehicles and sold them to members of the public without disclosing that the vehicles had been rebuilt from salvage. Robinson and Cross have entered into plea bargains and have agreed to testify against Fortney in his trial set to begin March 29, 2010 in Mesa County District Court.



During 2009, the Insurance Fraud Unit supervised the restitution payments of 48 defendants on probation for insurance fraud-related crimes. A total of \$219,823.37 in restitution was collected from January through mid-December 2009. Additionally, the Unit achieved new restitution orders totaling \$364,439.74.

### **Securities Fraud**

Pursuant to Colorado law, the Attorney General has original jurisdiction to prosecute criminal violations relating to securities and securities fraud. The Attorney General's Office independently investigates and prosecutes allegations of securities violations statewide and in doing so, works closely with the Colorado Division of Securities and other law enforcement agencies.

The Unit is made up of two attorneys, two investigators and a paralegal who all work on securities fraud cases full-time. The Unit obtained a total of four felony convictions which resulted in restitution orders for 72 Colorado victims of securities fraud totaling more than \$4.4 million. In each plea bargained case, the defendant pleaded guilty to securities fraud, a class 3 felony. In each case, this was the most serious charge pending against each defendant and each defendant was sentenced to prison.

The Unit opened nine investigations and filed seven felony criminal cases throughout the state. Of the cases opened, four were initiated by the Attorney General's Office and five cases were referred by the Colorado Division of Securities.

One significant case involved the prosecution of Rick Van Vleet. The defendant sold investments in kiosks to be used in music stores. He channeled these investor funds into a different, undisclosed investment scheme as well as using some of the money for personal use. He pleaded guilty to Securities Fraud and was sentenced to 10 years in the Colorado Department of Corrections and ordered to pay over \$2.9 million in restitution.

The Unit tracked the restitution payments of 63 defendants during 2009. Restitution collected on behalf of victims totaled \$218,876 for the year.

### **Medicaid Fraud**

In 2009, Colorado paid over \$3.7 billion to over 10,000 participating Colorado Medicaid providers (such as nursing homes, doctors, psychiatrists, psychologists and mental health therapists, dentists, pharmacies, laboratories, hospitals, clinics and durable medical equipment companies) on behalf of nearly 700,000 citizens who qualified for Medicaid benefits. The goal of the Medicaid Fraud Control Unit is to preserve state resources devoted to Colorado's Medicaid program and to protect these funds against fraud.

The Unit also investigates and prosecutes complaints of neglect and physical abuse in long-term care facilities such as nursing homes, and serves as an authority and a training resource on abuse investigation and prevention. The Unit includes two attorneys, eight investigators, an auditor, a nurse investigator, a paralegal and a program assistant.

In 2009, the unit opened 39 new investigations (35 fraud and four abuse) and filed five new cases of fraud, including licensure fraud and durable medical equipment fraud. Four criminal convictions, one revocation of a deferred sentence and eight civil settlements were obtained, with recoveries totaling more than \$6.3 million.

The unit also works closely with its counterparts in other states and the federal government on a broad range of fraud cases that span multiple jurisdictions. Several of these cases resulted in regional and national settlements that included activities occurring in Colorado.

### Special Prosecutions

The Attorney General has statutory authority to prosecute specifically enumerated crimes including environmental violations, tax fraud, mortgage fraud, election fraud, workers' compensation fraud and other fraud-related offenses. Additionally, the Attorney General functions as the legal adviser to the Statewide Grand Jury. This duty allows for the prosecution of complex criminal cases which occurred in multiple judicial districts throughout the state. The Special Prosecutions Unit, which is comprised of five attorneys, four investigators and one support-staff employee, is responsible for prosecuting many of the state's multiple jurisdiction matters, as well as special investigations which may be referred by other state agencies or the governor.

Unit attorneys prosecute cases throughout the state either under the auspices of the Attorney General or as specially appointed

deputy district attorneys in the 22 judicial districts.

The Unit also is handling the investigation of the 1987 murder of Peggy Hettrick in Fort Collins. In early 2008, Gov. Bill Ritter issued an executive order that placed the Attorney General's Office in charge of the case. During 2009 a unit prosecutor and three unit investigators were assigned to work with the Deputy Attorney General for Criminal Justice as well as with an attorney and an investigator from the Attorney General's Homicide Assistance Team to conduct this investigation.

In 2009, this unit indicted 60 defendants who were involved in two separate drug distribution enterprises that operated not only in the Metro Denver area, but also throughout Northern Colorado and into Southern Wyoming. The leaders of these schemes were charged under the Colorado Organized Crime Control Act and continue to be prosecuted by a Special Prosecutions Unit in Adams County. This unit continued with its prosecution of 10 offenders who were associated with a sophisticated mortgage fraud scheme. This particular prosecution included this unit conducting a successful multi-week jury trial in 2009 against Uto Essien, the key leader of the criminal enterprise. Mr. Essien ultimately was convicted of violating the Colorado Organized Crime Control Act and was sentenced to 30 years in prison.

Other cases indicted and prosecuted by this unit included a seven-defendant illegal gambling ring that also involved loan-sharking, insurance fraud and money laundering. The ring leader, Jeffrey Castardi pleaded guilty to violating the Colorado

Organized Crime Control Act and was sentenced to 16 years in prison by a Jefferson County District Court judge. A unit prosecutor and an investigator took the lead this year in indicting a 10-defendant pimping organization that operated in Denver, Longmont and in Glenwood Springs. The leaders of the enterprise all plead guilty to felonies and received prison sentences.

Unit prosecutors were also assigned to prosecute a six-defendant heavy equipment theft ring in Adams County. All six defendants plead guilty to felonies with many receiving prison sentences and over \$150,000 in restitution being ordered by the Court to compensate the victims of the crimes. Another set of crimes that were prosecuted by this Unit in 2009 focused on identity theft. In at least three separate indictments that were handled by this Unit, a total of 12 defendants were charged with crimes that center around identity theft.

The three separate cases either were or continue to be prosecuted in Boulder, Mesa and Summit counties. Between the two lead defendants who were prosecuted in Boulder and Summit counties, unit prosecutors received 34 years in prison and court-ordered restitution of more than \$45,000.

The unit also assigned an attorney and an investigator to take the lead in investigating and prosecuting multi-jurisdictional Charity Fraud schemes. In 2009 this unit indicted and successfully prosecuted two defendants in a Colorado Organized Crime Control Act scheme that involved the depriving hundreds of victims, many of whom were at-risk adults, of thousands of dollars. The two defendants both plead guilty to Colorado

Organized Crime Control Act charges and each received 16-year prison sentences.

Also in 2009, a unit prosecutor completed the Four Corners prosecutions in Durango with the two leaders of this auto theft and methamphetamine distribution enterprise being convicted of multiple felonies and Colorado Organized Crime Control Act charges. Defendant JayDee Russel was found guilty following a jury trial and was adjudicated as a habitual criminal with the Court imposing a 96-year prison sentence. The other key defendant was David Torrez who pleaded guilty and was sentenced to 24 years in prison.

The final seminal case that was handled by this Unit in 2009 was a 10-defendant Colorado Organized Crime Control Act case that involved residential burglaries, auto theft and methamphetamine distribution that occurred in Jefferson, Adams, Broomfield and Denver Counties. All 10 of the defendants plead guilty with the leader, Duy Nguyen, receiving a 30-year prison sentence.

Protecting Colorado's citizens from the fraudulent use of state funds is an important function for the Special Prosecutions Unit. Multiple cases, including at least 11 matters of significant tax fraud, were concluded this year. The tax fraud cases as a whole resulted in more than \$374,000 of restitution being ordered on behalf of the citizens of Colorado.

For example, unit prosecutors handling tax-crime cases were responsible for the conviction of a businessman in a tax fraud, securities fraud, identity theft and theft scheme resulting in approximately \$150,000

of restitution. Fourteen individuals were successfully prosecuted for felonies involving unemployment insurance fraud, with more than \$85,646 in restitution being ordered by courts. Twelve cases of workers' compensation insurance fraud resulted in convictions and restitution in an amount of approximately \$221,000 being ordered by the courts.

Protecting Colorado's natural resources by enforcing environmental laws also is an important part of this unit's responsibility. The environmental crimes prosecution team within the Special Prosecutions unit filed five environmental crimes cases in the last year. The Attorney General works closely with the U.S. Attorney's Office and both state and federal agencies in pursuing environmental crimes.

### **Homicide Assistance Team**

The Attorney General employs an expert team of two attorneys and a seasoned homicide investigator to provide critical support and assistance to the elected district attorneys and to local law enforcement throughout the state in matters involving all aspects of homicide investigation and prosecution.

In 2009, members of this assistance team assisted local prosecutors and investigators in many counties, including Boulder County, Larimer County, Park County, El Paso County, Arapahoe County, Douglas County, Rio Grande County, Lake County and Montrose County. The key assistance this past year was the appointment of one of the Homicide Assistance Team attorneys to be the lead prosecutor in the Caudle double homicide case that is now being prosecuted

by the District Attorney for the 12th Judicial District in the San Luis Valley. One of the Homicide Assistance Team attorneys is being assisted by the unit's investigator in this complex matter. The other ongoing investigation that involves the Homicide Assistance Team is the assignment of one attorney and the investigator to work on the Hettrick homicide that was referenced above. The Unit attorneys and its investigator also are responsible for conducting invaluable training for Colorado prosecutors and investigators.

### **Peace Officer Standards and Training Board**

The Colorado Peace Officer Standards and Training Board manages and documents the training and certification accomplishments of nearly 15,000 active peace officers and reserve peace officers appointed by Colorado law enforcement agencies. The Peace Officer Standards and Training Board and staff continue to manage and improve the accuracy of records of Colorado peace officers, through the application of the Crown Pointe computer software program.

Part 3 of article 31 of title 24, C.R.S. was amended by the addition of a new section, DNA Evidence – Collection – Retention, C.R.S. 24-31-311, which mandated that POST certify DNA-related curriculum for new recruits and in-service peace officer training. The Peace Officer Standards and Training Board approved and implemented DNA-related curriculum for Basic Academies which became effective on March 1, 2009.

In December 2009 the program started an online DNA-training program available to

all peace officers and reserve peace officers. This training is offered at no cost to officers and their agencies until June 2011.

The Peace Officer Standards and Training Board continued to partner with the Anti-Defamation League to offer the ADL/POST Anti-Bias Training for Law Enforcement Officers program to Colorado law enforcement officers. This project meets the peace officer training requirements of C.R.S. 24-31-309(c)(5); provides training to law enforcement agencies on-line for a nominal fee. More than 14,000 Colorado peace officers have completed either the POST/ADL face-to-face and online training or approved agency training programs.

The Peace Officer Standards and Training Board accepted the recommendations of staff and its training subcommittee in approving more than \$1.5 million in grants for FY 2009-2010. This represents a 64 percent increase over the funding level of \$720,000 provided for FY 2008-2009. The increased funding was the result of the legislature amending C.R.S. 42-3-304, which provides funding for peace officer training statewide through a surcharge on annual vehicle registrations. The fee was increased from \$0.25 to \$0.60 per vehicle registration. Funds are dispersed to 10 training regions and four statewide training provider partners. Each training region includes representatives from law enforcement agencies within the region. Each regional committee identifies and facilitates training programs specific to the needs of the peace officers and community members within their region.

The Peace Officer Standards and Training Board staff and its training subcommittee

worked diligently to complete the grant funding process. The subcommittee's grant funding recommendations were presented to, and accepted by, the Peace Officer Standards and Training Board. The Board approved training grant funding in the amount of \$720,000 for the period July 1, 2008 through June 30, 2009. Four statewide training partners and 10 training regions, made up primarily of judicial districts, have been established to manage peace officer training programs. The law enforcement leaders serving on each of the regional committees have identified and facilitated training programs unique to, and needed by, the law enforcement officers serving within their region.

#### In 2009:

- The Colorado Peace Officer Standards and Training Board reviewed the criminal convictions of 26 peace officers convicted of felonies and certain misdemeanors. In each of those cases, the certificate of the convicted peace officer was revoked by the Board. Colorado revocations actions are entered into the POST electronic database, and are also reported and entered into a national peace officer decertification database.
- Twenty-five Peace Officer Standards and Training Board-approved basic academies in Colorado graduated a total of 43 basic academy classes, two refresher academy classes and two reserve academy classes. Three of the 25 academies did not conduct any basic academy classes, while 17 academies graduated one or two classes each, and five academies graduated three or four basic academy classes each.
- The Colorado Peace Officer Standards and Training Certification Exam was administered to 823 individuals. There were 782 individuals that passed the exam on their first attempt, 16 that passed it on their second attempt and four that passed it on their third attempt for a total of 802 individuals passing the exam in 2009.

- Colorado Peace Officer Standards and Training Board staff and members of the skills Subject Matter Expert Committees conducted a total of 18 academy or program inspections. Overall, the inspections revealed that a vast majority of the academies are continuing to meet or exceed state standards. However, deficiencies were encountered at two academies and Compliance Orders were issued by the Colorado Peace Officer Standards and Training Director. One academy remedied its deficiencies and satisfied the Compliance Order. The other academy failed to comply with the compliance order, which is the first time that an academy has failed to comply with orders.
- Approximately 55 to 60 Subject Matter Experts serve on the Peace Officer Standards and Training Board Subject Matter Expert Committees for Arrest Control, Driving, Firearms and Curriculum. During 2009, four new Subject Matter Expert Committee members were appointed to serve on these committees.

## Department of Public Safety

The Department of Public Safety is the principle state law enforcement agency providing a leadership role in policy development and implementation of a wide range of criminal justice issues through its divisions (the Colorado Bureau of Investigation, the Colorado State Patrol, the Division of Criminal Justice, Fire Safety and Homeland Security) and approximately 50 boards and commissions. Examples of the wide range of the Department of Public Safety responsibilities include statewide crime scene investigations, laboratory analyses and testimony in criminal cases; fire code inspections and certifications;

immigration enforcement on state highways; leadership of statewide commissions and multi-jurisdictional taskforces; statewide grant awards to law enforcement agencies; and the development of standards for the treatment of convicted offenders.

This Unit represents the Department of Public Safety in all civil, non-monetary litigation and provides legal advice on a wide range of issues including policy development, personnel matters, rule making, policies and procedures of boards and commissions, asset forfeitures, open records requests and subpoenas, and representation of Department of Public Safety issues in criminal prosecutions.

This Unit consists of one attorney, who also serves as counsel to the Peace Officers Standards and Training Board.

### In 2009:

- Counsel for the Department of Public Safety represented the State in two cases before the Colorado Court of Appeals, four cases in the Colorado district courts, 10 cases before the State Personnel Board, four criminal cases on behalf of the Colorado Bureau of Investigation and four rulemaking hearings.
- Issues addressed during the year included the DNA Familial Search policy, defense of the DNA database in criminal cases, renegotiation of the Colorado State Patrol-U.S. Immigration and Customs Enforcement memorandum of agreement, presentations at board meetings, responding on behalf of the Department of Public Safety to requests for information, filing motions as needed and frequently providing legal advice to executive staff on numerous matters.

## The Appellate Division

The Appellate Division of the Attorney General's Office is Colorado's prosecutorial authority at the appellate level of the criminal justice system. Division attorneys represent law enforcement when defendants appeal criminal convictions in the Colorado appellate courts. In addition, the division represents the interests of the State in extradition appeals, in selected civil appeals (such as property and bond forfeiture actions) and in the federal courts in *habeas corpus* actions challenging state criminal convictions.

The overwhelming majority of trial convictions are obtained by the hundreds of deputy district attorneys who do felony trial work for the 22 District Attorneys in the state. As of the end of 2009, the Attorney General's Appellate Division had 28 full-time attorneys supported by 3 staff members to respond to all of the defense appeals of these felony convictions. Not surprisingly, the division's caseload is both high and demanding.

Because the division responds to appeals that are filed on behalf of convicted criminals, it cannot control the size of its caseload. The division must provide effective and ethical representation in all cases, which range from relatively simple trial court denials of postconviction relief to more complicated constitutional questions and issues of statutory interpretation and trial practice. In each case, the attorney must read the trial transcript and other pertinent documents, conduct legal research on each of the defendant's claims, and write an argument explaining why law enforcement should prevail.

While a majority of the cases directly impact only the defendant and the victims, any given case may have a significant impact on how law enforcement authorities conduct searches and arrests; on criminal trials and sentencing hearings throughout the state; on the State's Department of Corrections; and on probation, parole, and county community corrections programs.

In addition to their appellate litigation, Appellate Division attorneys share their expertise in criminal law issues with the district attorneys through weekly case law updates, informal advice, and formal presentations at Colorado District Attorneys Council meetings and training sessions.

### 2009 Caseload

The Appellate Division opened 1,228 new appellate cases in 2009 (98 more cases than in 2008 and 277 more than in 2007). Division attorneys successfully upheld criminal convictions and/or sentences in 90 percent of their cases. These cases involved the following convictions:

- 656 assaults or sexual assaults against children
- 830 burglaries and thefts
- 403 kidnappings and assaults
- 229 drug offenses
- 371 homicides
- 235 aggravated robberies
- 145 sexual assaults on adults
- 1,180 other offenses (primarily felonies)

In managing the appellate caseload, attorneys also performed the following issues:

- **Motions**  
Monitored and responded as necessary to ongoing pleadings in hundreds of cases in the preliminary stages of the appellate process.
- **Opening and Answer Briefs**  
Filed 1062 opening briefs, answer briefs, and answers to orders to show cause (126 more than in 2008).
- **Oral Arguments**  
Appeared at 111 oral arguments to present

the State's position and answer questions from the judges. In most instances, panels of three or more division attorneys review the briefs and serve as judges in mock arguments to prepare the attorney handling the case for argument.

- **Petitions for Rehearing**  
Filed 46 petitions for rehearing to correct matters that were wrongly decided by the courts.
- **Petitions for Certiorari**  
Asked the State Supreme Court to conduct further review in 19 cases that would otherwise have an adverse impact on law enforcement.



## Natural Resources Section

The Natural Resources and Environment Section works on behalf of Coloradans to protect and improve the quality of our State's natural environment and to ensure intelligent use and development of our natural resources. The Section provides legal counsel and representation to the Colorado Department of Natural Resources, the Colorado Department of Public Health and Environment, and any other state agency or official with a natural resource or environmental issue. The Section also advocates on behalf of the State Natural Resources Trustees to recover damages for injuries to natural resources and to restore those resources.

### Federal and Interstate Water

The Natural Resources Section protects Colorado's interests in its interstate rivers.

In 2009, attorneys:

- Successfully represented the State of Colorado in the Republican River Compact Arbitration. Following extensive legal briefing and trial, the arbitrator ruled in favor of Colorado by accepting Colorado's proposed damage measurement, rejecting Nebraska's proposed changes to the Compact Accounting Procedures and determining that Kansas had failed to prove the amount of its proposed damage award and was limited to nominal damages of \$10,000 for Nebraska's overuse of Republican River water.
- Assisted the State Engineer's Office in a continuing series of public meetings to draft and achieve consensus on Rules in Water Division No. 3 to protect senior surface water rights and Colorado's compact obligation while reducing groundwater withdrawals as little as possible.
- Successfully represented the State of Colorado in U.S. Supreme Court litigation that approved the Special Master's Fifth and Final Report and limited Kansas' recovery for expert witness attendance fees against Colorado to \$40 per day under 28 U.S.C § 1821. *Kansas v. Colorado*, 129 S.Ct. 1294 (2009). The 2009 Supreme Court decision accepted Colorado's arguments as to the statutory limit of expert witness fee awards in cases of original jurisdiction and effectively ended the *Kansas v. Colorado* litigation which began in 1985.
- Successfully defended an award of costs to the State Engineer in a rulemaking case, establishing the right of the State Engineer to such an award.
- Promulgated Rules addressing the effect of increased irrigation efficiencies on the State's ability to meet its compact obligations under the Arkansas River Compact.
- Represented the State Engineer and defended his decision to approve Subdistrict No. 1 in Water Division 3 in a 10-day trial.
- Protected the State's interests in litigation and legislation regarding the Colorado River Compact and the Upper Colorado River Compact.
- Participated in the Aspinall Unit reoperations Endangered Species Act review and National Environmental Policy Act processes on behalf of the State.

### Water Resources and Conservation

In 2009, attorneys:

- Assisted the State Engineer's Office in drafting legislation to assist with administration of over 40,000 oil and gas wells. Represented staff of the State Engineer's Office in a three-week hearing to adopt rules governing oil and gas well administration.
- Represented the State Engineer in hundreds of water rights proceedings in Colorado's water courts, including several appeals to the Colorado Supreme Court.

- Achieved victory before the Colorado Supreme Court on behalf of the State Engineer's Office in decision affirming the State Engineer's authority to administer storage rights so as to protect vested water rights from injury.
- Assisted the Colorado Water Conservation Board, the State Land Board, Colorado Department of Transportation, Department of Corrections, the Division of Wildlife, Division of Parks and Outdoor Recreation, and the Colorado Historical Society in acquiring new water rights and protecting existing water rights.
- Successfully obtained instream flow decrees for the Colorado Water Conservation Board, including appropriations in Water Divisions 1, 2, 5 and 6.
- Provided representation for more than 200 cases for the Colorado Water Conservation Board encompassing all seven water court divisions.
- Continued an in-depth, long-term analysis of Colorado State Parks' water rights in order to create a comprehensive inventory of ground and surface water rights owned, leased or used at each of the State's 45 parks. The inventory will then be used to identify potential water right issues, determine which areas need additional water rights, and which water rights need protection or development.
- Successfully prosecuted enforcement actions against illegal water diverters in all seven water divisions to protect vested water rights holders from injury caused by illegal diversions.
- Assisted the Tort Litigation Unit in defending takings claims brought against the State Engineer as a result of his enforcement actions against entities pumping in violation of the State Engineer's Orders.
- Undertook several rulemakings for the Colorado Ground Water Commission. Successfully defended Management District rules against appellate challenge.
- Assisted the Colorado Water Conservation Board in the Chatfield Reallocation Project, a \$125 million water storage project designed to increase water availability in the South Platte River Basin. Worked with the Division of Parks and Outdoor Recreation to

identify concerns with the reallocation based on its dual role as project participant and the operator of Chatfield State Park.

## Oil, Gas and Minerals

### In 2009, attorneys:

- Assisted and advised the Colorado Oil and Gas Conservation Commission and its staff on implementation of extensive rules and regulations promulgated by the Commission.
- Won numerous procedural motions for the Colorado Oil and Gas Conservation Commission in a district court challenge to rules and regulations promulgated by the Commission.
- Represented the Colorado Oil and Gas Conservation Commission in a lawsuit concerning the process for the thousands of applications for permits to drill wells the Commission receives annually.
- Advised the Department of Natural Resources on oil shale issues and continued to participate in federal, state, and local team meetings regarding regulation of oil shale development.
- Drafted for the Division of Reclamation, Mining, and Safety proposed rules and regulations for prospecting and uranium mining operations. Presented such proposed regulations to the Mined Land Reclamation Board for its consideration. Advised the Division on numerous issues concerning the proposed regulations, and led discussions on the proposed regulations during eight months of stakeholder meetings.

## State and Trust Lands

### In 2009, attorneys:

- Advised on and facilitated in the acquisition by the Division of Wildlife of more than \$20 million dollars in real property interests, both fee title and conservation easements, that protect and preserve critical wildlife habitat throughout Colorado. Acquisitions were funded by federal fish and wildlife aid, state hunting and fishing license fee

revenues and moneys provided by the Great Outdoor Colorado Trust Fund.

- Advised and assisted the Division of Wildlife in responding to the threats posed to state wildlife resources from oil and gas development on federal lands within Colorado that also provide critical wildlife habitat for game and threatened and endangered species, including the development of cooperative agreements with oil and gas companies and best management practices that otherwise assist the companies in avoiding or minimizing impacts to state wildlife resources.
- Advised and assisted the Division of Wildlife in the development and implementation of a new five-year season structure for big game hunting, the major revenue generating activity for the Division, which will control big game hunting by residents and nonresidents in Colorado over the next five years. Revenues from the sale of big game hunting licenses provide the majority of revenues supporting all state fish and wildlife management programs.
- In two separate district court actions, defended the Division of Wildlife's interest in maintaining public hunting access to public and private lands located near or adjacent to areas being developed for large lot or ranchette home sites. Some residents of these areas have sought to close neighboring private and public lands to hunting despite the absence of any discernable threat to public safety generally or to the residents specifically from such hunting activity.
- Assisted in the implementation of a regulatory program by the Division of Wildlife and the Division of Parks and Outdoor Recreation to address increasing threats to state wildlife and recreational resources from aquatic nuisance species. Aquatic nuisance species management continues to be an issue of critical national importance as problems with such exotic nonnative species continue to expand.
- Advised and assisted the Division of Parks and Outdoor Recreation as it undertook a major re-structuring of programs, personnel and financing in responding to and complying with an extensive performance

audit requested by the Department of Natural Resources. Problems with the past administration of state parks programs continue to be identified by the new leadership at the Division, which require extensive assistance to resolve, including addressing issues raised by the audit regarding the Division use of moneys provided by the Great Outdoor Colorado Trust Fund.

- Advised and assisted the Division of Parks and Outdoor Recreation as it implemented significant budget cuts related to the recent economic downturn that required significant reduction in parks services and partial closure of some state parks.
- Advised and assisted the Division of Parks and Outdoor Recreation on responding to requests to develop mineral resources underlying some state parks that are owned by the Division and in responding to the threats posed to state parks from development of mineral resources owned by third parties directly adjacent to and in some cases underlying existing state parks.
- Advised and assisted the State Board of Land Commissioners on general management of the trust assets it holds for the benefit of K-12 education, which over the past year generated approximately \$60 million dollars of net trust income to support public education in Colorado. The SLB holds approximately 3 million acres of land in fee title and 4 million acres of mineral interest, which generates significant demand for transactional legal services and the resolution of disputes regarding such transactions.
- Assisted the State Board of Land Commissioners in resolving disputes involving development agreements or leases of State Land Board properties, including development of the former Lowry Bombing Range and properties leased to National Hog Farms.

## Air, Land and Water

In 2009, attorneys:

- Assisted the Colorado Department of Public Health and Environment's Air Pollution

Control Division and Air Quality Control Commission in preparing and adopting an interstate transport State Implementation Plan to address ozone and particulate emissions and their impacts on neighboring states.

- Continued to assist the Colorado Department of Public Health and Environment's Air Pollution Control Division and Air Quality Control Commission in preparing a Regional Haze State Implementation Plan revision to address visibility issues within Colorado's national parks and wilderness areas.
- Obtained a judgment for \$72,000 against a lodge management company for violations of the State's open burning requirements and asbestos regulations.
- Brought suit and secured successful remediation of major asbestos spills in Pueblo residential neighborhoods caused by a building owner.
- Assisted the Water Quality Control Division in formulating a new process and criteria for prioritizing the award of \$65 million in stimulus funds to public entities within Colorado, for drinking water and wastewater infrastructure projects under the American Reinvestment and Recovery Act of 2009.
- Settled litigation and obtained \$680,000 in penalty assessments from three oil and gas operators on the Roan Plateau for stormwater violations resulting in pollution discharges to Parachute Creek.
- Negotiated settlement of a \$90,000 penalty for stormwater violations against a homebuilder in Eagle; negotiated a settlement of \$107,000 in penalty assessment for stormwater violations against a contractor in Fort Lupton; and obtained a \$32,000 penalty against a Montrose subdivision developer for violations of construction stormwater requirements.
- Settled violations of the State's drinking water regulations at a trailer park in El Paso County. The settlement will bring the facility into full compliance.
- Obtained a \$100,000 judgment against a facility that failed to conduct proper operation and monitoring of its drinking water system.
- Successfully defended the Water Quality Control Division in the appeal of a discharge permit at the Lucky Jack Mine over financial assurance requirements. The terms of the permit were upheld by an administrative law judge.
- Worked with the Colorado Department of Public Health and Environment and the Colorado Oil and Gas Conservation Commission to develop criteria to ensure safe oil and gas recovery near the Rulison nuclear blast site.
- Negotiated compliance orders with two housed commercial swine feeding operators to bring the facilities into compliance with water quality and air quality permits.
- Assisted in negotiating several compliance orders with an oil and gas exploration and production company for more than \$500,000 in penalties and injunctive relief to bring its facilities back into compliance with air quality permitting requirements.
- Negotiated a compliance order with an asphalt production company for a \$72,000 penalty and injunctive relief to bring its facilities back into compliance with air quality standards.
- Continued our involvement in 11th Circuit litigation in support of the Environmental Protection Agency's rule exempting water transfers from Clean Water Act permitting requirements, in order to protect Colorado's interests in interbasin water transfers.
- Worked closely with the Colorado Department of Public Health and Environment to mitigate potential air and water quality impacts regarding commercial oil shale development on Western Slope public lands.

## Hazardous and Solid Waste

### In 2009, attorneys:

- Commenced negotiation of a settlement to require better monitoring of waste chemical weapons stored by the Department of Defense at the Pueblo Chemical Depot. Continued a separate suit to force final treatment of the waste chemical munitions by 2017.

- Facilitated transition of two of the largest used tire storage facilities in the country to new owners. Worked with local officials and the new owners to bring the facilities into full compliance after a decade of regulatory problems.
- Successfully defended the Solid and Hazardous Waste Commission's promulgation of regulations effectuating House Bill 08-1414, regarding mandatory liners for oil and gas exploration and production brine waste impoundments.
- Obtained summary judgment and a civil penalty in litigation against Adams County for misappropriating more than \$1 million from a county-controlled hazardous waste fund established to offset state and local governmental costs associated with the Clean Harbors Deer Trail Disposal Facility.
- Participated in innovative shareholder meetings to address state-wide concerns regarding remediation of contaminated dry-cleaning facilities. As part of this effort, counseled the Colorado Department of Public Health and Environment on development of criteria for deciding when no further groundwater remediation would be necessary.
- Counseled Petroleum Storage Tank Fund Committee on creation of subrogation policy to allow the fund to pursue third parties responsible for releases from petroleum tanks.
- Represented the Colorado Department of Public Health and Environment in negotiating the cleanup of and the penalty for a pesticide wholesaler who unsafely and illegally stored thousands of gallons of hazardous waste in his backyard for years.
- Continued to assist the Colorado Department of Public Health and Environment in drafting regulations on liquid waste impoundment. This ongoing stakeholder process, involving diverse industry sectors and all three of the Colorado Department of Public Health and Environment's environmental divisions. Rulemaking is tentatively set for late 2010.
- Assisted in establishing a household pharmaceutical take-back program with pick-up locations throughout the Denver metro area and Summit County. This

program protects state waters from degradation by flushed medications and medications improperly disposed of in household trash.

- Successfully litigated first ever Hazardous and Solid Waste Commission penalty review and obtained reversal of an administrative law judge's reduction of the Department's administrative penalty assessment. Defendant had illegally stored and disposed of hazardous waste and failed to inform State and local authorities of his waste-generation activities. The commission determined that a \$405,000 administrative penalty was appropriate, reversing the administrative law judge's drastic reduction of the penalty.

## Natural Resource Damages, Restoration and Land Cleanup

In 2009, attorneys:

- Initiated procedures for natural resource restoration project identification using \$35 million settlement of the State's claim against Shell Oil and the U.S. Army for natural resource damages at the Rocky Mountain Arsenal.
- Approved nearly \$1.5 million in proposals to restore natural resources at Rocky Flats.
- Recovered 100 cents on the dollar plus interest for the State in the Asarco nationwide bankruptcy proceeding. Settlement included conveying some Asarco properties to a Colorado environmental trustee. Resolution included natural resources damages, past response costs, and future operations and maintenance payments totaling \$16 million for the Globeville site, \$4 million for Silverton and \$7 million for various other sites including California Gulch, Summitville, and Bonanza. Colorado's recovery totaled \$27 million.
- Through training of select State employees, Unit attorneys grew the Natural Resource Damages Program to systematically identify injuries to natural resources of the state, assess appropriate damages, and restore or replace the resources through fair and cost-effective projects.

- Represented the Colorado Natural Resource Trustees in their administration of \$27.4 million in Rocky Mountain Arsenal natural resource damage funds. This ongoing process has involved working with community groups and local governments to come up with matching funds and projects that will restore, replace or acquire the equivalent of the natural resources injured at the Rocky Mountain Arsenal.
- Worked with Colorado and federal trustees to identify restoration projects for the Lake County California Gulch site. Prepared restoration plan for public comment. Continued to establish relationships with local groups to ensure quick implementation and protection of projects.
- Negotiated a settlement for injuries to groundwater at the Lowry Landfill Superfund Site with Denver, Waste Management, and twelve entities that arranged for disposal at the site. The agreements will be filed with the court in the first quarter of 2010 and provide for groundwater protection and improvement projects for Platte River basin groundwater.
- Began the process of working with State Trustee representatives to administer the \$1.5 million natural resource damage settlement at the Shattuck superfund site in Denver. This process had been on hold pending the recent completion of remedial activities at the site.

## State Services Section

The State Services Section of the Colorado Attorney General's Office represents the governor, other elected state officials, the administrative parts of the judicial branch, the State Board of Education, more than 20 Colorado-supported universities, colleges and community colleges, the Public Utilities Commission and the Departments of Human Services, Public Health and Environment, Health Care Policy and Financing, Education, Higher Education, Labor and Employment, and Personnel and Administration.

### Constitutional cases

During 2009, the attorneys from the State Services Section:

- Successfully defended the State in an open records lawsuit concerning the governor's personal cell phone records. The case is pending on a petition for review in the Colorado Supreme Court.
- Successfully defended a constitutional challenge in state court by a nonprofit corporation to campaign finance disclosure laws pertaining to issue committees. The U.S. Supreme Court denied review.
- Successfully defended challenge to Colorado's Clean Indoor Air Act by area theatres. The dismissal was upheld in the Colorado Supreme Court.
- Continued to defend a major constitutional challenge to Colorado's system of financing K-12 education.
- Continued to defend a constitutional challenge in federal court to disclosure requirements in ballot-measure elections.
- Continued to defend a TABOR challenge to the coal severance tax formula in the Colorado Court of Appeals.

### Education

Over the course of 2009, the State Services Section:

- Continued representing the Charter School Institute. Section members reviewed six new charter school applications, resulting in the approval of one new school to open in the fall of 2009, and one new school to open in the fall of 2010. Monitored the process of selecting a new Executive Director for the Institute, the renewal of charters for two existing schools, and the non-renewal of one existing low-performing school.
- Continued to represent the Colorado Higher Education Insurance Benefits Alliance Trust in advisory and transactional capacities.
- Continued to represent the State's public institutions of higher education in preparing and negotiating State contracts for various services, products, and real estate, including contracts for providing students with electronic warnings of on-campus emergencies.
- Continued to assist the State's public institutions of higher education with governance matters, open records and open meetings issues, policy development, faculty dismissal hearings, personnel issues, litigation and general legal advice.
- Represented the Capital Construction Assistance Board, a newly constituted board created to administer the Building Excellent Schools Today program, which is authorized to provide up to \$250 million for K-12 school construction and maintenance. In spring 2009 (award cycle 2008-09), the Board recommended and the State Board of Education approved, \$85.2 million. In summer 2009 (award cycle 2009-10), the Board recommended and the State Board of Education approved \$127.5 million, for a total of nearly \$212.8 million.
- Prosecuted disciplinary actions on behalf of the State Board of Education against educator license holders and applicants who violated statutory requirements, including

disciplinary actions involving charges of sexual offenses or misconduct and theft.

- Advised the Department of Education on issues regarding federal regulatory compliance and federal audits.
- Advised the Department of Higher Education on the closing of 3 diploma mills, on student complaints against private colleges, and on recovering funds owed to the State.

### Child Protection, Human Services and Health Care

On behalf of the Department of Human Services, the State Services Section initiated actions against 19 entities seeking fines for violations of licensing statutes and regulations and collected more than \$7,150 in fines.

In 2009, the Section also:

- Represented the Department of Human Services in an additional 35 cases against child care providers, including 15 summary suspensions of providers who failed to comply with licensing statutes and regulations or operated without a license.
- Represented the Department of Human Services in 934 child protection cases, resolving most through mediation.
- Represented the Department of Human Services in four actions for judicial review of the Department's Final Agency Decision.
- Assisted the Department of Human Services Division of Child Support Enforcement in five district court actions to assert and protect the Division's authority in the use of enforcement remedies.
- Represented various divisions of the Department of Human Services regarding subpoenas for records.
- Represented the Department of Human Services Division of Youth Corrections in 41 cases regarding appropriate sentencing, placement, or release of juveniles.
- Represented the Department of Human Services Division of Behavioral Health, Alcohol and Drug Abuse Division against five providers who failed to comply with the licensing statutes and regulations governing their facilities.
- Represented the Department of Human Services Division of Vocational Rehabilitation in seven appeals filed by applicants or eligible individuals regarding the provision of vocational rehabilitation services.
- Continued to defend the Department of Human Services in a \$10 million dollar class action challenge to the state disability benefits program which would have required the State to pay for applicants' attorneys' fees.
- Assisted the Department of Health Care Policy and Financing in recovering more than \$567,000 in Medicaid overpayments through settlement negotiations.
- Advised and represented the Department of Health Care Policy and Financing in the termination of several Medicaid providers suspected of fraud; intercepted and withheld payment on more than \$800,000 in suspect claims. Settled two matters that recovered \$136,000.
- Successfully defended the Department of Health Care Policy and Financing in matters challenging the type of income that can be placed into disability trusts.
- Represented the Colorado Department of Public Health and Environment in numerous medical marijuana related matters, including defending against several subpoenas to produce confidential information.
- Represented the Colorado Department of Public Health and Environment during Hepatitis C investigation involving hospital employee.
- Successfully defended the Colorado Department of Public Health and Environment in administrative hearings challenging the imposition of fines and sanctions assessed on assisted living facilities where patients' safety and well-being was at risk.
- Continued to defend the Colorado Department of Public Health and Environment in a challenge to Colorado's air ambulance regulations.
- Continued to defend against an action seeking multi-million dollar changes in the



operation of the Colorado Benefits Management System to make it compatible with other computer programs.

## Workers' Compensation

The State Services Section opened 110 cases to force employer compliance with mandatory workers' compensation insurance statutes. Section attorneys closed 94 cases, either by settlement, the employer's payment of fines, sending the fines to collection, or by the employer obtaining insurance or closing the business. Of these cases, the section initiated five cease and desist cases, collected \$14,405 in settlements and fines, sent \$665,130 in fines to collection, and settled one independent contractor case. Section attorneys also opened 54 cases, filed 41 briefs, and participated in five oral arguments in appeals on behalf of the Industrial Claims Appeals Office.

## Other Legal Actions

Attorneys and staff in the State Services Section also:

- Handled 28 subpoenas for the Division of Workers' Compensation and Unemployment Insurance.
- Opened 32 cases and closed 49 cases in petroleum storage tank clean up reimbursement protests on behalf of the Division of Oil and Public Safety.
- Successfully defended the Division of Oil and Public Safety's denial of individual explosives permits in four cases involving persons with criminal convictions.
- Completed 32 rule opinions for the Division of Labor and Employment and the Department of Personnel and Administration.
- Completed nine informal opinions for the Division of Employment and Training, the Division of Oil and Public Safety, the Department of Personnel

and Administration, and the State Controller's Office.

- Provided legal guidance to the Public Utilities Commission on electric, gas, telephone, water, railroad and transportation matters, including major electric and telephone rate cases as well as resource planning cases.
- Defended the Public Utilities Commission in nine court matters.
- Drafted or reviewed and edited approximately 650 Public Utilities Commission decisions and orders.
- Successfully defended the Public Utilities Commission against constitutional challenge to state statutory presumption regarding public need for additional taxicab companies in metro areas.
- Successfully defended the Public Utilities Commission, in part, in federal court proceeding seeking judicial review of a Public Utilities Commission decision interpreting the Federal Communication Commission's definition of a telephone business line for purposes of determining the level of competition in a telephone wire center and ultimately, the price for network elements sold at wholesale to facilities-based competitive local exchange carriers.
- Successfully defended the Public Utilities Commission before the Colorado Supreme Court in a judicial review proceeding seeking to overturn the Public Utilities Commission's issuance of a civil penalty to a towing carrier.
- Continued to defend the Public Utilities Commission against constitutional challenge to a 2006 Public Utilities Commission rule that provides that, for power purchase contracts that predate Amendment 37, the renewable energy credits associated with the generation of electricity from renewable sources will be deemed to be combined with the energy transferred under the contract.
- Advised the Public Utilities Commission in its consideration of Public Service Company's application to raise its electric rates by \$136 million. The Public Utilities Commission reduced the request to \$128.3 million and later reduced it temporarily to \$65 million to account for delays in Public Service's new Comanche 3 coal plant.

- Advised the Public Utilities Commission in its consideration of the 120-day bid evaluation reports filed by Public Service Company and the independent evaluator as part of Phase II of Public Service's application for approval of its electric resource plan covering 2008-2015.
- Advised the Public Utilities Commission in Qwest Corporation's application under House Bill 08-1227 to increase the cap for its basic local exchange service offering.
- Advised the Public Utilities Commission on various new taxicab applications, which are premised on the relaxed entry standard enacted at § 40-10-105(2)(b) C.R.S., as amended by House Bill 08-1227.
- Advised the PUC in an investigation concerning the PUC's legal authority to regulate the resource planning activities of cooperative electric associations and Tri-State Generation and Transmission Association, Inc. The PUC and Tri-State reached agreement on a process that increases the transparency of Tri-State's resource planning activities.
- Continue to advise PUC regarding proposed transmission line construction project extending from San Luis Valley to Pueblo. Matter concerns the application and interpretation of Senate Bill 07-100, codified at § 40-2-126, concerning the construction of transmission lines to support renewable electricity generation.

## Civil Litigation and Employment Law Section

The Colorado Attorney General's Office, through the Civil Litigation and Employment Law Section, defends state agencies and employees sued in state and federal court for personal injuries, property damage, employment discrimination and constitutional violations. The section also represents state agencies in personnel matters in front of the State Personnel Board and brings administrative cases against private parties on behalf of the Colorado Civil Rights Commission.

Additionally, Section attorneys provide general legal advice and representation to the Colorado Department of Transportation, the Colorado Transportation Commission, the Colorado Department of Corrections, the Colorado State Board of Parole, the Division of Risk Management and the employees of those agencies. The section provides advice and training to all State agencies on a myriad of employment and general liability issues.

The Section handled a total of 705 new cases in 2009.

### Tort Litigation

The Tort Litigation Unit defends the state of Colorado, its agencies, employees, entities and officials in lawsuits seeking damages for personal injury and property damage, as well as those brought pursuant to federal law, often claiming civil rights violations. The unit also provides day-to-day advice to agencies, including Risk Management, on questions of liability, coverage, indemnity, settlements and applicability of the Colorado Governmental Immunity Act.

In 2009, the Unit:

- Opened 83 new cases, including 13 overflow cases from the Corrections Unit and six attorneys fees claims associated with 42 U.S.C. Section 1983 cases seeking injunctive relief.
- Won 35 cases on motions to dismiss.
- Won two cases on motions for summary judgment.
- Settled 18 damages cases for a total of \$1,070,281. Two of these were large settlements (\$400,000 and \$250,000); the average settlement of the remainder was \$26,268.
- Settled one claim for attorneys fees for \$450,000 even though the fee application had sought \$767,000.
- Prevailed in five appeals.

### Corrections

The Corrections Unit defends inmate lawsuits involving various issues, including constitutional rights, time computation, prison discipline proceedings, *habeas corpus* petitions, parole and contract-related matters. Unit lawyers also handle compliance issues and claims filed by inmates in the class action ADA lawsuit, *Montez v. Ritter, et. al.* The lawyers also provide general legal advice to the Department of Corrections and the Parole Board on a daily basis on matters such as open records requests, environmental issues, sentencing issues, internal discipline and procedural matters, and administrative regulations.

In 2009, the Unit:

- Opened 405 new cases.
- Obtained favorable rulings in 299 matters and unfavorable rulings in 12 matters — a success rate of 96.1 percent.

- Obtained favorable rulings from appellate courts in 67 of 68 rulings — a success rate of 98.5 percent.
- Obtained favorable rulings in 12 of 13 hearings in state court.
- Obtained defense verdicts in the four federal court jury trials litigated this year.
- Settled six cases for \$135,000, saving the State nearly \$3 million in damages requested in those cases.
- Obtained a published opinion from the Colorado Court of Appeals upholding the DOC's authority to ban discovery and to limit cross-examination in prison disciplinary cases.
- Provided monthly training to disciplinary hearing officers on due process requirements.
- Settled eight cases alleging 63 claims for relief for a total of \$116,478, saving the State more than \$7 million.
- Advised several agencies on Fair Labor Standards Act issues, including classification, time keeping and calculation of overtime.
- Assisted with the drafting and review of overtime policies.
- Presented training to numerous State agencies and higher education institutions.
- Advised and trained State agencies on retaliation provisions of the American Reinvestment and Recovery Act.
- Provided day-to-day advice to State agencies and higher education institutions, including the handling of performance issues for non-classified employees, the management of statewide furlough days and review of lay-off policies and matrixes.

### Employment Tort Litigation

The Employment Tort Unit defends State agencies and employees in state and federal employment litigation. The cases involve claims arising under a myriad of federal and state statutes, including Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Fair Labor Standards Act, the Equal Pay Act, the Age Discrimination in Employment Act, the state Whistleblower Act, and other state and federal employment laws. The Unit attorneys also provide advice and training to State agencies regarding employment law issues.

In 2009, the Unit:

- Defended 32 employment cases filed in state and federal district courts including 10 new cases. The cases involved 267 separate claims against State agencies and 753 claims for relief against State employees.
- Aggressively sought and obtained early dismissal and summary judgment of 55 claims for relief.
- Won every appellate issue decided during the year.
- Advised State agencies on issues related to the use of medical marijuana.

### Personnel, Employment, Civil Rights and Special Funds

The Personnel/Employment/Civil Rights and Special Funds Unit helps State government manage classified employees and defends the State and its employees in employment and personnel disputes. The Unit represents all agencies in personnel hearings and matters before the State Personnel Board and on appeal. The Unit provides advice and training to State agencies and employees regarding personnel matters.

The Unit also provides legal advice to the Colorado Civil Rights Division within the Department of Regulatory Agencies in conjunction with the Colorado Civil Rights Division's investigation of charges of employment, housing and public accommodations discrimination and prosecutes those cases which have been noticed for hearing by the Colorado Civil Rights Commission. The Unit also defends

the Subsequent Injury Fund and the Major Medical Insurance Fund which are part of the Special Funds Unit of the Division of Workers' Compensation within the Department of Labor and Employment.

**In 2009, the Unit:**

- Provided daily "front-end" employment advice and consultation concerning hiring, discharging, and disciplining employees.
- Coordinated and presented statewide and agency-specific training seminars directed to State officials and managers to effectively educate, train, and manage the workforce.
- Provided civil rights advice to Colorado Civil Rights Division and represented Colorado Civil Rights Division at Colorado Civil Rights Commission meetings.
- Defended 275 cases before the State Personnel Board and the Colorado Court of Appeals, including 162 new cases. Won 69 percent of all mandatory hearing cases and received hearings denied on 69 percent of all discretionary hearing cases.
- Prosecuted 13 cases that were noticed for hearing by the Colorado Civil Rights Division at the Office of Administrative Courts.
- Negotiated more than \$200,000 in settlement payments to private citizens, plus mandatory training on the Colorado Anti-Discrimination Act for private employers.
- Defended 10 Special Funds cases before the Office of Administrative Courts, including six new cases.
- Drafted two formal opinions involving State personnel employment matters.

## Transportation

The Transportation Unit advises the Colorado Department of Transportation on a myriad of legal issues. The unit prosecutes all condemnation actions, defends inverse condemnation actions and handles administrative actions. The unit also handles issues involving access control, highway beautification, billboard location, and

Procurement Code protests. The unit advises the Colorado Department of Transportation in construction matters and represents the Colorado Department of Transportation in construction arbitration and litigation.

The unit also provides advice regarding environmental and real estate issues and defends and negotiates settlements in these areas. Members of the unit review, revise and approve all Colorado Department of Transportation contracts and assist in rulemaking and approval of regulations. The attorneys also review proposed legislation affecting the Colorado Department of Transportation.

**In 2009, the Unit:**

- Represented the Colorado Department of Transportation in 45 condemnation, access, relocation, billboard, inverse condemnation, quiet title and other cases.
- Settled or resolved by trial 10 condemnation cases, saving the State \$1.3 million.
- Reviewed 550 contracts for the Colorado Department of Transportation, with an average turnaround time of three days.
- Provided legal guidance related to the formation and implementation of two new enterprises created by the FASTER legislation, SB09-108. The Colorado Bridge Enterprise and High Performance Transportation Enterprise began operations in 2009 with articles of organization and bylaws governing their business purposes and legal staff guiding open meetings of their respective boards.
- Represented the Colorado Department of Transportation in several state court cases involving subcontractor disputes with prime contractors, resolving matters without additional cost to the State.
- Represented the Colorado Department of Transportation in construction disputes and claims by prime contractors seeking additional compensation for highway and bridge projects. Resolved two claims, saving the State more than \$500,000.

- Negotiated and drafted contracts, grants, and related agreements with the Regional Transportation District, the City and County of Denver, and other parties to implement redevelopment of Denver Union Station, the FASTRACKS program and other transportation-improvement projects.

- Provided legal assistance to CDOT and other governmental entities on implementation and reporting requirements of the American Recovery and Reinvestment Act — also known as the federal stimulus program.

## Business and Licensing Section

The six units of the Business and Licensing Section provide legal advice and litigation services to several State agencies, including the Department of Regulatory Agencies and its divisions of Banking, Civil Rights, Financial Services, Insurance, Real Estate, Registrations, Securities and the staff of the Public Utilities Commission. The Section also represents the Department of Revenue, the Department of Agriculture, the State Personnel Board and the Independent Ethics Commission.

### Real Estate Unit

The Unit representing the Division of Real Estate works to protect Colorado consumers from incompetent or deceptive brokers, appraisers, and loan originators. Counsel for the Real Estate Division represents the Real Estate Commission, the Board of Real Estate Appraisers, the Conservation Easement Oversight Commission and the Mortgage Loan Originator Program (formerly Mortgage Broker Program).

In 2009:

- Counsel for the Real Estate Commission focused on cases involving mortgage fraud, which resulted in revocation of seven real estate broker licenses.
- Counsel for the Mortgage Loan Originator Program provided general counsel advice to the Division of Real Estate as it sought to implement the new Mortgage Loan Originator Licensing Act to bring the state of Colorado in line with new federal minimum licensing standards.
- Division of Real Estate's attorneys successfully represented the Real Estate Appraiser Board and the Director of the Division of Real Estate in disciplining

appraiser and mortgage loan originator licensees for incompetent practice.

- Counsel provided assistance to the Real Estate Commission and Division of Real Estate in order to protect the Colorado consumer by denying real estate and mortgage broker licenses to individuals convicted of crimes involving theft.
- Counsel for the Mortgage Loan Originator Program successfully asserted and defended the Division of Real Estate's basic ability to carry out its duty to protect Colorado consumers through subpoenas used in investigations. Subpoenas are the Division's tools for uncovering deception or incompetence.

### Revenue Unit

Unit attorneys provide legal services to all of the divisions and programs within the Colorado Department of Revenue. This includes several divisions devoted to determining, enforcing and collecting state and local tax, and several regulatory boards, commissions and programs. Unit attorneys represented the Department of Revenue in administrative hearings, in state and federal trial courts, and on appeal before state and federal courts.

Unit attorneys also represent several boards, commissions and other regulatory programs, including the Motor Carrier Services Division, the Colorado Limited Gaming Control Commission, the Motor Vehicle Dealer Board, the Boxing Commission, the Colorado Racing Commission and the Liquor Enforcement Division. Each regularly assigned lawyer presents cases for the staff before his assigned board, commission or program and represents his client on judicial review or appeal.

Attorneys in this Unit also provide legal representation to the Property Tax Division within the Colorado Department of Local Affairs. The Property Tax Division coordinates and administers the implementation of property tax law throughout 64 counties in Colorado. Attorneys representing the Division provide statutory interpretation and other general counsel services as needed and represent the Administrator in administrative hearings and negotiations before the Board of Assessment Appeals.

#### In 2009:

- The Unit's attorneys prepared an Attorney General Opinion concluding that medical marijuana is tangible personal property subject to sales tax and that a state retail sales tax license does not represent an endorsement of the license-holder's compliance with the law.
- Unit attorneys litigated cases defending the tax on tobacco products against claims of unconstitutionality, analyzed whether the generation of electricity constitutes the "manufacture" of "tangible personal property" and disputed appropriate taxation of the sales of materials used for well fracturing operations in the oil and gas production industry.
- Revenue Unit attorneys successfully obtained a ruling from the Colorado Supreme Court holding that the maximum conservation easement tax credit permitted by statute applies to the aggregate credit claimed per donation, rather than permitting each member of a tenancy in common to claim up to the maximum credit. This decision affects 42 similar cases with an estimated total of \$5 million in income tax plus interest.
- Unit attorneys defended a district court ruling in the Colorado Court of Appeals that said the Department of Revenue's approach to calculating taxation for the mining industry did not violate the Taxpayer's Bill of Rights.
- Unit attorneys worked with the attorneys general in 40 other states in the bankruptcy cases filed by Chrysler and General Motors. In these cases, Revenue Unit attorneys ensured that the State's regulatory authority over the reorganized car manufacturers was preserved and that all tax liabilities of the car manufacturers were assumed by the successor entities.
- Unit attorneys successfully defended a lawsuit against the Colorado Port of Entry concerning the assessment of an administrative penalty for failure to register construction equipment.
- Attorneys also successfully defended against a homeowners association lawsuit against State liquor license authorities for approving a retail liquor license.
- Colorado Gaming Commission attorneys assisted with the promulgation of new rules necessary for the implementation of Amendment 50, which significantly expanded the scope of gaming in Colorado.
- Attorneys provided frequent legal advice to the Motor Vehicle Division by reviewing rules and records requests, and by representing the Division in appeals of driver's license revocation cases to the Colorado Court of Appeals and the Colorado Supreme Court.

### Medical Unit

The Medical Unit provides legal representation to Department of Regulatory Agencies boards and commissions that oversee physicians, physician assistants, podiatrists, nurses, certified nurse aides, psychiatric technicians and nursing home administrators. The Unit also represents the newly created Nurse Physician Advisory Task Force for Colorado Health Care, which was created in 2009. The Unit provides legal support to each board and commission as they protect public health, safety and welfare. The Unit's legal services include litigation and resolution of licensure, disciplinary, and injunctive matters, as well



as advice and guidance with regard to rulemaking and policy issues.

### Board of Medical Examiners

In 2009:

- Counsel for the Board of Medical Examiners successfully prosecuted and resolved several complex disciplinary actions against physicians who engaged in unprofessional conduct.
- As a result of an amicus brief filed by counsel for the Board of Medical Examiners in private party litigation, the Colorado Supreme Court recognized that documents from a Board of Medical Examiners investigation are not subject to automatic disclosure under civil procedure rules.
- Counsel for the Board successfully defended an appeal regarding the Board's revocation of a physician who had engaged in more than 40 instances of substandard care.
- Counsel for the Board also defended the Board of Medical Examiners' decision to permanently bar a physician from surgery after evidence that the physician treated a surgical patient in a manner which fell below the standard of care.
- Attorneys for the Board of Medical Examiners successfully obtained several revocations or permanent relinquishments of licenses in 2009, including the revocation of a physician's license after she violated an order voluntarily agreeing not to practice medicine.
- Counsel secured the permanent relinquishment of the Colorado license of a physician practicing in California who persuaded patients to undergo unnecessary respiratory treatments.
- Counsel obtained the permanent relinquishment of a physician's license after he failed to fully complete an education and post-education plan.
- Unit attorneys also secured the permanent relinquishment of a physician assistant's license after an investigation determined the physician assistant engaged in an improper sexual relationship with a patient and in improper prescribing practices.

### Board of Nursing

In 2009:

- Counsel for the Board of Nursing successfully prosecuted a licensed practical nurse who had engaged in multiple instances of criminal conduct, including aggravated motor vehicle theft and forgery, which ultimately resulted in the revocation of her license to practice nursing.
- Counsel also represented the Board of Nursing in multiple summary suspension proceedings involving nurses who diverted narcotics for their own personal use from hospitals or other medical facilities. At least three of these cases were reported by the media during the past year. Counsel moved swiftly in all of these cases and successfully removed these nurses from practice.
- Counsel also represented the Board of Nursing in another summary suspension proceeding against a licensed practical nurse who falsified her licensing application and submitted forged documents as proof of residency and nursing education. This case ultimately resulted in the surrender of her license to practice practical nursing.

### Board of Examiners of Nursing Home Administrators

In 2009:

- Counsel for the Board of Examiners of Nursing Home Administrators successfully prosecuted and resolved a case against a licensee who had manipulated and convinced elderly individuals to invest their money in a fraudulent mortgage scheme devised by the licensee and his business partner. The licensee entered a plea of guilty in a related criminal action, and ultimately agreed to permanently surrender his license.

### Colorado Board of Pharmacy

The Board of Pharmacy's attorneys provided regular general counsel and litigation services to the Board in its efforts to regulate the practice of pharmacy in the

state. For example, the Board's counsel assisted with the coordination of efforts between the Pharmacy Board and law enforcement to investigate an unlicensed entity suspected of selling products containing prescription drugs via Internet orders from a residence and without prescriptions.

### **The Colorado Board of Dental Examiners**

This Unit provides legal representation to the Colorado Board of Dental Examiners, including litigation and resolution of licensure, disciplinary, and injunctive matters, as well as advice and guidance with regard to rulemaking and policy issues. Attorneys advised the Board regarding newly adopted statutes and rules, and prosecuted multiple disciplinary and licensure denial actions.

The Board of Dental Examiners' attorneys successfully resolved or initiated litigation of a number of complex substandard care cases. Unit attorneys also obtained an opinion from the Colorado Court of Appeals affirming the Board of Dental Examiners' authority to require the applicant's demonstration of continued competency. Finally, the Dental Board legal team achieved additional efficiencies in meeting the client's goals of public protection by successfully mediating multiple cases.

### **Health Services Unit**

The Unit provides general counsel and litigation representation to the various health-related regulatory programs.

In 2009:

- Attorneys for the Social Work Examiners Board and Certified Addiction Counselor Program successfully negotiated a settlement with a licensed clinical social worker and addiction counselor to relinquish his licenses following allegations that he committed seven felonies, including introducing contraband to youths at a youth treatment facility, contributing to the delinquency of a minor, obscenity and conspiracy to commit sexual conduct in a penal institution.
- Unit attorneys successfully settled with a social worker engaged in questionable therapy techniques, including so-called "holding therapy" and "strong sitting."

### **Other Professional and Technical Licensing Boards**

Attorneys from the Business and Licensing Section also provide legal representation to a variety of Type 1 boards and Type 2 licensing programs supporting each represented entity in its mission to protect the public. Legal services provided include litigation and resolution of licensure, disciplinary, and injunctive matters, as well as advice and guidance with regard to rulemaking and policy issues. Also represented include the professions, boards or offices of:

Accountancy, Architects, Engineers and Surveyors, Electricians, Landscape Architects, Passenger Tramway Safety, Plumbers, Acupuncturists, Athlete Agents, Physical Therapy, Occupational Therapist, Outfitters Registration, Midwifery, Respiratory Therapists, Barbers and Cosmetologists, Audiology and Hearing Aid Dealers, and Funeral Home and Crematory Registration.

In 2009, significant cases for these clients included:

- The revocation of the C.P.A. certificates of two Coloradans who also were defendants in one of the largest tax shelter cases ever prosecuted by the U.S. Department of Justice.
- The revocation of the C.P.A. certificate of an individual who solicited tax clients and others to invest in “prime bank” instruments, which is a Ponzi scheme.

## Insurance

The Insurance Unit acts as general and litigation counsel to the various divisions of the Division of Insurance. Unit attorneys assist and advise on a wide variety of subject areas in rulemaking related to the regulation of insurance companies and their agents, and provide legal advice regarding changes and amendments to the insurance laws.

Attorneys conduct litigation on behalf of the Division of Insurance against unauthorized companies and individuals and insurance companies and their agents offering numerous types of insurance including, health care, health maintenance organizations, long-term care, Medicare supplement insurance, life insurance, property and casualty insurance, and preneed funeral contracts.

In 2009:

- Unit attorneys successfully determined that the Neptune Society, a national company, underfunded the trust for their preneed funeral contracts. State law provides that 75 percent of the money paid into preneed funeral contracts must be deposited with a trustee. The Insurance Unit assisted the Division in negotiating a settlement requiring the Neptune Society to place approximately \$1.5 million in trust to fund the underfunded accounts, change the Neptune Society’s business model to comply with Division of Insurance

regulations, and pay a civil penalty of approximately \$1.2 million, plus a surcharge.

- Unit attorneys also handled a similar case against Drinkwine Family Mortuary. The Division of Insurance’s investigation found approximately 30 accounts in which Drinkwine had failed to properly trust funds for preneed contracts. The unit assisted in negotiating a settlement in which Drinkwine was assessed a civil penalty of \$34,500. Drinkwine also agreed to properly fund its preneed contracts within 60 days, requiring approximately \$122,800 to be trusted to properly fund the account and agreed to suspension of its preneed license until an auditor had validated that the violations had been rectified.
- Unit attorneys also successfully obtained a permanent revocation of a man’s insurance producer license after he was found to have diverted his customer’s health insurance or long-term care insurance premium checks for his own use. An administrative law judge determined permanent revocation was warranted given the predatory nature of the insurance producer’s conduct.
- Unit attorneys also successfully negotiated a settlement with a company that issued title commitments on properties while the named entity did not hold vested title in the subject property on the date of the title commitment. The licensee also commingled title insurance premiums with business funds. As part of the settlement the company in question and its principals were required to pay a \$11,000 civil penalty and agree not to seek any insurance licensure for 10 years.

## Public Utilities Commission

The Public Utilities Commission regulates the rates, charges, services and facilities of public utilities within Colorado. The Public Utilities Litigation Unit primarily represents the litigation staff of the Public Utilities Commission. The unit appears before the Public Utilities Commission in litigated matters on behalf of the public interest to

achieve fair utility rates for all types of customers. The unit works to ensure that all Coloradans receive adequate and reliable gas, electric, telephone, water and water-sewer, and motor carrier utility service.

**In 2009:**

- Unit attorneys represented staff on behalf of the public interest in an application to increase electric rates submitted by an Xcel Energy subsidiary, Public Service Company of Colorado. Xcel initially requested a rate increase of \$180.2 million and the Public Utilities Commission approved an increase of \$128.3 million, which went into effect Jan. 1, 2010.
- Attorneys from the Unit represented the commission staff in a proceeding addressing Xcel Energy's application to establish a new Electric Commodity Adjustment mechanism to recover its fuel and purchased energy costs. The Public Utilities Commission adopted the majority of staff's recommendations concerning rate structure and incentive mechanisms.
- Unit attorneys represented the Public Utilities Commission staff in a proceeding addressing Qwest Corporation's application to increase its rate cap for residential basic local exchange phone service. Based in part on staff's advocacy, the Public Utilities Commission granted an increase significantly lower than that requested by Qwest.

### **Division of Banking and Division of Financial Services**

The Division of Banking is responsible for the regulation of state-chartered commercial banks, trust companies, industrial banks and money transmitters. The Division of Financial Services supervises state-chartered credit unions, savings and loan associations, and certain financial activities of life care institutions. Unit attorneys assist and advise on a variety of matters, including charter and license application hearings, promulgation

of rules and regulations, enforcement of corresponding state laws and regulations, and any emergency issues that might arise.

**In 2009:**

- Unit attorneys worked closely with the Division of Banking on the closure of New Frontier Bank in Greeley.
- Attorneys from the Unit also assisted with the ongoing liquidation proceeding of American International Depository and Trust.

### **Agriculture**

This Unit acts as general and litigation counsel to the various divisions of the Department of Agriculture. Unit attorneys advise the Department of Agriculture on a wide variety of subject areas including rulemaking, Pet Animal Care Facilities Act enforcement matters, emergency preparedness, zoning, homeland security, regulation of the sale and use of pesticides, regulation of seed and nursery stock, certification of organic producers, regulation of farm products dealers and commodity handlers, inspection of all commercially used weights and measures in the state, and administration of the State Fair and its associated activities.

**In 2009:**

- Unit attorneys successfully obtained a restraining order against an individual who threatened to slaughter 23 Arabian horses held on his property either by inviting sharp shooters to engage in target practice or by massacring them on the steps of county buildings. Their work allowed the Department of Agriculture and the Weld County Sheriff's Office to take possession of the horses. The State prevailed in a fitness of ownership hearing, allowing the Department of Agriculture to bar the individual from recovering the animals.

## Mined Land Reclamation Board

The Unit acts as general and litigation counsel to the Mined Land Reclamation Board, a multi-interest citizen board which establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety. The board implements the Colorado Mined Land Reclamation Act and is actively involved in the decision-making process for controversial permit issuance and enforcement actions. The Unit provides legal assistance to the board as required by its various activities, which include approving or denying permits and permit modifications when there has been public comment.

The Mined Land Reclamation Board is currently involved in developing rules for uranium in-situ leach mining operations and updating rules for hard rock mining operations.

## Independent Ethics Commission

Amendment 41 to the Colorado Constitution established the Independent Ethics Commission to handle complaints and advisory opinions to help define ethical conduct for government officials and employees. Subsequent legislation further clarified the Independent Ethics Commission's duties. Since 2008, counsel for the Independent Ethics Commission has aided the Commission in its resolution of complaints, issuance of advisory opinions, letter rulings and position statements.

The opinions, rulings, and statements issued in 2009 covered a broad range of topics, including:

- Service by State officials or employees on the boards of nonprofits;
- Acceptance of prizes by State officials or employees;
- Restrictions on employment by State officials after leaving office; and,
- Restrictions on how State officials and employees may seek and secure future employment.

## Securities

Attorneys from the Department of Law provided general counsel to the Colorado Securities Commissioner and the Colorado Division of Securities within the Colorado Department of Regulatory Agencies and assist in enforcing state securities laws.

In 2009, the Unit:

- Successfully argued a case involving the appeal of a final agency decision on a cease and desist proceeding. The Court of Appeals, among other things, held that the staff and the commissioner do not need to prove scienter in a civil enforcement or cease and desist action except where there is a specific statutory requirement or fact such as a license revocation, bar by a self-regulatory organization or a permanent injunction that was material and needed to be disclosed to potential investors.
- Attorneys from the Unit filed a lawsuit against a company alleging that the company and 14 other defendants violated the registration, licensing and antifraud provisions of the Colorado Securities Act through the sale of so-called "joint venture" investment opportunities in oil and gas wells located throughout the United States. The defendants, operating out of Colorado, fraudulently obtained tens of millions of dollars from investors throughout the country utilizing a sophisticated scheme that employed "boiler room" cold-call, high-pressure sales techniques to sell the securities to investors who were frequently elderly, infirm or unsophisticated, promising fantastic returns that typically never materialized. This case is ongoing.

- Review of the Colorado Department of Law's budget and financial performance.
- Review of the Colorado Department of Law's information technology systems.
- Review of the Colorado Department of Law's human resources management system.
- Review of the Colorado Department of Law's internal control system.
- Review of the Colorado Department of Law's risk management system.

### Security

Advisory from the Department of Law provided general counsel to the Colorado Secretary of State and the Colorado Department of Security regarding the Department of Regulatory Agencies' efforts to ensure data security laws.

### Internal Audit

- The Department of Law's internal audit function is a critical component of the Department of Law's risk management system. The internal audit function provides independent assurance on the Department of Law's internal control system and other areas of risk. The internal audit function also provides independent assurance on the Department of Law's financial reporting process. The internal audit function also provides independent assurance on the Department of Law's information technology systems. The internal audit function also provides independent assurance on the Department of Law's human resources management system. The internal audit function also provides independent assurance on the Department of Law's internal control system. The internal audit function also provides independent assurance on the Department of Law's risk management system.

### Attorney General's Regulation Board

The Board was organized and reported to the General Counsel. The Board's primary responsibility is to review and recommend regulatory proposals to the Secretary of State. The Board also provides advisory services to the Secretary of State on regulatory proposals. The Board also provides advisory services to the Secretary of State on regulatory proposals. The Board also provides advisory services to the Secretary of State on regulatory proposals. The Board also provides advisory services to the Secretary of State on regulatory proposals.

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### Independent Ethics Commission

Appointed by the Colorado Governor, the Commission is responsible for the oversight and administration of the Department of Law's ethics program. The Commission also provides advisory services to the Secretary of State on regulatory proposals. The Commission also provides advisory services to the Secretary of State on regulatory proposals. The Commission also provides advisory services to the Secretary of State on regulatory proposals. The Commission also provides advisory services to the Secretary of State on regulatory proposals.

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# COLORADO DEPARTMENT OF LAW

*A Fact Sheet*

**JOHN W. SUTHERS**  
Attorney General

**CYNTHIA H. COFFMAN**  
Chief Deputy Attorney General

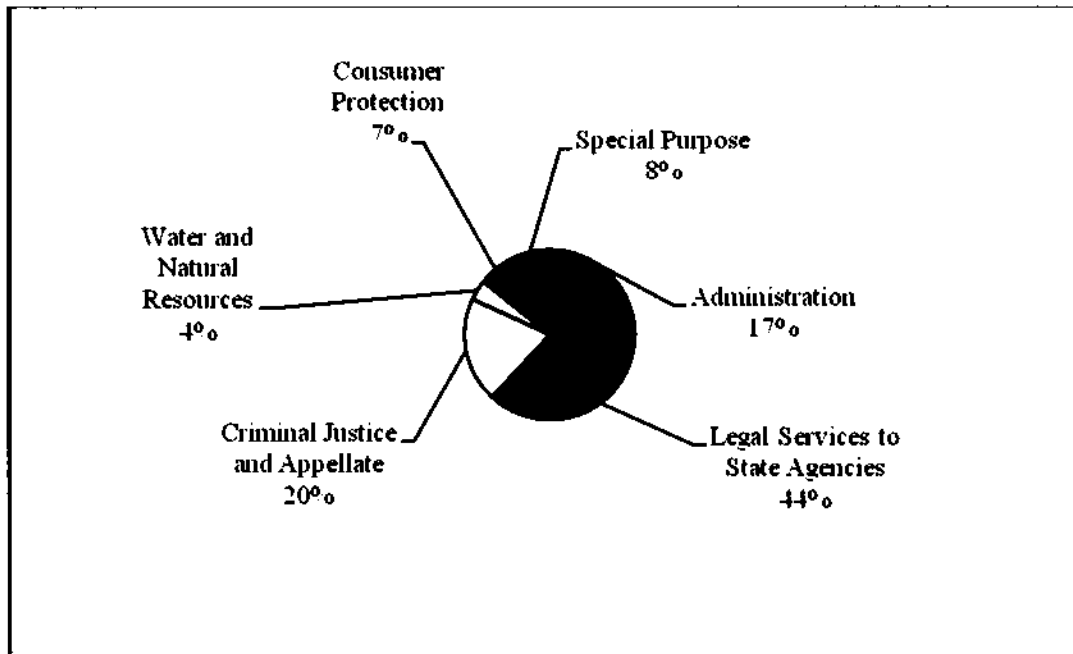
*Department of Law*

*November 2010*

The Department of Law, (often referred to as the Colorado Attorney General's Office), which Attorney General John W. Suthers oversees, represents and defends the legal interests of the people of the State of Colorado and its sovereignty.

<b>FY 2010-11 Appropriation</b>		<b>FY 2011-12 Request</b>	
Total Appropriation	\$52,073,927	Total Appropriation	\$53,417,550
General Fund		General Fund	
Appropriation	\$9,615,003	Appropriation	\$10,026,547
Total Full Time Equivalent	413.8	Total Full Time Equivalent	410.8
Employees (FTE):		Employees (FTE):	

FY 2011-12 Request by Long Bill Division



## **Department in Summary FY 2011-12**

The Department of Law defends the legal interests of the people of the State of Colorado in the following program areas:

- **Criminal Justice and Appellate** – Colorado statutes provide that the Attorney General’s Office has criminal jurisdiction to: 1) To pursue trial level prosecutions of certain offenses, 2) To oversee certification and training of peace officers, and 3) Provide victim services for Department of Law cases. The Appellate Division – Represents the state on appeals of all felony convictions before the state appellate courts or the federal courts.
- **Legal Services to State Agencies/ Business and Licensing Section** – Provides litigation and legal counsel to State professional licensing and occupational regulatory boards. The section also represents the Department of Revenue in taxation, bankruptcy and regulatory matters involving the racing, lottery, liquor and motor vehicle dealer boards and commissions. Additionally, this section represents the staff of the Colorado Public Utilities Commission in rate cases, company mergers, licensee matters and performance standards for the telecommunications, electric, gas and transportation companies.
- **Legal Services to State Agencies / Natural Resources Section** – Protects and defends the interests of the State and its citizens in all areas of natural resources law and environmental law. It represents and advises state agencies and boards that regulate and oversee the use and conservation of Colorado’s natural resources and the quality of Colorado’s environment.
- **Legal Services to State Agencies / State Services Section** – The Section’s work protects children and people at risk. It also conserves the state’s fiscal system by reviewing hundreds of state contracts and defending the State against claims typically involving the inadequacy of funding of various programs. The Section also gives legal advice to the statewide elected officials and provides legal advice and counsel to the State Higher Education Institutions.
- **Legal Services to State Agencies/ Civil Litigation and Employment Section** – Defends State employees and agencies in State and federal courts. Cases may involve personal injury suits, property damage, or employment discrimination among others.
- **Consumer Protection and Anti-Trust Unit** – Protects Colorado consumers against fraud and provides a competitive business environment through enforcement of state and federal consumer protection, antitrust, and lending laws.



## **Department Budget Highlights in Summary FY 2010-11**

- SB 10-167 “Colorado Medicaid False Claims Act” This act allocates 3.0 FTE to the department’s Medicaid Fraud Control Unit (MFCU) to pursue civil recoveries against providers, resulting in additional opportunities for monetary recovery. These recoveries may come from state whistleblower cases in court, or simply from the MFCU’s expanded power to review, investigate, and prosecute under civil laws
- HB 10-1385 “Concerning Fees Collected by the Division of Insurance to Fund Insurance Fraud Cases” This act establishes the Insurance Fraud Cash Fund housed within the Department of Law to deposit specific fees charged by the Department of Regulatory Agency’s Division of Insurance intended to support the department’s efforts in investigating and prosecuting insurance fraud cases.
- HB 10-1329 “Concerning Solid Waste User Fees” This act refinanced a portion of the department’s Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) through a solid waste disposal or tipping fee. This fee is charged for each person disposing of solid waste at an attended solid waste disposal site.

## **Leading Budget Change Requests for FY 2011-12:**

The FY 2011-12 budget request highlights include the following:

- Decision Item#1 – Refinance 2.0 FTE to the Securities Fraud Cash Fund. The Department of Law’s Total Request is for \$194,949 RF from the Division of Securities Cash Fund, with a like decrease in GF, for a total request of \$0. This request will result in the Department of Law’s efforts related to Securities Fraud being completely funded through industry fees, thereby eliminating the GF support of these efforts. Currently, 2.0 FTE, which are criminal investigators, are funded by the GF.
- Decision Item#2 – CERCLA Tipping Fees. The Department of Law’s Total Request is for \$0 RF/TF and 0.0 FTE, but is requesting a refinancing of \$75,000 RF from the CERCLA Contracts Line Item to the CERCLA Line Item.
- The Colorado Department of Public Health and Environment is initiating a request for additional legal support for their Air and Water Divisions. This request for 1.0 FTE and associated spending authority the Legal Services to State Agencies Line Items.
- The department’s budget request accommodates for an additional \$702,000 TF associated with the state paid PERA rate going back to the traditional rate of 10.15% from a one year 7.65% rate.
- The department’s budget request accommodates for an additional \$591,000 TF associated with increases to state paid benefits for AED, SAED, and Health. Life and Dental insurance contributions.

## **Key Issues and Legislation from 2010:**

- S.B. 10-109 increased department staff by 4.5 FTE and spending authority to support the Department of Revenue and the Department of Public Health and Environment with new regulations addressing medical marijuana.

- The department continues to support state interests in the defense and trial of Lobato v. State of Colorado. This complaint alleges that the current statutory scheme for funding public schools in Colorado violates various state constitutional provisions.
- H.B.07-1054 increased the number of Judges in the various state courts. The Department is appropriated an additional 1.0 attorney FTE in FY11 to handle the anticipated increase in the appellate case load.

*For more information about this Department and its programs, please call 303-866-4500.*

#### **Links to Additional Fact Sheets and Websites**

Colorado Department of Law      <http://www.ago.state.co.us/index.cfm>

Colorado No Call Web-site      <http://www.coloradonocall.com/>

# **MISSION AND VALUES**

## **Department of Law**

**2012**

It is the mission of the Attorney General's Office to provide professional, ethical, and independent legal services to the State of Colorado and its citizens, to promote respect for and access to the justice system, to ensure the fair and open exercise of government, and to advance the public interest.

The Office values its employees as its most valuable resource and works to provide employees with the skills, knowledge and motivation to be successful and to exercise individual judgment and innovation.

The Office and its staff and volunteers commit to the highest professionalism, integrity, and ethical standards.

The Office promotes open and effective communications among and with its employees, clients, and the public and believes open communication is essential to its success.

The Office will provide quality legal service in an efficient, timely manner.

The Office respects diversity and commits to furthering it consistently through its programs, policies, and the effective use of the varied perspectives of its employees.

The Office will promote participatory, supportive management.

The Office will provide leadership on legal issues facing the state.

## **Administration Goals and Objectives**

To provide the Department of Law with an exceptional level of service, productivity, integrity, responsibility, initiative, and teamwork to enable the Department to fulfill its mission and value statement.

**Our Mission is to be:**           Customer Focused  
  Solution Oriented  
  Innovative

## **Objectives:**

### **Human Resources**

1. Continue to use technology solutions to improve HR business processes and make information more readily accessible to employees. This includes a significant

makeover of the HR web site on the DOL intranet that will be easier to navigate and provide links to the most needed forms and information.

2. Develop training for employees and supervisors regarding various HR issues.
3. Continue the progressive approach to ergonomic assessment of employee work stations in an effort to prevent repetitive motion injuries before they are brought about by a dysfunctional work station set-up.

### **Information Technology**

1. Map out strategy to meet technology goals identified by the other sections in the office.
2. Identify and implement a unified case management program that integrates into the timekeeping program.
3. Identify and implement an electronic single-entry leave tracking system that integrates into the time keeping program but can also be used by non-billing staff members.
4. Identify and implement a document management system that meets the needs of document retention for the various law practices within the office. (Need a document retention policy as well.)
5. Improve scanning capabilities within the office to meet the growing demand of e-filing and electronic evidence production.
6. Work with DPA to implement voice over IP (VOIP) system.

### **Legal Support Services**

1. In conjunction with IT provide high quality, timely, and effective scanning for the Department. Enhance our services for in house copying
- 2: Improve the Department's Digital recording capabilities.
- 3: Offer a customer driven cost efficient travel center to handle all aspects of Department travel. Includes bookings to reimbursement

## **Accounting and Budgeting**

The main goal is to support the mission of the Department of Law by facilitating the effective and efficient delivery of services at each of the Department's organizational units by assisting with planning and policy development, reporting performance against identified standards, coordinating administrative functions and systems, and resource development. By aligning with the overall mission, values, and strategy of the Department of Law, accounting and budget professionals create value as influential business partners. This Section is responsible for the fiscal administration.

### **Objectives**

1. Accounting applies information management processes to create value for our business by being partners in value creation.
2. Utilize collaboration and partnerships to foster innovation and effectiveness through the maximization of our limited resources.
3. Maintain a highly skilled workforce and continuously develop capacity of employees to advance the department's mission and assure ongoing, high-caliber leadership.
4. Obtain and maximize the use of financial resources to assure the successful accomplishments of goals. Continue to provide high quality financial reporting and analysis presentation.
5. Provide accurate and timely financial information, quality customer service, fiscally sound cash management, and apply risk management techniques.
6. Complete the development of grant accounting guidelines to address the establishment of grant fund accounts, record receipts and expenditures, billing processes, and reporting fiscal information to granting agencies.
7. Ensure the security and proper disbursement of funds through effective appropriation management. Review and update the Department's credit card policies and procedures to improve and monitor internal control procedures and to ensure the Department's cash assets are adequately safeguarded.
8. Provide more electronic transactions options.
9. Improve our interface w/clients/customers.



# **Strategic Plan FY 11-12**

## **Business & Licensing Section**

### **Department of Law**

**MISSION:** The Business and Licensing Section's mission is to provide the highest quality legal representation to regulatory boards, commissions, programs and governmental agencies.

**Objective 1:** Business and Licensing's ("B&L") attorneys shall serve as general counsel to the following clients to effectuate the shared goal of public protection: Department of Regulatory Agencies, Department of Agriculture, Department of Revenue, and the Independent Ethics Commission.

**Goal 1:** Attorneys shall provide timely, accurate and responsive legal advice to the agencies.

**Goal 2:** Attorneys for all Units shall assist in rulemaking as needed or requested by the agencies.

**Goal 3:** When appropriate to the agency, attorneys shall develop and maintain internal tracking systems for informal attorney general opinions rulemaking, and legislation affecting the agencies.

**Goal 4:** Attorneys shall provide aggressive and effective legal representation of the Board on all appeals of Board decisions.

**Objective 2:** The Assistant Attorneys General ("AAGs") within B&L shall develop subject matter expertise on issues relevant to the clients they represent.

**Goal 1:** The Section shall continue to implement the training protocols for new attorneys by pairing each new attorney with a mentor and by holding Section wide practice improvement sessions.

**Goal 2:** The Section shall maintain competence of all attorneys by participating in the evaluation process and the goal planning process with supervisors.

**Goal 3:** The attorneys shall attend Continuing Legal Education programs relevant to their practice.

**Goal 4:** Supervisors shall improve legal advice to all agencies by identifying areas of law and practice where Section wide consistency can be achieved, and shall implement tools to address consistency.

**Objective 3:** The Section shall effectuate the client's goals through effective litigation by initiating actions in administrative court, State District Court, courts of appeals and other courts as necessary.

**Goal 1:** PUC attorneys shall assist Litigation Staff with early identification and development of issues to be presented at hearings.

**Goal 2:** The PUC supervisor and team leaders shall provide an educational environment in which attorneys and staff may increase their substantive knowledge of the subject

matter and pursue opportunities for attorneys and staff to develop discovery, trial, and preparation skills.

Goal 3: All Units shall have policies in place to assure early attorney review and action on all referred cases.

Goal 4: All Units shall identify backlogs and have plans in place to effectively manage backlogs.

Goal 5: Units shall work with clients to continually educate investigators and staff regarding their role in managing evidence, affidavits and documentations supporting the legal elements that must be proved at hearing.

Objective 4: The B&L attorneys shall provide effective conflicts counsel to agencies as assigned.

Goal 1 Attorneys shall effectively advise the State Personnel Board in its adjudicatory role in actions that come before the board, and provide rulemaking support and other advice as required.

Goal 2 Attorneys shall effectively advise the Civil Rights Commission in its adjudicatory role in actions that come before the commission, and provide rulemaking support and other advice as required.

Goal 3 Attorneys shall effectively advise the Mined Land Reclamation Board in its adjudicatory role in actions that come before the board.

## **D) BACKGROUND INFORMATION: BUSINESS AND LICENSING SECTION.**

The Business & Licensing Section is headed by Deputy Attorney General Diana Black and has approximately sixty (60) attorneys, nine (9) legal assistants and eight (8) support staff organized into six units, each headed by a First Assistant Attorney General.

The Business and Licensing Section clients include:

- Department of Regulatory Agencies
- Department of Agriculture
- Department of Revenue
- Independent Ethics Commission
- State Personnel Board
- Unrelated clients in other Sections for whom we serve as conflicts counsel

### **The Department of Regulatory Agencies**

("DORA") houses several divisions represented by B&L AAGs. The AAGs enforce compliance with the law by prosecuting disciplinary actions against licensed professionals, by representing the programs in licensure denial actions, by litigating civil enforcement and subpoena enforcement actions, and by litigating injunctive actions. In addition to prosecuting individual cases, the attorneys provide general counsel advice regarding legislative and policy matters, rulemaking and case analysis. Examples include:



**Division of Registrations:** B&L AAGs provide legal representation to regulatory boards, committees and programs within the Division of Registrations, the largest Division within DORA. The professions regulated include accountants, acupuncturists, addictions counselors, architects, athletic agents, barbers, cosmetologists, chiropractors, dentists, electricians, engineers, land surveyors, landscape architects, hearing aid dealers, massage therapists, marriage and family therapists, midwives, nurses, nurse aides, nursing home administrators, occupational therapists, optometrists, outfitters, physicians, physical therapists, plumbers, podiatrists, pharmacists, professional counselors, psychologists, respiratory therapists, social workers, unlicensed psychotherapists, and veterinarians.

**Division of Real Estate:** The AAGs representing the Division of Real Estate provide legal counsel to the Colorado Real Estate Commission, the Board of Real Estate Appraisers, the Director of the Division of Real Estate (“Director”) in her implementation of the Mortgage Loan Originator Program (formerly the Mortgage Broker Program), and the Colorado Conservation Easement Oversight Commission.

**Division of Insurance:** AAGs representing the Division of Insurance act as general and litigation counsel to the various divisions of the Division of Insurance (“DOI” or the “Division”). As part of its service, Unit attorneys assist and advise on a wide variety of subject areas in rulemaking related to the regulation of insurance companies and their agents, and provide legal advice regarding changes and amendments to the insurance laws. Litigation is conducted in administrative and district courts on behalf of the DOI against unauthorized companies and individuals and insurance companies and their agents. These entities offer numerous types of insurance including, but not limited to, health care insurance, health maintenance organizations, long-term care, Medicare supplement insurance, life insurance, property and casualty insurance, and preneed funeral contracts.

**Division of Securities:** AAGs representing the Division of Securities assist the client in the regulation of securities, broker-dealers, sales representatives, investment advisors, and investment advisor representatives and other related entities.

**Colorado State Banking Board:** AAGs assisting the Colorado State Banking Board provide legal representation and advice to the Board and the Division of Banking on such issues as involuntary liquidations and possession of banks and general legal advice including rulemaking associated with public deposits.

**Division of Financial Services** AAGs assisting the Colorado Financial Services Board provide legal representation and advice to the Board and the Division of Financial Services on such issues as involuntary liquidations and possession of credit unions.

**Public Utilities Commission Staff:** The Colorado Public Utilities Commission (PUC or Commission) regulates the rates, charges, services, and facilities of public utilities within the State of Colorado. Within B&L, the PUC AAGs primary responsibility is to represent Litigation Staff of the PUC in cases before the Commission itself.

Staff of the Commission consists of experts in fields including, but not limited to engineering, finance, and economics. When Staff enters an appearance and becomes a party to a proceeding, Staff is divided into Advisory Staff and Litigation Staff. Representation of Litigation Staff includes advising on a daily basis and representing them in cases before the PUC. Such cases include but are not limited to those in which public utilities seek to increase the rates charged to the public, including residential, commercial, and industrial customers as well as cases in which public utilities seek to either build new facilities or extend existing Colorado facilities.

The AAGs also represent the PUC and its Commissioners in judicial review actions; in civil actions commenced by or against the PUC in state and federal courts (except civil actions for damages against the PUC and/or PUC Commissioners, which are litigated by attorneys in the Tort Litigation Unit); and in federal administrative proceedings before the Federal Communications Commission, Federal Energy Regulatory Commission, and the Surface Transportation Board.

## **Department of Revenue**

The attorneys on the Revenue team provide legal services to all divisions within the Colorado Department of Revenue. Department of Revenue divisions served by our attorneys include:

**Taxation divisions.** These include Audit and Compliance, Collections, Fair Share, Taxpayer Services, Tax Policy Analysis, and the Office of the Tax Conferee. Attorneys represent the Tax Conferee in administrative, district court and appellate proceedings in which all types of tax assessments are contested; attorneys defend the Department against multiple tax protester lawsuits in several different courts; attorneys also provided regular legal advice defending the state's interest in consumer bankruptcy cases; and attorneys represent the department in actions related to tax collection efforts. The Unit's attorneys represented the Department in appellate cases interpreting the law related to conservation easement credits, analyzing whether the generation of electricity constitutes the "manufacture" of "tangible personal property;" disputing appropriate taxation of the sales of materials used for well fracturing operations in the oil and gas production industry, and defending the Department's methodology for calculating the value of business personal property.

**Enforcement programs and divisions.** These include the Division of Gaming and the Colorado Limited Gaming Control Commission; the Auto Industry Division and the Colorado Motor Vehicle Dealer Board; the Division of Racing and the Racing Commission; and the Liquor and Tobacco Enforcement Division. Attorneys provide general counsel advice on matters including rulemaking, interpretations, policies, legislative matters and other questions presented. Attorneys also represent the clients in administrative hearings, during the exceptions process and on appeal.

**The Division of Motor Vehicles.** Attorneys review rules and records requests, represent the Division in appeals of driver's license revocation cases to the Colorado Court of Appeals and Supreme Court, and provide other legal assistance as requested.

**The Executive Director's Office.** Attorneys provide legal representation to the Executive Director's Office, which oversees all of the Department of Revenue.

## **Independent Ethics Commission**

The AAGs representing the Independent Ethics Commission assist the Commission in carrying out its constitutional and statutory duties through the Commission's issuance of Position Statements, Advisory Opinions and Letter Rulings relating to standards of conduct for government officials.

## **Department of Agriculture**

The Business and Licensing Section provides general and litigation counsel to the Colorado Department of Agriculture and the Commissioner of Agriculture. This representation is provided by two full-time AAGs who represent and provide legal advice to the various divisions within the department including: the Animals Division, the Colorado State Board of Livestock Inspection, the Conservation Services Division, the Inspection and Consumer Services Division, the Plants Division, the Markets Division. The AAGs also represent and advise the Colorado State Fair and several other marketing-related boards associated with the department. The AAGs assist the department in dealing with a myriad of complicated legal issues on a daily basis from livestock disease emergency quarantines, takings and destructions to regulation of pesticide use, licensing of commodity handlers, certification of organic producers, and prevention of plant diseases, many of which involve complex interactions between state and federal law. The AAGs also assist with rulemaking, drafting of proposed legislation and the sunset review process.

## **Mined Land Reclamation Board**

The Business and Licensing Section provides a .5 FTE General Counsel position that serves a permanent conflicts counsel to the Colorado Mined Land Reclamation Board ("MLRB"), a multi-interest citizen board that establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety ("DRMS"). The MLRB implements the Colorado Mined Land Reclamation Act and is actively involved in the decision-making process for controversial permit issuance and enforcement actions. Generally, the Board oversees the reclamation permitting activity for the hard rock mining and construction materials mining industries. The MLRB also has jurisdiction over reclamation permits issued for oil shale activities and for coal mines. The General Counsel position ensures the separation of the prosecutorial and decision making processes by advising the MLRB at its adjudicatory hearings in which it approves or denies permits and permit modifications when there are objections or public comment, issues violations, sets civil penalties and corrective actions, revokes permits and authorizes bond forfeitures. The MLRB's General Counsel provides guidance on procedural issues before, during and after the hearings. The General Counsel also provides guidance regarding substantive issues of law throughout the process, and drafts the Orders that result from the monthly enforcement hearings. The General Counsel also ensures MLRB compliance with open meetings requirements and provides guidance on rulemaking procedures.

## **The Department of Local Affairs**

Colorado's Department of Local Affairs ("DOLA") is an initial and primary point of contact where local communities work in partnership with the state. Approximately half of DOLA's legal services budget is allocated to attorneys within the Business and Licensing Section, who represent two of DOLA's key divisions: the Board of Assessment Appeals and the Property Tax Administrator. Because these two divisions have sometimes conflicting legal interests, the attorneys for the Board of Assessment Appeals and the attorneys for the Property Tax Administrator are in separate Units within the Business and Licensing Section, and report to separate supervisors.

DOLA's Property Tax Division coordinates and administers the implementation of property tax law throughout 64 counties in Colorado. The Property Tax Administrator, who is appointed by the state Board of Equalization, leads the Division. The Administrator's responsibilities include review of county government grants of property tax refunds exceeding \$1000, valuation of public utilities for property taxation, review of applications for property tax exemptions, and ruling on other property tax questions. The attorneys representing the Property Tax Administrator provide statutory interpretation and other general counsel services as needed and represent the Administrator in administrative hearings and negotiations before the Board of Assessment Appeals.

DOLA's Board of Assessment Appeals ("BAA") is a three-member board appointed by the Governor and confirmed by the state Senate. The Governor also may appoint up to six additional members to one-year terms. Currently there are eight members of the BAA. The BAA hears appeals filed by real and personal property owners regarding the valuation placed on their property. Taxpayers may appeal decisions of county boards of equalization or county boards of commissioners to the BAA. Decisions of the Property Tax Administrator regarding state assessed properties and exemptions may also be appealed to the BAA. Business and Licensing attorneys provide advice to the BAA in its adjudicatory role and represent the BAA when its decisions are appealed.

### **Other Conflicts Counsel Clients**

Business and Licensing also represents the Civil Rights Commission and the State Personnel Board.

## **II) PRIOR YEAR LEGISLATION**

### **Department of Regulatory Agencies:**

**Division of Registrations:** This year, 4 programs underwent sunset review. Those programs include, the Colorado the Electrical Board (HB 10-1225); the Colorado Medical Board (HB 10-1260), State Board of Accountancy (HB 10-1236), and the State Board of Podiatry (HB 10-1224). The attorneys representing those programs assisted their clients during the sunset review process, identifying areas within the current statutory scheme that presented a barrier to effective enforcement and regulation. Additionally, the General Assembly passed SB 10-124

expanding the Michael Skolnik Medical Transparency Act to health care practitioners other than physicians and SB 10-109 establishing a regulatory structure for the certification of medical marijuana by physicians. Attorneys within B&L will be assisting the client agency with implementation of this legislation.

Other newly added programs that will also receive representation this fiscal year by the Business and Licensing Section include: surgical assistants and surgical technologists (HB 10-1415).

**Division of Real Estate:** On May 26, 2010, the Governor signed into law HB 10-1141, which created some changes to the Division effective August 11, 2010. Of import, HB 10-1141 created the Board of Mortgage Loan Originators, and vested the Board with enforcement, administrative and rule-making authority over mortgage loan originators. Prior to this legislation, mortgage loan originators were regulated under a Director model. HB 10-1141 also vests the Board with authority over the registration of mortgage companies. The legislation also requires that the Division exercise its powers and perform its duties under DORA as if such powers were transferred to the Division via a type 2 transfer rather than via a type 1 transfer as was previously the case.

**The Conservation Easement Oversight Commission,** created by HB 08-1353, provides guidance to the Department of Revenue and to the Director of the Division of Real Estate concerning conservation easement appraisals and holders. The Commission's AAGs assisted the client with its statutory purpose of maintaining the integrity of the Conservation Easement Tax Credit Program. Consistent therewith, AAGs provided legal advice regarding rulemaking and implementation of the Conservation Easement Holder Certification Program.

**Division of Banking:** This year, the General Assembly passed HB 10-1114 and HB 10-1081. These bills require licensed money transmitters to report additional information about their agents to the Division of Banking and also require that employees of agents of licensed money transmitters either sign a notice that they understand federal and state money laundering laws or receive training. House Bill 10-1081 also creates a new, more comprehensive definition of money laundering. The Division of Banking is drafting the implementing rules.

**Division of Insurance:** The General Assembly passed at least 22 bills impacting the Division of Insurance. Many of them will require either the drafting of new rules or amending existing ones. The legislation includes: HB 10-1004, which requires standardized health insurance information to be provided to consumers; HB 10-1008, which prohibits gender rating in the individual market; HB 10-1160, which permits health insurance carriers to offer incentives for participation in wellness programs based on outcomes; and HB 10-1220, which involved the sunset review of functions of the Division. In addition, the Division will be impacted by the Patient Protection and Affordable Care Act of 2009, the federal health care reform bill. New legislation will impact attorneys' legal services as the bills become effective and new cases develop.

**Public Utilities Commission:** The General Assembly passed HB 10-1365, which provides incentives for electric public utilities to reduce air emissions and requires the utilities to submit plans to achieve such reductions by replacing or repowering coal generation with natural gas, and also consider other low-emitting resources. The bill contains a stringent deadline by which the Public Utilities Commission must approve plans submitted by the utilities. The hearing process regarding implementation of HB 10-1365 requires participation by the Unit's attorneys.

**Department of Revenue:** This year, Colorado's General Assembly adopted multiple bills impacting the Department of Revenue. Business and Licensing Section attorneys representing Revenue have, as requested, assisted the Department with rulemaking and modification of policies and procedures to implement these new laws effectively and efficiently. For example, attorneys assisted with developing rules to implement diverse legislative changes, including several bills modifying sales tax exemptions and a bill (HB 10-1284) creating a program to regulate the medical marijuana industry. Attorneys also are defending Revenue in lawsuits challenging three new bills. Attorneys are defending the state against a lawsuit challenging HB 10-1193, which imposed reporting requirements on retailers who do business in Colorado but who do not collect Colorado sales tax. In addition, attorneys are defending Revenue against a lawsuit challenging HB 10-1049 and SB 10-201, which affected the relationship between motor vehicle manufacturers and motor vehicle dealers holding a franchise from the manufacturer.

**Department of Agriculture:**

- Senate Bill 09-127, sunset review of egg regulation.
- Senate Bill 09-117, sunset review of meat processors and home food plans.
- Senate Bill 09-118, sunset review of the Pet Animal Care Facility Act.
- Senate Bill 09-113, sunset review of the Measurement Standards Act.
- Senate Bill 09-114, sunset review of the Farm Products and Commodity Handler Act.
- Senate Bill 09-151, sunset review of the licensing of livestock slaughterers

**III) HOT ISSUES:**

**Department of Regulatory Agencies:**

**Division of Registrations:** Examples of cases handled by the attorneys representing the various boards, committees and programs within the Division of Registrations include:

**Gerald M. Bradshaw, CPA.** The AAGs representing the Board of Accountancy resolved a case against Gerald Bradshaw, a licensed certified public accountant without the need of a

formal hearing. Mr. Bradshaw began soliciting tax clients and other individuals to participate in an investment opportunity which, in actuality, was a Ponzi scheme. AAGs representing the Board were able to negotiate relinquishment of Mr. Bradshaw's certificate and his firm's registration along with an agreement that Mr. Bradshaw would not offer any investments in the future.

**Colorado Board of Medicine v. Louis W. Bair, Jr. D.O.** The Board initiated formal disciplinary proceedings against Dr. Bair following information that he had engaged in sexual intercourse with two patients, sent sexually explicit materials via text messaging to another patient, and took yet another woman with whom he had a physician-patient relationship to Napa Valley and Keystone Ski Resort. Following an order for partial summary judgment in favor of the Board, Dr. Bair voluntarily relinquished his licensed and agreed not to seek licensure as a physician in Colorado at any time in the future.

**State Board of Medical Examiners v. Keith Stampher, M.D.** Dr. Stampher is a family practice physician who had a romantic relationship with a female medical assistant employed by his practice who he also had a physician-patient relationship. Following the hearing, the AAG prosecuting the case established that the norms of conduct applicable to a family practice physician prohibited that physician from engaging in a romantic relationship with a patient, even if that patient was also an employee. The Judge found that Dr. Stampher's conduct violated the generally accepted standards of practice because crossing of this professional boundary confuses the physician-patient relationship, jeopardizes the physician's objectivity, and can easily progress to even more egregious boundary violations such as sexual contact with the patient. The Judge ordered that Dr. Stampher be publicly reprimanded, ordered to comply with evaluation and treatment recommendations by a peer health organization, and to be fined \$10,000.

**State Board of Medical Examiners v. Kelly Gregg, M.D.** In this case, the AAG successfully moved for summary judgment against Dr. Gregg, establishing that he practiced medicine by diagnosing and prescribing medications to patients, in violation of a Board order, failed to maintain required liability insurance, prescribed controlled substances to three patients other than in the course of legitimate medical practice, repeatedly failed to make essential entries regarding prescribed medications in the records of certain patients, and failed to respond to a Board inquiry. The Judge concluded that Dr. Gregg's license to practice medicine should be revoked because he violated numerous provisions of the Medical Practice Act and revocation is necessary to protect the public health and welfare.

**Cesar Corzo, SW, CAC III:** AAGs representing the Social Work Examiner Board and the Addiction Counselor Program were able to obtain a summary suspension and voluntary relinquishment for both the Social Work and Level III Certified Addiction Counselor licenses of Corzo. Allegations included that Corzo had engaged in inappropriate sexual language and behavior with female clients that Corzo was unfit to practice. It was later revealed that Corzo had a felony conviction in 1998 for distributing cocaine and money laundering in California, and that Corzo faced 7 felony counts in Colorado for introducing contraband to youths at a youth treatment facility, obscenity, and conspiracy to commit sexual conduct in a penal institution.

**State Board of Nursing v. Fischer:** Ms. Fischer, a nurse, was arrested for diverting narcotics from her employer. She entered into an Interim Agreement for Cessation of practice pending resolution of her criminal case and ultimately pleaded guilty to a class 5 felony. As a result of AAG advocacy and negotiation, the Board allowed her to enter Peer Assistance Services (“PAS”) and sign a stipulation, making her conviction and participation in PAS public knowledge.

**State Board of Nursing v. Ewing:** Ms. Ewing, a Certified Nurse Midwife, was involved in a home delivery that turned problematic when the baby proved difficult to deliver. The mother suffered a grade four tear, and the baby was not breathing at birth. Ms. Ewing administered Pitocin without a doctor's order, and waited nearly an hour before calling for an ambulance. The baby and mother survived. As a consequence of AAG representation and negotiation, Ms. Ewing signed a Stipulation and Final Agency Order in which she was admonished for her conduct and agreed to relinquish her advanced practice authority to practice as a CNM in Colorado.

#### **Division of Real Estate:**

**Colorado Real Estate Commission v. Mile High Management LLC:** The Commission received reports that certain persons and their business were collecting rents on behalf of landlords, but never remitting the collected funds. In short order, AAGs successfully obtained a temporary restraining order against the individuals and the business and thereafter obtained a permanent injunction halting the illicit activities. The Commission received favorable media reports as a result of its swift and effective legal action.

**Colorado Real Estate Commission v. Bartlett:** AAGs successfully obtain an Order revoking the Respondent’s real estate broker license, as a result of a guilty plea Respondent entered to the crime of Attempted Sexual Assault on a Child in 2006 and his failure to report this conviction to the Commission.

**Colorado Real Estate Commission v. Minney:** In a hotly contested matter, AAGs obtained an order revoking the Respondent’s real estate broker license as a result of the Respondent’s commitment of mortgage fraud on multiple occasions. AAGs also successfully obtained an order imposing a \$70,000 fine from the Administrative Law Judge.

**William Allan Gay:** Gay previously faced disciplinary actions taken by the NASD and Colorado Division of Securities. He subsequently applied for a mortgage broker license. AAG’s successfully negotiated Gay’s license application withdrawal.

#### **Division of Insurance:** Significant cases handled by the Insurance Unit include:

**Division of Insurance v. Leticia Montoya:** The Commissioner of Insurance sought and obtained a temporary restraining order and preliminary injunction against Leticia Montoya, a former bail bonding agent. This case is significant because the district court agreed with the interpretation of the Division of Insurance that it is the bail bonding agent



who posts the bail bond with the court for a criminal defendant who is responsible for all statutory duties under the Bail Bonding Agent Act in 12-7-101, et seq, C.R.S. Consequently, the district court held that since Ms. Montoya was not the posting agent of record for a particular transaction, she was not entitled to collect from the consumer purported monies owed. The permanent injunction hearing is not yet scheduled.

**Allstate Insurance Company:** Negotiated a significant reduction in automobile rates to benefit Colorado consumers.

**Nolan Funeral Homes:** Interpleader action in El Paso County District Court subsequent to licensing action against Nolan Funeral Homes to require payout to consumers of ill-gotten gains held in trust by Nolan Funeral Homes.

**Pinnacol Assurance:** Negotiated \$15M settlement/credit to Colorado consumers in case involving payment of excess premium by Colorado consumers for worker's compensation insurance from Pinnacol.

**Hise v. Div. of Insurance and CDPHE:** Obtained dismissal of class action personal injury case against the Division in Denver District Court.

The Unit's attorneys are assisting the Division with its implementation of the new federal health care reform act as the Division scrutinizes insurance premiums and rate filings. In addition, the attorneys are assisting the Division with restructuring the bail bond industry.

**Division of Securities:** The AAGs representing the Division of Securities handled a significant number of complex civil matters. For example:

**Mueller Capital Management:** AAGs represented the Division of Securities in bringing an injunctive enforcement action in the Denver District Court against Mueller Capital Management, LLC ("MCM"), Mueller Over Under Fund, LP (the "Fund"), and Sean Michael Mueller ("Mueller"). After obtaining information strongly indicating that the Fund was essentially a Ponzi Scheme, AAGs from the Unit obtained a Temporary Restraining Order, Order Freezing Assets and the appointment of a receiver over MCM, the Fund, and several related entities. Unit attorneys then negotiated the entry of a preliminary injunction over MCM, the Fund and Mueller, preventing the further dissipation of investor assets in a fund that claimed to have assets exceeding \$100 million.

**Burton Custom Homes:** AAGs representing the Division of Securities also brought about a successful resolution in an injunctive enforcement action against Burton Custom Homes, Inc., Soaring Eagle Investments, LLC, and a number of promoters and related parties. After settling with one party, Unit attorneys obtained summary judgment against the remaining defendants, prompting a global settlement of the remaining issues in the case. As a result, all defendants are now subject to a permanent injunction and orders for damages and restitution have entered.

In addition to traditional injunctive litigation, AAGs representing the Division of Securities are actively managing a number of cases (in addition to Mueller) where a receiver has been successfully sought by the DOS to seize investment funds, including Wealth Systems International and the DelGreene family of funds, Secured Financial Group and the Integrity Funds, Southern Financial Corporation and the Secured Real Estate Lending Fund, Mark Jackson, Dharma Investment Group and the Dharma family of entities, as well as XL Capital and the Vision and Velocity Funds.

**Division of Banking:** As identified more specifically below, the AAGs representing the Division of Banking assisted with a high profile bank closure.

**New Frontier Bank:** AAGs assisted the Colorado State Banking Board with the involuntary dissolution and possession of New Frontier Bank in Greeley, New Frontier was a \$2 billion bank with an estimated \$4 million in uninsured deposits. AAGs worked with Banking Board staff as well as the FDIC.

**Public Utilities Commission:** Significant cases in which the PUC Unit was involved include:

**Public Service Company of Colorado's Consecutive Rate Cases:** Represented staff on behalf of the public interest in an application to increase electric rates submitted by an Xcel Energy subsidiary, Public Service Company of Colorado ("Xcel Energy"). Xcel Energy initially requested a rate increase of \$180.2 million and the PUC approved an increase of \$128.3 million, which went into effect January 1, 2010.

**San Luis Valley Transmission Project:** Represented staff on behalf of the public interest in a joint application to construct transmission lines out of the San Luis Valley by Xcel Energy and Tri-State Generation and Transmission Association, Inc. ("Tri-State"). The utilities' purpose for constructing new transmission is two fold: to take advantage of the renewable energy resources in and around the San Luis Valley and address electricity service reliability. More than thirty parties/interests have intervened. This matter is presently pending before the PUC.

The focus on and interest in renewable energy continues. Legislation passed in 2007-2009 significantly increased the percentage of renewable energy Colorado utilities are required to generate or purchase, and also imposed requirements that gas and electric utilities develop and offer programs that encourage retail customers to participate in energy conservation. Based on the legislative directives, fiscal year 2009-2010 continued to see many filings and PUC decisions designed to carry out the legislative directives.

In addition, the General Assembly passed HB10-1365, which provides incentives for electric public utilities to reduce air emissions and requires the utilities to submit plans to achieve such reductions by replacing or repowering coal generation with natural gas, and also consider other low-emitting resources. The PUC must approve plans submitted by the utilities by December 15, 2010.

**Independent Ethics Commission:** This past fiscal year, the IEC issued numerous Advisory Opinions and Position Statements and were assisted by AAGs in doing so. AAGs also assisted the Commission in its rendering of decisions regarding complaints and aided the Commission with the single complaint hearing it held this past year, *Fry v. Burns*, Complaint No. 09-08.

**Department of Revenue:** Significant cases handled on behalf of the Department of Revenue include:

**Cendant Corp v. Revenue:** This year, the Colorado Supreme Court denied Cendant Corp's petition for writ of certiorari, resulting in savings to the state of approximately \$14 million. In this case, Cendant Corp and its subsidiaries filed a lawful C-Corp tax return for 2001. After the due date for the return, Cendant sought to amend the return and make an election to file using a method called "consolidation," which would have allowed them to add other corporations to the return, with significant savings to the corporation. The deadline for making the election, however, is the deadline for the return, and the appellate courts have affirmed Revenue's position that the law was sufficiently clear to place Cendant on notice of its filing options.

**Nationwide Rebar:** The Unit's attorneys reached an agreement with this debtor's trustee that resulted in a \$100,000 recovery for the state.

**MJR One and Two:** In these cases, the Unit's attorneys obtained an emergency order for relief from stay, without notice to the debtor or its attorneys, permitting Revenue to seize all cash in the debtor's possession. The seizure exposed the fact that the debtor had been misreporting sales to the court. The case was dismissed within days and Revenue then seized the debtor's equipment, which had considerable value. The secured lender eventually paid Revenue in full, resulting in a recovery of about \$70,000.

**Champion Auto Group dealerships:** The Unit's attorneys represented the Motor Vehicle Dealer Board in connection with the summary suspension of five related motor vehicle dealer licenses. The dealerships are alleged to have failed to pay off consumer loans when a vehicle was traded in, failed to activate warranties, failure to forward tax payments to the counties and failure to deliver titles, all of which affected some 150 consumers.

**Stacy M. Baldwin:** In this published Court of Appeals decision, the Court clarified the extent to which hearsay evidence may be used in a driver's license revocation. The decision is also noteworthy for the Concurring opinion by Judge Furman that the exclusionary rule should not apply in driver license revocation proceedings, marking the first published in-depth discussion of this issue in Colorado.

**Direct Marketing Association:** The Unit's attorneys are defending Revenue in this federal lawsuit challenging HB 10-1193 on several constitutional grounds.

**Department of Agriculture:** AAGs successfully litigated the Department's position in the Keyah Grande case, involving claims for damages arising from euthanization of elk suspected of having Chronic Wasting Disease ("CWD"), through the Court of Appeals. They also assisted

the department in bringing legal enforcement actions in several animal cruelty cases, most recently saving 24 horses threatened by their owner with public “execution.” During FY 08, they handled fifteen cases enforcing the pesticide regulation laws. AAGs worked closely with the department staff to address the concerns raised in the course of six separate sunset reviews of various regulatory programs, several of which resulted in significant legislative revisions and updates supported by the department.

**Mined Land Reclamation Board:** The MLRB is currently in the informal stage of rulemaking for rules implementing changes to the Mined Land Reclamation Act made by the legislature in 2008 to address uranium in-situ leach mining operations, including new provisions regarding the confidentiality of prospectors and the nature of prospecting activities. These proposed regulations are of significant interest to those communities potentially affected by uranium in-situ leach mining operations, water providers such as Denver Water, the mining and oil shale industries, and environmental groups. Also controversial is the Idaho Mill permit application from Wildcat Mining Corporation for a gold mine on property located in La Plata County, near the town of Mayday, to which there is significant community opposition. The MLRB heard approximately 50 matters during the '09 fiscal year, issued 46 Board Orders drafted by the General Counsel, and is currently defending one suit in Denver District Court.

#### **Department of Local Affairs:**

**Board of Assessment Appeals: Boulder County Board of Commissioners vs. HealthSouth Corporation:** AAGs represented the Board of Assessment Appeals (“BAA”) before the Court of Appeals and the Colorado Supreme Court in this case. The primary issue is whether HealthSouth is entitled to property tax refunds on moneys paid to Boulder County based on fictitious assets. Although the Court of Appeals ruled against the BAA, the Colorado Supreme Court accepted certiorari in the matter and the BAA is awaiting a decision from the high court.

# STATE SERVICES STRATEGIC PLAN 2011-2012

## GOALS AND OBJECTIVES

### **GOAL #1: Develop and support attorneys and administrative staff who will provide quality legal services to client agencies.**

Objective 1: Provide a collegial environment to develop analytical, legal and trial skills.

- Assign experienced attorneys to mentor newer attorneys on simple cases
- Pair experienced attorneys with newer attorneys on complex cases
- Conduct in-house training on procedures, litigation strategies and other legal matters that are frequently handled by the section
- Conduct regularly scheduled unit and Firsts meetings to discuss legal matters and management issues

Objective 2: Explore availability of funding to provide additional training for attorneys and support staff.

- Contact client agencies to explore possibility of paying for Continuing Legal Education seminars for attorneys
- Contact client agencies to request funding for additional training for legal assistants
- Contact various educational institutions to discuss possibility of scholarships for seminars and classes

Objective 3: Enhance reporting of major cases

- Have First Assistants submit brief written updates of major cases or events on monthly basis.
- Submit reports to clients to supplement monthly billings

### **GOAL #2: Provide timely, efficient and responsive legal services in matters related to labor and employment.**

Objective 1: Promote timely response to requests for petroleum leak remediation

- Contact petroleum storage tank fund applicants within 10 days of request by agency
- Process fund payment settlements within 7 business days of receiving documentation from parties.

Objective 2: Expedite the reduction of the number of employers without workers' compensation insurance

- Contact such employers within 10 days of referral
- Apply for a hearing within 20 days of contact if employers do not obtain insurance.

Objective 3: Contribute to the effective adjudication of workers' compensation proceedings

- Enhance the completion of workers' compensation proceedings by filing briefs on behalf of the Industrial Claims Appeals Office as quickly as possible.

**GOAL #3: Provide timely, efficient and responsive legal services in matters related to state administration.**

Objective 1: Assist in the development of fiscal policies and rules

- Review rules to ensure compliance with statute
- Provide representation and advice to the Controller's Advisory Group

Objective 2: Review and process contracts

- Assist in improving the contract process to reduce review time
- Provide more assistance in the negotiation and execution of contracts
- Provide training to state agencies regarding contracts and procurement

**GOAL #4: Provide timely, efficient and responsive legal services in matters related to health care.**

Objective 1: Provide legal services in relation to the Colorado Benefits Management System

- Provide legal advice to ensure the success of the System or appropriate alternatives
- Provide legal advice related to ongoing efforts to resolve the CBMS litigation, whether through continued settlement efforts or judicial resolution

Objective 2: Pursue repayment of public funds expended to provide medical benefits from estates, trusts and responsible third parties

- Maximize recovery from personal injury settlements and from liable third parties in line with number of cases referred by HCPF

Objective 3: Insure the integrity of Medicaid funds

- Defend appeals brought by Medicaid providers challenging reimbursement audits, reductions and denials
- Represent state in bankruptcy cases

Objective 4: Take appropriate action to terminate, suspend or limit HCPF and CDPHE provider agreements, certification or licensure

- Review referrals and prosecute actions to terminate Medicaid provider agreements, pursue revocation, suspension or other adverse action against health facility licenses and EMT/paramedic certifications when appropriate

Objective 5: Pursue false claims as appropriate

- Review cases to identify potential false claims
- Prosecute cases in conjunction with federal government
- Identify civil and criminal fraud and refer appropriate cases to MFCU

Objective 6: Represent Boards

- Represent and counsel the Medical Services board
- Represent and counsel the Board of Health
- Represent and counsel the Hospital Provider Fee Oversight and Advisory Board

**GOAL #5: Provide timely, efficient and responsive legal services in matters related to education**

Objective 1: Defend court challenges to legislation

- Defend court challenge to school financing system

Objective 2: Provide preventative legal advice to education clients to avoid costly litigation and prosecute and defend necessary lawsuits to protect the clients and the state

- Advise clients with employment and student actions
- Assist clients with contracting and enforce contract terms as necessary and defend breach of contract actions
- Advise clients on board governance and open meetings and public records issues and defend challenges to client actions

Objective 3: Help improve the quality of educational and vocational instruction

- Assist the Department of Education in policing teacher licensing by reviewing licensing statutes and rules and evaluating and prosecuting disciplinary actions where appropriate
- Assist Capital Construction Advisory Board on allocation of funding for school construction projects
- Work with the Division of Private and Occupational Schools to monitor schools offering vocational training in Colorado
- Assist the Colorado Department of Higher Education to enforce the Degree Authorization Act
- Work with the Charter School Institute to review, approve and oversee Institute Charter Schools
- Assist state boards in drafting policies and regulations
- Review the School Violence Prevention Manual and Student Discipline Manual for any needed changes and updates
- Assist public colleges and universities and state educational agencies with compliance with state and federal regulations
- Assist governing boards of public institutions of higher education with policy and governance issues

**GOAL #6: Provide timely, efficient and responsive legal services in matters related to child care, child protection and treatment of the persons in the state hospital**

Objective 1: Resolve all child licensing enforcement cases as expeditiously as possible while assuring that children are safe

- Review all referrals to determine appropriate action
- Draft summary suspension orders within 72 hours from the time that the matter is referred
- Prepare notice of charges in non-emergency cases with 30 days after matter is referred
- Prosecute effectively where revocation or other licensing action is appropriate

Objective 2: Advise and defend state hospital



- Continue to assist state hospital in development of policies and procedures to ensure quality care
- Defend civil court challenges to policies and procedures
- Assist hospital with record requests
- Provide legal advice as needed

**Objective 3: Prosecute child abuse cases in a timely fashion**

- Attempt to resolve most requests without hearing
- Assist in continuously improving the process for fair hearings
- Prosecute persons found responsible for child abuse or neglect

**Objective 4: Provide legal services and advice to the various divisions within the Department of Human Services**

- Respond and draft legal opinion memos as requested
- File petitions and provide legal representation to the Division of Youth Corrections
- Prosecute administrative court cases for the Division of Vocational Rehabilitation and Division of Behavioral Health
- Advise the Board of Human Services, the Juvenile Parole Board, and other Boards and Committees of the Department
- Advise the Department on Open Records Act requests
- Respond to subpoenas for records and protect confidential and privileged information
- Defend or Represent the Department in civil district court non-Tort cases

**Objective 5: Support state child support enforcement**

- Defend state automated remedies
- Challenge district court jurisdiction over state remedies when necessary

**GOAL #7: Provide timely, efficient and responsive legal services to statewide elected officials**

**Objective 1: Provide legal services to the Secretary of State**

- Represent the Secretary in legal challenges to the Campaign and Political Finance Amendment, the Initiative Code and the Election Code
- Defend the Secretary in ongoing legal challenges to the State's voter registration laws and practices

- Assist the Secretary in prosecuting violations of the bingo and raffle statutes
- Assist the Secretary's preparation for the 2010 general election

Objective 2: Provide legal services to the Governor

- Provide assistance in the Governor's efforts to coordinate state and federal immigration policies
- Represent the Governor in open records challenges.

Objective 3: Provide legal services to the State Treasurer

- Provide assistance and advice with regard to property tax deferrals
- Provide assistance and advice with regard to unclaimed property
- Ensure that persons who make claims under the escheat and unclaimed property statutes are entitled to receive the requested funds.

**GOAL #8: Provide timely, efficient and responsive legal services to the Public Utilities Commission.**

Objective 1: Act as counselor to the Commission

- Provide on-going legal assistance to the Commission on all pending matters

Objective 2: Represent the Commission in court proceedings.

**NATURAL RESOURCES & ENVIRONMENT SECTION  
STRATEGIC PLAN  
FY 2011-12**

**GENERAL**

**GOAL #1: Protect and Defend Environmental and Natural Resource Interests of the State of Colorado and its Citizens.**

- Objective 1: Provide high quality, timely, and effective legal representation to the Governor and the Departments of Natural Resources (DNR), Public Health and Environment (CDPHE), and Labor and Employment on natural resources and environmental matters.
- Objective 2: Provide an educational and collegial environment for attorneys and support staff to develop their substantive knowledge of natural resource and environmental law and their legal skills.

**WATER MATTERS**

**GOAL #2: Aggressively Safeguard the State's Interests in all Interstate Compacts and Equitable Apportionment Decrees for Interstate Rivers.**

- Objective 1: Vigorously represent State interests in all pending interstate litigation to which Colorado is a party.
- Objective 2: Develop an appropriate process to resolve or avoid future controversies between Kansas and Colorado regarding the Arkansas River Compact.
- Objective 3: Analyze developments on the Rio Grande River and act to protect Colorado's compact entitlements.
- Objective 4: Work with the State and Division Engineers to resolve issues with New Mexico concerning implementation of the Costilla Creek Compact.
- Objective 5: Prepare to defend Colorado against any future litigation by Nebraska over the South Platte Compact.
- Objective 6: Work with the Republican River Water Conservation District to assure Colorado's future compliance with the Settlement Agreement reached on the Republican River.
- Objective 7: Prepare to defend Colorado against any future litigation by Nebraska or Kansas over the Republican River Compact.

**GOAL #3: Proactively Represent the State on all Matters Relating to the Colorado River.**

- Objective 1: Counsel and represent the Governor, the Colorado River Commissioner, the DNR Executive Director, and the Colorado Water Conservation Board (CWCB) on existing and potential

litigation over the Colorado River and the Colorado River Compact.

- Objective 2: Prepare an electronic indexed and searchable library of Colorado River information, documents, research, correspondence, legislative history, legal research, and other material relevant to possible interstate litigation over the Colorado River Compact and the Law of the Colorado River.
- Objective 3: Support Colorado's interests in ongoing interstate negotiations regarding the administration and operation of the Colorado River.
- Objective 4: Represent Colorado's interests on the legal committee of the Upper Colorado River Compact Commission.
- Objective 5: Advise the State Engineer on intrastate administration and operation of Colorado water rights subject to the Colorado River Compact, including the promulgation of rules.

**Goal #4: Work With the Department of Natural Resources, the State Engineer, and the Colorado Water Conservation Board to Anticipate and Address the Major Legal Battles Concerning Water Supplies Needed for Colorado's Existing Uses and Growth.**

- Objective 1: Provide quality legal representation to the State of Colorado in approximately 1,000 active water cases.
- Objective 2: Advise CWCB regarding financial grants and loan contracts and TABOR restrictions.
- Objective 3: Work with the State Engineer to support efforts to develop and implement policies and rules that resolve current conflicts between well users and surface water users.
- Objective 4: Support efforts to maintain the independent authority of the State Engineer's Office in litigation concerning water rights.
- Objective 5: Support efforts to maintain the independence and protect the interests of the water users, such as the CWCB, the Division of Wildlife and Department of Parks and Outdoor Recreation, from the State Engineer's Office in litigation concerning water rights.
- Objective 6: Provide legal advice to the Interbasin Compact Committee.
- Objective 7: Defend the State Engineer against legal challenges to the State Engineer's recently adopted rules for regulation of produced water from Oil and Gas wells.
- Objective 8: Assist the State Engineer in reviewing State Engineer policies to ensure effective, efficient, and consistent administration of water rights across Colorado.

**GOAL #5: Work with the Department of Natural Resources, the Division of Wildlife and the Division of Parks and Outdoor Recreation to Address the Water Needs of these Agencies.**

- Objective 1: File for and obtain water rights necessary to support State Parks and State Wildlife areas.
- Objective 2: Provide legal advice and representation to protect existing water rights for current State Parks and Wildlife Areas by helping the agency establish a data base to determine its existing water rights, the rights needing protecting and the rights needing diligence.
- Objective 3: Continue to assist Department of Parks to assess future water needs for Parks resources by helping the agency establish a data base for its existing parks that need new water rights or an expansion of its existing rights.

**GOAL #6: Help Resolve Indian Reserved Rights Issues in Southwestern Colorado Related to the Animas-La Plata Project.**

- Objective 1: Resolve issues pending after the State's recent victory in District Court regarding the construction and operation of the Animas-La Plata Project.
- Objective 2: Work with the parties to Indian reserved rights litigation and settlement to complete implementation of settlement.

**GOAL #7: Resolve Claims for Federal Reserved Rights and Federal Appropriative Rights of the U.S. Forest Service and Bureau of Land Management.**

- Objective 1: Vigorously pursue final decrees in outstanding cases to finally decree federal rights or have those rights denied.
- Objective 2: Cooperate with water users, interested parties and federal agencies to resolve issues regarding potential claims for federal reserved rights for future Wild and Scenic River designations in the Colorado Basin to assure protection of existing water rights and future development, where appropriate.

**GOAL #9: Work With the Department of Natural Resources to Protect Colorado's Interests in Endangered Species Recovery Efforts.**

- Objective 1: Support the DNR in its work with state and federal agencies, together with interested water users, to implement species recovery efforts in the Colorado, Platte, and Rio Grande River Basins.

**ENVIRONMENTAL MATTERS**

**GOAL#10: Facilitate Timely and Effective Cleanup of Contaminated Sites, and Help Create Opportunities at Those Sites for Future Land Uses that Protect and Enhance Colorado's Quality of Life.**

- Objective 1: Support state efforts to expedite an effective cleanup and delisting of the remaining California Gulch Site Operable Units in Leadville and Lake County.
- Objective 2: Resolve the State's claims against Asarco for response costs and natural resource damages at the California Gulch Site, and other sites in Colorado for which Asarco has responsibility in the pending bankruptcy action.
- Objective 3: Assist CDPHE in updating the 1988 Remedial Action Plan to reflect progress made at the Cotter Mill/Lincoln Park CERCLA site and detail future remediation requirements.
- Objective 4: Work with CDPHE and EPA to develop and implement effective, community-supported remedies at the listed Standard Mine (Crested Butte), Nelson Tunnel (Creede), and Captain Jack Superfund sites.
- Objective 5: Negotiate an agreement on behalf of CDPHE for additional remedial work at the Eagle Mine Superfund site to reduce metals loading in the Eagle River and meet newly promulgated water quality standards.
- Objective 6: Finalize settlement documents with parties paying damages for injuries to the State's natural resources at the Lowry Landfill and continue evaluation of sites where natural resources may have been injured, on behalf of the State's Natural Resources Trustees.
- Objective 7: Work with CDPHE, Idarado, and the Town of Telluride to improve the remedy for mine tailings on the Telluride Valley Floor and draft an environmental covenant to ensure protection of human health and the environment.
- Objective 8: Maintain and enhance strong working relationships with federal, state and local authorities in implementing the CERCLA program.
- Objective 9: Coordinate CDPHE/EPA remedial action at the Clear Creek/Central City Superfund Site with CDOT's Highway 119 Corridor Rebuilding Project and jointly implement CERCLA and major road improvement projects quickly and cost effectively.
- Objective 10: Participate in settlement negotiations with insurers of the Standard Metals Company, a liable party under CERCLA for cleanup costs and natural resource damages at multiple sites in Colorado.

**GOAL#11: Aggressively Pursue Cleanup and Reuse of Contaminated Federal Facilities.**

- Objective 1: Support efforts of State Natural Resource Trustees, in consultation with affected local governments and the public to select and fund appropriate restoration projects to mitigate natural resource damages at the Rocky Mountain Arsenal Site.
- Objective 2: Work with other states and federal natural resources trustees, citizens and affected local governments to implement approved restoration projects for injured natural resources at Rocky Flats.
- Objective 3: Work with CDPHE, U.S. Department of Energy and U.S. Environmental Protection Agency (EPA) to provide regulatory oversight and to ensure effective implementation of the Rocky Flats Legacy Management Agreement.
- Objective 4: Work with CDPHE to evaluate, enforce, implement, and accelerate cleanup at numerous current and former federal facilities, including the Pueblo Chemical Depot, the Air Force Academy, the Lowry Bombing and Gunnery Range, Buckley Field, Lowry Air Force Base, Fitzsimons Army Hospital, the Denver Federal Center, and other “formerly used defense sites” and closing military bases.
- Objective 5: Work with the National Association of Attorneys General (NAAG), the Governor, CDPHE, and Colorado’s Congressional delegation to lobby for legislation clearly establishing the Comprehensive Environmental, Response, Compensation and Liability Act of 1980 sovereign immunity waiver.
- Objective 6: Work with NAAG, the Governor, CDPHE, and Colorado’s congressional delegation to lobby for adequate funding for cleanup of federal facilities, particularly U.S. Department of Energy and U.S. Department of Defense facilities.
- Objective 7: Work with CDPHE to force acceleration of the chemical weapons treatment program at Pueblo Chemical Depot through litigation or settlement of the State’s Hazardous Waste Act enforcement suit.

**GOAL #12: Protect Colorado’s Citizens and Lands from Dangers of Mismanaged Hazardous and Solid Wastes.**

- Objective 1: Assist the Hazardous Materials and Waste Management Division (HMWMD) in continuing to implement an innovative and effective hazardous waste management and enforcement program.
- Objective 2: Continue working with HMWMD to develop and implement a model solid waste management and enforcement program, including implementation of recently enhanced solid waste administrative order enforcement authority.
- Objective 3: Counsel HMWMD in efforts to clarify and strengthen state solid waste statutes and regulations, especially regarding unique solid waste streams targeted by the Legislature, including brine wastes, used tires and used food-grade grease.

Objective 4: Continue to assist CDPHE's efforts to remediate innumerable dry cleaner sites contaminated with perchloroethelene, and seek an overarching solution to the problem of under-capitalized drycleaners unable to pay for remediation.

Objective 5: Assist CDPHE's expansion of pharmaceutical take-back programs beyond the current pilot-scale program.

**Goal # 13: Assist in Promulgation and Implementation of Environmental Programs to Protect Colorado's Air and Water.**

Objective 1: Assist the Air Pollution Control Division (APCD), Water Quality Control Division (WQCD), and Laboratory and Radiation Services Division (LARS) to require compliance with environmental laws.

Objective 2: Aggressively prosecute people and companies who break the environmental laws.

Objective 3: Assist the APCD, WQCD, and LARS to develop educational programs to teach Colorado's citizens and industry about the dangers of uncontrolled pollution and how to actively protect the environmental quality of Colorado.

**Goal # 14: Assist in Promulgation and Implementation of Environmental Programs to Protect Colorado's Air and Water.**

Objective 1: Assist the Air Quality Control Commission (AQCC) and CDPHE in implementing changes in the Automobile Inspection and Readjustment Program, including increased motorist convenience through greater remote sensing.

Objective 2: Assist the APCD and AQCC in protecting visibility in National Parks and other "class I" areas, by requiring installation of "Best Available Retrofit" and "Reasonable Progress" Technology at specified sources, and by finalizing Colorado's Regional Haze State Implementation Plan.

Objective 3: Assist the AQCC and AQCD in implementing new SO<sub>2</sub>, NO<sub>2</sub>, ozone and mercury standards.

Objective 4: Work with the APCD and AQCC to implement the 2008 Ozone Action Plan, and to develop, adopt and implement new Ozone Action Plans to attain the 2008 and anticipated 2010 ozone standards.

Objective 5: Assist the WQCC and WQCD in developing and promulgating nutrient criteria, Whole Effluent Toxicity requirements, and a general permit for application of pesticides.



- Objective 6: Work with Colorado’s Congressional delegation and other interested parties seeking to obtain “Good Samaritan” legislation for the cleanup of abandoned mining sites.
- Objective 7: Work with WQCD, APCD, DNR and industry on ensuring environmental protection from increased oil and gas exploration and production.
- Objective 8: Work with WQCD, APCD, DNR, federal agencies and industry to ensure that development of oil shale in Colorado is done in an economically and environmentally protective manner.
- Objective 9: Work with the APCD and AQCC and affected stakeholders to implement the 2009 Clean Air – Clean Jobs Act.
- Objective 10: Work with the APCD and AQCC to clarify the emission standards for asbestos and to improve compliance with the standards through education, coordination with key stakeholders and aggressive enforcement.
- Objective 11: Assist WQCD in protecting drinking water supplies by revisiting antiquated or otherwise inappropriate disinfection waivers.
- Objective 12: Protect Colorado’s water interests by continuing to participate in litigation relating to EPA’s water transfers rule.
- Objective 13: Protect Colorado’s control over regulatory programs by resisting federal challenges to state permitting decisions.

**NATURAL RESOURCES MATTERS**

**GOAL #15: Resolve Issues Regarding Oil and Gas Extraction.**

- Objective 1: Defend the Colorado Oil and Gas Conservation Commission (COGCC) in litigation concerning regulations the COGCC promulgated to regulate oil and gas activities and in litigation concerning process for applications for permits to drill.
- Objective 2: Assist the COGCC in implementing regulations the COGCC promulgated to regulate oil and gas activities.

**GOAL #16: Provide Legal Advice and Representation Regarding Oil Shale Development in Colorado.**

- Objective 1: Participate in federal-state team meetings regarding oil shale development in Colorado including on five research, development and demonstration projects located on federal land managed by the Bureau of Land Management.

Objective 2: Assist the Division of Reclamation, Mining and Safety in regard to oil shale development including legal representation at administrative hearings on permit applications filed by companies conducting five research, development and demonstration projects.

**GOAL #17: Provide Legal Advice and Representation Regarding Coal, Uranium and Vanadium Mining in Colorado.**

Objective 1: Assist the Division of Reclamation, Mining and Safety in implementing new rules and amendments the Mined Land Reclamation Board adopted to implement legislation regarding regulation of hard rock mining operations involving uranium and regarding prospecting activities.

Objective 2: Assist the Division of Reclamation, Mining and Safety in rulemaking proceedings to implement changes to the regulations concerning coal mining operations, including reviewing draft regulations and attending stakeholder meetings.

**GOAL #18: Assist the State Board of Land Commissioners in maximizing revenues from and in protecting State Trust Lands.**

Objective 1: Assist the State Land Board in its ongoing management of trust lands, including the sale and lease of such lands and minerals, and in maximizing revenues for support of public education in Colorado.

Objective 2: Assist the State Land Board in protecting trust assets, including the fee title and mineral interests granted by the United States to Colorado and held in trust by the State Land Board, for the benefit of future generations of Coloradans.

**GOAL #19: Assist the Division of Parks and Outdoor Recreation in meeting the changing economic realities affecting the management of park and outdoor recreation resources in Colorado.**

Objective 1: Work with the Division of Parks and Outdoor Recreation to address its significant budget shortfalls, including a further proposed reduction in general fund support for park management in a legal and thoughtful manner and that otherwise avoids unwarranted impacts to the recreating public in Colorado.

Objective 2: Work with the Division of Parks and Outdoor Recreation in managing all state parks and recreation areas and in developing and adopting regulatory programs in a manner that provides the widest possible variety of park and outdoor recreation opportunities in Colorado for its residents and visitors.

**GOAL #20: Assist the Division of Wildlife in preserving wildlife and wildlife related recreational resources in Colorado.**

Objective 1: Work with the Division of Wildlife to address the significant threats to wildlife resources and the decrease in public hunting opportunities caused by residential and oil and gas development throughout Colorado.

Objective 2: Work with the Division of Wildlife in developing and adopting regulatory programs to protect wildlife resources, including threatened and endangered species, and continuing to provide a wide variety of wildlife-related recreational opportunities in Colorado for its residents and visitors.

Objective 3: Work with the Division of Wildlife in its continuing efforts to protect valuable wildlife habitat by acquiring real property interests, including both fee title and conservation easements, throughout Colorado.



**CIVIL LITIGATION AND EMPLOYMENT LAW  
STRATEGIC PLAN  
2011-12**

**GOALS AND OBJECTIVES**

**GOAL #1: Develop and maintain a successful and well-regarded litigation section that aggressively and effectively represents the state, state agencies, state employees, and state officials in administrative, state, and federal court cases and that is available to assist other sections in complex litigation.**

Objective 1: Provide an educational and supportive environment for the staff and attorneys to develop their legal and trial skills. Provide training courses, mock demonstrations, opportunities to “staff” cases, and educational materials. Pursue opportunities for the staff and attorneys to attend CLE’s to develop discovery, trial, and preparation skills.

- Negotiated discount rate for 8 attorneys to attend two-week National Institute of Trial Advocacy training.
- Negotiated discount rate for 32 attorneys and 8 attorney trainers to participate in a two-day NITA trial advocacy program. Helped develop the program and reviewed all materials used at program. Attended and participated in program.
- Each unit meets approximately monthly to discuss cases and strategies.
- Monthly Section/Firsts meetings are conducted to share office-wide information, to discuss section and office issues, and to conduct training on relevant issues.
- Several attorneys participate in the office Medical Marijuana working group to share information among sections.

Objective 2: Provide aggressive and effective legal representation to all state agencies and employees in state and federal tort and constitutional claims.

- Win cases/claims by filing motions to dismiss and motions for summary judgment:

Corrections:	Won 165 out of 291
Emp Tort:	Won 4 in full, 3 in part (224 claims dismissed)
Tort Litigation:	Won 52 out of 65 in full or part

- Take cases to trial/hearing as necessary and win:

Corrections: Won 10 out of 10  
Emp Tort: No trials  
Tort Litigation: No trials

- Win cases on appeal/petitions for certiorari:

Corrections: Won 67 out of 69  
Emp Tort: Won 1 out of 1  
Tort Litigation: Won 11 out of 11

- Settle cases favorably for the state where appropriate

Corrections: Saved \$2,778,000 (settled 5 cases for \$107,000; demands were \$2,885,000)  
Emp Tort: Saved \$424,000 (settled 2 cases for \$26,000; demands were \$450,000)  
Tort Litigation: Saved \$1,639,375 (settled 13 cases for \$580,625; demands were \$2,220,000)

- Obtain voluntary dismissals

Tort Litigation: 8 voluntary dismissals

- Save Risk Management money by aggressive defense, successful motions, trial/hearing victories, and favorable settlements:

Emp Tort: Saved \$2,948,000  
Tort Litigation: Saved \$11,502,975

Objective 3: Train legal assistants and attorneys in the use of technology in the courtroom. Familiarize staff with the requirements for exhibits in federal court. Prepare for increased use of technology in trials.

- We have successfully trained all attorneys and staff regarding electronic filing in state and federal trial and appellate courts.
- We use the services of IT in several cases in trials and hearings so that the attorneys can present evidence through the use of electronic means. We continue to learn new ways to use technology in our practice.

Objective 4: Monitor progress of cases through regular attorney and staff reports.

- Monthly reports are prepared by all Tort Litigation attorneys.

- Monthly status reports are prepared and sent to:

Risk Management  
Dept. of Corrections  
Community Colleges  
Colorado State University  
Colorado Mental Health Institute in Pueblo  
Dept. of Agriculture  
Dept. of Public Safety  
Dept. of Transportation

- Monthly reports are prepared by all Tort Litigation attorneys.
- A weekly summary of developments in Corrections cases is prepared by the First Assistant in Corrections and submitted to the Department of Corrections and Risk Management.
- Regular Risk Management Litigation Reports are submitted to Risk on all Risk-covered cases.

**Objective 5: Reduce the use of outside counsel except in conflict cases and develop an efficient system to monitor the progress of their cases.**

- Outside counsel are required to submit monthly reports regarding their cases.
- Only 4 cases were sent from Corrections to outside counsel. The prior year, 6 cases were sent out. The year before that, 42 cases were sent out.
- Two cases were sent to outside counsel from Employment Tort and Tort Litigation.

**Objective 6: Provide general litigation support for the entire office. Provide litigation CLE programs for attorneys and staff throughout the office.**

- Our attorneys frequently consult on cases throughout the office.
- This past year, our section consulted with several sections regarding the requirement for electronic records to be retained pursuant to the Federal Rules of Civil Procedure and the Open Records Act.
- The Corrections Unit continues to provide advice and mentoring to attorneys in other sections on request. Information and briefs from the unit brief bank are liberally shared with other sections.

- The Tort Litigation Unit regularly confers with attorneys throughout the office concerning liability issues that arise in the course of State business and on prevention of liability claims. This has included consultation with attorneys for the nursing board concerning accommodation requirements under the ADA, consultation with attorneys for the Division of Parks concerning potential liability on climbing routes, and consultation with attorneys from Revenue concerning bankruptcy matters and seizure of business equipment and assets.
- The Employment Tort Unit regularly confers with attorneys throughout the office on employment matters and liability issues.
- The Employment Personnel and Civil Rights Unit regularly provides employment litigation advice with respect to classified employees, as well as advice on CORA and subpoena issues.
- Several attorneys assisted in the document-intensive discovery process in the Lobato case out of the State Services Section.
- Several attorneys assisted the Business & Licensing Section on issues ranging from indemnification to attorneys fees.
- Information about available seminars outside the office is disseminated by the Deputy to the entire office.
- The section developed a writing seminar which is available to other sections.
- As noted above, the Deputy negotiated and arranged for intensive trial practice training for 48 attorneys in the office.

**GOAL #2: Handle personnel matters for all state agencies aggressively and successfully.**

Objective 1: Aggressively and successfully defend the state and its employees in mandatory hearings before the State Personnel Board.

- Won 100 %. (111 mandatory hearing cases were opened by SPB, 7 hearings were held, won 7)

Objective 2: Oppose petitions for discretionary hearings in cases where the employee does not have a right to a hearing, such as final agency grievance decisions.

- Won 76 %. (38 petitions briefed, won 29)



Objective 3: Represent state agencies successfully in appeals to the State Personnel Board from decisions of Administrative Law Judges.

- Won 33 %. (3 appeals, won 1)

Objective 4: Successfully represent state agencies in appeals from decisions of State Personnel Board to the Colorado Court of Appeals.

- Won 76 %. (3 appeals, won 2)

Objective 5: Settle personnel cases as appropriate and for a reasonable amount.

- Settled 51 %. (111 cases set for hearing, 57 settled)

Objective 6: Win personnel cases on dispositive motions.

- Won 75 %. (35 filed, 22 won)

**GOAL #3: Provide timely, accurate, and responsive legal advice to the Colorado Department of Corrections.**

Objective 1: Assist the Department in identifying legal issues of public interest and provide thorough and thoughtful legal advice regarding such issues. Maintain close contact with DOC to provide counsel as needed.

- Provide answers to requests for advice within 10 days of request

The Corrections Unit had approximately 408 requests for advice from DOC last fiscal year, 99.75% were answered within 10 days.

Objective 2: Maintain close liaison with national organizations such as the National Institute of Corrections and the National Association of Attorney Generals in matters of national interest, such as the Supermax, Hepatitis C, religious diet lawsuits, and bankruptcy issues. Participate in presentations regarding these issues at national and regional conferences.

- Make presentations at the national conference of the National Institute of Corrections.

The First Assistant of the Corrections Unit is a nationally-recognized expert and has spoken at 5 annual conferences on the state of the law with respect to corrections.

Objective 3: Provide quality legal representation to the Department of Corrections and other state agencies in prison discipline challenges.

- Win cases in the trial court.

The numbers for winning motions and trials in prison discipline matters are included in the figures previously reported.

During fiscal years 2004 to 2009, the unit opened 2,753 litigation cases. They lost 76 of those cases, settled 16, and won the remainder for a 96.66% success rate.

- Win prison discipline cases on appeal.

Won 89 %. (Won 57, lost 7)

Objective 4: Provide quality representation when the agency is served with a subpoena duces tecum.

- The unit won every motion for protective order or motion to quash in every case in which a party sought privileged or confidential records or files.

Objective 5: Assist DOC in coming into compliance with the Remedial Plan in *Montez v. Owens* by May, 2009.

- Approximately 1,400 individual damages cases have been resolved.
- We hold monthly meetings in our office with DOC operations and clinical managers to review steps taken to come into compliance with programmatic requirements.
- Structural compliance has been achieved.
- A compliance hearing is set to resume on October 18, 2010.

Objective 6: Review proposed and pending legislation affecting CDOC within 5 days of receipt.

100 % of requests reviewed within 5 days.

Objective 7: Coordinate closely with the Appellate Section regarding cases that impact the DOC and the OAG.

The First Assistant sends summaries of relevant decisions to the Appellate Section and the OAG.

Objective 8: Represent the Attorney General on committees addressing sentencing and confinement issues. Advise the DOC regarding proposed

legislation affecting confinement and sentencing issues. Testify and assist in drafting legislation proposed or supported by the Attorney General.

- The First Assistant represents the DOC on committees addressing sentencing issues. As additional committees are formed, members of the unit will participate and advise legislators and the DOC.

Objective 9: Attend annual state judicial conference to present to judges current developments in sentencing laws and recurring legal issues concerning inmate litigation.

No judicial conference was held this past fiscal year.

Objective 10: Obtain attorneys' fees or cost of care awards for frivolous lawsuits.

- Obtained \$540 in attorneys' fees for the DOC.

**GOAL #4: Provide timely, accurate and responsive legal advice to the Colorado Department of Transportation.**

Objective 1: Handle CDOT condemnation actions and save the State money in acquiring real property for less money than the landowner demands.

- Resolved 14 condemnation cases, saved \$1,365,100.

Objective 2: Keep caseload current by bringing to conclusion 75% of cases within 2 years of filing action.

- Last fiscal year, the Transportation Unit concluded 80% of its cases within two years

Objective 3: Review and provide legal analysis of legislative proposals affecting CDOT and the Transportation Commission within 5 days of receipt of request. Testify on bills proposed and supported by the Attorney General.

- Reviewed and provided input within 5 days 100% of time.

Objective 4: Provide excellent legal representation in the approximately 40 cases filed annually by CDOT and against CDOT concerning acquisition of rights of way, billboard matters, condemnation, environmental and other issues.

Objective 5: Review and provide legal advice in a quick turnaround time concerning hundreds of contracts in which CDOT is involved on an annual basis.

- Reviewed 572 contracts last fiscal year with a turnaround time of 2.5 days.

Objective 6: Attend Transportation Commission meetings and provide legal opinions on issues raised.

- Transportation attorneys attended 100 % of the meetings.

Objective 7: Develop expertise in construction litigation and disputes. CDOT has experienced an increase in construction disputes.

- 8 construction claims saving CDOT \$2,080,000.
- Recovered \$151,000 price reduction for poor workmanship.

**GOAL # 5: Provide timely, current, and complete legal advice to the Colorado Civil Rights Division.**

Objective 1: Research, prepare and submit legal memoranda on transactional questions and legal issues to the CCRD within 30 days of request.

- This was achieved 100% of the time.

Objective 2: Provide complete legal analysis and opinions on the hearing worthiness of cases referred by the CCRD.

- 3 files were referred and analyzed. 100 % compliance.

Objective 3: Vigorously prosecute all cases of employment, housing and public accommodation discrimination in administrative and court proceedings in which the Colorado Civil Rights Commission issues a formal opinion.

- 21 complaints set for hearing, 11 settled, 1 won at hearing, 3 lost at hearing, 6 still pending.
- Represented the agency in 4 appeals.
- Settled 6 cases for total of \$38,000, plus training.

**GOAL #6: Safeguard State money in the Subsequent Injury Fund (SIF) and Major Medical Insurance Fund and ensure that payments are paid only as mandated by statute.**

- Filed 4 motions, won all 4.
- Defended one case at hearing, won.
- Negotiated 3 settlements, all favorable to Fund.

**GOAL #7: Maintain excellent relationship with the Office of Risk Management.**

Objective 1: Provide quick and accurate legal advice to the Risk Manager concerning the varied legal issues which arise in connection with lawsuits against the state and governmental immunity questions.

- This objective was met this past year with several meetings, revision of procedures, and weekly contact with Risk Manager.

Objective 2: Provide the Risk Manager with the periodic updates on cases she has requested.

- Each attorney updates the Risk Management Litigation Form on a regular basis and confers with the Risk Manager on exposure and valuation for settlement purposes.

Objective 3: Continue to increase the efficiency of the State Claims Board. Provide advice to the Attorney General regarding proposed procedures and rules of the Claims Board.

- The Deputy attends all meetings and briefs the Claims Board members on the procedures and rules guiding decision-making.
- The Deputy ensures that all appropriate cases are presented to the Claims Board on a timely and efficient basis.

Objective 4: Process notices of claims in a prompt, consistent, and accurate fashion pursuant to the needs of Risk Management.

- Each Notice of Claim is reviewed by the Deputy or a First Assistant and is referred to Risk Management for investigation, if necessary, and to other State agencies as appropriate.
- The Section maintains a complete and accurate record of all Notices of Claims received by the Attorney General's Office.
- Last year, 1,659 Notices of Claim were reviewed, a 33 % increase.

Objective 5: Obtain attorneys' fees when possible.

- Last fiscal year, obtained an order for \$8,350 in attorneys' fees.

**GOAL #8: Centralize the intake function and train those on the front desk regarding proper procedures.**

Objective 1: Ensure timely processing of summons and complaints and other court documents.

- The Section legal assistants review each summons and complaint served on the office and refers it to the appropriate unit in the office for handling.
- The intake process is continuously reviewed for ways to increase the efficiency and accuracy.

**GOAL #9: Represent the Attorney General in matters of statewide interest concerning civil litigation.**

Objective 1: Represent the Attorney General on committees to consider legislation in the area of governmental immunity, civil damages, court procedures, and other areas that impact civil litigation.

Objective 2: Participate in associations of attorneys addressing procedural and substantive issues regarding civil litigation.

- The Deputy is a member of the Defense Research Institute, a national civil litigation defense organization that disseminates information and holds conference on civil litigation issues from a defense perspective.
- The Deputy and one First Assistant is a member of the Colorado Defense Lawyers Association, a state-wide group that disseminates information and holds conferences on civil litigation issues from a defense perspective.
- The Deputy and several attorneys are members of the Faculty of Federal Advocates, a state-wide group of attorneys that practice in federal court and hold seminars on Colorado federal court rules and procedures.
- The First Assistant of the Corrections Unit shares information and case citations with attorneys from other jurisdictions via email, either directly or upon request from NAAG.

Objective 3: Assist in drafting legislation proposed or supported by the Attorney General, testify if necessary.

- The Deputy provided information to the legislature for their consideration in proposed amendments to increase the remedies under the Colorado Anti-Discrimination Act. (This legislation was not proposed by the Attorney General.
- The First Assistant in the Corrections Unit provided key information which assisted the DOC persuade the legislature to remove certain

troublesome provisions from pending legislation. (This legislation was not proposed by the Attorney General.)

**GOAL #10: Prepare and deliver training to client agencies regarding lawsuits, the CGIA, employment matters, and conducting prison disciplinary hearings.**

Objective 1: Plan and deliver a presentation to various state agencies re: procedures when an agency or individuals are sued and re: the Colorado Governmental Immunity Act.

- 1 presentation was made this year.

Objective 2: Make presentations at agencies and conferences of state agencies regarding employment issues.

- The Employment Tort Unit presented 15 training sessions on general employment issues, the ADAAA and FLSA, medical marijuana, and unemployment insurance.
- The Employment Personnel Unit presented 10 training sessions to 30 agencies.
- The First Assistant of the Corrections Unit presented training for DOC personnel on conducting prison disciplinary proceedings.

**GOAL #11: Maintain an open and positive relationship with clients.**

Objective 1: Respond to requests from clients in a timely and appropriate fashion.

- Clients continue to report a high level of satisfaction with the legal work and advice provided.

**GOAL # 12: Continue to be active on committees and in outside associations to support the office and its relationship with the community.**

- Several Section attorneys serve on the recruiting committee and are active in participating in law school placement and recruiting efforts.
- One Transportation Unit attorney has been active on the Public Sector Committee of the Colorado Bar Association, which puts on an annual seminar which is free for attorneys in the office.
- Attorneys in the Employment Tort Unit participate in the Government Employment Lawyers Attorney Group.

- The First Assistant of the Tort Litigation Unit sits on the Arapahoe County Citizen Review Panel, a panel that hears and considers complaints against the county Social Services Department, particularly its child protection division, and makes recommendations on matters of employee discipline and procedural guidelines.
- Several Section attorneys speak at law schools, community events, etc. to discuss the office and the work it does.
- Several Section attorneys volunteer to judge law student oral arguments and mock trials, and teach at conferences.
- Several Section attorneys are members of non-profit boards and local government boards and commissions.

**GOAL #13: Handle various tasks for the Attorney General.**

Objective #1: Handle certain tasks for the office; handle any special assignments requested by the Attorney General.

- Prepared the annual State Controller's report reflecting major cases in the office.
- Evaluated whether to participate or write amicus briefs on several litigation issues. Wrote two amicus briefs.
- Obtained conflicts counsel to represent agencies when their assigned counsel was unable to due to a conflict.
- Organized and conducted a meeting with outside Risk Management counsel to ensure counsel understood their ethical and professional responsibilities representing state agencies.
- Coordinate NITA training.



**CRIMINAL JUSTICE DIVISION  
STRATEGIC PLAN  
FY2011-12**

Colorado statutes provide that the Attorney General's Office has criminal jurisdiction to: 1) Represent the state on appeals of all felony convictions, 2) To pursue trial level prosecutions of certain offenses, 3) To oversee certification and training of peace officers, and 4) Provide victim services for Department of Law cases. We also provide all legal counsel for the Department of Public Safety, Colorado Bureau of Investigation, Colorado State Patrol, Department of Criminal Justice, and the newly formed Office of Preparedness, Security, and Fire Safety.

**Special Prosecution Unit:** This unit has six areas of prosecution: Environmental Crimes, Complex Crimes, Gang Prosecutions, Worker's Compensation Fraud, Foreign Prosecutions (murder fugitives in Mexico), and the Homicide Assistance Team (HAT). In addition to assisting in the prosecution of cases determined by the District Attorney to warrant filing of the death penalty, HAT also provides investigative assistance concerning aggravated homicides and cold case homicides throughout the state.

**Securities and Insurance Fraud Unit:** This unit was recently consolidated to improve prosecution efficiency. The two areas of fraud prosecution are: Securities Fraud and Insurance Fraud.

**Medicaid Fraud Control Unit:** The State of Colorado spends \$1.9 billion a year on its Medicaid program serving over 292,000 recipients. This Unit investigates: 1) Providers who fraudulently divert Medicaid Funds, and 2) Allegations of patient abuse (physical, sexual, and financial) in which the victims are Medicaid recipients. **The Medicaid Unit secured a grant to educate and train service law enforcement/ prosecutors regarding elder abuse investigations and prosecutions.**

**Victim Services:** It is often a complex and drawn out process as a criminal prosecution works its way through the justice system. Victims of serious crimes have a real need to know what is happening with their cases and when it will be over. The Attorney General Victim Service Coordinator assists over 1200 victims of felonies each year. The Coordinator also works with the other victim services providers to insure the best services possible at every step of the proceedings.

**P.O.S.T. Board and Staff:** The Peace Officers' Standards and Training Board is responsible for: 1) Basic officer training and certification standards and tests, 2) Inspections of the 40 academies, 3) Review and updates of the course curriculums, and 4) Revocation and denial of individual officer certification.

**Department of Public Safety:** Department of Public Safety includes the State Patrol, Colorado Bureau of Investigation and other state agencies. One designated attorney provides legal services to the 1300 employees of the Department of Public Safety. This work includes everything from rulemaking and contract review to counsel on discipline or termination of employees.



**CONSUMER PROTECTION SECTION  
STRATEGIC PLAN  
FY 2011-12**

The Consumer Protection Section is comprised of four organizational units. Each Unit has the primary mission of protecting Colorado consumers and legitimate businesses. Each Unit has separate and distinct statutory authority to carry out their respective consumer protection goals and objectives.

**Uniform Consumer Credit Code/Collection Agency Board Unit**

**Consumer Credit**

The Consumer Credit group enforces the state’s consumer credit and lending laws – the Colorado Uniform Consumer Credit Code (“UCCC”). The UCCC protects the rights of consumers who borrow money, establishes reasonable limits on interest rates and fees, fosters fair competition among lenders, and promotes an adequate supply of credit. The Unit licenses and examines lenders who make high-rate loans – defined as loans with an annual percentage rate of more than 12%. The Unit also licenses deferred deposit or “pay-day” lenders. Finally the Unit enforces the Colorado Equity Protection Act, which prohibits certain terms and conditions in high-cost loans.

**Debt Collection**

The Collection Agency Board enforces Colorado’s collection agency laws (Colorado Fair Debt Collection Practices Act). The law protects business clients who place accounts for collection and establishes protections for consumers who are contacted by collection agencies. This ensures that all collection agencies act in compliance with the law and there is no unfair competition. The CAB Unit licenses collection agencies, investigates complaints of unlawful activity, and takes administrative discipline against agencies that violate the law.

**Debt Management Companies**

Beginning in January 2008, the Unit will regulate debt management companies. A “debt management” company provides services as an intermediary between an individual and one or more creditors of the individual for the purpose of obtaining concessions from those creditors. Services may also include, for a fee, the provision of a settlement plan to allow a debtor make periodic payments to retire debt. Debt management companies will need to be registered and must post a bond before engaging in business in Colorado under the new law.

**Consumer Fraud Unit**

The Unit investigates and prosecutes violations of the Colorado Consumer Protection Act, the Colorado Charitable Solicitations Act, the Colorado No-Call List Act, and other

consumer and business protection statutes. The Attorney General shares jurisdiction with the local district attorneys of the State over many of these violations. The Unit also participates in a broad range of multi-state initiatives, and joint activities with federal enforcement agencies. The Unit engages in extensive consumer outreach and educational efforts for the citizens of Colorado, including outreach efforts that are specifically targeted to reach Colorado's senior citizens.

### **Antitrust, Tobacco and Consumer Protection Unit**

The Unit investigates and prosecutes violations of the Colorado Antitrust Act of 1992 and the federal Sherman and Clayton antitrust acts. The Attorney General has exclusive jurisdiction over civil and criminal enforcement actions under the Colorado Antitrust Act. The Unit also participates in a broad range of multistate antitrust initiatives, and joint activities with other State Attorneys General and federal law enforcement agencies.

The Unit is responsible for the enforcement and defense of the state's Tobacco Master Settlement Agreement ("MSA") and the Smokeless Tobacco Master Settlement Agreement ("STMSA"). The MSA requires the nation's leading tobacco manufacturers to comply with extensive injunctive relief and to pay approximately \$2.8 billion dollars to Colorado over the next 25 years. The Unit is responsible for enforcing the tobacco companies' compliance with the payment and other obligations of the MSA and is responsible for making sure that certain statutory schemes implemented in furtherance of the MSA are implemented and vigorously enforced.

Finally, the Unit also has new and greatly expanded jurisdiction to enforce violations of article 61 of Title 12 relating to mortgage brokers and enforces the Colorado Foreclosure Protection Act.

### **Office of Consumer Counsel Unit**

This Unit provides full legal services to the Office of Consumer Counsel, a type 1 agency within the Colorado Department of Regulatory Agencies, and the Utility Consumers' Board. By statute, the OCC is charged with representing the public interest and specific interests of residential, small business, and agricultural consumers in proceedings before the Colorado Public Utilities Commission (PUC). Such advocacy most often involves matters relating to proposed changes in electric, gas, and telephone utility rates and services. See Legal Services to State Agencies for Program Summary.

The Consumer Protection Section is comprised of thirty-four FTE working in three organizational units. Each Unit has the primary mission of protecting Colorado consumers and legitimate businesses. Each Unit has separate and distinct statutory authority to carry out their respective consumer protection goals and objectives.

### SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL

**Department of Law**

**IDENTITY THEFT FINANCIAL FRAUD #19Q**

AARD - Transfer DOL to CDPS	121,900		105,800						
<b>Expense Subtotal:</b>	121,900		105,800			-		-	
<b>EXPENSE TOTAL:</b>	<b>121,900</b>		<b>105,800</b>			-		-	
Cash Funds Exempt	121,900		105,800			-		-	
<b>GRAND TOTAL</b>	<b>121,900</b>		<b>105,800</b>			-		-	
General Fund	-		-			-		-	
General Fund Exempt	-		-			-		-	
Cash Funds						-		-	
Cash Funds Exempt	121,900		105,800			-		-	
Federal Funds						-		-	



**Department of Law**  
Schedule 10  
FY 2011-12 Budget Request

Priority	Number	Division	Request	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Decision Items</b>									
1	DI-1	Criminal Justice & Appellate	Refinance 2.0 FTE with Securities Fraud Cash Fund	0.0	\$0	(\$194,949)	\$0	\$194,949	\$0
2	DI-2	Water and Natural Resources	CERCLA Tipping Fees	0.0	\$0	\$0	\$0	\$0	\$0
3	CDPHE	LSSA	CDPHE Legal Services	1.0	\$132,066	\$0	\$0	\$132,066	\$0
				0.0	\$0	\$0		\$0	\$0
				0.0	\$0	\$0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0	\$0	\$0
<b>Total - Decision Items</b>				<b>1.0</b>	<b>\$132,066</b>	<b>(\$194,949)</b>	<b>\$0</b>	<b>\$327,015</b>	<b>\$0</b>
<b>Base Reduction Items</b>									
<b>Total - Base Reduction Items</b>				<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Non-Prioritized Items</b>									
	NP	All	Printing of Statewide Warrants and Mainframe Documents	0.0	\$1,507	\$260	\$167	\$1,033	\$47
	NP	Administration	Fleet	0.0	(\$4,152)	(\$2,635)	\$1,995	(\$1,577)	(\$1,935)
<b>Total Non Prioritized Items</b>				<b>0.0</b>	<b>(\$2,645)</b>	<b>(\$2,375)</b>	<b>\$2,162</b>	<b>(\$544)</b>	<b>(\$1,888)</b>
<b>Grand Total November 1, 2010</b>				<b>1.0</b>	<b>\$129,421</b>	<b>(\$197,324)</b>	<b>\$2,162</b>	<b>\$326,471</b>	<b>(\$1,888)</b>

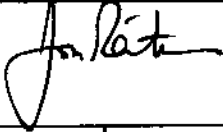




**Schedule 13**  
**Change Request for FY 2011-12 Budget Request Cycle**

Decision Item FY 2010-11    x	Base Reduction Item FY 2010-11	Supplemental FY 2009-10	Budget Amendment FY 2010-11
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Request Title: Refinance 2.0 FTE to Securities Fraud Cash Fund  
 Department: Law  
 Priority Number: DI #1

Dept. Approval by:   
 OSPB Approval: \_\_\_\_\_

Date: 08/31/2010  
 Date: \_\_\_\_\_

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
<b>Total of All Line Items</b>	<b>Total</b>	22,839,868	7,465,514	0	7,465,514	8,244,872	0	8,244,872	0	8,244,872	0
	FTE	27.6	31.0	0.0	31.0	31.0	0.0	31.0	0.0	31.0	0.0
	GF	1,676,788	2,853,797	0	2,853,797	3,033,201	(194,949)	2,838,252	0	2,838,252	(194,949)
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	1,914,386	1,334,433	0	1,334,433	1,431,584	0	1,431,584	0	1,431,584	0
	CFE/RF	19,248,694	3,154,615	0	3,154,615	3,595,277	194,949	3,790,226	0	3,790,226	194,949
	FF	0	122,669	0	122,669	184,810	0	184,810	0	184,810	0
<b>(Criminal Justice and Appellate) Special Prosecution Unit</b>	<b>Total</b>	3,081,876	2,844,966	0	2,844,966	2,905,614	0	2,905,614	0	2,905,614	0
	FTE	27.6	31.0	0.0	31.0	31.0	0.0	31.0	0.0	31.0	0.0
	GF	1,676,788	1,578,099	0	1,578,099	1,612,257	(166,276)	1,445,981	0	1,445,981	(166,276)
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	240,718	872,706	0	872,706	891,310	0	891,310	0	891,310	0
	CFE/RF	1,164,370	394,161	0	394,161	402,047	166,276	568,323	0	568,323	166,276
	FF	0	0	0	0	0	0	0	0	0	0
<b>(Administration) HLD</b>	<b>Total</b>	19,757,992	2,022,131	0	2,022,131	2,281,572	0	2,281,572	0	2,281,572	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	0	529,390	0	529,390	591,424	(13,524)	577,900	0	577,900	(13,524)
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	1,673,668	216,077	0	216,077	237,546	0	237,546	0	237,546	0
	CFE/RF	18,084,324	1,226,397	0	1,226,397	1,372,446	13,524	1,385,970	0	1,385,970	13,524
	FF	0	50,267	0	50,267	80,156	0	80,156	0	80,156	0
<b>(Administration) Short Term Disability</b>	<b>Total</b>	0	42,246	0	42,246	51,296	0	51,296	0	51,296	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
	GF	0	11,893	0	11,893	13,277	(256)	13,021	0	13,021	(256)
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	3,829	0	3,829	4,886	0	4,886	0	4,886	0
	CFE/RF	0	25,271	0	25,271	31,206	256	31,462	0	31,462	256
	FF	0	1,253	0	1,253	1,927	0	1,927	0	1,927	0
<b>(Administration)S B 04-257</b>	<b>Total</b>	0	654,314	0	654,314	811,469	0	811,469	0	811,469	0
<b>Amoritzation</b>	<b>FTE</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Equalization</b>	<b>GF</b>	0	183,131	0	183,131	210,034	(4,052)	205,982	0	205,982	(4,052)
<b>Disbursement</b>	<b>GFE</b>	0	0	0	0	0	0	0	0	0	0
	<b>CF</b>	0	58,252	0	58,252	77,296	0	77,296	0	77,296	0
	<b>CFE/RF</b>	0	393,530	0	393,530	493,661	4,052	497,713	0	497,713	4,052
	<b>FF</b>	0	19,401	0	19,401	30,478	0	30,478	0	30,478	0
<b>(Administration)S B 06-235</b>	<b>Total</b>	0	477,318	0	477,318	652,073	0	652,073	0	652,073	0
<b>Supplemental</b>	<b>FTE</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Amoritzation</b>	<b>GF</b>	0	133,747	0	133,747	168,777	(3,256)	165,521	0	165,521	(3,256)
<b>Equalization</b>	<b>GFE</b>	0	0	0	0	0	0	0	0	0	0
<b>Disbursement</b>	<b>CF</b>	0	42,475	0	42,475	62,113	0	62,113	0	62,113	0
	<b>CFE/RF</b>	0	286,950	0	286,950	396,692	3,256	399,948	0	399,948	3,256
	<b>FF</b>	0	14,146	0	14,146	24,491	0	24,491	0	24,491	0
<b>(Administration) Workers'</b>	<b>Total</b>	0	50,863	0	50,863	81,150	0	81,150	0	81,150	0
<b>Compensation</b>	<b>FTE</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	<b>GF</b>	0	14,877	0	14,877	22,991	(399)	22,592	0	22,592	(399)
	<b>GFE</b>	0	0	0	0	0	0	0	0	0	0
	<b>CF</b>	0	5,038	0	5,038	8,358	0	8,358	0	8,358	0
	<b>CFE/RF</b>	0	29,605	0	29,605	47,258	399	47,657	0	47,657	399
	<b>FF</b>	0	1,343	0	1,343	2,543	0	2,543	0	2,543	0
<b>(Administration) Capitol Complex Leased Space</b>	<b>Total</b>	0	1,252,757	0	1,252,757	1,340,779	0	1,340,779	0	1,340,779	0
	<b>FTE</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	<b>GF</b>	0	368,073	0	368,073	379,854	(6,592)	373,262	0	373,262	(6,592)
	<b>GFE</b>	0	0	0	0	0	0	0	0	0	0
	<b>CF</b>	0	124,080	0	124,080	138,099	0	138,099	0	138,099	0
	<b>CFE/RF</b>	0	727,537	0	727,537	780,803	6,592	787,395	0	787,395	6,592
	<b>FF</b>	0	33,067	0	33,067	42,023	0	42,023	0	42,023	0

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
(Administration)											
Security for State	Total	0	120,919	0	120,919	120,919	0	120,919	0	120,919	0
Services Building	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	0	34,587	0	34,587	34,587	(594)	33,993	0	33,993	(594)
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	11,976	0	11,976	11,976	0	11,976	0	11,976	0
	CFE/RF	0	71,164	0	71,164	71,164	594	71,758	0	71,758	594
	FF	0	3,192	0	3,192	3,192	0	3,192	0	3,192	0

Non-Line Item Request:

Letternote Revised Text:

Cash or Federal Fund Name and COFRS Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by Yes: No: N/A:

OIT? Yes:

Schedule 13s from Affected Departments: N/A:



**CHANGE REQUEST for FY 2011-12 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	1
Change Request Title:	Refinance 2.0 FTE to Securities Fraud Cash Fund

**SELECT ONE (click on box):**

- Decision Item FY 2011-12
- Base Reduction Item FY 2011-12
- Supplemental Request FY 2010-101
- Budget Request Amendment FY 2011-12

**SELECT ONE (click on box):**

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

The Department of Law’s Total Request is for \$194,949 RF from the Division of Securities Cash Fund, with a like decrease in GF, for a total request of \$0. This request will result in the Department of Law’s efforts related to Securities Fraud being completely funded through industry fees, thereby eliminating the GF support of these efforts. Currently, 2.0 FTE, which are criminal investigators, are funded by the GF.

Background and General Description:

The Attorney General’s Office has original jurisdiction to both investigate and prosecute crime relating to securities, and the Securities Fraud Unit provides investigative and prosecutorial resources for combating securities fraud statewide. The general goals of the Securities Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential Securities fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal

convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators. The Unit also strives to assist and support other agencies in investigating and prosecuting securities fraud violations.

The cases handled by the Unit generally involve the prosecution of individuals who solicit and receive investor money for investment schemes that are not regulated. Often times these schemes target groups of people such as the elderly or church members who either know or know of the person soliciting their money. Many of these cases are “Ponzi” schemes, where earlier investors are paid returns with the contributions of later investors to maintain a façade of success and legitimacy.

The authority for these efforts is established in part in 11-51-603(3). Additional authority is provided in 11-51-603.5 (1) and (2) C.R.S. “To facilitate the attorney general’s enforcement of criminal violations under this article as contemplated by section 11-51-603(3), the general assembly finds that the investigation of criminal violations under this article is the primary responsibility of the attorney general, concurrently with the district attorneys of this state.

(2) For the purpose of providing adequate funding to the department of law for the investigation and prosecution of allegations of securities fraud a portion of the fees collected under this article shall be allocated to the department of law for the investigation and prosecution of criminal violations under this article.”

The Securities Fraud Unit is comprised of 5.8 FTE positions, 3.8 of which are funded by an industry assessment through the Division of Securities of the Colorado Department of Regulatory Agencies, with the remaining two positions funded by the General Fund. The two positions currently funded by the GF are the two criminal investigators. These positions and activities are housed within the Special Prosecution Line Item in the Criminal Justice and Appellate Long Bill Group.

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The department is requesting that the remaining two GF FTE and associated operating costs be refinanced to the Division of Securities Cash Fund. This request is consistent with current statutes which allow both the investigation and prosecution of securities fraud to be supported by the Securities Fraud Cash Fund, per 11-51-603.5(2).

This request can be accommodated strictly through the Long Bill appropriations or it could be accommodated through a bill, much like HB 10-1385. This Joint Budget Committee bill created a specific cash fund in the Department of Law and a distinct funding stream to provide adequate funding for the investigation and prosecution of allegations of insurance fraud. If a bill is run, it most likely will result in an appropriation change to CF instead of RF much like HB 10-1385.

Consequences if Not Funded:

If this request is not funded, then the department will continue Securities Fraud efforts within the current funding mix of GF and Securities Division Cash Funds. However, the department is suggesting this request in light of GF revenue forecasts for FY 2012.

Calculations for Request:

Securities Fraud Unit			10.15%	1.45%	0.02%	2.8% Blend	2.25% Blend	FY 12 HLD		
Pos #	Job Class	Monthly Salary	Annual Salary	PERA	Medicare	STD	FY 12 AED	FY 12 SAED	HLD	Total
117	Criminal Investigator II	\$6,107	\$73,284	\$7,438	\$1,063	\$130	\$2,052	\$1,649	\$8,705	\$94,321
156	Criminal Investigator II	\$5,953	\$71,436	\$7,251	\$1,036	\$126	\$2,000	\$1,607	\$4,819	\$88,275
									Total PS	\$182,596

## STATE OF COLORADO FY 2011-12 BUDGET REQUEST CYCLE: Department of Law

	FY 12 Request based on Master FTE chart FY 12
Other Line Items	
Worker's Comp	\$399
Capitol Complex	\$6,592
Bldg Security	\$594
Operating	4,768
<b>Total Including PS</b>	<b>\$194,949</b>

Summary of Request FY 2011-12	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$0	(\$194,949)	\$0	\$194,949	\$0	
Special Prosecution	\$0	(\$166,276)	\$0	\$166,276	\$0	
HLD	\$0	(\$13,524)	\$0	\$13,524	\$0	
STD	\$0	(\$256)	\$0	\$256	\$0	
AED	\$0	(\$4,052)	\$0	\$4,052	\$0	
SAED	\$0	(\$3,256)	\$0	\$3,256	\$0	
Worker's Comp	\$0	(\$399)	\$0	\$399	\$0	
Capitol Complex	\$0	(\$6,592)	\$0	\$6,592	\$0	
Building Security	\$0	(\$594)	\$0	\$594	\$0	

Summary of Request FY 2012-13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$0	(\$194,949)	\$0	\$194,949	\$0	



STATE OF COLORADO FY 2011-12 BUDGET REQUEST CYCLE: Department of Law

Summary of Request FY 2012-13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Special Prosecution	\$0	(\$166,276)	\$0	\$166,276	\$0	
HLD	\$0	(\$13,524)	\$0	\$13,524	\$0	
STD	\$0	(\$256)	\$0	\$256	\$0	
AED	\$0	(\$4,052)	\$0	\$4,052	\$0	
SAED	\$0	(\$3,256)	\$0	\$3,256	\$0	
Worker's Comp	\$0	(\$399)	\$0	\$399	\$0	
Capitol Complex	\$0	(\$6,592)	\$0	\$6,592	\$0	
Building Security	\$0	(\$594)	\$0	\$594	\$0	

Cash Funds Projections:

The Securities Division Cash Fund is managed by the Department of Regulatory Agencies. As such, the fees for FY 2011-12 would need to adjust to accommodate for this increase. The Department of Law is estimating \$493,083 of cash for FY 11 to address Securities Fraud within the Department of Law. For FY 12, the department is forecasting a total need of \$497,311 for Securities Fund need to address the PERA increase and other common policy changes to Capitol Complex, Worker's Comp, Building Security, and all state paid employee benefits.

Assumptions for Calculations:

- This request uses current salaries and FY 12 POTS requests based on DPA Total Comp recommendations;
- That the state paid portion of PERA will go back to the traditional rate of 10.15%;

3-12

Impact on Other Government Agencies:

This request, if approved, may require a fee increase within the Division of Securities Cash Fund. The Department of Law is projecting a \$497,311 need for all costs on this fund without this request, and \$692,260 need for the fund with this request for FY 2011-12, assuming current indirect allocations.

Cost Benefit Analysis:

This request does not impact the level of resources for the division, only the makeup of the funds. As such, this request will not impact the performance or service delivery of this unit.

Implementation Schedule:

<b>Task</b>	<b>Month/Year</b>
Move 2.0 FTE from GF to Securities Fraud Cash Fund	July, 2011

Statutory and Federal Authority:

CRS 11-51-603.5

Performance Measures:

This request does not impact the level of resources for the division, only the makeup of the funds. As such, this request will not impact the performance or service delivery of this unit.

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**Schedule 13  
Change Request for FY 2011-12 Budget Request Cycle**

Decision Item FY 2011-12  Base Reduction Item FY 2011-12 Supplemental FY 2010-11 Budget Amendment FY 2011-12

Request Title: CERCLA Tipping Fees  
 Department: Law Dept. Approval by: *J. Tat* Date: 9/10/10  
 Priority Number: DI #2 OSPB Approval: Date:

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
<b>Total of All Line Items</b>	<b>Total</b>	784,339	882,962	0	882,962	891,178	0	891,178	0	891,178	0
	FTE	3.4	3.5	0.0	3.5	3.5	0.0	3.5	0.0	3.5	0.0
	GF	321,766	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE/RF	462,573	882,962	0	882,962	891,178	0	891,178	0	891,178	0
	FF	0	0	0	0	0	0	0	0	0	0
(Water and Natural Resources)	<b>Total</b>	336,789	382,962	0	382,962	391,178	75,000	466,178	0	466,178	75,000
	FTE	3.4	3.5	0.0	3.5	3.5	0.0	3.5	0.0	3.5	0.0
	GF	321,766	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE/RF	15,023	382,962	0	382,962	391,178	75,000	466,178	0	466,178	75,000
	FF	0	0	0	0	0	0	0	0	0	0
(Water and Natural Resources)	<b>Total</b>	447,550	500,000	0	500,000	500,000	(75,000)	425,000	0	425,000	(75,000)
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE/RF	447,550	500,000	0	500,000	500,000	(75,000)	425,000	0	425,000	(75,000)
	FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request:  
 Letternote Revised Text:  
 Cash or Federal Fund Name and COFRS Fund Number:  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by Yes: No: N/A: x  
 OIT? Yes:  
 Schedule 13s from Affected Departments: N/A:

3-13



**CHANGE REQUEST for FY 2011-12 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	2
Change Request Title:	CERCLA Tipping Fees

**SELECT ONE (click on box):**

- Decision Item FY 2011-12
- Base Reduction Item FY 2011-12
- Supplemental Request FY 2010-101
- Budget Request Amendment FY 2011-12

**SELECT ONE (click on box):**

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

The Department of Law's Total Request is for \$0 RF/TF and 0.0 FTE, but is requesting a refinancing of \$75,000 RF from the CERCLA Contracts Line Item to the CERCLA Line Item.

Background and General Description:

The CERCLA and CERCLA Contracts Line Items have traditionally been funded primarily through GF and from funds within the Colorado Department of Public Health and Environment's (CDPHE) Hazardous Waste Fund. Due to overall concern with the state's GF position, HB 10-1329 modified the funding for both of these line items, eliminating the GF and increasing the resources from the Hazardous Waste Fund by a like amount as the GF reduction. Additionally, this bill capped the fee that can be charged to support this refinance at \$0.035 for these efforts.

*STATE OF COLORADO FY 2011-12 BUDGET REQUEST CYCLE: Department of Law*

The CERCLA Contracts line item is an appropriation of \$500,000, of which only \$75,000 of this appropriation is included in the refinancing of these line items established in HB 10-1329. The entire CERCLA line item, with the exception of \$25,878 was included in the refinancing established by this bill.

Because of this, the department is proposing that the \$75,000 in the CERCLA Contracts Line Item be moved to the CERCLA line item. This will allow the Department of Law and the CDPHE to track all the expenses associated with this bill in one line item, as well as track the balance of the CERCLA Contracts Line Item expenses that were not included in this refinance and thereby not included within the \$0.035 fee cap.

Consequences if Not Funded:

If this request is not funded then there could be misinterpretation of funding in these line items in future years, when both legislative and department staffing may change. Additionally, if interpretation of this statute changes in future years, the Department of Law will need to work with staff at CDPHE to propose to the legislature a modified fee cap or the elimination of the fee cap, so that the intent of HB 10-1329 and overall appropriate funding for these two line items are accommodated.

Calculations for Request:

Long Bill Line Item	Total Funds	FTE	General Fund	Reappropriated Funds
<b>Comprehensive Environmental Response, Compensation and Liability Act</b>				
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$382,962	3.5	\$357,084	\$25,878
HB 10-1329 Solid Waste User Fees	\$0		(\$357,084)	\$357,084
<b>FY 2010-11 Total Appropriation</b>	<b>\$382,962</b>	<b>3.5</b>	<b>\$0</b>	<b>\$382,962</b>
PERA adjustment back to 10.15% from 7.65% (Accommodating for HB 1385)	\$8,216	0.0	\$0	\$8,216
<b>FY 11-12 Base Request</b>	<b>\$391,178</b>	<b>3.5</b>	<b>\$0</b>	<b>\$391,178</b>
DI #3 CERCLA Tipping Fees	\$75,000	0.0	\$0	\$75,000
<b>FY 2011-12 November 1 Request</b>	<b>\$466,178</b>	<b>3.5</b>	<b>\$0</b>	<b>\$466,178</b>

STATE OF COLORADO FY 2011-12 BUDGET REQUEST CYCLE: Department of Law

<b>Comprehensive Environmental Response, Compensation and Liability Act Contracts</b>				
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$500,000	0.0	\$75,000	\$425,000
HB 10-1329 Solid Waste User Fees	\$0		(\$75,000)	\$75,000
<b>FY 2010-11 Total Appropriation</b>	<b>\$500,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$500,000</b>
DI #3 CERCLA Tipping Fees	(\$75,000)	0.0	\$0	(\$75,000)
<b>FY 11-12 Base Request</b>	<b>\$425,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$425,000</b>

Summary of Request FY 2011-12	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$0	\$0	\$0	\$0	\$0	0.0
CERCLA	\$75,000	\$0	\$0	\$75,000	\$0	
CERCLA Contracts	(\$75,000)	\$0	\$0	(\$75,000)	\$0	

Summary of Request FY 2012-13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$0	\$0	\$0	\$0	\$0	0.0
CERCLA	\$75,000	\$0	\$0	\$75,000	\$0	
CERCLA Contracts	(\$75,000)	\$0	\$0	(\$75,000)	\$0	

Assumptions for Calculations:

STATE OF COLORADO FY 2011-12 BUDGET REQUEST CYCLE: Department of Law

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- That the traditional \$75,000 GF in the Contracts line and GF in the CERCLA line item are impacted by HB 10-1329 and the fee cap associated;
- That the balance of the CERCLA contracts line was not impacted by this bill and is not subject to the fee cap.

Impact on Other Government Agencies:

NA

Cost Benefit Analysis:

Because this request is not increasing the costs or modifying the current work product, the department is not in a position to assess additional performance benefits.

Implementation Schedule:

Task	Month/Year
RF Reallocated through Long Bill	July, 2011

Statutory and Federal Authority:

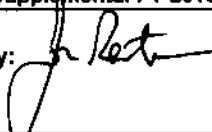
CRS 25-16-104.5



**Schedule 13  
Change Request for FY 2011-12 Budget Request Cycle**

Decision Item FY 2011-12 <input checked="" type="checkbox"/>	Base Reduction Item FY 2011-12	Supplemental FY 2010-11	Budget Amendment FY 2011-12
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Request Title: Legal Services CDPHE  
 Department: Law  
 Priority Number:

Dept. Approval by:   
 OSPB Approval: \_\_\_\_\_  
 Date: 09/7/2010  
 Date:

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	1331 Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
<b>Total of All Line Items</b>	<b>Total</b>	21,867,790	21,131,786	0	21,131,786	21,008,947	132,066	21,141,013	0	21,141,013	132,066
	FTE	211.0	230.6	0.0	230.6	226.6	1.0	227.6	0.0	227.6	1.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	1,673,668	1,582,388	0	1,582,388	1,659,140	0	1,659,140	0	1,659,140	0
	CFE/RF	20,194,122	19,549,398	0	19,549,398	19,349,807	132,066	19,481,873	0	19,481,873	132,066
	FF	0	0	0	0	0	0	0	0	0	0
<b>(LSSA) Personal Services</b>	<b>Total</b>	19,757,992	19,586,780	0	19,586,780	19,517,710	118,859	19,636,569	0	19,636,569	118,859
	FTE	211.0	230.6	0.0	230.6	226.6	1.0	227.6	0.0	227.6	1.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	1,673,668	1,582,388	0	1,582,388	1,659,140	0	1,659,140	0	1,659,140	0
	CFE/RF	18,084,324	18,004,392	0	18,004,392	17,858,570	118,859	17,977,429	0	17,977,429	118,859
	FF	0	0	0	0	0	0	0	0	0	0
<b>(LSSA) Operating and Litigation</b>	<b>Total</b>	2,109,797	1,545,006	0	1,545,006	1,491,237	13,207	1,504,444	0	1,504,444	13,207
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE/RF	2,109,797	1,545,006	0	1,545,006	1,491,237	13,207	1,504,444	0	1,504,444	13,207
	FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request:  
 Letternote Revised Text:  
 Cash or Federal Fund Name and COFRS Fund Number: 100 Service Charges  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by Yes: No: N/A: x  
 OIT?  
 Schedule 13s from Affected Departments: CDPHE

3-19



**CHANGE REQUEST for FY 2011-12 BUDGET REQUEST CYCLE**

Department:	Public Health and Environment
Priority Number:	DI - 4
Change Request Title:	Legal Services

**SELECT ONE (click on box):**

- Decision Item FY 2011-12
- Base Reduction Item FY 2011-12
- Supplemental Request FY 2010-11
- Budget Request Amendment FY 2011-12

**SELECT ONE (click on box):**

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

The Department of Public Health and Environment requests \$132,066 in Reappropriated funds (RF) spending authority, from indirect cost recoveries, to provide legal services to the Air Pollution Control Division (APCD) and the Water Quality Control Division (WQCD). These funds will pay for the services of 1.0 FTE in the Department of Law at the attorney level.

General Description of Request:

As authorized by 24-31-101 C.R.S. (2010), the Colorado Department of Law provides legal services to state agencies. CDPHE has a FY 2010-11 legal services budget of \$2,544,895 (\$2,076,300 Administration and Support, \$458,397 Hazardous Materials and Waste Management Division Administration, \$10,198 Hazardous Materials and Waste Management Division Rocky Flats Agreement). The legal services budget for the APCD and WQCD are included in the Administration and Support appropriation. Two of CDPHE's environmental divisions, Air Pollution Control and the Water Quality Control Division have been experiencing an increase in the need for both transactional and litigation services.

The Environmental Quality Unit in the Department of Law provides the legal services needed by these divisions. This unit consists of seven attorneys and one paralegal, and serves as counsel to CDPHE's APCD (including the Air Quality Control Commission - AQCC), the WQCD (including the Water Quality Control Commission - WQCC), the Radiation Unit of the HMWMD, and the Consumer Protection Division.

Both the WQCD and the APCD, but primarily the APCD, have experienced an unforeseen spike in legal services billings since April of 2010, after the budget was set for FY 2010-11. The spike in billings is expected to level off, however it is not expected to fall back to previous levels. The reasons for the spike are outlined below:

1). **Federal legislation, rules and/or mandates requiring additional work in the APCD and WQCD.** The federal government is increasing the regulations and rules surrounding greenhouse gases, air toxics and new source standards, new ambient air quality standards (e.g., Ozone and nitrogen dioxide – NO<sub>2</sub>), nutrient criteria in water, and whole effluent toxicity.

- a). Air Pollution Control Division. EPA promulgated new national ambient air quality standards (e.g., nitrogen dioxide (75fed.reg.6474) on April 12, 2010, sulphur dioxide standards in August 2010, and is poised to finalize a stringent new national standard for ozone on August 31, 2010 (75fed.reg.2938). Each of these standards has or will have significant impacts on the Department's State Implementation Plan (SIP) preparation, and on permitting programs, both of which necessitate legal services support on complex and involved issues related to these national standards. The revised national standard for ozone will necessitate a significant programmatic effort to prepare a state implementation plan, including legal support in all aspects of that effort, from at least 2010 to 2013.

EPA is also reviewing the standards for other pollutants, for example carbon monoxide (2011 proposal) and fine particulates (December 2010 proposal), which when revised by EPA may have similar impacts on the program

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support needs. EPA has separately continued to promulgate regulations imposing requirements on specific air emissions sources, which requires rulemaking before the AQCC and increases the complexity in air permits and associated inspection/enforcement, all of which result in needed legal support. EPA also issued new regulations on August 9, 2010 affecting cement plants, steam boilers, and "area sources" (small sources of hazardous air pollutants). All of these EPA activities will continue; thus, the need for additional legal services will also continue.

- b). Water Quality Control Division. EPA's strategic plan and associated agreements between the states and EPA requires states to adopt nutrient criteria for streams and reservoirs, as well as adopt and implement procedures for whole effluent toxicity testing. Additionally, EPA is proposing substantive changes to the following federal requirements, all of which will require review and comment by the WQCD with assistance from the DOL:
1. Stormwater rules, which are anticipated to be finalized in 2012.
  2. EPA lost a court case in the 9<sup>th</sup> US Circuit, which limits the ability to permit new discharges to streams that are not meeting water quality standards. EPA will be submitting a proposal on how to address this court decision in the spring of 2011.
  3. EPA will propose modifications to antidegradation implementation methods in the spring of 2011, which will have significant implications for the regulated community.
  4. Federal drinking water rules include the Long Term 2 (LT2) Enhanced Surface Water Treatment Rule designed to reduce illness linked with the contaminant *Cryptosporidium* and other disease-causing microorganisms in drinking water; the Stage 2 Disinfectants and Disinfection Byproducts Rule designed to reduce exposure to potential carcinogens; the Groundwater Rule design to protect consumers from drinking water that may be subject to fecal contamination; and, the Short-term Revisions to the Lead and Copper Rule designed to help reduce exposure to lead in drinking water. The

WQCD is working to implement these new federal requirements, and needs the assistance of the DOL in ensuring that state implementation is consistent with all federal requirements. These rules have been passed by the federal government in the last year or so, or are anticipated to be passed in the next two to three years. The state will require significant legal services time to develop these rules.

2). **Significant and increasing caseload of appeals of permits and enforcement actions, and petitions to the EPA challenging state determinations.** The APCD is facing an increasing stream of petitions to the EPA from certain active conservation stakeholders challenging various air division permitting and enforcement determinations (e.g., petition re: Kerr-McGee Title V permit on oil and gas 'aggregation' issues (CDPHE response to EPA administrator, July 2010), petition re: Xcel Energy Hayden facility Title V permit relating to CO<sub>2</sub> emissions (CDPHE response to EPA march 2010), or notice of citizen suit against Lamar Power & Light facility operations (lodged July 2010)), necessitating legal support for defending or responding to these petitions and administrative challenges.

Additionally, the WQCD has recently experienced a high level of appeals of enforcement actions and discharge permits. In addition, there have been recent appeals of the Division's certification of a large water supply project, and the departments anticipate legal challenges to permits to implement a soon to be adopted policy on whole effluent toxicity as required by EPA.

3). **HB 10-1365** While neither department anticipated legal services hours as a result of this bill, reality has shown that the opponents of the legislation are filing various legal actions challenging agency decisions. CDPHE has had to respond to numerous filings before the PUC, some of which staff of the departments did not anticipate (staff anticipated some filings, but assumed this work could be absorbed within existing resources). For example, CDPHE is currently attempting to explain its role as ascribed by HB 1365 to the parties in the PUC docket in an effort to ensure that its consultative role includes a comprehensive and coordinated assessment of a broad range of environmental

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concerns, which is a different role for CDPHE and the PUC. This paradigm shift mandated by HB 1365 has led to a lot of debate regarding the appropriate roles of the PUC, the Department, and the utilities; thus, unanticipated legal services have been greatly needed to consistently articulate and explain CDPHE's duties with regard to the legislation in various administrative and court settings. Additionally, CDPHE, along with several other state agencies, received a very expansive CORA request that required extensive legal resources to evaluate and respond, and ultimately led to defense of CDPHE's responses in district court. Finally, the departments did not anticipate any party filing a request for emergency rulemaking with the AQCC regarding CDPHE's consultative role with respect to HB 1365, which required that an immediate response be made and defended by the DOL before the AQCC. The departments now anticipate that future legal challenges to various steps in the implementation of HB 1365 are likely. This activity may drive costs in FY 2011-12 for defending the department against appeals that are filed after the rulemaking is complete which may extend beyond FY 2010-11.

4). **Regional Haze.** United States Environmental Protection Agency (EPA) requirements and timelines to complete a State Implementation Plan (SIP) for regional haze for both "Best Available Retrofit Technology" (BART) and "Reasonable Progress" sources, was mandated by EPA in the spring of 2010. This activity is significant before the AQCC both preparing the proposals, and managing the proposals through the AQCC process from August 2010 through January 2011. In addition, it is expected that the regional haze regulatory proceedings will result in some form of post-proceeding legal defense and support, given the significance of the rulemaking exercise.

5). The Water Quality Control Division withdrew disinfection waivers from 25 public drinking water systems and needs legal support toward enforcement orders, and or court cases involving enforcement or appeals to compel these systems to adequately treat their drinking water. Additionally, the Division is aware of approximately 70 additional drinking water systems with disinfect treatment problems that will often involve taking legal action to address.

The Department of Law is on track to bill the CDPHE for an additional 1,800 legal services hours for FY 2010-11, over the current budget. Even though this supplemental is coming in September (2 ½ months after the start of the fiscal year) the Department of Law has sufficient flexibility to manage their personal services resources that the CDPHE can utilize these hours even though staff will not be hired for the full year.

Consequences If Not Funded:

Failure to obtain additional legal services funding will require CDPHE to prioritize and then reduce the number of legal services cases that are undertaken, not only for the environmental divisions, but likely for the health divisions as well. Since the legal services budget is flexible, the Department has to decide which cases and activities to pursue, to a certain degree. Some cases and activities have specific deadlines and legislative or federal law requirements that have to be met; thus, other cases and activities would need to be slowed in order to accommodate those needs. CDPHE requires sufficient legal support for its programs when dealing with issues such as the new federal regulations being contemplated in areas of greenhouse gasses, climate change, nutrient criteria in water, and whole effluent toxicity, when first created through rules, are reviewed by the Department of Law for compliance with all legal requirements. Failure to obtain this crucial review likely will result in more challenges to CDPHE’s rulemaking efforts, culminating in a lengthier process for implementing new requirements and less protection for public health and the environment. If the Department has to respond to challenges, it is likely to cost more in the long term for legal services support than if the support was received up front and the challenges were avoided.

Calculations for Request:

<b>Summary of Request FY 2011-12</b>	<b>Total Funds</b>	<b>Reappropriated Funds</b>
<b>Total Request</b>	<b>\$132,066</b>	<b>\$132,066</b>
(1) Administration and Support, (A) Administration, Legal Services for 26,723 hours	\$132,066	\$132,066

<b>Summary of Request FY 2012-13</b>	<b>Total Funds</b>	<b>Reappropriated Funds</b>
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STATE OF COLORADO FY 2011-12 BUDGET REQUEST CYCLE: Public Health and Environment

Summary of Request FY 2012-13	Total Funds	Reappropriated Funds
<b>Total Request</b>	<b>\$132,066</b>	<b>\$132,066</b>
(1) Administration and Support, (A) Administration, Legal Services for 26,723 hours	\$132,066	\$132,066

Cash Funds Projections: Not Applicable. Funding will be from the CDPHE indirect cost recoveries. There is no General Fund component to indirect cost recoveries.

Assumptions for Calculations: FY 2011-12: 1,800 legal service hours x \$73.37 (Blended Rate) = \$132,066

The Department of Law calculates each FTE's effective billing hours at 1,800 per year. This allows for sufficient billing so that law can pay each employee for "non billable hours" such as meetings, leave, etc.

Impact on Other Government Agencies: Department of Law will need the corresponding spending and FTE authority for its respective appropriation.

FY 2011-12 DOL supplemental Appropriation: \$132,066 RF and 1.0 FTE

Cost Benefit Analysis: It is not possible to predict the types of litigation or transactional services provided by the legal support over time, nor the monetary values of those services. However, it must be noted that in order to increase legal representation for the Department, the Department of Law must be willing to provide those services and have the resources necessary to perform the work. The Department cannot seek legal representation elsewhere. Also, to forgo legal representation could delay enforcement actions, and other long-term projects that would benefit the environmental health of Colorado, or result in court sanctions for failure to comply with legal requirements for enforcing a case or responding to pleadings.

Implementation Schedule:

Task	Month/Year
Decision Item Approved	March 2011

Billing commences

July 2011

Statutory and Federal Authority:

***24-31-101 C.R.S. (2010). Powers and duties of attorney general.***

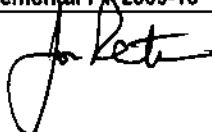
*(1) (a) The attorney general of the state shall be the legal counsel and advisor of each department, division, board, bureau, and agency of the state government other than the legislative branch. He shall attend in person at the seat of government during the session of the general assembly and term of the supreme court and shall appear for the state and prosecute and defend all actions and proceedings, civil and criminal, in which the state is a party or is interested when required to do so by the governor, and he shall prosecute and defend for the state all causes in the appellate courts in which the state is a party or interested.*

Performance Measures:

The Department does not have any specific performance measures to support this request. However, the use of legal services and the need for increased legal representation in the Department impacts the day to day work of three of our environmental divisions, and thus, the legal support will benefit the performance of all divisions.

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**Schedule 13**  
**Change Request for FY 2011-12 Budget Request Cycle**

Decision Item FY 2010-11    x	Base Reduction Item FY 2010-11	Supplemental FY 2009-10	Budget Amendment FY 2010-11
<b>Request Title:</b> Printing of Statewide Warrants and Mainframe Documents			
<b>Department:</b> Law		<b>Dept. Approval by:</b> 	<b>Date:</b> 10/01/2010
<b>Priority Number:</b> Non Priority		<b>OSPb Approval:</b>	<b>Date:</b>

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
<b>Total of All Line Items</b>	<b>Total</b>	15,201,976	15,930,543	0	15,930,543	16,090,049	1,507	16,091,556	0	16,091,556	1,507
	<b>FTE</b>	110.4	138.0	0.0	138.0	107.0	0.0	107.0	0.0	107.0	0.0
	<b>GF</b>	6,691,412	5,856,314	0	5,856,314	6,056,666	260	6,056,926	0	6,056,926	260
	<b>GFE</b>	0	0	0	0	0	0	0	0	0	0
	<b>CF</b>	3,440,825	5,903,131	0	5,903,131	5,976,840	167	5,977,007	0	5,977,007	167
	<b>CFE/RF</b>	3,978,626	2,957,458	0	2,957,458	2,844,129	1,033	2,845,162	0	2,845,162	1,033
	<b>FF</b>	1,091,114	1,213,640	0	1,213,640	1,212,414	47	1,212,461	0	1,212,461	47
<b>(Administration) Operating Expenses</b>	<b>Total</b>	349,684	194,679	0	194,679	194,679	156	194,835	0	194,835	156
	<b>FTE</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	<b>GF</b>	180,264	0	0	0	0	0	0	0	0	0
	<b>GFE</b>	0	0	0	0	0	0	0	0	0	0
	<b>CF</b>	0	0	0	0	0	0	0	0	0	0
	<b>CFE/RF</b>	169,420	194,679	0	194,679	194,679	156	194,835	0	194,835	156
	<b>FF</b>	0	0	0	0	0	0	0	0	0	0
<b>(LSSA) Operating</b>	<b>Total</b>	2,109,797	1,545,006	0	1,545,006	1,491,237	840	1,492,077	0	1,492,077	840
	<b>FTE</b>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	<b>GF</b>	0	0	0	0	0	0	0	0	0	0
	<b>GFE</b>	0	0	0	0	0	0	0	0	0	0
	<b>CF</b>	0	0	0	0	0	0	0	0	0	0
	<b>CFE/RF</b>	2,109,797	1,545,006	0	1,545,006	1,491,237	840	1,492,077	0	1,492,077	840
	<b>FF</b>	0	0	0	0	0	0	0	0	0	0
<b>(Criminal Justice and Appellate) Special Prosecution Unit</b>	<b>Total</b>	3,081,876	2,844,966	0	2,844,966	2,905,614	114	2,905,728	0	2,905,728	114
	<b>FTE</b>	27.6	31.0	0.0	31.0	0.0	0.0	0.0	0.0	0.0	0.0
	<b>GF</b>	1,676,788	1,578,099	0	1,578,099	1,612,257	60	1,612,317	0	1,612,317	60

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	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
(Water and Natural Resources) Defense of the Colorado River Basin Compact	Total	353,718	333,017	0	333,017	340,000	11	340,011	0	340,011	11
	FTE	3.4	3.0	0.0	3.0	3.0	0.0	3.0	0.0	3.0	0.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	353,718	333,017	0	333,017	340,000	11	340,011	0	340,011	11
	CFE/RF	0	0	0	0	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0
(Water and Natural Resources) Comprehensive Environmental Response, Compensation and Liability Act	Total	336,789	382,962	0	382,962	391,178	13	391,191	0	391,191	13
	FTE	3.4	3.5	0.0	3.5	3.5	0.0	3.5	0.0	3.5	0.0
	GF	321,766	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE/RF	15,023	382,962	0	382,962	391,178	13	391,191	0	391,191	13
	FF	0	0	0	0	0	0	0	0	0	0
(Consumer Protection) Consumer Protection and Anti-Trust	Total	1,918,183	1,814,069	0	1,814,069	1,849,822	78	1,849,900	0	1,849,900	78
	FTE	19.4	21.0	0.0	21.0	21.0	0.0	21.0	0.0	21.0	0.0
	GF	973,361	907,056	0	907,056	928,104	44	928,148	0	928,148	44
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	677,782	664,957	0	664,957	674,888	23	674,911	0	674,911	23
	CFE/RF	267,040	242,056	0	242,056	246,830	11	246,841	0	246,841	11
	FF	0	0	0	0	0	0	0	0	0	0
(Consumer Protection) Consumer Credit Unit	Total	0	1,350,707	0	1,350,707	1,378,672	66	1,378,738	0	1,378,738	66
	FTE	0.0	18.0	0.0	18.0	18.0	0.0	18.0	0.0	18.0	0.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	1,350,707	0	1,350,707	\$1,378,672	66	1,378,738	0	1,378,738	66
	CFE/RF	0	-	0	0	\$0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0

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Non-Line Item Request:

Lettermote Revised Text:

Cash or Federal Fund Name and COFRS Fund Number:

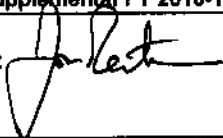
Reappropriated Funds Source, by Department and Line Item Name:

		1	2	3	4	5	6	7	8	9	10
	Fund	Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/ Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
Approval by      Yes:      No:      N/A: OIT?      Yes: Schedule 13s from Affected Departments:      N/A:											

**Schedule 13  
Change Request for FY 2011-12 Budget Request Cycle**

Decision Item FY 2011-12 <b>x</b>	Base Reduction Item FY 2011-12	Supplemental FY 2010-11	Budget Amendment FY 2011-12
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Request Title: Annual Fleet Vehicle Replacement  
 Department: Law  
 Priority Number: Non Priority

Dept. Approval by:   
 OSPB Approval: \_\_\_\_\_

Date: 10/01/10  
 Date: \_\_\_\_\_

	Fund	1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	1331 Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/Base Reduction FY 2011-12	November 1 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
<b>Total of All Line Items</b>	<b>Total</b>	19,757,992	72,813	0	72,813	72,813	(4,152)	68,661	0	68,661	(4,212)
	FTE	0	0	0	0	0	0	0	0	0	0
	GF	0	21,214	0	21,214	21,214	(2,635)	18,579	0	18,579	(2,635)
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	1,673,668	15,697	0	15,697	15,697	1,995	17,692	0	17,692	0
	CFE/RF	18,084,324	31,218	0	31,218	31,218	(1,577)	29,641	0	29,641	(1,577)
	FF	0	4,684	0	4,684	4,684	(1,935)	2,749	0	2,749	0
<b>(Administration)</b>	<b>Total</b>	19,757,992	72,813	0	72,813	72,813	(4,152)	68,661	0	68,661	(4,212)
Vehicle Lease Payments	FTE	0.0	0.0	0.0	0.0	0.0	0	0.0	0.0	0.0	0.0
	GF	0	21,214	0	21,214	21,214	(2,635)	18,579	0	18,579	(2,635)
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	1,673,668	15,697	0	15,697	15,697	1,995	17,692	0	17,692	0
	CFE/RF	18,084,324	31,218	0	31,218	31,218	(1,577)	29,641	0	29,641	(1,577)
	FF	0	4,684	0	4,684	4,684	(1,935)	2,749	0	2,749	0

**Non-Line Item Request:**  
 Letternote Revised Text:  
 Cash or Federal Fund Name and COFRS Fund Number: 100 Service Charges  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by    Yes:    No:    N/A: x  
 OIT?  
 Schedule 13s from Affected Departments: CDPHE





# **MISSION AND VALUES**

## **Department of Law**

**2012**

It is the mission of the Attorney General's Office to provide professional, ethical, and independent legal services to the State of Colorado and its citizens, to promote respect for and access to the justice system, to ensure the fair and open exercise of government, and to advance the public interest.

The Office values its employees as its most valuable resource and works to provide employees with the skills, knowledge and motivation to be successful and to exercise individual judgment and innovation.

The Office and its staff and volunteers commit to the highest professionalism, integrity, and ethical standards.

The Office promotes open and effective communications among and with its employees, clients, and the public and believes open communication is essential to its success.

The Office will provide quality legal service in an efficient, timely manner.

The Office respects diversity and commits to furthering it consistently through its programs, policies, and the effective use of the varied perspectives of its employees.

The Office will promote participatory, supportive management.

The Office will provide leadership on legal issues facing the state.

## **Administration Goals and Objectives**

To provide the Department of Law with an exceptional level of service, productivity, integrity, responsibility, initiative, and teamwork to enable the Department to fulfill its mission and value statement.

**Our Mission is to be:**           Customer Focused  
  Solution Oriented  
  Innovative

## **Objectives:**

### **Human Resources**

1. Continue to use technology solutions to improve HR business processes and make information more readily accessible to employees. This includes a significant

makeover of the HR web site on the DOL intranet that will be easier to navigate and provide links to the most needed forms and information.

2. Develop training for employees and supervisors regarding various HR issues.
3. Continue the progressive approach to ergonomic assessment of employee work stations in an effort to prevent repetitive motion injuries before they are brought about by a dysfunctional work station set-up.

### **Information Technology**

1. Map out strategy to meet technology goals identified by the other sections in the office.
2. Identify and implement a unified case management program that integrates into the timekeeping program.
3. Identify and implement an electronic single-entry leave tracking system that integrates into the time keeping program but can also be used by non-billing staff members.
4. Identify and implement a document management system that meets the needs of document retention for the various law practices within the office. (Need a document retention policy as well.)
5. Improve scanning capabilities within the office to meet the growing demand of e-filing and electronic evidence production.
6. Work with DPA to implement voice over IP (VOIP) system.

### **Legal Support Services**

1. In conjunction with IT provide high quality, timely, and effective scanning for the Department. Enhance our services for in house copying
- 2: Improve the Department's Digital recording capabilities.
- 3: Offer a customer driven cost efficient travel center to handle all aspects of Department travel. Includes bookings to reimbursement

## **Accounting and Budgeting**

The main goal is to support the mission of the Department of Law by facilitating the effective and efficient delivery of services at each of the Department's organizational units by assisting with planning and policy development, reporting performance against identified standards, coordinating administrative functions and systems, and resource development. By aligning with the overall mission, values, and strategy of the Department of Law, accounting and budget professionals create value as influential business partners. This Section is responsible for the fiscal administration.

### **Objectives**

1. Accounting applies information management processes to create value for our business by being partners in value creation.
2. Utilize collaboration and partnerships to foster innovation and effectiveness through the maximization of our limited resources.
3. Maintain a highly skilled workforce and continuously develop capacity of employees to advance the department's mission and assure ongoing, high-caliber leadership.
4. Obtain and maximize the use of financial resources to assure the successful accomplishments of goals. Continue to provide high quality financial reporting and analysis presentation.
5. Provide accurate and timely financial information, quality customer service, fiscally sound cash management, and apply risk management techniques.
6. Complete the development of grant accounting guidelines to address the establishment of grant fund accounts, record receipts and expenditures, billing processes, and reporting fiscal information to granting agencies.
7. Ensure the security and proper disbursement of funds through effective appropriation management. Review and update the Department's credit card policies and procedures to improve and monitor internal control procedures and to ensure the Department's cash assets are adequately safeguarded.
8. Provide more electronic transactions options.
9. Improve our interface w/clients/customers.



# **Strategic Plan FY 11-12**

## **Business & Licensing Section**

### **Department of Law**

**MISSION:** The Business and Licensing Section's mission is to provide the highest quality legal representation to regulatory boards, commissions, programs and governmental agencies.

**Objective 1:** Business and Licensing's ("B&L") attorneys shall serve as general counsel to the following clients to effectuate the shared goal of public protection: Department of Regulatory Agencies, Department of Agriculture, Department of Revenue, and the Independent Ethics Commission.

Goal 1: Attorneys shall provide timely, accurate and responsive legal advice to the agencies.

Goal 2: Attorneys for all Units shall assist in rulemaking as needed or requested by the agencies.

Goal 3: When appropriate to the agency, attorneys shall develop and maintain internal tracking systems for informal attorney general opinions rulemaking, and legislation affecting the agencies.

Goal 4: Attorneys shall provide aggressive and effective legal representation of the Board on all appeals of Board decisions.

**Objective 2:** The Assistant Attorneys General ("AAGs") within B&L shall develop subject matter expertise on issues relevant to the clients they represent.

Goal 1: The Section shall continue to implement the training protocols for new attorneys by pairing each new attorney with a mentor and by holding Section wide practice improvement sessions.

Goal 2: The Section shall maintain competence of all attorneys by participating in the evaluation process and the goal planning process with supervisors.

Goal 3 The attorneys shall attend Continuing Legal Education programs relevant to their practice.

Goal 4: Supervisors shall improve legal advice to all agencies by identifying areas of law and practice where Section wide consistency can be achieved, and shall implement tools to address consistency.

**Objective 3:** The Section shall effectuate the client's goals through effective litigation by initiating actions in administrative court, State District Court, courts of appeals and other courts as necessary.

Goal 1: PUC attorneys shall assist Litigation Staff with early identification and development of issues to be presented at hearings.

Goal 2: The PUC supervisor and team leaders shall provide an educational environment in which attorneys and staff may increase their substantive knowledge of the subject

matter and pursue opportunities for attorneys and staff to develop discovery, trial, and preparation skills.

Goal 3: All Units shall have policies in place to assure early attorney review and action on all referred cases.

Goal 4: All Units shall identify backlogs and have plans in place to effectively manage backlogs.

Goal 5: Units shall work with clients to continually educate investigators and staff regarding their role in managing evidence, affidavits and documentations supporting the legal elements that must be proved at hearing.

Objective 4: The B&L attorneys shall provide effective conflicts counsel to agencies as assigned.

Goal 1 Attorneys shall effectively advise the State Personnel Board in its adjudicatory role in actions that come before the board, and provide rulemaking support and other advice as required.

Goal 2 Attorneys shall effectively advise the Civil Rights Commission in its adjudicatory role in actions that come before the commission, and provide rulemaking support and other advice as required.

Goal 3 Attorneys shall effectively advise the Mined Land Reclamation Board in its adjudicatory role in actions that come before the board.

## **D) BACKGROUND INFORMATION: BUSINESS AND LICENSING SECTION.**

The Business & Licensing Section is headed by Deputy Attorney General Diana Black and has approximately sixty (60) attorneys, nine (9) legal assistants and eight (8) support staff organized into six units, each headed by a First Assistant Attorney General.

The Business and Licensing Section clients include:

- Department of Regulatory Agencies
- Department of Agriculture
- Department of Revenue
- Independent Ethics Commission
- State Personnel Board
- Unrelated clients in other Sections for whom we serve as conflicts counsel

### **The Department of Regulatory Agencies**

("DORA") houses several divisions represented by B&L AAGs. The AAGs enforce compliance with the law by prosecuting disciplinary actions against licensed professionals, by representing the programs in licensure denial actions, by litigating civil enforcement and subpoena enforcement actions, and by litigating injunctive actions. In addition to prosecuting individual cases, the attorneys provide general counsel advice regarding legislative and policy matters, rulemaking and case analysis. Examples include:

**Division of Registrations:** B&L AAGs provide legal representation to regulatory boards, committees and programs within the Division of Registrations, the largest Division within DORA. The professions regulated include accountants, acupuncturists, addictions counselors, architects, athletic agents, barbers, cosmetologists, chiropractors, dentists, electricians, engineers, land surveyors, landscape architects, hearing aid dealers, massage therapists, marriage and family therapists, midwives, nurses, nurse aides, nursing home administrators, occupational therapists, optometrists, outfitters, physicians, physical therapists, plumbers, podiatrists, pharmacists, professional counselors, psychologists, respiratory therapists, social workers, unlicensed psychotherapists, and veterinarians.

**Division of Real Estate:** The AAGs representing the Division of Real Estate provide legal counsel to the Colorado Real Estate Commission, the Board of Real Estate Appraisers, the Director of the Division of Real Estate (“Director”) in her implementation of the Mortgage Loan Originator Program (formerly the Mortgage Broker Program), and the Colorado Conservation Easement Oversight Commission.

**Division of Insurance:** AAGs representing the Division of Insurance act as general and litigation counsel to the various divisions of the Division of Insurance (“DOI” or the “Division”). As part of its service, Unit attorneys assist and advise on a wide variety of subject areas in rulemaking related to the regulation of insurance companies and their agents, and provide legal advice regarding changes and amendments to the insurance laws. Litigation is conducted in administrative and district courts on behalf of the DOI against unauthorized companies and individuals and insurance companies and their agents. These entities offer numerous types of insurance including, but not limited to, health care insurance, health maintenance organizations, long-term care, Medicare supplement insurance, life insurance, property and casualty insurance, and preneed funeral contracts.

**Division of Securities:** AAGs representing the Division of Securities assist the client in the regulation of securities, broker-dealers, sales representatives, investment advisors, and investment advisor representatives and other related entities.

**Colorado State Banking Board:** AAGs assisting the Colorado State Banking Board provide legal representation and advice to the Board and the Division of Banking on such issues as involuntary liquidations and possession of banks and general legal advice including rulemaking associated with public deposits.

**Division of Financial Services** AAGs assisting the Colorado Financial Services Board provide legal representation and advice to the Board and the Division of Financial Services on such issues as involuntary liquidations and possession of credit unions.

**Public Utilities Commission Staff:** The Colorado Public Utilities Commission (PUC or Commission) regulates the rates, charges, services, and facilities of public utilities within the State of Colorado. Within B&L, the PUC AAGs primary responsibility is to represent Litigation Staff of the PUC in cases before the Commission itself.

Staff of the Commission consists of experts in fields including, but not limited to engineering, finance, and economics. When Staff enters an appearance and becomes a party to a proceeding, Staff is divided into Advisory Staff and Litigation Staff. Representation of Litigation Staff includes advising on a daily basis and representing them in cases before the PUC. Such cases include but are not limited to those in which public utilities seek to increase the rates charged to the public, including residential, commercial, and industrial customers as well as cases in which public utilities seek to either build new facilities or extend existing Colorado facilities.

The AAGs also represent the PUC and its Commissioners in judicial review actions; in civil actions commenced by or against the PUC in state and federal courts (except civil actions for damages against the PUC and/or PUC Commissioners, which are litigated by attorneys in the Tort Litigation Unit); and in federal administrative proceedings before the Federal Communications Commission, Federal Energy Regulatory Commission, and the Surface Transportation Board.

## **Department of Revenue**

The attorneys on the Revenue team provide legal services to all divisions within the Colorado Department of Revenue. Department of Revenue divisions served by our attorneys include:

**Taxation divisions.** These include Audit and Compliance, Collections, Fair Share, Taxpayer Services, Tax Policy Analysis, and the Office of the Tax Conferee. Attorneys represent the Tax Conferee in administrative, district court and appellate proceedings in which all types of tax assessments are contested; attorneys defend the Department against multiple tax protester lawsuits in several different courts; attorneys also provided regular legal advice defending the state's interest in consumer bankruptcy cases; and attorneys represent the department in actions related to tax collection efforts. The Unit's attorneys represented the Department in appellate cases interpreting the law related to conservation easement credits, analyzing whether the generation of electricity constitutes the "manufacture" of "tangible personal property;" disputing appropriate taxation of the sales of materials used for well fracturing operations in the oil and gas production industry, and defending the Department's methodology for calculating the value of business personal property.

**Enforcement programs and divisions.** These include the Division of Gaming and the Colorado Limited Gaming Control Commission; the Auto Industry Division and the Colorado Motor Vehicle Dealer Board; the Division of Racing and the Racing Commission; and the Liquor and Tobacco Enforcement Division. Attorneys provide general counsel advice on matters including rulemaking, interpretations, policies, legislative matters and other questions presented. Attorneys also represent the clients in administrative hearings, during the exceptions process and on appeal.

**The Division of Motor Vehicles.** Attorneys review rules and records requests, represent the Division in appeals of driver's license revocation cases to the Colorado Court of Appeals and Supreme Court, and provide other legal assistance as requested.



**The Executive Director's Office.** Attorneys provide legal representation to the Executive Director's Office, which oversees all of the Department of Revenue.

## **Independent Ethics Commission**

The AAGs representing the Independent Ethics Commission assist the Commission in carrying out its constitutional and statutory duties through the Commission's issuance of Position Statements, Advisory Opinions and Letter Rulings relating to standards of conduct for government officials.

## **Department of Agriculture**

The Business and Licensing Section provides general and litigation counsel to the Colorado Department of Agriculture and the Commissioner of Agriculture. This representation is provided by two full-time AAGs who represent and provide legal advice to the various divisions within the department including: the Animals Division, the Colorado State Board of Livestock Inspection, the Conservation Services Division, the Inspection and Consumer Services Division, the Plants Division, the Markets Division. The AAGs also represent and advise the Colorado State Fair and several other marketing-related boards associated with the department. The AAGs assist the department in dealing with a myriad of complicated legal issues on a daily basis from livestock disease emergency quarantines, takings and destructions to regulation of pesticide use, licensing of commodity handlers, certification of organic producers, and prevention of plant diseases, many of which involve complex interactions between state and federal law. The AAGs also assist with rulemaking, drafting of proposed legislation and the sunset review process.

## **Mined Land Reclamation Board**

The Business and Licensing Section provides a .5 FTE General Counsel position that serves a permanent conflicts counsel to the Colorado Mined Land Reclamation Board ("MLRB"), a multi-interest citizen board that establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety ("DRMS"). The MLRB implements the Colorado Mined Land Reclamation Act and is actively involved in the decision-making process for controversial permit issuance and enforcement actions. Generally, the Board oversees the reclamation permitting activity for the hard rock mining and construction materials mining industries. The MLRB also has jurisdiction over reclamation permits issued for oil shale activities and for coal mines. The General Counsel position ensures the separation of the prosecutorial and decision making processes by advising the MLRB at its adjudicatory hearings in which it approves or denies permits and permit modifications when there are objections or public comment, issues violations, sets civil penalties and corrective actions, revokes permits and authorizes bond forfeitures. The MLRB's General Counsel provides guidance on procedural issues before, during and after the hearings. The General Counsel also provides guidance regarding substantive issues of law throughout the process, and drafts the Orders that result from the monthly enforcement hearings. The General Counsel also ensures MLRB compliance with open meetings requirements and provides guidance on rulemaking procedures.

## **The Department of Local Affairs**

Colorado's Department of Local Affairs ("DOLA") is an initial and primary point of contact where local communities work in partnership with the state. Approximately half of DOLA's legal services budget is allocated to attorneys within the Business and Licensing Section, who represent two of DOLA's key divisions: the Board of Assessment Appeals and the Property Tax Administrator. Because these two divisions have sometimes conflicting legal interests, the attorneys for the Board of Assessment Appeals and the attorneys for the Property Tax Administrator are in separate Units within the Business and Licensing Section, and report to separate supervisors.

DOLA's Property Tax Division coordinates and administers the implementation of property tax law throughout 64 counties in Colorado. The Property Tax Administrator, who is appointed by the state Board of Equalization, leads the Division. The Administrator's responsibilities include review of county government grants of property tax refunds exceeding \$1000, valuation of public utilities for property taxation, review of applications for property tax exemptions, and ruling on other property tax questions. The attorneys representing the Property Tax Administrator provide statutory interpretation and other general counsel services as needed and represent the Administrator in administrative hearings and negotiations before the Board of Assessment Appeals.

DOLA's Board of Assessment Appeals ("BAA") is a three-member board appointed by the Governor and confirmed by the state Senate. The Governor also may appoint up to six additional members to one-year terms. Currently there are eight members of the BAA. The BAA hears appeals filed by real and personal property owners regarding the valuation placed on their property. Taxpayers may appeal decisions of county boards of equalization or county boards of commissioners to the BAA. Decisions of the Property Tax Administrator regarding state assessed properties and exemptions may also be appealed to the BAA. Business and Licensing attorneys provide advice to the BAA in its adjudicatory role and represent the BAA when its decisions are appealed.

### **Other Conflicts Counsel Clients**

Business and Licensing also represents the Civil Rights Commission and the State Personnel Board.

## **II) PRIOR YEAR LEGISLATION**

### **Department of Regulatory Agencies:**

**Division of Registrations:** This year, 4 programs underwent sunset review. Those programs include, the Colorado the Electrical Board (HB 10-1225); the Colorado Medical Board (HB 10-1260), State Board of Accountancy (HB 10-1236), and the State Board of Podiatry (HB 10-1224). The attorneys representing those programs assisted their clients during the sunset review process, identifying areas within the current statutory scheme that presented a barrier to effective enforcement and regulation. Additionally, the General Assembly passed SB 10-124

expanding the Michael Skolnik Medical Transparency Act to health care practitioners other than physicians and SB 10-109 establishing a regulatory structure for the certification of medical marijuana by physicians. Attorneys within B&L will be assisting the client agency with implementation of this legislation.

Other newly added programs that will also receive representation this fiscal year by the Business and Licensing Section include: surgical assistants and surgical technologists (HB 10-1415).

**Division of Real Estate:** On May 26, 2010, the Governor signed into law HB 10-1141, which created some changes to the Division effective August 11, 2010. Of import, HB 10-1141 created the Board of Mortgage Loan Originators, and vested the Board with enforcement, administrative and rule-making authority over mortgage loan originators. Prior to this legislation, mortgage loan originators were regulated under a Director model. HB 10-1141 also vests the Board with authority over the registration of mortgage companies. The legislation also requires that the Division exercise its powers and perform its duties under DORA as if such powers were transferred to the Division via a type 2 transfer rather than via a type 1 transfer as was previously the case.

**The Conservation Easement Oversight Commission,** created by HB 08-1353, provides guidance to the Department of Revenue and to the Director of the Division of Real Estate concerning conservation easement appraisals and holders. The Commission's AAGs assisted the client with its statutory purpose of maintaining the integrity of the Conservation Easement Tax Credit Program. Consistent therewith, AAGs provided legal advice regarding rulemaking and implementation of the Conservation Easement Holder Certification Program.

**Division of Banking:** This year, the General Assembly passed HB 10-1114 and HB 10-1081. These bills require licensed money transmitters to report additional information about their agents to the Division of Banking and also require that employees of agents of licensed money transmitters either sign a notice that they understand federal and state money laundering laws or receive training. House Bill 10-1081 also creates a new, more comprehensive definition of money laundering. The Division of Banking is drafting the implementing rules.

**Division of Insurance:** The General Assembly passed at least 22 bills impacting the Division of Insurance. Many of them will require either the drafting of new rules or amending existing ones. The legislation includes: HB 10-1004, which requires standardized health insurance information to be provided to consumers; HB 10-1008, which prohibits gender rating in the individual market; HB 10-1160, which permits health insurance carriers to offer incentives for participation in wellness programs based on outcomes; and HB 10-1220, which involved the sunset review of functions of the Division. In addition, the Division will be impacted by the Patient Protection and Affordable Care Act of 2009, the federal health care reform bill. New legislation will impact attorneys' legal services as the bills become effective and new cases develop.

**Public Utilities Commission:** The General Assembly passed HB 10-1365, which provides incentives for electric public utilities to reduce air emissions and requires the utilities to submit plans to achieve such reductions by replacing or repowering coal generation with natural gas, and also consider other low-emitting resources. The bill contains a stringent deadline by which the Public Utilities Commission must approve plans submitted by the utilities. The hearing process regarding implementation of HB 10-1365 requires participation by the Unit's attorneys.

**Department of Revenue:** This year, Colorado's General Assembly adopted multiple bills impacting the Department of Revenue. Business and Licensing Section attorneys representing Revenue have, as requested, assisted the Department with rulemaking and modification of policies and procedures to implement these new laws effectively and efficiently. For example, attorneys assisted with developing rules to implement diverse legislative changes, including several bills modifying sales tax exemptions and a bill (HB 10-1284) creating a program to regulate the medical marijuana industry. Attorneys also are defending Revenue in lawsuits challenging three new bills. Attorneys are defending the state against a lawsuit challenging HB 10-1193, which imposed reporting requirements on retailers who do business in Colorado but who do not collect Colorado sales tax. In addition, attorneys are defending Revenue against a lawsuit challenging HB 10-1049 and SB 10-201, which affected the relationship between motor vehicle manufacturers and motor vehicle dealers holding a franchise from the manufacturer.

**Department of Agriculture:**

- Senate Bill 09-127, sunset review of egg regulation.
- Senate Bill 09-117, sunset review of meat processors and home food plans.
- Senate Bill 09-118, sunset review of the Pet Animal Care Facility Act.
- Senate Bill 09-113, sunset review of the Measurement Standards Act.
- Senate Bill 09-114, sunset review of the Farm Products and Commodity Handler Act.
- Senate Bill 09-151, sunset review of the licensing of livestock slaughterers

**III) HOT ISSUES:**

**Department of Regulatory Agencies:**

**Division of Registrations:** Examples of cases handled by the attorneys representing the various boards, committees and programs within the Division of Registrations include:

**Gerald M. Bradshaw, CPA.** The AAGs representing the Board of Accountancy resolved a case against Gerald Bradshaw, a licensed certified public accountant without the need of a

formal hearing. Mr. Bradshaw began soliciting tax clients and other individuals to participate in an investment opportunity which, in actuality, was a Ponzi scheme. AAGs representing the Board were able to negotiate relinquishment of Mr. Bradshaw's certificate and his firm's registration along with an agreement that Mr. Bradshaw would not offer any investments in the future.

**Colorado Board of Medicine v. Louis W. Bair, Jr. D.O.** The Board initiated formal disciplinary proceedings against Dr. Bair following information that he had engaged in sexual intercourse with two patients, sent sexually explicit materials via text messaging to another patient, and took yet another woman with whom he had a physician-patient relationship to Napa Valley and Keystone Ski Resort. Following an order for partial summary judgment in favor of the Board, Dr. Bair voluntarily relinquished his licensed and agreed not to seek licensure as a physician in Colorado at any time in the future.

**State Board of Medical Examiners v. Keith Stampher, M.D.** Dr. Stampher is a family practice physician who had a romantic relationship with a female medical assistant employed by his practice who he also had a physician-patient relationship. Following the hearing, the AAG prosecuting the case established that the norms of conduct applicable to a family practice physician prohibited that physician from engaging in a romantic relationship with a patient, even if that patient was also an employee. The Judge found that Dr. Stampher's conduct violated the generally accepted standards of practice because crossing of this professional boundary confuses the physician-patient relationship, jeopardizes the physician's objectivity, and can easily progress to even more egregious boundary violations such as sexual contact with the patient. The Judge ordered that Dr. Stampher be publicly reprimanded, ordered to comply with evaluation and treatment recommendations by a peer health organization, and to be fined \$10,000.

**State Board of Medical Examiners v. Kelly Gregg, M.D.** In this case, the AAG successfully moved for summary judgment against Dr. Gregg, establishing that he practiced medicine by diagnosing and prescribing medications to patients, in violation of a Board order, failed to maintain required liability insurance, prescribed controlled substances to three patients other than in the course of legitimate medical practice, repeatedly failed to make essential entries regarding prescribed medications in the records of certain patients, and failed to respond to a Board inquiry. The Judge concluded that Dr. Gregg's license to practice medicine should be revoked because he violated numerous provisions of the Medical Practice Act and revocation is necessary to protect the public health and welfare.

**Cesar Corzo, SW, CAC III:** AAGs representing the Social Work Examiner Board and the Addiction Counselor Program were able to obtain a summary suspension and voluntary relinquishment for both the Social Work and Level III Certified Addiction Counselor licenses of Corzo. Allegations included that Corzo had engaged in inappropriate sexual language and behavior with female clients that Corzo was unfit to practice. It was later revealed that Corzo had a felony conviction in 1998 for distributing cocaine and money laundering in California, and that Corzo faced 7 felony counts in Colorado for introducing contraband to youths at a youth treatment facility, obscenity, and conspiracy to commit sexual conduct in a penal institution.

**State Board of Nursing v. Fischer:** Ms. Fischer, a nurse, was arrested for diverting narcotics from her employer. She entered into an Interim Agreement for Cessation of practice pending resolution of her criminal case and ultimately pleaded guilty to a class 5 felony. As a result of AAG advocacy and negotiation, the Board allowed her to enter Peer Assistance Services (“PAS”) and sign a stipulation, making her conviction and participation in PAS public knowledge.

**State Board of Nursing v. Ewing:** Ms. Ewing, a Certified Nurse Midwife, was involved in a home delivery that turned problematic when the baby proved difficult to deliver. The mother suffered a grade four tear, and the baby was not breathing at birth. Ms. Ewing administered Pitocin without a doctor's order, and waited nearly an hour before calling for an ambulance. The baby and mother survived. As a consequence of AAG representation and negotiation, Ms. Ewing signed a Stipulation and Final Agency Order in which she was admonished for her conduct and agreed to relinquish her advanced practice authority to practice as a CNM in Colorado.

#### **Division of Real Estate:**

**Colorado Real Estate Commission v. Mile High Management LLC:** The Commission received reports that certain persons and their business were collecting rents on behalf of landlords, but never remitting the collected funds. In short order, AAGs successfully obtained a temporary restraining order against the individuals and the business and thereafter obtained a permanent injunction halting the illicit activities. The Commission received favorable media reports as a result of its swift and effective legal action.

**Colorado Real Estate Commission v. Bartlett:** AAGs successfully obtain an Order revoking the Respondent's real estate broker license, as a result of a guilty plea Respondent entered to the crime of Attempted Sexual Assault on a Child in 2006 and his failure to report this conviction to the Commission.

**Colorado Real Estate Commission v. Minney:** In a hotly contested matter, AAGs obtained an order revoking the Respondent's real estate broker license as a result of the Respondent's commitment of mortgage fraud on multiple occasions. AAGs also successfully obtained an order imposing a \$70,000 fine from the Administrative Law Judge.

**William Allan Gay:** Gay previously faced disciplinary actions taken by the NASD and Colorado Division of Securities. He subsequently applied for a mortgage broker license. AAG's successfully negotiated Gay's license application withdrawal.

#### **Division of Insurance:** Significant cases handled by the Insurance Unit include:

**Division of Insurance v. Leticia Montoya:** The Commissioner of Insurance sought and obtained a temporary restraining order and preliminary injunction against Leticia Montoya, a former bail bonding agent. This case is significant because the district court agreed with the interpretation of the Division of Insurance that it is the bail bonding agent

who posts the bail bond with the court for a criminal defendant who is responsible for all statutory duties under the Bail Bonding Agent Act in 12-7-101, et seq, C.R.S. Consequently, the district court held that since Ms. Montoya was not the posting agent of record for a particular transaction, she was not entitled to collect from the consumer purported monies owed. The permanent injunction hearing is not yet scheduled.

**Allstate Insurance Company:** Negotiated a significant reduction in automobile rates to benefit Colorado consumers.

**Nolan Funeral Homes:** Interpleader action in El Paso County District Court subsequent to licensing action against Nolan Funeral Homes to require payout to consumers of ill-gotten gains held in trust by Nolan Funeral Homes.

**Pinnacol Assurance:** Negotiated \$15M settlement/credit to Colorado consumers in case involving payment of excess premium by Colorado consumers for worker's compensation insurance from Pinnacol.

**Hise v. Div. of Insurance and CDPHE:** Obtained dismissal of class action personal injury case against the Division in Denver District Court.

The Unit's attorneys are assisting the Division with its implementation of the new federal health care reform act as the Division scrutinizes insurance premiums and rate filings. In addition, the attorneys are assisting the Division with restructuring the bail bond industry.

**Division of Securities:** The AAGs representing the Division of Securities handled a significant number of complex civil matters. For example:

**Mueller Capital Management:** AAGs represented the Division of Securities in bringing an injunctive enforcement action in the Denver District Court against Mueller Capital Management, LLC ("MCM"), Mueller Over Under Fund, LP (the "Fund"), and Sean Michael Mueller ("Mueller"). After obtaining information strongly indicating that the Fund was essentially a Ponzi Scheme, AAGs from the Unit obtained a Temporary Restraining Order, Order Freezing Assets and the appointment of a receiver over MCM, the Fund, and several related entities. Unit attorneys then negotiated the entry of a preliminary injunction over MCM, the Fund and Mueller, preventing the further dissipation of investor assets in a fund that claimed to have assets exceeding \$100 million.

**Burton Custom Homes:** AAGs representing the Division of Securities also brought about a successful resolution in an injunctive enforcement action against Burton Custom Homes, Inc., Soaring Eagle Investments, LLC, and a number of promoters and related parties. After settling with one party, Unit attorneys obtained summary judgment against the remaining defendants, prompting a global settlement of the remaining issues in the case. As a result, all defendants are now subject to a permanent injunction and orders for damages and restitution have entered.

In addition to traditional injunctive litigation, AAGs representing the Division of Securities are actively managing a number of cases (in addition to Mueller) where a receiver has been successfully sought by the DOS to seize investment funds, including Wealth Systems International and the DelGreene family of funds, Secured Financial Group and the Integrity Funds, Southern Financial Corporation and the Secured Real Estate Lending Fund, Mark Jackson, Dharma Investment Group and the Dharma family of entities, as well as XL Capital and the Vision and Velocity Funds.

**Division of Banking:** As identified more specifically below, the AAGs representing the Division of Banking assisted with a high profile bank closure.

**New Frontier Bank:** AAGs assisted the Colorado State Banking Board with the involuntary dissolution and possession of New Frontier Bank in Greeley, New Frontier was a \$2 billion bank with an estimated \$4 million in uninsured deposits. AAGs worked with Banking Board staff as well as the FDIC.

**Public Utilities Commission:** Significant cases in which the PUC Unit was involved include:

**Public Service Company of Colorado's Consecutive Rate Cases:** Represented staff on behalf of the public interest in an application to increase electric rates submitted by an Xcel Energy subsidiary, Public Service Company of Colorado ("Xcel Energy"). Xcel Energy initially requested a rate increase of \$180.2 million and the PUC approved an increase of \$128.3 million, which went into effect January 1, 2010.

**San Luis Valley Transmission Project:** Represented staff on behalf of the public interest in a joint application to construct transmission lines out of the San Luis Valley by Xcel Energy and Tri-State Generation and Transmission Association, Inc. ("Tri-State"). The utilities' purpose for constructing new transmission is two fold: to take advantage of the renewable energy resources in and around the San Luis Valley and address electricity service reliability. More than thirty parties/interests have intervened. This matter is presently pending before the PUC.

The focus on and interest in renewable energy continues. Legislation passed in 2007-2009 significantly increased the percentage of renewable energy Colorado utilities are required to generate or purchase, and also imposed requirements that gas and electric utilities develop and offer programs that encourage retail customers to participate in energy conservation. Based on the legislative directives, fiscal year 2009-2010 continued to see many filings and PUC decisions designed to carry out the legislative directives.

In addition, the General Assembly passed HB10-1365, which provides incentives for electric public utilities to reduce air emissions and requires the utilities to submit plans to achieve such reductions by replacing or repowering coal generation with natural gas, and also consider other low-emitting resources. The PUC must approve plans submitted by the utilities by December 15, 2010.



**Independent Ethics Commission:** This past fiscal year, the IEC issued numerous Advisory Opinions and Position Statements and were assisted by AAGs in doing so. AAGs also assisted the Commission in its rendering of decisions regarding complaints and aided the Commission with the single complaint hearing it held this past year, *Fry v. Burns*, Complaint No. 09-08.

**Department of Revenue:** Significant cases handled on behalf of the Department of Revenue include:

**Cendant Corp v. Revenue:** This year, the Colorado Supreme Court denied Cendant Corp's petition for writ of certiorari, resulting in savings to the state of approximately \$14 million. In this case, Cendant Corp and its subsidiaries filed a lawful C-Corp tax return for 2001. After the due date for the return, Cendant sought to amend the return and make an election to file using a method called "consolidation," which would have allowed them to add other corporations to the return, with significant savings to the corporation. The deadline for making the election, however, is the deadline for the return, and the appellate courts have affirmed Revenue's position that the law was sufficiently clear to place Cendant on notice of its filing options.

**Nationwide Rebar:** The Unit's attorneys reached an agreement with this debtor's trustee that resulted in a \$100,000 recovery for the state.

**MJR One and Two:** In these cases, the Unit's attorneys obtained an emergency order for relief from stay, without notice to the debtor or its attorneys, permitting Revenue to seize all cash in the debtor's possession. The seizure exposed the fact that the debtor had been misreporting sales to the court. The case was dismissed within days and Revenue then seized the debtor's equipment, which had considerable value. The secured lender eventually paid Revenue in full, resulting in a recovery of about \$70,000.

**Champion Auto Group dealerships:** The Unit's attorneys represented the Motor Vehicle Dealer Board in connection with the summary suspension of five related motor vehicle dealer licenses. The dealerships are alleged to have failed to pay off consumer loans when a vehicle was traded in, failed to activate warranties, failure to forward tax payments to the counties and failure to deliver titles, all of which affected some 150 consumers.

**Stacy M. Baldwin:** In this published Court of Appeals decision, the Court clarified the extent to which hearsay evidence may be used in a driver's license revocation. The decision is also noteworthy for the Concurring opinion by Judge Furman that the exclusionary rule should not apply in driver license revocation proceedings, marking the first published in-depth discussion of this issue in Colorado.

**Direct Marketing Association:** The Unit's attorneys are defending Revenue in this federal lawsuit challenging HB 10-1193 on several constitutional grounds.

**Department of Agriculture:** AAGs successfully litigated the Department's position in the Keyah Grande case, involving claims for damages arising from euthanization of elk suspected of having Chronic Wasting Disease ("CWD"), through the Court of Appeals. They also assisted

the department in bringing legal enforcement actions in several animal cruelty cases, most recently saving 24 horses threatened by their owner with public “execution.” During FY 08, they handled fifteen cases enforcing the pesticide regulation laws. AAGs worked closely with the department staff to address the concerns raised in the course of six separate sunset reviews of various regulatory programs, several of which resulted in significant legislative revisions and updates supported by the department.

**Mined Land Reclamation Board:** The MLRB is currently in the informal stage of rulemaking for rules implementing changes to the Mined Land Reclamation Act made by the legislature in 2008 to address uranium in-situ leach mining operations, including new provisions regarding the confidentiality of prospectors and the nature of prospecting activities. These proposed regulations are of significant interest to those communities potentially affected by uranium in-situ leach mining operations, water providers such as Denver Water, the mining and oil shale industries, and environmental groups. Also controversial is the Idaho Mill permit application from Wildcat Mining Corporation for a gold mine on property located in La Plata County, near the town of Mayday, to which there is significant community opposition. The MLRB heard approximately 50 matters during the '09 fiscal year, issued 46 Board Orders drafted by the General Counsel, and is currently defending one suit in Denver District Court.

#### **Department of Local Affairs:**

**Board of Assessment Appeals: Boulder County Board of Commissioners vs. HealthSouth Corporation:** AAGs represented the Board of Assessment Appeals (“BAA”) before the Court of Appeals and the Colorado Supreme Court in this case. The primary issue is whether HealthSouth is entitled to property tax refunds on moneys paid to Boulder County based on fictitious assets. Although the Court of Appeals ruled against the BAA, the Colorado Supreme Court accepted certiorari in the matter and the BAA is awaiting a decision from the high court.

# STATE SERVICES STRATEGIC PLAN 2011-2012

## GOALS AND OBJECTIVES

### **GOAL #1: Develop and support attorneys and administrative staff who will provide quality legal services to client agencies.**

Objective 1: Provide a collegial environment to develop analytical, legal and trial skills.

- Assign experienced attorneys to mentor newer attorneys on simple cases
- Pair experienced attorneys with newer attorneys on complex cases
- Conduct in-house training on procedures, litigation strategies and other legal matters that are frequently handled by the section
- Conduct regularly scheduled unit and Firsts meetings to discuss legal matters and management issues

Objective 2: Explore availability of funding to provide additional training for attorneys and support staff.

- Contact client agencies to explore possibility of paying for Continuing Legal Education seminars for attorneys
- Contact client agencies to request funding for additional training for legal assistants
- Contact various educational institutions to discuss possibility of scholarships for seminars and classes

Objective 3: Enhance reporting of major cases

- Have First Assistants submit brief written updates of major cases or events on monthly basis.
- Submit reports to clients to supplement monthly billings

### **GOAL #2: Provide timely, efficient and responsive legal services in matters related to labor and employment.**

Objective 1: Promote timely response to requests for petroleum leak remediation

- Contact petroleum storage tank fund applicants within 10 days of request by agency
- Process fund payment settlements within 7 business days of receiving documentation from parties.

Objective 2: Expedite the reduction of the number of employers without workers' compensation insurance

- Contact such employers within 10 days of referral
- Apply for a hearing within 20 days of contact if employers do not obtain insurance.

Objective 3: Contribute to the effective adjudication of workers' compensation proceedings

- Enhance the completion of workers' compensation proceedings by filing briefs on behalf of the Industrial Claims Appeals Office as quickly as possible.

**GOAL #3: Provide timely, efficient and responsive legal services in matters related to state administration.**

Objective 1: Assist in the development of fiscal policies and rules

- Review rules to ensure compliance with statute
- Provide representation and advice to the Controller's Advisory Group

Objective 2: Review and process contracts

- Assist in improving the contract process to reduce review time
- Provide more assistance in the negotiation and execution of contracts
- Provide training to state agencies regarding contracts and procurement

**GOAL #4: Provide timely, efficient and responsive legal services in matters related to health care.**

Objective 1: Provide legal services in relation to the Colorado Benefits Management System

- Provide legal advice to ensure the success of the System or appropriate alternatives
- Provide legal advice related to ongoing efforts to resolve the CBMS litigation, whether through continued settlement efforts or judicial resolution

Objective 2: Pursue repayment of public funds expended to provide medical benefits from estates, trusts and responsible third parties

- Maximize recovery from personal injury settlements and from liable third parties in line with number of cases referred by HCPF

Objective 3: Insure the integrity of Medicaid funds

- Defend appeals brought by Medicaid providers challenging reimbursement audits, reductions and denials
- Represent state in bankruptcy cases

Objective 4: Take appropriate action to terminate, suspend or limit HCPF and CDPHE provider agreements, certification or licensure

- Review referrals and prosecute actions to terminate Medicaid provider agreements, pursue revocation, suspension or other adverse action against health facility licenses and EMT/paramedic certifications when appropriate

Objective 5: Pursue false claims as appropriate

- Review cases to identify potential false claims
- Prosecute cases in conjunction with federal government
- Identify civil and criminal fraud and refer appropriate cases to MFCU

Objective 6: Represent Boards

- Represent and counsel the Medical Services board
- Represent and counsel the Board of Health
- Represent and counsel the Hospital Provider Fee Oversight and Advisory Board

**GOAL #5: Provide timely, efficient and responsive legal services in matters related to education**

Objective 1: Defend court challenges to legislation

- Defend court challenge to school financing system

Objective 2: Provide preventative legal advice to education clients to avoid costly litigation and prosecute and defend necessary lawsuits to protect the clients and the state

- Advise clients with employment and student actions
- Assist clients with contracting and enforce contract terms as necessary and defend breach of contract actions
- Advise clients on board governance and open meetings and public records issues and defend challenges to client actions

Objective 3: Help improve the quality of educational and vocational instruction

- Assist the Department of Education in policing teacher licensing by reviewing licensing statutes and rules and evaluating and prosecuting disciplinary actions where appropriate
- Assist Capital Construction Advisory Board on allocation of funding for school construction projects
- Work with the Division of Private and Occupational Schools to monitor schools offering vocational training in Colorado
- Assist the Colorado Department of Higher Education to enforce the Degree Authorization Act
- Work with the Charter School Institute to review, approve and oversee Institute Charter Schools
- Assist state boards in drafting policies and regulations
- Review the School Violence Prevention Manual and Student Discipline Manual for any needed changes and updates
- Assist public colleges and universities and state educational agencies with compliance with state and federal regulations
- Assist governing boards of public institutions of higher education with policy and governance issues

**GOAL #6: Provide timely, efficient and responsive legal services in matters related to child care, child protection and treatment of the persons in the state hospital**

Objective 1: Resolve all child licensing enforcement cases as expeditiously as possible while assuring that children are safe

- Review all referrals to determine appropriate action
- Draft summary suspension orders within 72 hours from the time that the matter is referred
- Prepare notice of charges in non-emergency cases with 30 days after matter is referred
- Prosecute effectively where revocation or other licensing action is appropriate

Objective 2: Advise and defend state hospital

- Continue to assist state hospital in development of policies and procedures to ensure quality care
- Defend civil court challenges to policies and procedures
- Assist hospital with record requests
- Provide legal advice as needed

Objective 3: Prosecute child abuse cases in a timely fashion

- Attempt to resolve most requests without hearing
- Assist in continuously improving the process for fair hearings
- Prosecute persons found responsible for child abuse or neglect

Objective 4: Provide legal services and advice to the various divisions within the Department of Human Services

- Respond and draft legal opinion memos as requested
- File petitions and provide legal representation to the Division of Youth Corrections
- Prosecute administrative court cases for the Division of Vocational Rehabilitation and Division of Behavioral Health
- Advise the Board of Human Services, the Juvenile Parole Board, and other Boards and Committees of the Department
- Advise the Department on Open Records Act requests
- Respond to subpoenas for records and protect confidential and privileged information
- Defend or Represent the Department in civil district court non-Tort cases

Objective 5: Support state child support enforcement

- Defend state automated remedies
- Challenge district court jurisdiction over state remedies when necessary

**GOAL #7: Provide timely, efficient and responsive legal services to statewide elected officials**

Objective 1: Provide legal services to the Secretary of State

- Represent the Secretary in legal challenges to the Campaign and Political Finance Amendment, the Initiative Code and the Election Code
- Defend the Secretary in ongoing legal challenges to the State's voter registration laws and practices

- Assist the Secretary in prosecuting violations of the bingo and raffle statutes
- Assist the Secretary's preparation for the 2010 general election

Objective 2: Provide legal services to the Governor

- Provide assistance in the Governor's efforts to coordinate state and federal immigration policies
- Represent the Governor in open records challenges.

Objective 3: Provide legal services to the State Treasurer

- Provide assistance and advice with regard to property tax deferrals
- Provide assistance and advice with regard to unclaimed property
- Ensure that persons who make claims under the escheat and unclaimed property statutes are entitled to receive the requested funds.

**GOAL #8: Provide timely, efficient and responsive legal services to the Public Utilities Commission.**

Objective 1: Act as counselor to the Commission

- Provide on-going legal assistance to the Commission on all pending matters

Objective 2: Represent the Commission in court proceedings.



**NATURAL RESOURCES & ENVIRONMENT SECTION  
STRATEGIC PLAN  
FY 2011-12**

**GENERAL**

**GOAL #1: Protect and Defend Environmental and Natural Resource Interests of the State of Colorado and its Citizens.**

- Objective 1: Provide high quality, timely, and effective legal representation to the Governor and the Departments of Natural Resources (DNR), Public Health and Environment (CDPHE), and Labor and Employment on natural resources and environmental matters.
- Objective 2: Provide an educational and collegial environment for attorneys and support staff to develop their substantive knowledge of natural resource and environmental law and their legal skills.

**WATER MATTERS**

**GOAL #2: Aggressively Safeguard the State's Interests in all Interstate Compacts and Equitable Apportionment Decrees for Interstate Rivers.**

- Objective 1: Vigorously represent State interests in all pending interstate litigation to which Colorado is a party.
- Objective 2: Develop an appropriate process to resolve or avoid future controversies between Kansas and Colorado regarding the Arkansas River Compact.
- Objective 3: Analyze developments on the Rio Grande River and act to protect Colorado's compact entitlements.
- Objective 4: Work with the State and Division Engineers to resolve issues with New Mexico concerning implementation of the Costilla Creek Compact.
- Objective 5: Prepare to defend Colorado against any future litigation by Nebraska over the South Platte Compact.
- Objective 6: Work with the Republican River Water Conservation District to assure Colorado's future compliance with the Settlement Agreement reached on the Republican River.
- Objective 7: Prepare to defend Colorado against any future litigation by Nebraska or Kansas over the Republican River Compact.

**GOAL #3: Proactively Represent the State on all Matters Relating to the Colorado River.**

- Objective 1: Counsel and represent the Governor, the Colorado River Commissioner, the DNR Executive Director, and the Colorado Water Conservation Board (CWCB) on existing and potential

litigation over the Colorado River and the Colorado River Compact.

- Objective 2: Prepare an electronic indexed and searchable library of Colorado River information, documents, research, correspondence, legislative history, legal research, and other material relevant to possible interstate litigation over the Colorado River Compact and the Law of the Colorado River.
- Objective 3: Support Colorado's interests in ongoing interstate negotiations regarding the administration and operation of the Colorado River.
- Objective 4: Represent Colorado's interests on the legal committee of the Upper Colorado River Compact Commission.
- Objective 5: Advise the State Engineer on intrastate administration and operation of Colorado water rights subject to the Colorado River Compact, including the promulgation of rules.

**Goal #4: Work With the Department of Natural Resources, the State Engineer, and the Colorado Water Conservation Board to Anticipate and Address the Major Legal Battles Concerning Water Supplies Needed for Colorado's Existing Uses and Growth.**

- Objective 1: Provide quality legal representation to the State of Colorado in approximately 1,000 active water cases.
- Objective 2: Advise CWCB regarding financial grants and loan contracts and TABOR restrictions.
- Objective 3: Work with the State Engineer to support efforts to develop and implement policies and rules that resolve current conflicts between well users and surface water users.
- Objective 4: Support efforts to maintain the independent authority of the State Engineer's Office in litigation concerning water rights.
- Objective 5: Support efforts to maintain the independence and protect the interests of the water users, such as the CWCB, the Division of Wildlife and Department of Parks and Outdoor Recreation, from the State Engineer's Office in litigation concerning water rights.
- Objective 6: Provide legal advice to the Interbasin Compact Committee.
- Objective 7: Defend the State Engineer against legal challenges to the State Engineer's recently adopted rules for regulation of produced water from Oil and Gas wells.
- Objective 8: Assist the State Engineer in reviewing State Engineer policies to ensure effective, efficient, and consistent administration of water rights across Colorado.

**GOAL #5: Work with the Department of Natural Resources, the Division of Wildlife and the Division of Parks and Outdoor Recreation to Address the Water Needs of these Agencies.**

- Objective 1: File for and obtain water rights necessary to support State Parks and State Wildlife areas.
- Objective 2: Provide legal advice and representation to protect existing water rights for current State Parks and Wildlife Areas by helping the agency establish a data base to determine its existing water rights, the rights needing protecting and the rights needing diligence.
- Objective 3: Continue to assist Department of Parks to assess future water needs for Parks resources by helping the agency establish a data base for its existing parks that need new water rights or an expansion of its existing rights.

**GOAL #6: Help Resolve Indian Reserved Rights Issues in Southwestern Colorado Related to the Animas-La Plata Project.**

- Objective 1: Resolve issues pending after the State's recent victory in District Court regarding the construction and operation of the Animas-La Plata Project.
- Objective 2: Work with the parties to Indian reserved rights litigation and settlement to complete implementation of settlement.

**GOAL #7: Resolve Claims for Federal Reserved Rights and Federal Appropriative Rights of the U.S. Forest Service and Bureau of Land Management.**

- Objective 1: Vigorously pursue final decrees in outstanding cases to finally decree federal rights or have those rights denied.
- Objective 2: Cooperate with water users, interested parties and federal agencies to resolve issues regarding potential claims for federal reserved rights for future Wild and Scenic River designations in the Colorado Basin to assure protection of existing water rights and future development, where appropriate.

**GOAL #9: Work With the Department of Natural Resources to Protect Colorado's Interests in Endangered Species Recovery Efforts.**

- Objective 1: Support the DNR in its work with state and federal agencies, together with interested water users, to implement species recovery efforts in the Colorado, Platte, and Rio Grande River Basins.

**ENVIRONMENTAL MATTERS**

**GOAL#10: Facilitate Timely and Effective Cleanup of Contaminated Sites, and Help Create Opportunities at Those Sites for Future Land Uses that Protect and Enhance Colorado's Quality of Life.**

- Objective 1: Support state efforts to expedite an effective cleanup and delisting of the remaining California Gulch Site Operable Units in Leadville and Lake County.
- Objective 2: Resolve the State's claims against Asarco for response costs and natural resource damages at the California Gulch Site, and other sites in Colorado for which Asarco has responsibility in the pending bankruptcy action.
- Objective 3: Assist CDPHE in updating the 1988 Remedial Action Plan to reflect progress made at the Cotter Mill/Lincoln Park CERCLA site and detail future remediation requirements.
- Objective 4: Work with CDPHE and EPA to develop and implement effective, community-supported remedies at the listed Standard Mine (Crested Butte), Nelson Tunnel (Creede), and Captain Jack Superfund sites.
- Objective 5: Negotiate an agreement on behalf of CDPHE for additional remedial work at the Eagle Mine Superfund site to reduce metals loading in the Eagle River and meet newly promulgated water quality standards.
- Objective 6: Finalize settlement documents with parties paying damages for injuries to the State's natural resources at the Lowry Landfill and continue evaluation of sites where natural resources may have been injured, on behalf of the State's Natural Resources Trustees.
- Objective 7: Work with CDPHE, Idarado, and the Town of Telluride to improve the remedy for mine tailings on the Telluride Valley Floor and draft an environmental covenant to ensure protection of human health and the environment.
- Objective 8: Maintain and enhance strong working relationships with federal, state and local authorities in implementing the CERCLA program.
- Objective 9: Coordinate CDPHE/EPA remedial action at the Clear Creek/Central City Superfund Site with CDOT's Highway 119 Corridor Rebuilding Project and jointly implement CERCLA and major road improvement projects quickly and cost effectively.
- Objective 10: Participate in settlement negotiations with insurers of the Standard Metals Company, a liable party under CERCLA for cleanup costs and natural resource damages at multiple sites in Colorado.

**GOAL#11: Aggressively Pursue Cleanup and Reuse of Contaminated Federal Facilities.**

- Objective 1: Support efforts of State Natural Resource Trustees, in consultation with affected local governments and the public to select and fund appropriate restoration projects to mitigate natural resource damages at the Rocky Mountain Arsenal Site.
- Objective 2: Work with other states and federal natural resources trustees, citizens and affected local governments to implement approved restoration projects for injured natural resources at Rocky Flats.
- Objective 3: Work with CDPHE, U.S. Department of Energy and U.S. Environmental Protection Agency (EPA) to provide regulatory oversight and to ensure effective implementation of the Rocky Flats Legacy Management Agreement.
- Objective 4: Work with CDPHE to evaluate, enforce, implement, and accelerate cleanup at numerous current and former federal facilities, including the Pueblo Chemical Depot, the Air Force Academy, the Lowry Bombing and Gunnery Range, Buckley Field, Lowry Air Force Base, Fitzsimons Army Hospital, the Denver Federal Center, and other “formerly used defense sites” and closing military bases.
- Objective 5: Work with the National Association of Attorneys General (NAAG), the Governor, CDPHE, and Colorado’s Congressional delegation to lobby for legislation clearly establishing the Comprehensive Environmental, Response, Compensation and Liability Act of 1980 sovereign immunity waiver.
- Objective 6: Work with NAAG, the Governor, CDPHE, and Colorado’s congressional delegation to lobby for adequate funding for cleanup of federal facilities, particularly U.S. Department of Energy and U.S. Department of Defense facilities.
- Objective 7: Work with CDPHE to force acceleration of the chemical weapons treatment program at Pueblo Chemical Depot through litigation or settlement of the State’s Hazardous Waste Act enforcement suit.

**GOAL #12: Protect Colorado’s Citizens and Lands from Dangers of Mismanaged Hazardous and Solid Wastes.**

- Objective 1: Assist the Hazardous Materials and Waste Management Division (HMWMD) in continuing to implement an innovative and effective hazardous waste management and enforcement program.
- Objective 2: Continue working with HMWMD to develop and implement a model solid waste management and enforcement program, including implementation of recently enhanced solid waste administrative order enforcement authority.
- Objective 3: Counsel HMWMD in efforts to clarify and strengthen state solid waste statutes and regulations, especially regarding unique solid waste streams targeted by the Legislature, including brine wastes, used tires and used food-grade grease.

Objective 4: Continue to assist CDPHE's efforts to remediate innumerable dry cleaner sites contaminated with perchloroethelene, and seek an overarching solution to the problem of under-capitalized drycleaners unable to pay for remediation.

Objective 5: Assist CDPHE's expansion of pharmaceutical take-back programs beyond the current pilot-scale program.

**Goal # 13: Assist in Promulgation and Implementation of Environmental Programs to Protect Colorado's Air and Water.**

Objective 1: Assist the Air Pollution Control Division (APCD), Water Quality Control Division (WQCD), and Laboratory and Radiation Services Division (LARS) to require compliance with environmental laws.

Objective 2: Aggressively prosecute people and companies who break the environmental laws.

Objective 3: Assist the APCD, WQCD, and LARS to develop educational programs to teach Colorado's citizens and industry about the dangers of uncontrolled pollution and how to actively protect the environmental quality of Colorado.

**Goal # 14: Assist in Promulgation and Implementation of Environmental Programs to Protect Colorado's Air and Water.**

Objective 1: Assist the Air Quality Control Commission (AQCC) and CDPHE in implementing changes in the Automobile Inspection and Readjustment Program, including increased motorist convenience through greater remote sensing.

Objective 2: Assist the APCD and AQCC in protecting visibility in National Parks and other "class I" areas, by requiring installation of "Best Available Retrofit" and "Reasonable Progress" Technology at specified sources, and by finalizing Colorado's Regional Haze State Implementation Plan.

Objective 3: Assist the AQCC and AQCD in implementing new SO<sub>2</sub>, NO<sub>2</sub>, ozone and mercury standards.

Objective 4: Work with the APCD and AQCC to implement the 2008 Ozone Action Plan, and to develop, adopt and implement new Ozone Action Plans to attain the 2008 and anticipated 2010 ozone standards.

Objective 5: Assist the WQCC and WQCD in developing and promulgating nutrient criteria, Whole Effluent Toxicity requirements, and a general permit for application of pesticides.

- Objective 6: Work with Colorado's Congressional delegation and other interested parties seeking to obtain "Good Samaritan" legislation for the cleanup of abandoned mining sites.
- Objective 7: Work with WQCD, APCD, DNR and industry on ensuring environmental protection from increased oil and gas exploration and production.
- Objective 8: Work with WQCD, APCD, DNR, federal agencies and industry to ensure that development of oil shale in Colorado is done in an economically and environmentally protective manner.
- Objective 9: Work with the APCD and AQCC and affected stakeholders to implement the 2009 Clean Air – Clean Jobs Act.
- Objective 10: Work with the APCD and AQCC to clarify the emission standards for asbestos and to improve compliance with the standards through education, coordination with key stakeholders and aggressive enforcement.
- Objective 11: Assist WQCD in protecting drinking water supplies by revisiting antiquated or otherwise inappropriate disinfection waivers.
- Objective 12: Protect Colorado's water interests by continuing to participate in litigation relating to EPA's water transfers rule.
- Objective 13: Protect Colorado's control over regulatory programs by resisting federal challenges to state permitting decisions.

## **NATURAL RESOURCES MATTERS**

### **GOAL #15: Resolve Issues Regarding Oil and Gas Extraction.**

- Objective 1: Defend the Colorado Oil and Gas Conservation Commission (COGCC) in litigation concerning regulations the COGCC promulgated to regulate oil and gas activities and in litigation concerning process for applications for permits to drill.
- Objective 2: Assist the COGCC in implementing regulations the COGCC promulgated to regulate oil and gas activities.

### **GOAL #16: Provide Legal Advice and Representation Regarding Oil Shale Development in Colorado.**

- Objective 1: Participate in federal-state team meetings regarding oil shale development in Colorado including on five research, development and demonstration projects located on federal land managed by the Bureau of Land Management.

Objective 2: Assist the Division of Reclamation, Mining and Safety in regard to oil shale development including legal representation at administrative hearings on permit applications filed by companies conducting five research, development and demonstration projects.

**GOAL #17: Provide Legal Advice and Representation Regarding Coal, Uranium and Vanadium Mining in Colorado.**

Objective 1: Assist the Division of Reclamation, Mining and Safety in implementing new rules and amendments the Mined Land Reclamation Board adopted to implement legislation regarding regulation of hard rock mining operations involving uranium and regarding prospecting activities.

Objective 2: Assist the Division of Reclamation, Mining and Safety in rulemaking proceedings to implement changes to the regulations concerning coal mining operations, including reviewing draft regulations and attending stakeholder meetings.

**GOAL #18: Assist the State Board of Land Commissioners in maximizing revenues from and in protecting State Trust Lands.**

Objective 1: Assist the State Land Board in its ongoing management of trust lands, including the sale and lease of such lands and minerals, and in maximizing revenues for support of public education in Colorado.

Objective 2: Assist the State Land Board in protecting trust assets, including the fee title and mineral interests granted by the United States to Colorado and held in trust by the State Land Board, for the benefit of future generations of Coloradans.

**GOAL #19: Assist the Division of Parks and Outdoor Recreation in meeting the changing economic realities affecting the management of park and outdoor recreation resources in Colorado.**

Objective 1: Work the Division of Parks and Outdoor Recreation to address its significant budget shortfalls, including a further proposed reduction in general fund support for park management in a legal and thoughtful manner and that otherwise avoids unwarranted impacts to the recreating public in Colorado.

Objective 2: Work with the Division of Parks and Outdoor Recreation in managing all state parks and recreation areas and in developing and adopting regulatory programs in a manner that provides the widest possible variety of park and outdoor recreation opportunities in Colorado for its residents and visitors.



**GOAL #20: Assist the Division of Wildlife in preserving wildlife and wildlife related recreational resources in Colorado.**

Objective 1: Work with the Division of Wildlife to address the significant threats to wildlife resources and the decrease in public hunting opportunities caused by residential and oil and gas development throughout Colorado.

Objective 2: Work with the Division of Wildlife in developing and adopting regulatory programs to protect wildlife resources, including threatened and endangered species, and continuing to provide a wide variety of wildlife-related recreational opportunities in Colorado for its residents and visitors.

Objective 3: Work with the Division of Wildlife in its continuing efforts to protect valuable wildlife habitat by acquiring real property interests, including both fee title and conservation easements, throughout Colorado.



**CIVIL LITIGATION AND EMPLOYMENT LAW  
STRATEGIC PLAN  
2011-12**

**GOALS AND OBJECTIVES**

**GOAL #1: Develop and maintain a successful and well-regarded litigation section that aggressively and effectively represents the state, state agencies, state employees, and state officials in administrative, state, and federal court cases and that is available to assist other sections in complex litigation.**

Objective 1: Provide an educational and supportive environment for the staff and attorneys to develop their legal and trial skills. Provide training courses, mock demonstrations, opportunities to “staff” cases, and educational materials. Pursue opportunities for the staff and attorneys to attend CLE’s to develop discovery, trial, and preparation skills.

- Negotiated discount rate for 8 attorneys to attend two-week National Institute of Trial Advocacy training.
- Negotiated discount rate for 32 attorneys and 8 attorney trainers to participate in a two-day NITA trial advocacy program. Helped develop the program and reviewed all materials used at program. Attended and participated in program.
- Each unit meets approximately monthly to discuss cases and strategies.
- Monthly Section/Firsts meetings are conducted to share office-wide information, to discuss section and office issues, and to conduct training on relevant issues.
- Several attorneys participate in the office Medical Marijuana working group to share information among sections.

Objective 2: Provide aggressive and effective legal representation to all state agencies and employees in state and federal tort and constitutional claims.

- Win cases/claims by filing motions to dismiss and motions for summary judgment:

Corrections:	Won 165 out of 291
Emp Tort:	Won 4 in full, 3 in part (224 claims dismissed)
Tort Litigation:	Won 52 out of 65 in full or part

- Take cases to trial/hearing as necessary and win:

Corrections: Won 10 out of 10  
Emp Tort: No trials  
Tort Litigation: No trials

- Win cases on appeal/petitions for certiorari:

Corrections: Won 67 out of 69  
Emp Tort: Won 1 out of 1  
Tort Litigation: Won 11 out of 11

- Settle cases favorably for the state where appropriate

Corrections: Saved \$2,778,000 (settled 5 cases for \$107,000; demands were \$2,885,000)  
Emp Tort: Saved \$424,000 (settled 2 cases for \$26,000; demands were \$450,000)  
Tort Litigation: Saved \$1,639,375 (settled 13 cases for \$580,625; demands were \$2,220,000)

- Obtain voluntary dismissals

Tort Litigation: 8 voluntary dismissals

- Save Risk Management money by aggressive defense, successful motions, trial/hearing victories, and favorable settlements:

Emp Tort: Saved \$2,948,000  
Tort Litigation: Saved \$11,502,975

Objective 3: Train legal assistants and attorneys in the use of technology in the courtroom. Familiarize staff with the requirements for exhibits in federal court. Prepare for increased use of technology in trials.

- We have successfully trained all attorneys and staff regarding electronic filing in state and federal trial and appellate courts.
- We use the services of IT in several cases in trials and hearings so that the attorneys can present evidence through the use of electronic means. We continue to learn new ways to use technology in our practice.

Objective 4: Monitor progress of cases through regular attorney and staff reports.

- Monthly reports are prepared by all Tort Litigation attorneys.

- Monthly status reports are prepared and sent to:

Risk Management  
Dept. of Corrections  
Community Colleges  
Colorado State University  
Colorado Mental Health Institute in Pueblo  
Dept. of Agriculture  
Dept. of Public Safety  
Dept. of Transportation

- Monthly reports are prepared by all Tort Litigation attorneys.
- A weekly summary of developments in Corrections cases is prepared by the First Assistant in Corrections and submitted to the Department of Corrections and Risk Management.
- Regular Risk Management Litigation Reports are submitted to Risk on all Risk-covered cases.

**Objective 5: Reduce the use of outside counsel except in conflict cases and develop an efficient system to monitor the progress of their cases.**

- Outside counsel are required to submit monthly reports regarding their cases.
- Only 4 cases were sent from Corrections to outside counsel. The prior year, 6 cases were sent out. The year before that, 42 cases were sent out.
- Two cases were sent to outside counsel from Employment Tort and Tort Litigation.

**Objective 6: Provide general litigation support for the entire office. Provide litigation CLE programs for attorneys and staff throughout the office.**

- Our attorneys frequently consult on cases throughout the office.
- This past year, our section consulted with several sections regarding the requirement for electronic records to be retained pursuant to the Federal Rules of Civil Procedure and the Open Records Act.
- The Corrections Unit continues to provide advice and mentoring to attorneys in other sections on request. Information and briefs from the unit brief bank are liberally shared with other sections.

- The Tort Litigation Unit regularly confers with attorneys throughout the office concerning liability issues that arise in the course of State business and on prevention of liability claims. This has included consultation with attorneys for the nursing board concerning accommodation requirements under the ADA, consultation with attorneys for the Division of Parks concerning potential liability on climbing routes, and consultation with attorneys from Revenue concerning bankruptcy matters and seizure of business equipment and assets.
- The Employment Tort Unit regularly confers with attorneys throughout the office on employment matters and liability issues.
- The Employment Personnel and Civil Rights Unit regularly provides employment litigation advice with respect to classified employees, as well as advice on CORA and subpoena issues.
- Several attorneys assisted in the document-intensive discovery process in the Lobato case out of the State Services Section.
- Several attorneys assisted the Business & Licensing Section on issues ranging from indemnification to attorneys fees.
- Information about available seminars outside the office is disseminated by the Deputy to the entire office.
- The section developed a writing seminar which is available to other sections.
- As noted above, the Deputy negotiated and arranged for intensive trial practice training for 48 attorneys in the office.

**GOAL #2: Handle personnel matters for all state agencies aggressively and successfully.**

Objective 1: Aggressively and successfully defend the state and its employees in mandatory hearings before the State Personnel Board.

- Won 100 %. (111 mandatory hearing cases were opened by SPB, 7 hearings were held, won 7)

Objective 2: Oppose petitions for discretionary hearings in cases where the employee does not have a right to a hearing, such as final agency grievance decisions.

- Won 76 %. (38 petitions briefed, won 29)

Objective 3: Represent state agencies successfully in appeals to the State Personnel Board from decisions of Administrative Law Judges.

- Won 33 %. (3 appeals, won 1)

Objective 4: Successfully represent state agencies in appeals from decisions of State Personnel Board to the Colorado Court of Appeals.

- Won 76 %. (3 appeals, won 2)

Objective 5: Settle personnel cases as appropriate and for a reasonable amount.

- Settled 51 %. (111 cases set for hearing, 57 settled)

Objective 6: Win personnel cases on dispositive motions.

- Won 75 %. (35 filed, 22 won)

**GOAL #3: Provide timely, accurate, and responsive legal advice to the Colorado Department of Corrections.**

Objective 1: Assist the Department in identifying legal issues of public interest and provide thorough and thoughtful legal advice regarding such issues. Maintain close contact with DOC to provide counsel as needed.

- Provide answers to requests for advice within 10 days of request

The Corrections Unit had approximately 408 requests for advice from DOC last fiscal year, 99.75% were answered within 10 days.

Objective 2: Maintain close liaison with national organizations such as the National Institute of Corrections and the National Association of Attorney Generals in matters of national interest, such as the Supermax, Hepatitis C, religious diet lawsuits, and bankruptcy issues. Participate in presentations regarding these issues at national and regional conferences.

- Make presentations at the national conference of the National Institute of Corrections.

The First Assistant of the Corrections Unit is a nationally-recognized expert and has spoken at 5 annual conferences on the state of the law with respect to corrections.

Objective 3: Provide quality legal representation to the Department of Corrections and other state agencies in prison discipline challenges.

- Win cases in the trial court.

The numbers for winning motions and trials in prison discipline matters are included in the figures previously reported.

During fiscal years 2004 to 2009, the unit opened 2,753 litigation cases. They lost 76 of those cases, settled 16, and won the remainder for a 96.66% success rate.

- Win prison discipline cases on appeal.

Won 89 %. (Won 57, lost 7)

**Objective 4:** Provide quality representation when the agency is served with a subpoena duces tecum.

- The unit won every motion for protective order or motion to quash in every case in which a party sought privileged or confidential records or files.

**Objective 5:** Assist DOC in coming into compliance with the Remedial Plan in *Montez v. Owens* by May, 2009.

- Approximately 1,400 individual damages cases have been resolved.
- We hold monthly meetings in our office with DOC operations and clinical managers to review steps taken to come into compliance with programmatic requirements.
- Structural compliance has been achieved.
- A compliance hearing is set to resume on October 18, 2010.

**Objective 6:** Review proposed and pending legislation affecting CDOC within 5 days of receipt.

100 % of requests reviewed within 5 days.

**Objective 7:** Coordinate closely with the Appellate Section regarding cases that impact the DOC and the OAG.

The First Assistant sends summaries of relevant decisions to the Appellate Section and the OAG.

**Objective 8:** Represent the Attorney General on committees addressing sentencing and confinement issues. Advise the DOC regarding proposed



legislation affecting confinement and sentencing issues. Testify and assist in drafting legislation proposed or supported by the Attorney General.

- The First Assistant represents the DOC on committees addressing sentencing issues. As additional committees are formed, members of the unit will participate and advise legislators and the DOC.

Objective 9: Attend annual state judicial conference to present to judges current developments in sentencing laws and recurring legal issues concerning inmate litigation.

No judicial conference was held this past fiscal year.

Objective 10: Obtain attorneys' fees or cost of care awards for frivolous lawsuits.

- Obtained \$540 in attorneys' fees for the DOC.

**GOAL #4: Provide timely, accurate and responsive legal advice to the Colorado Department of Transportation.**

Objective 1: Handle CDOT condemnation actions and save the State money in acquiring real property for less money than the landowner demands.

- Resolved 14 condemnation cases, saved \$1,365,100.

Objective 2: Keep caseload current by bringing to conclusion 75% of cases within 2 years of filing action.

- Last fiscal year, the Transportation Unit concluded 80% of its cases within two years

Objective 3: Review and provide legal analysis of legislative proposals affecting CDOT and the Transportation Commission within 5 days of receipt of request. Testify on bills proposed and supported by the Attorney General.

- Reviewed and provided input within 5 days 100% of time.

Objective 4: Provide excellent legal representation in the approximately 40 cases filed annually by CDOT and against CDOT concerning acquisition of rights of way, billboard matters, condemnation, environmental and other issues.

Objective 5: Review and provide legal advice in a quick turnaround time concerning hundreds of contracts in which CDOT is involved on an annual basis.

- Reviewed 572 contracts last fiscal year with a turnaround time of 2.5 days.

Objective 6: Attend Transportation Commission meetings and provide legal opinions on issues raised.

- Transportation attorneys attended 100 % of the meetings.

Objective 7: Develop expertise in construction litigation and disputes. CDOT has experienced an increase in construction disputes.

- 8 construction claims saving CDOT \$2,080,000.
- Recovered \$151,000 price reduction for poor workmanship.

**GOAL # 5: Provide timely, current, and complete legal advice to the Colorado Civil Rights Division.**

Objective 1: Research, prepare and submit legal memoranda on transactional questions and legal issues to the CCRD within 30 days of request.

- This was achieved 100% of the time.

Objective 2: Provide complete legal analysis and opinions on the hearing worthiness of cases referred by the CCRD.

- 3 files were referred and analyzed. 100 % compliance.

Objective 3: Vigorously prosecute all cases of employment, housing and public accommodation discrimination in administrative and court proceedings in which the Colorado Civil Rights Commission issues a formal opinion.

- 21 complaints set for hearing, 11 settled, 1 won at hearing, 3 lost at hearing, 6 still pending.
- Represented the agency in 4 appeals.
- Settled 6 cases for total of \$38,000, plus training.

**GOAL #6: Safeguard State money in the Subsequent Injury Fund (SIF) and Major Medical Insurance Fund and ensure that payments are paid only as mandated by statute.**

- Filed 4 motions, won all 4.
- Defended one case at hearing, won.
- Negotiated 3 settlements, all favorable to Fund.

**GOAL #7: Maintain excellent relationship with the Office of Risk Management.**

Objective 1: Provide quick and accurate legal advice to the Risk Manager concerning the varied legal issues which arise in connection with lawsuits against the state and governmental immunity questions.

- This objective was met this past year with several meetings, revision of procedures, and weekly contact with Risk Manager.

Objective 2: Provide the Risk Manager with the periodic updates on cases she has requested.

- Each attorney updates the Risk Management Litigation Form on a regular basis and confers with the Risk Manager on exposure and valuation for settlement purposes.

Objective 3: Continue to increase the efficiency of the State Claims Board. Provide advice to the Attorney General regarding proposed procedures and rules of the Claims Board.

- The Deputy attends all meetings and briefs the Claims Board members on the procedures and rules guiding decision-making.
- The Deputy ensures that all appropriate cases are presented to the Claims Board on a timely and efficient basis.

Objective 4: Process notices of claims in a prompt, consistent, and accurate fashion pursuant to the needs of Risk Management.

- Each Notice of Claim is reviewed by the Deputy or a First Assistant and is referred to Risk Management for investigation, if necessary, and to other State agencies as appropriate.
- The Section maintains a complete and accurate record of all Notices of Claims received by the Attorney General's Office.
- Last year, 1,659 Notices of Claim were reviewed, a 33 % increase.

Objective 5: Obtain attorneys' fees when possible.

- Last fiscal year, obtained an order for \$8,350 in attorneys' fees.

**GOAL #8: Centralize the intake function and train those on the front desk regarding proper procedures.**

Objective 1: Ensure timely processing of summons and complaints and other court documents.

- The Section legal assistants review each summons and complaint served on the office and refers it to the appropriate unit in the office for handling.
- The intake process is continuously reviewed for ways to increase the efficiency and accuracy.

**GOAL #9: Represent the Attorney General in matters of statewide interest concerning civil litigation.**

Objective 1: Represent the Attorney General on committees to consider legislation in the area of governmental immunity, civil damages, court procedures, and other areas that impact civil litigation.

Objective 2: Participate in associations of attorneys addressing procedural and substantive issues regarding civil litigation.

- The Deputy is a member of the Defense Research Institute, a national civil litigation defense organization that disseminates information and holds conference on civil litigation issues from a defense perspective.
- The Deputy and one First Assistant is a member of the Colorado Defense Lawyers Association, a state-wide group that disseminates information and holds conferences on civil litigation issues from a defense perspective.
- The Deputy and several attorneys are members of the Faculty of Federal Advocates, a state-wide group of attorneys that practice in federal court and hold seminars on Colorado federal court rules and procedures.
- The First Assistant of the Corrections Unit shares information and case citations with attorneys from other jurisdictions via email, either directly or upon request from NAAG.

Objective 3: Assist in drafting legislation proposed or supported by the Attorney General, testify if necessary.

- The Deputy provided information to the legislature for their consideration in proposed amendments to increase the remedies under the Colorado Anti-Discrimination Act. (This legislation was not proposed by the Attorney General.
- The First Assistant in the Corrections Unit provided key information which assisted the DOC persuade the legislature to remove certain

troublesome provisions from pending legislation. (This legislation was not proposed by the Attorney General.)

**GOAL #10: Prepare and deliver training to client agencies regarding lawsuits, the CGIA, employment matters, and conducting prison disciplinary hearings.**

Objective 1: Plan and deliver a presentation to various state agencies re: procedures when an agency or individuals are sued and re: the Colorado Governmental Immunity Act.

- 1 presentation was made this year.

Objective 2: Make presentations at agencies and conferences of state agencies regarding employment issues.

- The Employment Tort Unit presented 15 training sessions on general employment issues, the ADAAA and FLSA, medical marijuana, and unemployment insurance.
- The Employment Personnel Unit presented 10 training sessions to 30 agencies.
- The First Assistant of the Corrections Unit presented training for DOC personnel on conducting prison disciplinary proceedings.

**GOAL #11: Maintain an open and positive relationship with clients.**

Objective 1: Respond to requests from clients in a timely and appropriate fashion.

- Clients continue to report a high level of satisfaction with the legal work and advice provided.

**GOAL # 12: Continue to be active on committees and in outside associations to support the office and its relationship with the community.**

- Several Section attorneys serve on the recruiting committee and are active in participating in law school placement and recruiting efforts.
- One Transportation Unit attorney has been active on the Public Sector Committee of the Colorado Bar Association, which puts on an annual seminar which is free for attorneys in the office.
- Attorneys in the Employment Tort Unit participate in the Government Employment Lawyers Attorney Group.

- The First Assistant of the Tort Litigation Unit sits on the Arapahoe County Citizen Review Panel, a panel that hears and considers complaints against the county Social Services Department, particularly its child protection division, and makes recommendations on matters of employee discipline and procedural guidelines.
- Several Section attorneys speak at law schools, community events, etc. to discuss the office and the work it does.
- Several Section attorneys volunteer to judge law student oral arguments and mock trials, and teach at conferences.
- Several Section attorneys are members of non-profit boards and local government boards and commissions.

**GOAL #13: Handle various tasks for the Attorney General.**

Objective #1: Handle certain tasks for the office; handle any special assignments requested by the Attorney General.

- Prepared the annual State Controller's report reflecting major cases in the office.
- Evaluated whether to participate or write amicus briefs on several litigation issues. Wrote two amicus briefs.
- Obtained conflicts counsel to represent agencies when their assigned counsel was unable to due to a conflict.
- Organized and conducted a meeting with outside Risk Management counsel to ensure counsel understood their ethical and professional responsibilities representing state agencies.
- Coordinate NITA training.

**CRIMINAL JUSTICE DIVISION  
STRATEGIC PLAN  
FY2011-12**

Colorado statutes provide that the Attorney General's Office has criminal jurisdiction to: 1) Represent the state on appeals of all felony convictions, 2) To pursue trial level prosecutions of certain offenses, 3) To oversee certification and training of peace officers, and 4) Provide victim services for Department of Law cases. We also provide all legal counsel for the Department of Public Safety, Colorado Bureau of Investigation, Colorado State Patrol, Department of Criminal Justice, and the newly formed Office of Preparedness, Security, and Fire Safety.

**Special Prosecution Unit:** This unit has six areas of prosecution: Environmental Crimes, Complex Crimes, Gang Prosecutions, Worker's Compensation Fraud, Foreign Prosecutions (murder fugitives in Mexico), and the Homicide Assistance Team (HAT). In addition to assisting in the prosecution of cases determined by the District Attorney to warrant filing of the death penalty, HAT also provides investigative assistance concerning aggravated homicides and cold case homicides throughout the state.

**Securities and Insurance Fraud Unit:** This unit was recently consolidated to improve prosecution efficiency. The two areas of fraud prosecution are: Securities Fraud and Insurance Fraud.

**Medicaid Fraud Control Unit:** The State of Colorado spends \$1.9 billion a year on its Medicaid program serving over 292,000 recipients. This Unit investigates: 1) Providers who fraudulently divert Medicaid Funds, and 2) Allegations of patient abuse (physical, sexual, and financial) in which the victims are Medicaid recipients. **The Medicaid Unit secured a grant to educate and train service law enforcement/ prosecutors regarding elder abuse investigations and prosecutions.**

**Victim Services:** It is often a complex and drawn out process as a criminal prosecution works its way through the justice system. Victims of serious crimes have a real need to know what is happening with their cases and when it will be over. The Attorney General Victim Service Coordinator assists over 1200 victims of felonies each year. The Coordinator also works with the other victim services providers to insure the best services possible at every step of the proceedings.

**P.O.S.T. Board and Staff:** The Peace Officers' Standards and Training Board is responsible for: 1) Basic officer training and certification standards and tests, 2) Inspections of the 40 academies, 3) Review and updates of the course curriculums, and 4) Revocation and denial of individual officer certification.

**Department of Public Safety:** Department of Public Safety includes the State Patrol, Colorado Bureau of Investigation and other state agencies. One designated attorney provides legal services to the 1300 employees of the Department of Public Safety. This work includes everything from rulemaking and contract review to counsel on discipline or termination of employees.





**CONSUMER PROTECTION SECTION  
STRATEGIC PLAN  
FY 2011-12**

The Consumer Protection Section is comprised of four organizational units. Each Unit has the primary mission of protecting Colorado consumers and legitimate businesses. Each Unit has separate and distinct statutory authority to carry out their respective consumer protection goals and objectives.

**Uniform Consumer Credit Code/Collection Agency Board Unit**

**Consumer Credit**

The Consumer Credit group enforces the state's consumer credit and lending laws – the Colorado Uniform Consumer Credit Code (“UCCC”). The UCCC protects the rights of consumers who borrow money, establishes reasonable limits on interest rates and fees, fosters fair competition among lenders, and promotes an adequate supply of credit. The Unit licenses and examines lenders who make high-rate loans – defined as loans with an annual percentage rate of more than 12%. The Unit also licenses deferred deposit or “pay-day” lenders. Finally the Unit enforces the Colorado Equity Protection Act, which prohibits certain terms and conditions in high-cost loans.

**Debt Collection**

The Collection Agency Board enforces Colorado's collection agency laws (Colorado Fair Debt Collection Practices Act). The law protects business clients who place accounts for collection and establishes protections for consumers who are contacted by collection agencies. This ensures that all collection agencies act in compliance with the law and there is no unfair competition. The CAB Unit licenses collection agencies, investigates complaints of unlawful activity, and takes administrative discipline against agencies that violate the law.

**Debt Management Companies**

Beginning in January 2008, the Unit will regulate debt management companies. A “debt management” company provides services as an intermediary between an individual and one or more creditors of the individual for the purpose of obtaining concessions from those creditors. Services may also include, for a fee, the provision of a settlement plan to allow a debtor make periodic payments to retire debt. Debt management companies will need to be registered and must post a bond before engaging in business in Colorado under the new law.

**Consumer Fraud Unit**

The Unit investigates and prosecutes violations of the Colorado Consumer Protection Act, the Colorado Charitable Solicitations Act, the Colorado No-Call List Act, and other

consumer and business protection statutes. The Attorney General shares jurisdiction with the local district attorneys of the State over many of these violations. The Unit also participates in a broad range of multi-state initiatives, and joint activities with federal enforcement agencies. The Unit engages in extensive consumer outreach and educational efforts for the citizens of Colorado, including outreach efforts that are specifically targeted to reach Colorado's senior citizens.

### **Antitrust, Tobacco and Consumer Protection Unit**

The Unit investigates and prosecutes violations of the Colorado Antitrust Act of 1992 and the federal Sherman and Clayton antitrust acts. The Attorney General has exclusive jurisdiction over civil and criminal enforcement actions under the Colorado Antitrust Act. The Unit also participates in a broad range of multistate antitrust initiatives, and joint activities with other State Attorneys General and federal law enforcement agencies.

The Unit is responsible for the enforcement and defense of the state's Tobacco Master Settlement Agreement ("MSA") and the Smokeless Tobacco Master Settlement Agreement ("STMSA"). The MSA requires the nation's leading tobacco manufacturers to comply with extensive injunctive relief and to pay approximately \$2.8 billion dollars to Colorado over the next 25 years. The Unit is responsible for enforcing the tobacco companies' compliance with the payment and other obligations of the MSA and is responsible for making sure that certain statutory schemes implemented in furtherance of the MSA are implemented and vigorously enforced.

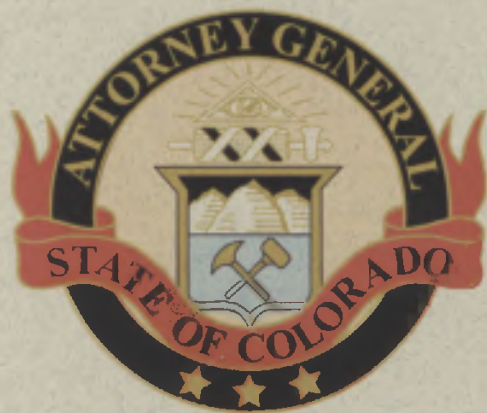
Finally, the Unit also has new and greatly expanded jurisdiction to enforce violations of article 61 of Title 12 relating to mortgage brokers and enforces the Colorado Foreclosure Protection Act.

### **Office of Consumer Counsel Unit**

This Unit provides full legal services to the Office of Consumer Counsel, a type 1 agency within the Colorado Department of Regulatory Agencies, and the Utility Consumers' Board. By statute, the OCC is charged with representing the public interest and specific interests of residential, small business, and agricultural consumers in proceedings before the Colorado Public Utilities Commission (PUC). Such advocacy most often involves matters relating to proposed changes in electric, gas, and telephone utility rates and services. See Legal Services to State Agencies for Program Summary.

The Consumer Protection Section is comprised of thirty-four FTE working in three organizational units. Each Unit has the primary mission of protecting Colorado consumers and legitimate businesses. Each Unit has separate and distinct statutory authority to carry out their respective consumer protection goals and objectives.

# FY 11-12 Schedule 2 Departmental Summary



Colorado Department of Law  
 FY 2011-12 Budget Request  
**SCHEDULE 2 - PROGRAM SUMMARY**

<b>Administration</b>	3,539,035	39.6	3,510,059	36.6	8,441,516	42.2	3,672,711	42.2	9,344,906	42.2
General Fund	310,458	0.0	253,267	0.0	1,346,510	0.0	463,813	0.0	1,460,510	0.0
General Fund Exempt	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0
Cash Fund	-	0.0	-	0.0	552,256	0.0	-	0.0	632,846	0.0
Reappropriated Funds	3,228,577	0.0	3,256,792	0.0	6,411,443	0.0	3,208,898	0.0	7,059,994	0.0
Federal Funds	-	0.0	-	0.0	131,307	0.0	-	0.0	191,555	0.0
<b>Legal Services to State Agencies</b>	23,988,431	203.5	24,532,997	212.7	23,740,102	230.6	26,848,113	230.6	23,750,169	227.6
General Fund	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0
General Fund Exempt	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0
Cash Fund	1,582,342	0.0	1,659,140	0.0	1,582,388	0.0	1,582,388	0.0	1,659,140	0.0
Reappropriated Funds	22,406,089	0.0	22,873,857	0.0	22,157,714	0.0	25,265,725	0.0	22,091,029	0.0
Federal Funds	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0
<b>Criminal Justice and Appellate</b>	8,675,526	76.7	10,065,566	81.7	10,514,905	90.0	11,550,348	90.0	10,634,646	90.0
General Fund	4,818,183	0.0	4,676,416	-	4,531,090	0.0	5,154,534	0.0	4,576,201	0.0
General Fund Exempt	-	0.0	-	-	-	0.0	-	0.0	-	0.0
Cash Fund	1,437,511	0.0	2,486,754	-	3,760,182	0.0	3,988,065	0.0	3,789,079	0.0
Reappropriated Funds	1,338,569	0.0	1,700,245	-	885,844	0.0	938,652	0.0	932,755	0.0
Federal Funds	1,081,263	0.0	1,202,150	-	1,337,789	0.0	1,469,096	0.0	1,336,610	0.0
<b>Water and Natural Resources</b>	2,296,959	13.7	1,785,137	12.2	2,083,882	12.0	2,380,940	12.0	2,109,478	12.0
General Fund	1,008,927	0.0	861,388	0.0	516,519	0.0	613,918	0.0	526,892	0.0
General Fund Exempt	63,958	0.0	-	0.0	-	0.0	-	0.0	-	0.0
Cash Fund	757,343	0.0	407,619	0.0	643,017	0.0	723,219	0.0	650,011	0.0
Reappropriated Funds	466,732	0.0	516,131	0.0	924,346	0.0	1,043,803	0.0	932,575	0.0
Federal Funds	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0
<b>Consumer Protection</b>	3,774,152	36.5	3,741,564	36.8	3,472,194	39.0	3,986,205	39.0	3,536,056	39.0
General Fund	869,025	0.0	973,361	0.0	907,056	0.0	1,068,910	0.0	928,148	0.0
General Fund Exempt	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0

**SCHEDULE 2 - PROGRAM SUMMARY**

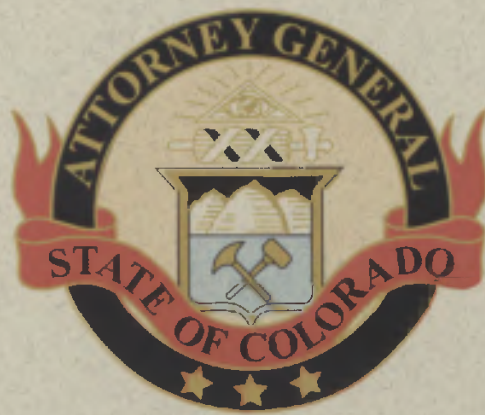
									Total Funds	
Cash Fund	2,611,467	0.0	2,463,952	0.0	2,287,611	0.0	2,611,983	0.0	2,325,596	0.0
Reappropriated Funds	293,659	0.0	304,251	0.0	277,527	0.0	305,312	0.0	282,312	0.0
Federal Funds	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0
<b>Special Purpose</b>	<b>2,628,960</b>	<b>0.0</b>	<b>2,780,285</b>	<b>0.0</b>	<b>3,821,328</b>	<b>0.0</b>	<b>3,941,329</b>	<b>0.0</b>	<b>4,042,296</b>	<b>0.0</b>
General Fund	1,751,248	0.0	2,099,564	0.0	2,313,828	0.0	2,313,828	0.0	2,534,796	0.0
General Fund Exempt	-	0.0	-	0.0	-	0.0	-	0.0	-	0.0
Cash Fund	720,393	0.0	680,720	0.0	1,075,000	0.0	1,075,000	0.0	1,075,000	0.0
Reappropriated Funds	150,093	0.0	-	0.0	432,500	0.0	552,501	0.0	432,500	0.0
Federal Funds	7,226	0.0	-	0.0	-	0.0	-	0.0	-	0.0
<b>GRAND TOTAL Department of Law</b>	<b>44,903,064</b>	<b>370.0</b>	<b>46,415,608</b>	<b>380.0</b>	<b>52,073,927</b>	<b>413.8</b>	<b>52,379,646</b>	<b>413.8</b>	<b>53,417,550</b>	<b>410.8</b>
General Fund	8,757,841	0.0	8,863,997	0.0	9,615,003	0.0	9,615,003	0.0	10,026,547	0.0
General Fund Exempt	63,958	0.0	-	0.0	-	0.0	-	0.0	-	0.0
Cash Funds	7,109,056	0.0	7,698,185	0.0	9,900,454	0.0	9,980,656	0.0	10,131,672	0.0
Reappropriated Funds	27,883,719	0.0	28,651,276	0.0	31,089,374	0.0	31,314,891	0.0	31,731,164	0.0
Federal Funds	1,088,489	0.0	1,202,150	0.0	1,469,096	0.0	1,469,096	0.0	1,528,165	0.0

Roll Forwards from FY 10

TF	305,719	
GF	(0)	
	-	
CF	80,202	
RF	225,517	
	305,719	
	305,719	
	23,750 RF	LSSA Op
	80,203 cf	Lit Doc Group
	42,756 rf	Schwabe
	39,010 rf	H&R Dehr and Ault
	120,001 rf	Indep Forensic Unit RF
	225,517	

# FY 11-12 Schedule 5

# Line Item to Statute



**Colorado Department of Law  
FY 2010-11 Budget Request  
Schedule 5: Line Item to Statute**

**(1) Administration**

Line Item Name	Line Item Description	Statutory Citation
(A) Personal Services	The Administration's primary functions are Fiscal/Accounting, Human Resources, Information Technology, Legal Support Services and the Office of the Attorney General.	24-31-101 & 102 C.R.S. (1988)
(B) Health, Life, and Dental	This appropriation covers the cost of the State's share of the employee's health, life and dental insurance.	24-50-609, C.R.S. (2007)
(C) Short-term Disability	This funds insurance coverage available for all employees and paid by the State based on payroll that provides partial payment of an employee's salary if that individual becomes disabled and cannot perform his or her work duties.	24-51-701, C.R.S. (2007)
(D) SB 04-257 Amortization Equalization	This appropriation reflects an increase to the effective PERA contribution rates beginning January 1, 2006 to bring the Department into compliance with 24-51-211 C.R.S. (2007).	24-51-411, C.R.S. (2007) Amortization equalization disbursement - repeal
(E) SB 06-235 Supplemental Amortization	This appropriation reflects an increase to the effective PERA contribution rates beginning January 1, 2006 to bring the Department into compliance with 24-51-211 C.R.S. (2007).	24-51-101(25)(b), C.R.S. (2006) Supplemental Amortization Equalization Disbursement
(F) Salary Survey for Classified Employees	This appropriation funds for Salary Survey which is equal to the recommended base salary increase for State Employees. The percentage increase is relational to private sector salary growth for similar position/occupational groups.	24-50-104(4)(c), C.R.S. (2007)
(G) Salary Survey for Exempt Employees	This appropriation funds for Salary Survey study which was done by Fox Lawson & Associates for the Department exempt employees. The percentage increase is relational to comparable pay ranges at seventeen city and county attorney offices along the Front Range.	24-50-104(4)(c), C.R.S. (2007)

**Colorado Department of Law  
FY 2010-11 Budget Request  
Schedule 5: Line Item to Statute**

**(1) Administration (Continue)**

Line Item Name	Line Item Description	Statutory Citation
(H) Performance-based Pay Awards for Classified Employees	This funds the Total Compensation Survey includes recommendations on Performance-based Pay.	24-50-104(1)(c), C.R.S. (2007)
(I) Performance-based Pay Awards for Exempt Employees	This funds the annual salary survey conducted by Fox Lawson & Associates for exempt employees.	24-50-104(4)(c), C.R.S. (2007)
(J) Attorney Registration and Continuing Legal Education	This funds \$225 annual registration fee that the Department's attorneys must pay to practice law in Colorado and \$150 for continuing legal education (CLE) expenses of the Department's attorneys.	N/A
(K) Workers' Compensation	This funds workers' compensation insurance coverage available for all employees and paid by the State. This is a job related insurance for state employee for injury coverage while performed on state duty.	8-14.5-102 C.R.S.
(L) Operating Expenses	The Administration's primary functions are Fiscal/Accounting, Human Resources, Information Technology, Text Management and the Office of the Attorney General.	24-31-101 & 102 C.R.S. (1988)
(M) Purchase of Services from Computer Center	This funds the automated data processing services from the General Government Computer Center within the Department of Personnel and Administration.	24-30-1606 C.R.S.
(N) Payment to Risk Management and Property Funds	This funds the insurance coverage for state buildings and their contents, boilers and machinery, and for employee fidelity, liability claims and workers' compensation.	N/A
(O) Vehicle Lease Payments	This funds the payments made to State Fleet Management for the cost of lease purchasing and administering the State fleet of motor vehicles.	N/A
(P) ADP Capital Outlay	This funds the computer and capital outlay for a new FTE.	N/A



**Colorado Department of Law  
FY 2010-11 Budget Request  
Schedule 5: Line Item to Statute**

**(1) Administration (Continue)**

<b>Line Item Name</b>	<b>Line Item Description</b>	<b>Statutory Citation</b>
(Q) Information Technology Asset Maintenance	This funds IT Asset Maintenance replacement such as desk top computer, laptop computer and servers.	N/A
(R) Lease Space	This funds the off site storage lease space for the Department.	N/A
(S)Capitol Complex Leased Space	This funds the payments made to the Department of Personnel and Administration for leased space for the State Services building - 1525 Sherman office.	N/A
(T) Security for State Services Building	This funds the building security for 1525 Sherman building where the Attorney General's Office resides.	N/A
(U) Communications Services Payments	This funds for all the telephone equipment and services for the Department's employees.	N/A
(V) Attorney General Discretionary Fund	This funds for the Attorney General to utilize this money on his discretionary.	24-9-105(1)(c), C.R.S.

**(2) Legal Services to State Agencies.**

<b>Line Item Name</b>	<b>Line Item Description</b>	<b>Statutory Citation</b>
(A) Personal Services	This funds personal services expense incurred in the legal counsel of Legal Services to State Agencies.	24-31-101(1)(a) C.R.S. (1998)
(B) Operating & Litigation	This funds personal services expense incurred in the legal counsel of Legal Services to State Agencies.	24-31-101(1)(a) C.R.S. (1998)
(C) Indirect Costs Assessment	This funds personal services expense incurred in the legal counsel of Legal Services to State Agencies.	24-31-101(1)(a) C.R.S. (1998)

Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 5: Line Item to Statute

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(3) Criminal Justice & Appellate

Line Item Name	Line Item Description	Statutory Citation
(A) Special Prosecution Unit	This unit investigates and prosecutes crimes - Complex Crimes; Gang prosecution; Environmental crimes; Workers' Compensation and Foreign prosecution.	24-31-105 C.R.S.
(B) Auto Theft Prevention Grant	This grant supports the FTE and operating to address auto theft	24-31-108(1) C.R.S.
(C) Appellate Unit	This unit represents the State of Colorado in criminal cases that are appealed to state and federal appellate courts and houses the Victim Assistance Unit	24-31-101(1)(a) C.R.S. (2001)
(D) Medicaid Fraud Unit	This unit is mandated by federal law, investigates and prosecutes criminal fraud against the Medicaid program as well as misconduct against patients at Medicaid funded facilities, including physical and sexual abuse, threaten abuse and criminal neglect.	§ 24-31-101(1)(a), C.R.S. (1982); Executive Order D001787, dated March 4, 1987; 42 C.F.R. § 1002.301 (1987); 42 U.S.C. § 1396b(h) (1987); and § 26-4-101, <i>et seq.</i>
(E) Peace Officer Standards and Training Board (POST)	This unit provides for certification of peace officers appointed by state and local enforcement agencies, as well as regulating basic training programs pursuant to the provision of sections 24-31-31 through 24-31-310 CRS.	24-31-301 through 24-31-310 C.R.S.
(F) Safe2Tell	This grant funds the personal services for 1.0 FTE to coordinate the Safe2Tell program statewide.	24-31-108(1) C.R.S.

**Colorado Department of Law  
FY 2010-11 Budget Request  
Schedule 5: Line Item to Statute**

**(4) Natural Resources and Water Rights**

<b>Line Item Name</b>	<b>Line Item Description</b>	<b>Statutory Citation</b>
(A) Federal & Interstate Water Unit	This Unit protects the State's interests in the waters of interstate rivers, with respect to both interstate water allocation and federal environmental requirements.	§§ 37-60-113, 114, 120, & 121.1; 37-80-116; 37-81-102, C.R.S. (1998).
(B) Defense of the Colorado River Basin Compact	This special appropriation funds the costs of litigation on the upper Colorado River Basin Compact.	§§ 37-60-113, 114, 120, & 121.1; 37-80-116; 37-81-102, C.R.S. (1998).
(B) Defense of the Republican River Compact	This special appropriation funds the costs of litigation with Kansas and Nebraska regarding Colorado's alleged violations of the Republican River Compact.	§§ 37-60-113, 114, 120, & 121.1; 37-80-116; 37-81-102, C.R.S. (1998).
(C) Consultant Expenses	This line item is being used to make payments to the private counsel that represents Colorado in Arkansas River Compact	N/A
(D) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)	This Unit handles the legal work for ten seriously contaminated sites – known as Superfund sites – most of which are being cleaned up under consent decrees by those who contaminated them.	§ 24-31-101(1)(a) C.R.S. (1998), as implemented by Executive Order Nos. D-0038-83, D-0012-86, D-0060-86, D-0084-86, D-0004-96 and D-0007-97; 42 U.S.C. §§. 9601 to 9675 (1988); §§. 25-15-301 to 313 (1998); §§ 25-16-101 to 201 (1998)
(E) CERCLA Contracts	This line item provides funding for contractors who support the work of the CERLA litigation unit. These contractors include expert witnesses, scientists knowledgeable about hazardous waste and economists knowledgeable about natural resources damages.	N/A
(F) Natural Resource Damage Claims at Rocky Mountain Arsenal	This line funds CERLA litigation against Shell Oil Company and the U.S. Army over natural resource damages at the Rocky Mountain Arsenal.	§ 24-31-101(1)(a) C.R.S. (1998)

**Colorado Department of Law  
FY 2010-11 Budget Request  
Schedule 5: Line Item to Statute**

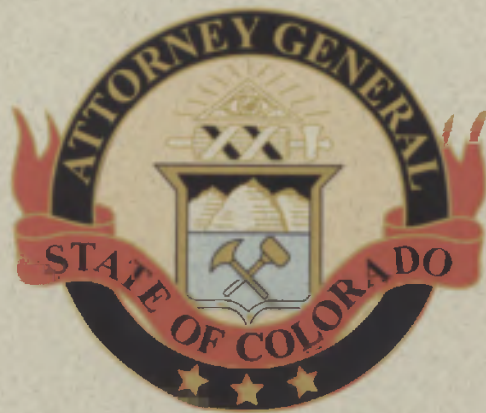
**(5) Consumer Protection**

<b>Line Item Name</b>	<b>Line Item Description</b>	<b>Statutory Citation</b>
(A) Consumer Protection and Anti-Trust	The Unit enforces both criminally and civilly, the legislative mandate set forth in the state and federal antitrust laws. It does so on behalf of the state and local governments and their citizens.	Colorado Antitrust Act of 1992, §§ 6-4-101 to 122, C.R.S. (1999);
(B) Consumer Credit Unit	The Consumer Credit unit enforces the Colorado Uniform Consumer Credit Code (UCCC) (consumer lending); Uniform Debt Management Services Act (credit counseling and debt settlement); Credit Services Organization Act (CSOA) (credit repair), and Rental Purchase Agreement Act (CROA) (rent-to-own).	§§ 12-24-101 to 12-24-137, C.R.S.; 15 U.S.C. § 1692, §§ 5-1-101 to 5-9-102.5, C.R.S.; §§ 5-10-101 to 5-10-1001, C.R.S.; §§ 12-14.5-101 to 12-14.5-113, C.R.S. 15 U.S.C. § 1601 et seq.; 12 C.F.R. § 226.

**(6) Special Purpose**

<b>Line Item Name</b>	<b>Line Item Description</b>	<b>Statutory Citation</b>
(A) District Attorneys Salaries	This funds the state portion of the state district attorney's salary expenses.	20-1-306 C.R.S. (2007)
(B) Litigation Management and Technology	This funds the unanticipated legal expenses during the fiscal year and also funds a portion of the approved IT expenditures for the Department.	24-31-101 & 102 C.R.S. (1988)
(C) Tobacco Litigation	This line item defends the enforcement of the Tobacco Settlement Agreement.	N/A

# FY 11-12 Schedule 6 Special Bills Summary



Colorado Department of Law

FY 2011-12 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2010-11									
SB10-072	Colorado Seed Potatoes Act	LSSA PS	0.00	\$ 815				\$ 815	
		LSSA OP		\$ 90				\$ 90	
		<b>Total</b>	<b>0.00</b>	<b>\$ 905</b>				<b>\$ 905</b>	
SB10-109	Physician-patient relationship for Marijunan (CDPHE)	LSSA PS	0.73	\$ 89,891				\$ 89,891	
		LSSA OP		\$ 9,988				\$ 9,988	
		<b>Total</b>	<b>0.73</b>	<b>\$ 99,879</b>				<b>\$ 99,879</b>	
SB10-109	Physician-patient relationship for Marijunan (DORA)	LSSA PS	3.77	\$ 461,326				\$ 461,326	
		LSSA OP		\$ 51,258				\$ 51,258	
		<b>Total</b>	<b>3.77</b>	<b>\$ 512,584</b>				<b>\$ 512,584</b>	
SB10-124	Healthcare provider disclose info practices (DORA)	LSSA PS	0.00	\$ 6,784				\$ 6,784	
		LSSA OP		\$ 754				\$ 754	
		<b>Total</b>	<b>0.00</b>	<b>\$ 7,538</b>				<b>\$ 7,538</b>	
SB10-203	Colo Elections after the US Supr court (Dept. of State)	LSSA PS	0.00	\$ 4,069				\$ 4,069	
		LSSA OP		\$ 453				\$ 453	
		<b>Total</b>	<b>0.00</b>	<b>\$ 4,522</b>				<b>\$ 4,522</b>	
HB10-1018	Regulate waste tires (CDPHE)	LSSA PS	0.20	\$ 13,568				\$ 13,568	
		LSSA OP		\$ 1,508				\$ 1,508	
		<b>Total</b>	<b>0.20</b>	<b>\$ 15,076</b>				<b>\$ 15,076</b>	
HB10-1125	Regulate waste food preparation (CDPHE)	LSSA PS	0.00	\$ 6,784				\$ 6,784	
		LSSA OP		\$ 754				\$ 754	
		<b>Total</b>	<b>0.00</b>	<b>\$ 7,538</b>				<b>\$ 7,538</b>	
HB10-1128	Supervision of Regulated Profes (DORA)	LSSA PS	0.00	\$ (8,819)				\$ (8,819)	
		LSSA OP		\$ (980)				\$ (980)	
		<b>Total</b>	<b>0.00</b>	<b>\$ (9,799)</b>				<b>\$ (9,799)</b>	
HB10-1141	Mortgage Company registered w Real Estate (DORA)	LSSA PS	0.00	\$ 5,766				\$ 5,766	
		LSSA OP		\$ 641				\$ 641	
		<b>Total</b>	<b>0.00</b>	<b>\$ 6,407</b>				<b>\$ 6,407</b>	
HB10-1148	Renew license to practice archite (DORA)	LSSA PS	0.00	\$ (10,176)				\$ (10,176)	
		LSSA OP		\$ (1,131)				\$ (1,131)	
		<b>Total</b>	<b>0.00</b>	<b>\$ (11,307)</b>				<b>\$ (11,307)</b>	
HB10-1176	Government overpayment of tax (Local Affairs)	LSSA PS	0.00	\$ 1,800				\$ 1,800	
		LSSA OP		\$ 200				\$ 200	
		<b>Total</b>	<b>0.00</b>	<b>\$ 2,000</b>				<b>\$ 2,000</b>	
HB10-1193	Collect sales/use taxes (Revenue)	LSSA PS	0.00	\$ 36,000				\$ 36,000	
		LSSA OP		\$ 4,000				\$ 4,000	
		<b>Total</b>	<b>0.00</b>	<b>\$ 40,000</b>				<b>\$ 40,000</b>	
HB10-1224	Colorado Podiatry Board (DORA)	LSSA PS	0.00	\$ 2,035				\$ 2,035	
		LSSA OP		\$ 226				\$ 226	
		<b>Total</b>	<b>0.00</b>	<b>\$ 2,261</b>				<b>\$ 2,261</b>	
HB10-1260	Sunset - Board of Medical Exm	LSSA PS	0.10	\$ 14,926				\$ 14,926	

Colorado Department of Law

FY 2011-12 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
	(DORA)	LSSA OP		\$ 1,658				\$ 1,658	
		Total	0.10	\$ 16,584				\$ 16,584	
HB10-1260	Sunset - Board of Medical Exm (CDPHE)	LSSA PS	0.00	\$ 610				\$ 610	
		LSSA OP		\$ 68				\$ 68	
		Total	0.00	\$ 678				\$ 678	
HB10-1278	Colorado Common Interest Owe Act (DORA)	LSSA PS	0.10	\$ 14,112				\$ 14,112	
		LSSA OP		\$ 1,567				\$ 1,567	
		Total	0.10	\$ 15,679				\$ 15,679	
HB10-1284	Regulate Medical Marijuana and (Revenue)	LSSA PS	2.00	\$ 244,231				\$ 244,231	
		LSSA OP		\$ 27,137				\$ 27,137	
		Total	2.00	\$ 271,368				\$ 271,368	
HB10-1365	PUC reduce air emissions DORA-PUC	LSSA PS	0.10	\$ 11,737				\$ 11,737	
		LSSA OP		\$ 1,304				\$ 1,304	
		Total	0.10	\$ 13,041				\$ 13,041	
HB10-1415	Registration of assistant for surg (DORA)	LSSA PS	0.00	\$ 3,392				\$ 3,392	
		LSSA OP		\$ 377				\$ 377	
		Total	0.00	\$ 3,769				\$ 3,769	
	LSSA Total	Total	7.0	\$ 998,723	\$ -		\$ -	\$ 998,723	\$ -
SB10-167	False Claims Act (HCPF)	Medicaid Fraud	3.00	\$ 245,095	\$ 61,274			\$ -	\$ 183,821
		Total	3.00	\$ 276,580	\$ 7,871			\$ -	\$ 23,614
HB10-1329	Solid Waste User Fees (CDPHE)	CERCLA	0.00	\$ 41,384	\$ (511,159)			\$ 552,543	
		Total	0.00	\$ 41,384	\$ (511,159)			\$ 552,543	
HB10-1385	Division of Insurance Legislation	Special Pros	0.00	\$ -			\$ 860,186	\$ (860,186)	
		Total	0.00	\$ -			\$ 860,186	\$ (860,186)	
<b>FY 2010-11 Department Total</b>			<b>10.00</b>	<b>\$ 1,316,687</b>	<b>\$ (442,014)</b>	<b>\$ -</b>	<b>\$ 860,186</b>	<b>\$ 691,080</b>	<b>\$ 207,435</b>
<b>FY 2009-10</b>									
SB 09-026	Athletic Trainers to register with DORA	(2) Legal Services to State Agencies							
		Personal Services	0.2	\$21,779	\$0	\$0	\$0	\$21,779	\$0
		Total	0.2	\$21,779	\$0	\$0	\$0	\$21,779	\$0
		Total SB 09-026	0.2	\$21,779	\$0	\$0	\$0	\$21,779	\$0
SB 09-123	Pilot Program to reduce the dropout rate of adolescent students	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$751	\$0	\$0	\$0	\$751	\$0
		Total	0.0	\$751	\$0	\$0	\$0	\$751	\$0
		Total SB 08-123	0.0	\$751	\$0	\$0	\$0	\$751	\$0
SB 09-138	Certification of nurse aides	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$3,755	\$0	\$0	\$0	\$3,755	\$0
		Total	0.0	\$3,755	\$0	\$0	\$0	\$3,755	\$0

Colorado Department of Law

FY 2011-12 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
		Total SB 08-138	0.0	\$3,755	\$0	\$0	\$0	\$3,755	\$0
SB 09-163	Amends the Education Accreditation Act	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$7,135	\$0	\$0	\$0	\$7,135	\$0
		Total	0.0	\$7,135	\$0	\$0	\$0	\$7,135	\$0
		Total SB 08-163	0.0	\$7,135	\$0	\$0	\$0	\$7,135	\$0
SB 09-167	Regulation of Chiropractors	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$4,882	\$0	\$0	\$0	\$4,882	\$0
		Total	0.0	\$4,882	\$0	\$0	\$0	\$4,882	\$0
		Total SB 08-167	0.0	\$4,882	\$0	\$0	\$0	\$4,882	\$0
SB 09-239	Regulation of Nurses	(2) Legal Services to State Agencies							
		Personal Services	0.2	\$33,795	\$0	\$0	\$0	\$33,795	\$0
		Total	0.2	\$33,795	\$0	\$0	\$0	\$33,795	\$0
		Total SB 08-239	0.2	\$33,795	\$0	\$0	\$0	\$33,795	\$0
HB 09-1036	Increase the motor vehicle registration fee to .60 cents	(2) Legal Services to State Agencies							
		Personal Services	1.0	\$1,494,995	\$0	\$0	\$1,494,995	\$0	\$0
		Total	1.0	\$1,494,995	\$0	\$0	\$1,494,995	\$0	\$0
		Total HB 08-1036	1.0	\$1,494,995	\$0	\$0	\$1,494,995	\$0	\$0
HB 09-1086	Renewal of licenses or certifications for social workers	(2) Legal Services to State Agencies							
		Personal Services	0.2	\$30,000	\$0	\$0	\$0	\$30,000	\$0
		Total	0.2	\$30,000	\$0	\$0	\$0	\$30,000	\$0
		Total HB 08-1086	0.2	\$30,000	\$0	\$0	\$0	\$30,000	\$0
HB 09-1136	Renewal of licenses of electricians	(2) Legal Services to State Agencies							
		Personal Services	0.1	\$11,265	\$0	\$0	\$0	\$11,265	\$0
		Total	0.1	\$11,265	\$0	\$0	\$0	\$11,265	\$0
		Total HB 08-1136	0.1	\$11,265	\$0	\$0	\$0	\$11,265	\$0
HB 09-1173	Enforcement of tobacco laws	(2) Legal Services to State Agencies							
		Personal Services	0.1	\$7,510	\$0	\$0	\$0	\$7,510	\$0
		Total	0.1	\$7,510	\$0	\$0	\$0	\$7,510	\$0
		Total HB 08-1173	0.1	\$7,510	\$0	\$0	\$0	\$7,510	\$0
HB 09-1188	Medical practitioners disclosure certain information for licenses renewal	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$0	\$0	\$0	\$0	\$0	\$0
		Total	0.0	\$0	\$0	\$0	\$0	\$0	\$0
		Total HB 08-1188	0.0	\$0	\$0	\$0	\$0	\$0	\$0
HB 09-1202	Registration program for funeral establishments and crematories	(2) Legal Services to State Agencies							
		Personal Services	0.2	\$24,783	\$0	\$0	\$0	\$24,783	\$0
		Total	0.2	\$24,783	\$0	\$0	\$0	\$24,783	\$0



## Colorado Department of Law

FY 2011-12 Budget Request

## Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
		Total HB 08-1202	0.2	\$24,783	\$0	\$0	\$0	\$24,783	\$0
HB 09-1319	Repeals enrollment programs	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$10,139	\$0	\$0	\$0	\$10,139	\$0
		Total	0.0	\$10,139	\$0	\$0	\$0	\$10,139	\$0
		Total HB 08-1319	0.0	\$10,139	\$0	\$0	\$0	\$10,139	\$0
<b>FY 2009-10 Department Total</b>			<b>2.0</b>	<b>\$1,650,789</b>	<b>\$0</b>	<b>0.0</b>	<b>1,494,995.0</b>	<b>155,794.0</b>	<b>0.0</b>
<b>FY 2008-09</b>									
SB 08-029	Architect Obtain Continuing Education	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$8,104	\$0	\$0	\$0	\$8,104	\$0
		Operating Expense	0.0	\$900	\$0	\$0	\$0	\$900	\$0
		Total	0.0	\$9,004	\$0	\$0	\$0	\$9,004	\$0
		Total SB 08-029	0.0	\$9,004	\$0	\$0	\$0	\$9,004	\$0
SB 08-152	Occupational Therapy	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$9,725	\$0	\$0	\$0	\$9,725	\$0
		Operating Expense	0.0	\$1,081	\$0	\$0	\$0	\$1,081	\$0
		Total	0.0	\$10,806	\$0	\$0	\$0	\$10,806	\$0
		Total SB 08-152	0.0	\$10,806	\$0	\$0	\$0	\$10,806	\$0
SB 08-153	Home Care Agencies by DPHE	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$2,593	\$0	\$0	\$0	\$2,593	\$0
		Operating Expense	0.0	\$288	\$0	\$0	\$0	\$288	\$0
		Total	0.0	\$2,881	\$0	\$0	\$0	\$2,881	\$0
		Total SB 08-153	0.0	\$2,881	\$0	\$0	\$0	\$2,881	\$0
SB 08-200	The Expansion of Prohibitions against Discrimination	(2) Legal Services to State Agencies							
		Personal Services	0.5	\$54,066	\$0	\$0	\$0	\$54,066	\$0
		Operating Expense	0.0	\$6,007	\$0	\$0	\$0	\$6,007	\$0
		Total	0.5	\$60,073	\$0	\$0	\$0	\$60,073	\$0
		Total SB 08-200	0.5	\$60,073	\$0	\$0	\$0	\$60,073	\$0
SB 08-219	Regulation of Massage Therapists	(2) Legal Services to State Agencies							
		Personal Services	0.2	\$16,207	\$0	\$0	\$0	\$16,207	\$0

**Colorado Department of Law**

FY 2011-12 Budget Request

**Schedule 6: Special Bills Summary**

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
		Operating Expense	0.0	\$1,801	\$0	\$0	\$0	\$1,801	\$0
		Total	0.2	\$18,008	\$0	\$0	\$0	\$18,008	\$0
		Total SB 08-219	0.2	\$18,008	\$0	\$0	\$0	\$18,008	\$0
HB 08-1058	Uniform Athlete Agents Act	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$6,808	\$0	\$0	\$0	\$6,808	\$0
		Operating Expense	0.0	\$756	\$0	\$0	\$0	\$756	\$0
		Total	0.0	\$7,564	\$0	\$0	\$0	\$7,564	\$0
		Total HB 08-1058	0.0	\$7,564	\$0	\$0	\$0	\$7,564	\$0
HB 08-1161	Mined Land Reclamation Board	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$12,965	\$0	\$0	\$0	\$12,965	\$0
		Operating Expense	0.0	\$1,441	\$0	\$0	\$0	\$1,441	\$0
		Total	0.0	\$14,406	\$0	\$0	\$0	\$14,406	\$0
		Total HB 08-1161	0.0	\$14,406	\$0	\$0	\$0	\$14,406	\$0
HB 08-1226	CPA from another state to practice	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$3,242	\$0	\$0	\$0	\$3,242	\$0
		Operating Expense	0.0	\$360	\$0	\$0	\$0	\$360	\$0
		Total	0.0	\$3,602	\$0	\$0	\$0	\$3,602	\$0
		Total HB 08-1226	0.0	\$3,602	\$0	\$0	\$0	\$3,602	\$0
HB 08-1227	PUC under the Sunset Law	(2) Legal Services to State Agencies							
		Operating Expense	0.0	\$4,322	\$0	\$0	\$0	\$4,322	\$0
		Total	0.3	\$43,218	\$0	\$0	\$0	\$43,218	\$0
		Total HB 08-1227	0.3	\$43,218	\$0	\$0	\$0	\$43,218	\$0
HB 08-1257	Motor Vehicle with an Overweight Divisible Load	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$9,801	\$0	\$0	\$0	\$9,801	\$0
		Operating Expense	0.0	\$1,089	\$0	\$0	\$0	\$1,089	\$0
		Total	0.0	\$10,890	\$0	\$0	\$0	\$10,890	\$0
		Total HB 08-1257	0.0	\$10,890	\$0	\$0	\$0	\$10,890	\$0
HB 08-1314	Gambling Addiction Counseling	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$2,579	\$0	\$0	\$0	\$2,579	\$0
		Operating Expense	0.0	\$287	\$0	\$0	\$0	\$287	\$0
		Total	0.0	\$2,866	\$0	\$0	\$0	\$2,866	\$0

## Colorado Department of Law

FY 2011-12 Budget Request

## Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
		Total HB 08-1314	0.0	\$2,866	\$0	\$0	\$0	\$2,866	\$0
HB 08-1325	Non-Immigrant Agricultural Seasonal	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$3,890	\$0	\$0	\$0	\$3,890	\$0
		Operating Expense	0.0	\$432	\$0	\$0	\$0	\$432	\$0
		Total	0.0	\$4,322	\$0	\$0	\$0	\$4,322	\$0
		Total HB 08-1325	0.0	\$4,322	\$0	\$0	\$0	\$4,322	\$0
HB 08-1335	Finance Public School Facility	(2) Legal Services to State Agencies							
		Personal Services	0.3	\$29,173	\$0	\$0	\$0	\$29,173	\$0
		Operating Expense	0.0	\$3,241	\$0	\$0	\$0	\$3,241	\$0
		Total	0.3	\$32,414	\$0	\$0	\$0	\$32,414	\$0
		Total HB 08-1335	0.3	\$32,414	\$0	\$0	\$0	\$32,414	\$0
HB 08-1353	Easement in the state	(2) Legal Services to State Agencies							
		Personal Services	0.3	\$33,710	\$0	\$0	\$0	\$33,710	\$0
		Operating Expense	0.0	\$6,771	\$0	\$0	\$0	\$6,771	\$0
		Total	0.3	\$40,481	\$0	\$0	\$0	\$40,481	\$0
		Total HB 08-1353	0.3	\$40,481	\$0	\$0	\$0	\$40,481	\$0
HB 08-1383	Inactive Status for Nursing Licenses	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$648	\$0	\$0	\$0	\$648	\$0
		Operating Expense	0.0	\$72	\$0	\$0	\$0	\$72	\$0
		Total	0.0	\$720	\$0	\$0	\$0	\$720	\$0
		Total HB 08-1383	0.0	\$720	\$0	\$0	\$0	\$720	\$0
HB 08-1397	Evidence Collected in Criminal Cases	(3) Criminal Justice and Appellate Peace Officers Standards and Training Board							
		Personal Services	0.0	\$61,382	\$61,382	\$0	\$0	\$0	\$0
		Operating Expense	0.0	\$19,825	\$19,825	\$0	\$0	\$0	\$0
		Total	0.0	\$81,207	\$81,207	\$0	\$0	\$0	\$0
		Total HB 08-1397	0.0	\$81,207	\$81,207	\$0	\$0	\$0	\$0
HB09-1188	Modified Skolnik Medical Transparency Act	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$907	\$0	\$0	\$0	\$907	\$0
		Operating Expense	0.0	\$220	\$0	\$0	\$0	\$220	\$0

**Colorado Department of Law**

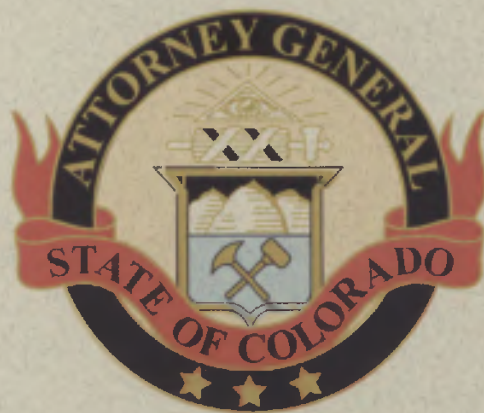
**FY 2011-12 Budget Request**

**Schedule 6: Special Bills Summary**

<b>Bill Number</b>	<b>Short Bill Title</b>	<b>Line Items</b>	<b>FTE</b>	<b>Total Funds</b>	<b>General Fund</b>	<b>General Fund Exempt</b>	<b>Cash Funds</b>	<b>Cash Funds Exempt / Reappropriated Funds</b>	<b>Federal Funds</b>
		Total	0.0	\$1,127	\$0	\$0	\$0	\$1,127	\$0
		Total HB 08-1188	0.0	\$1,127	\$0	\$0	\$0	\$1,127	\$0
<b>FY 2008-09 Department Total</b>			<b>1.6</b>	<b>\$343,589</b>	<b>\$81,207</b>	<b>0.0</b>	<b>0.0</b>	<b>262,382.0</b>	<b>0.0</b>



# **FY 11-12 Schedule 7 Supplemental Bills Summary**



Colorado Department of Law  
 FY 2011-12 Budget Request  
 Schedule 7: Supplemental Bills Summary

Bill Number	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
HB 10-1305	<b>(1) Administration</b>						
	Personal Services	0.0	(\$205,000)	\$0	\$0	(\$205,000)	\$0
	Workers' Compensation	0.0	(\$2,213)	\$ (664)	(\$189)	(\$1,301)	(\$59)
	Operating Expenses	0.0	(\$20,856)	\$0	\$0	(\$20,856)	\$0
	Purchase of Services from Comp. Ce	0.0	(\$3,182)	\$ (3,182)	\$0	\$0	\$0
	Payment to Risk Mgt and Prop Funds	0.0	(\$5,678)	\$0	\$0	(\$5,678)	\$0
	Capitol Complex Leased Space	0.0	(\$17,445)	\$ (5,243)	(\$1,483)	(\$10,254)	(\$465)
	<b>Total</b>	<b>0.0</b>	<b>(\$254,374)</b>	<b>(\$9,089)</b>	<b>(\$1,672)</b>	<b>(\$243,089)</b>	<b>(\$524)</b>
	<b>(2) Legal Services to State Agencies</b>						
	Personal Services	1.9	\$218,152	\$0	\$718,714	(\$500,562)	\$0
	Operating and Litigation	0.0	\$42,024	\$0	\$0	\$42,024	\$0
	<b>Total</b>	<b>1.9</b>	<b>\$260,176</b>	<b>\$0</b>	<b>\$718,714</b>	<b>(\$458,538)</b>	<b>\$0</b>
	<b>Need to figure fund splits</b>						
	<b>(3) Criminal Justice and Appellate</b>						
	Special Prosecutions Unit	0.0	(\$131,198)	(\$131,198)	\$0	\$0	\$0
	Auto theft Prevention Grant	0.5	\$72,083	\$0	\$72,083	\$0	\$0
	Appellate Unit	0.0	(\$228)	(\$281,762)	\$0	\$281,534	\$0
	Medicaid Fraud Unit	0.0	(\$39,280)	(\$9,820)	\$0	\$0	(\$29,460)
	Peace Officers Standards and Training Board Support	0.0	(\$50,367)	(\$50,000)	(\$367)	\$0	\$0
	Defense of the Republican River	0.0	\$0	\$0	\$0	\$0	\$0
	<b>Total</b>	<b>0.5</b>	<b>(\$148,990)</b>	<b>(\$472,780)</b>	<b>\$71,716</b>	<b>\$281,534</b>	<b>(\$29,460)</b>
	<b>(4) Water and Natural Resources</b>						
	Federal and Interstate Water Unit	0.0	(\$26,840)	(\$26,840)	\$0	\$0	\$0
	Consultant Expenses	0.0	\$50,000	\$0	\$50,000	\$0	\$0
	CERLA	0.0	(\$77,154)	(\$77,154)	\$0	\$0	\$0
	CELRA Contracts	0.0	\$20,000	(\$75,000)	\$0	\$95,000	\$0
	<b>Total</b>	<b>0.0</b>	<b>(\$33,994)</b>	<b>(\$178,994)</b>	<b>\$50,000</b>	<b>\$95,000</b>	<b>\$0</b>
	<b>(5) Consumer Protection</b>						
Consumer Protection & Anti-Trust	0.0	(\$117,333)	(\$117,333)	\$0	\$0	\$0	

Colorado Department of Law  
FY 2011-12 Budget Request  
Schedule 7: Supplemental Bills Summary

Bill Number	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
	Collection Agency Board	0.0	(\$566)	\$0	(\$566)	\$0	\$0
	Uniform Consumer Credit Code	0.0	(\$624)	\$0	(\$624)	\$0	\$0
	<b>Total</b>	<b>0.0</b>	<b>(\$118,523)</b>	<b>(\$117,333)</b>	<b>(\$1,190)</b>	<b>\$0</b>	<b>\$0</b>
	<b>(6) Special Purpose</b>						
	Statewide HIPAA Legal Services	0.0	(\$4,000)	(\$4,000)	\$0	\$0	\$0
	Tobacco Litigation	0.0	\$300,000	\$0	\$300,000	\$0	\$0
	<b>Total</b>	<b>0.0</b>	<b>\$296,000</b>	<b>(\$4,000)</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Total HB 10-1305</b>		<b>2.4</b>	<b>\$295</b>	<b>(\$782,196)</b>	<b>\$1,137,568</b>	<b>(\$325,093)</b>	<b>(\$29,984)</b>
SB 09-192	<b>(1) Administration</b>						
	Health, Life, and Dental	0.0	(\$9,113) \$	(9,113)	\$0	\$0	\$0
	Amortization Equalization Disb	0.0	(\$3,921) \$	(3,921)	\$0	\$0	\$0
	Supplemental Amortization Eq. Disb	0.0	(\$1,918) \$	(1,918)	\$0	\$0	\$0
	Salary survey for Classified Employee	0.0	(\$90,062) \$	(90,062)	\$0	\$0	\$0
	Salary survey for Exempt Employees	0.0	(\$9,128) \$	(9,128)	\$0	\$0	\$0
	PBP for Classified Employees	0.0	(\$23,827) \$	(23,827)	\$0	\$0	\$0
	PBP for Exempt Employees	0.0	(\$3,167) \$	(3,167)	\$0	\$0	\$0
	Workers' Compensation	0.0	(\$673) \$	(673)	\$0	\$0	\$0
	Capitol Complex Leased Space	0.0	(\$9,696) \$	(9,696)	\$0	\$0	\$0
	<b>Total</b>	<b>0.0</b>	<b>(\$151,505) \$</b>	<b>(151,505)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>(2) Legal Services to State Agencies</b>						
	Personal Services	2.0	\$237,425	\$0	\$0	\$237,425	\$0
	Operating and Litigation	0.0	\$49,236	\$0	\$0	\$49,236	\$0
	<b>Total</b>	<b>2.0</b>	<b>\$286,661</b>	<b>\$0</b>	<b>\$0</b>	<b>\$286,661</b>	<b>\$0</b>
	<b>(3) Criminal Justice and Appellate</b>						
	Special Prosecutions Unit	12.8	(\$10,000)	(\$10,000)	\$0	\$0	\$0
	Securities Fraud Unit	7.6	(\$10,000)	(\$10,000)	\$0	\$0	\$0
	Appellate Unit	30.0	(\$120,000)	(\$120,000)	\$0	\$0	\$0
	Medicaid Fraud Unit	14.0	(\$80,000)	(\$20,000)	\$0	\$0	(\$60,000)



Colorado Department of Law  
FY 2011-12 Budget Request  
Schedule 7: Supplemental Bills Summary

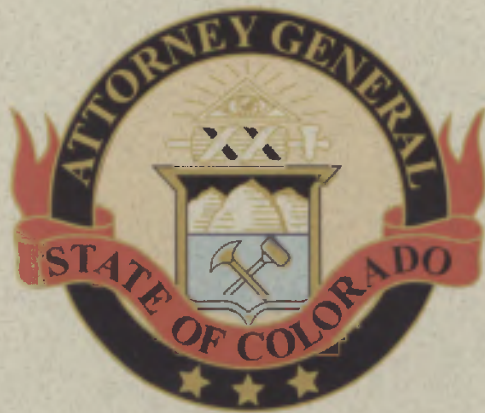
Bill Number	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
	Capital Crimes Prosecution Unit	4.0	(\$70,000)	(\$70,000)	\$0	\$0	\$0
	<b>Total</b>	<b>68.4</b>	<b>(\$290,000)</b>	<b>(\$230,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$60,000)</b>
	<b>(4) Water and Natural Resources</b>						
	Federal and Interstate Water Unit	5.5	(\$30,000)	(\$30,000)	\$0	\$0	\$0
	Defense of the Republican River	0.0	\$19,144	\$0	\$19,144	\$0	\$0
	Consultant Expenses	0.0	\$70,000	\$0	\$70,000	\$0	\$0
	CERLA	4.3	(\$70,000)	(\$70,000)	\$0	\$0	\$0
	CELRA Contracts	0.0	(\$130,000)	(\$155,000)	\$0	\$25,000	\$0
	<b>Total</b>	<b>9.8</b>	<b>(\$140,856)</b>	<b>(\$255,000)</b>	<b>\$89,144</b>	<b>\$25,000</b>	<b>\$0</b>
	<b>(5) Consumer Protection</b>						
	Consumer Protection & Anti-Trust	20.0	(\$33,495)	(\$153,495)	\$120,000	\$0	\$0
	<b>Total</b>	<b>20.0</b>	<b>(\$33,495)</b>	<b>(\$153,495)</b>	<b>\$120,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>(6) Special Purpose</b>						
	Litigation Mgt and Tech. Fund	0.0	\$150,000	\$0	\$150,000	\$0	\$0
	<b>Total</b>	<b>0.0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Total SB 09-192</b>		<b>31.8</b>	<b>(\$179,195)</b>	<b>(\$790,000)</b>	<b>\$359,144</b>	<b>\$311,661</b>	<b>(\$60,000)</b>
HB 08-1290	<b>(1) Administration</b>						
	Workers' Compensation	0.0	(\$27,430)	(\$8,599)	(\$1,976)	(\$16,072)	(\$783)
	Administrative Law Judge Services	0.0	(\$1,282)	\$0	(\$1,282)	\$0	\$0
	Purchases of Services from Computer Center	0.0	\$4,697	\$0	\$0	\$4,697	\$0
	Payment to Risk Management and Property Funds	0.0	(\$8,671)	\$0	\$0	(\$8,671)	\$0
	Vehicle Lease Payment	0.0	(\$9,308)	(\$1,342)	(\$3,016)	(\$4,890)	(\$60)
	Capitol Complex Leased Space	0.0	\$18,065	\$5,697	\$1,298	\$10,556	\$514
	Communication Services Payments	0.0	(\$86)	(\$36)	(\$5)	(\$21)	(\$24)
	<b>Total</b>	<b>0.0</b>	<b>(\$24,015)</b>	<b>(\$4,280)</b>	<b>(\$4,981)</b>	<b>(\$14,401)</b>	<b>(\$353)</b>
	<b>(2) Legal Services to State Agencies</b>						

Colorado Department of Law  
FY 2011-12 Budget Request  
Schedule 7: Supplemental Bills Summary

Bill Number	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
	Personal Services	1.5	\$127,237	\$0	\$0	\$127,237	\$0
	Operating and Litigation	0.0	\$63,619	\$0	\$0	\$63,619	\$0
	<b>Total</b>	<b>1.5</b>	<b>\$190,856</b>	<b>\$0</b>	<b>\$0</b>	<b>\$190,856</b>	<b>\$0</b>
	<b>(4) Water and Natural Resources</b>						
	Federal and Interstate Water Unit	0.0	(\$45,000)	(\$45,000)	\$0	\$0	\$0
	Defense of the Republican River	0.0	\$130,000			\$130,000	
	<b>Total</b>	<b>0.0</b>	<b>\$85,000</b>	<b>(\$45,000)</b>	<b>\$0</b>	<b>\$130,000</b>	<b>\$0</b>
	<b>(5) Consumer Protection</b>						
	Consumer Protection & Anti-Trust	(5.3)	(\$450,957)	\$0	\$0	(\$450,957)	\$0
	<b>Total</b>	<b>(5.3)</b>	<b>(\$450,957)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$450,957)</b>	<b>\$0</b>
	<b>(6) Special Purpose</b>						
	Fraudulent Document (SB06-110)	(1.0)	(\$65,874)	\$0	(\$65,874)	\$0	\$0
	Referendum K	(0.5)	(\$20,000)	(\$20,000)			
	<b>Total</b>	<b>(1.5)</b>	<b>(\$85,874)</b>	<b>(\$20,000)</b>	<b>(\$65,874)</b>	<b>\$0</b>	<b>\$0</b>
<b>Total HB 08-1290</b>		<b>(5.3)</b>	<b>(\$284,990)</b>	<b>(\$69,280)</b>	<b>(\$70,855)</b>	<b>(\$144,502)</b>	<b>(\$353)</b>

# FY 11-12 Schedule 8

# Common Policy Summary



**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Health/Dental/Life</b>					
<b>FY 2008-09</b>					
(1) Administration	\$168,578	\$168,578	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$999,681	\$0	\$0	\$999,681	\$0
(3) Criminal Justice and Appellate	\$406,058	\$260,535	\$35,115	\$64,279	\$46,129
(4) Water and Natural Resources	\$57,405	\$48,506	\$8,899	\$0	\$0
(5) Consumer Protection	\$142,384	\$45,261	\$97,123	\$0	\$0
Total Expenditures	\$1,774,106	\$522,880	\$141,137	\$1,063,960	\$46,129
Total Appropriated	\$1,774,106	\$522,880	\$141,137	\$1,063,960	\$46,129
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-010</b>					
(1) Administration	\$190,695	\$190,695	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$1,136,254	\$0	\$0	\$1,136,254	\$0
(3) Criminal Justice and Appellate	\$361,686	\$215,526	\$29,978	\$57,133	\$59,049
(4) Water and Natural Resources	\$54,532	\$54,532	\$0	\$0	\$0
(5) Consumer Protection	\$197,501	\$73,661	\$122,633	\$1,207	\$0
Total Expenditures	\$1,940,668	\$534,414	\$152,611	\$1,194,594	\$59,049
Total Appropriated	\$1,940,668	\$534,414	\$152,611	\$1,194,594	\$59,049
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$187,632	\$187,632	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$1,197,340	\$0	\$0	\$1,197,340	\$0
(3) Criminal Justice and Appellate	\$386,615	\$233,794	\$85,030	\$17,524	\$50,267
(4) Water and Natural Resources	\$46,422	\$35,702	\$0	\$10,720	\$0
(5) Consumer Protection	\$204,122	\$72,262	\$131,047	\$813	\$0
Total Expenditures	\$2,022,131	\$529,390	\$216,077	\$1,226,397	\$50,267
Total Appropriated	\$2,022,131	\$529,390	\$216,077	\$1,226,397	\$50,267
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$2,281,572	\$577,900	\$237,546	\$1,385,970	\$80,156
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$2,281,572	\$577,900	\$237,546	\$1,385,970	\$80,156
Total Appropriated	\$2,281,572	\$577,900	\$237,546	\$1,385,970	\$80,156
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Short-term Disability</b>					
<b>FY 2008-09</b>					
(1) Administration	\$3,156	\$3,156	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$20,339	\$0	\$0	\$20,339	\$0
(3) Criminal Justice and Appellate	\$8,190	\$5,290	\$696	\$1,070	\$1,134
(4) Water and Natural Resources	\$1,260	\$1,260	\$0	\$0	\$0
(5) Consumer Protection	\$3,395	\$966	\$2,178	\$251	\$0
Total Expenditures	\$36,340	\$10,672	\$2,874	\$21,660	\$1,134
Total Appropriated	\$36,340	\$10,672	\$2,874	\$21,660	\$1,134
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$3,248	\$3,248	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$19,985	\$0	\$0	\$19,985	\$0
(3) Criminal Justice and Appellate	\$8,183	\$5,249	\$700	\$1,246	\$988
(4) Water and Natural Resources	\$1,456	\$1,456	\$0	\$0	\$0
(5) Consumer Protection	\$3,684	\$1,126	\$2,262	\$296	\$0
Total Expenditures	\$36,556	\$11,079	\$2,962	\$21,527	\$988
Total Appropriated	\$36,556	\$11,079	\$2,962	\$21,527	\$988
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$3,609	\$3,609	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$23,981	\$0	\$0	\$23,981	\$0
(3) Criminal Justice and Appellate	\$8,842	\$5,526	\$1,562	\$501	\$1,253
(4) Water and Natural Resources	\$1,435	\$1,029	\$0	\$406	\$0
(5) Consumer Protection	\$4,379	\$1,729	\$2,267	\$383	\$0
Total Expenditures	\$42,246	\$11,893	\$3,829	\$25,271	\$1,253
Total Appropriated	\$42,246	\$11,893	\$3,829	\$25,271	\$1,253
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$51,296	\$13,021	\$4,886	\$31,462	\$1,927
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$51,296	\$13,021	\$4,886	\$31,462	\$1,927
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>S.B. 04-257 Amortization Equalization Disbursement</b>					
<b>FY 2008-09</b>					
(1) Administration	\$37,945	\$37,945	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$249,805	\$0	\$0	\$249,805	\$0
(3) Criminal Justice and Appellate	\$99,936	\$64,254	\$8,557	\$13,174	\$13,951
(4) Water and Natural Resources	\$14,881	\$12,193	\$2,688	\$0	\$0
(5) Consumer Protection	\$38,022	\$10,295	\$24,644	\$3,083	\$0
Total Expenditures	\$440,589	\$124,687	\$35,889	\$266,062	\$13,951
Total Appropriated	\$440,589	\$124,687	\$35,889	\$266,062	\$13,951
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$47,556	\$47,556	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$324,136	\$0	\$0	\$324,136	\$0
(3) Criminal Justice and Appellate	\$118,593	\$75,400	\$10,763	\$16,079	\$16,351
(4) Water and Natural Resources	\$20,574	\$20,574	\$0	\$0	\$0
(5) Consumer Protection	\$49,963	\$15,924	\$30,220	\$3,819	\$0
Total Expenditures	\$560,822	\$159,454	\$40,983	\$344,034	\$16,351
Total Appropriated	\$560,822	\$159,454	\$40,983	\$344,034	\$16,351
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$54,036	\$54,036	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$374,987	\$0	\$0	\$374,987	\$0
(3) Criminal Justice and Appellate	\$142,132	\$92,746	\$23,511	\$6,474	\$19,401
(4) Water and Natural Resources	\$22,406	\$14,920	\$0	\$7,486	\$0
(5) Consumer Protection	\$60,753	\$21,429	\$34,741	\$4,583	\$0
Total Expenditures	\$654,314	\$183,131	\$58,252	\$393,530	\$19,401
Total Appropriated	\$654,314	\$183,131	\$58,252	\$393,530	\$19,401
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$811,469	\$205,982	\$77,296	\$497,713	\$30,478
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$811,469	\$205,982	\$77,296	\$497,713	\$30,478
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

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Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>S.B. 06-235 Supplemental Amortization Equalization Disbursement</b>					
<b>FY 2008-09</b>					
(1) Administration	\$17,808	\$17,808	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$117,341	\$0	\$0	\$117,341	\$0
(3) Criminal Justice and Appellate	\$43,598	\$26,872	\$4,011	\$6,176	\$6,539
(4) Water and Natural Resources	\$7,100	\$5,840	\$1,260	\$0	\$0
(5) Consumer Protection	\$18,461	\$5,709	\$11,307	\$1,445	\$0
Total Expenditures	\$204,308	\$56,229	\$16,578	\$124,962	\$6,539
Total Appropriated	\$204,308	\$56,229	\$16,578	\$124,962	\$6,539
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$29,218	\$29,218	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$202,585	\$0	\$0	\$202,585	\$0
(3) Criminal Justice and Appellate	\$73,382	\$46,385	\$6,728	\$10,050	\$10,219
(4) Water and Natural Resources	\$12,647	\$12,647	\$0	\$0	\$0
(5) Consumer Protection	\$31,057	\$9,784	\$18,886	\$2,387	\$0
Total Expenditures	\$348,889	\$98,034	\$25,614	\$215,022	\$10,219
Total Appropriated	\$348,889	\$98,034	\$25,614	\$215,022	\$10,219
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$39,946	\$39,946	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$273,429	\$0	\$0	\$273,429	\$0
(3) Criminal Justice and Appellate	\$103,438	\$67,429	\$17,143	\$4,720	\$14,146
(4) Water and Natural Resources	\$17,086	\$11,627	\$0	\$5,459	\$0
(5) Consumer Protection	\$43,419	\$14,745	\$25,332	\$3,342	\$0
Total Expenditures	\$477,318	\$133,747	\$42,475	\$286,950	\$14,146
Total Appropriated	\$477,318	\$133,747	\$42,475	\$286,950	\$14,146
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$652,073	\$165,521	\$62,113	\$399,948	\$24,491
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$652,073	\$165,521	\$62,113	\$399,948	\$24,491
Total Appropriated	\$652,073	\$165,521	\$62,113	\$399,948	\$24,491
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Salary Survey for Classified Employees</b>					
<b>FY 2008-09</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$115,493	\$0	\$0	\$115,493	\$0
(3) Criminal Justice and Appellate	\$78,129	\$27,454	\$18,360	\$13,151	\$19,164
(4) Water and Natural Resources	\$10,740	\$10,740	\$0	\$0	\$0
(5) Consumer Protection	\$46,751	\$10,043	\$36,708	\$0	\$0
Total Expenditures	\$251,113	\$48,237	\$55,068	\$128,644	\$19,164
Total Appropriated	\$251,113	\$48,237	\$55,068	\$128,644	\$19,164
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0



**Department of Law**  
**Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Salary Survey for Exempt Employees					
FY 2008-09					
(1) Administration	\$16,034	\$16,034	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$445,619	\$0	\$0	\$445,619	\$0
(3) Criminal Justice and Appellate	\$116,518	\$96,242	\$2,759	\$12,736	\$4,781
(4) Water and Natural Resources	\$24,327	\$20,163	\$4,164	\$0	\$0
(5) Consumer Protection	\$46,818	\$22,820	\$20,771	\$3,227	\$0
Total Expenditures	\$649,316	\$155,259	\$27,694	\$461,582	\$4,781
Total Appropriated	\$649,316	\$155,259	\$27,694	\$461,582	\$4,781
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2011-12					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Performance-based Pay Awards for Classified Employees</b>					
<b>FY 2008-09</b>					
(1) Administration	\$7,700	\$7,700	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$42,999	\$0	\$0	\$42,999	\$0
(3) Criminal Justice and Appellate	\$38,430	\$16,003	\$7,012	\$6,055	\$9,360
(4) Water and Natural Resources	\$3,823	\$3,823	\$0	\$0	\$0
(5) Consumer Protection	\$17,024	\$3,225	\$13,799	\$0	\$0
Total Expenditures	\$109,976	\$30,751	\$20,811	\$49,054	\$9,360
Total Appropriated	\$109,976	\$30,751	\$20,811	\$49,054	\$9,360
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

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Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Performance-based Pay Awards for Exempt Employees</b>					
<b>FY 2008-09</b>					
(1) Administration	\$6,006	\$6,006	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$192,804	\$0	\$0	\$192,804	\$0
(3) Criminal Justice and Appellate	\$51,380	\$41,368	\$1,373	\$6,261	\$2,378
(4) Water and Natural Resources	\$11,498	\$8,899	\$2,599	\$0	\$0
(5) Consumer Protection	\$17,193	\$8,557	\$7,513	\$1,123	\$0
Total Expenditures	\$278,881	\$64,830	\$11,485	\$200,188	\$2,378
Total Appropriated	\$278,881	\$64,830	\$11,485	\$200,188	\$2,378
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Workers' Compensation</b>					
FY 2008-09					
(1) Administration	\$7,019	\$7,019	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$35,515	\$0	\$0	\$35,515	\$0
(3) Criminal Justice and Appellate	\$13,809	\$8,548	\$1,480	\$1,952	\$1,829
(4) Water and Natural Resources	\$2,082	\$1,734	\$348	\$0	\$0
(5) Consumer Protection	\$6,463	\$1,935	\$4,005	\$523	\$0
Total Expenditures	\$64,888	\$19,236	\$5,833	\$37,990	\$1,829
Total Appropriated	\$64,888	\$19,236	\$5,833	\$37,990	\$1,829
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10					
(1) Administration	\$5,453	\$5,453	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$28,285	\$0	\$0	\$28,285	\$0
(3) Criminal Justice and Appellate	\$10,620	\$6,713	\$1,095	\$1,452	\$1,360
(4) Water and Natural Resources	\$1,684	\$1,684	\$0	\$0	\$0
(5) Consumer Protection	\$4,851	\$1,422	\$3,041	\$388	\$0
Total Expenditures	\$50,893	\$15,272	\$4,136	\$30,125	\$1,360
Total Appropriated	\$50,893	\$15,272	\$4,136	\$30,125	\$1,360
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11					
(1) Administration	\$5,324	\$5,324	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$28,206	\$0	\$0	\$28,206	\$0
(3) Criminal Justice and Appellate	\$10,871	\$6,804	\$2,225	\$499	\$1,343
(4) Water and Natural Resources	\$1,604	\$1,087	\$0	\$517	\$0
(5) Consumer Protection	\$4,858	\$1,662	\$2,813	\$383	\$0
Total Expenditures	\$50,863	\$14,877	\$5,038	\$29,605	\$1,343
Total Appropriated	\$50,863	\$14,877	\$5,038	\$29,605	\$1,343
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2011-12					
(1) Administration	\$81,150	\$22,592	\$8,358	\$47,657	\$2,543
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$81,150	\$22,592	\$8,358	\$47,657	\$2,543
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

4-30

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Vehicle Lease Payments</b>					
<b>FY 2008-09</b>					
(1) Administration	\$2,407	\$2,407	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$20,797	\$0	\$0	\$20,797	\$0
(3) Criminal Justice and Appellate	\$26,739	\$8,044	\$1,096	\$7,853	\$9,746
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$15,182	\$1,995	\$10,266	\$2,921	\$0
Total Expenditures	\$65,125	\$12,446	\$11,362	\$31,571	\$9,746
Total Appropriated	\$65,125	\$12,446	\$11,362	\$31,571	\$9,746
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$2,509	\$2,509	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$19,681	\$0	\$0	\$19,681	\$0
(3) Criminal Justice and Appellate	\$36,327	\$19,285	\$4,199	\$8,159	\$4,684
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$15,452	\$2,097	\$10,574	\$2,781	\$0
Total Expenditures	\$73,969	\$23,891	\$14,773	\$30,621	\$4,684
Total Appropriated	\$73,969	\$23,891	\$14,773	\$30,621	\$4,684
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$2,551	\$2,551	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$20,389	\$0	\$0	\$20,389	\$0
(3) Criminal Justice and Appellate	\$31,682	\$13,758	\$10,689	\$2,551	\$4,684
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$15,425	\$2,139	\$10,742	\$2,544	\$0
Total Expenditures	\$70,047	\$18,448	\$21,431	\$25,484	\$4,684
Total Appropriated	\$72,813	\$21,214	\$21,431	\$25,484	\$4,684
(Under)/Over Expenditures	(\$2,766)	(\$2,766)	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$68,661	\$18,579	\$23,426	\$23,907	\$2,749
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$68,661	\$18,579	\$23,426	\$23,907	\$2,749
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Capitol Complex Leased Space</b>					
<b>FY 2008-09</b>					
(1) Administration	\$120,708	\$23,639	\$0	\$97,069	\$0
(2) Legal Services to State Agencies	\$627,964	\$0	\$0	\$627,964	\$0
(3) Criminal Justice and Appellate	\$244,980	\$151,971	\$26,178	\$34,493	\$32,338
(4) Water and Natural Resources	\$42,532	\$36,372	\$6,160	\$0	\$0
(5) Consumer Protection	\$113,343	\$33,270	\$70,834	\$9,239	\$0
Total Expenditures	\$1,149,527	\$245,252	\$103,172	\$768,765	\$32,338
Total Appropriated	\$1,149,527	\$245,252	\$103,172	\$768,765	\$32,338
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$126,750	\$126,750	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$709,085	\$0	\$0	\$709,085	\$0
(3) Criminal Justice and Appellate	\$266,318	\$168,249	\$27,564	\$36,400	\$34,105
(4) Water and Natural Resources	\$32,225	\$32,225	\$0	\$0	\$0
(5) Consumer Protection	\$141,761	\$55,707	\$76,310	\$9,744	\$0
Total Expenditures	\$1,276,139	\$382,931	\$103,874	\$755,229	\$34,105
Total Appropriated	\$1,276,139	\$382,931	\$103,874	\$755,229	\$34,105
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$132,897	\$132,897	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$694,716	\$0	\$0	\$694,716	\$0
(3) Criminal Justice and Appellate	\$267,684	\$167,537	\$54,798	\$12,282	\$33,067
(4) Water and Natural Resources	\$37,791	\$26,699	\$0	\$11,092	\$0
(5) Consumer Protection	\$119,670	\$40,940	\$69,282	\$9,448	\$0
Total Expenditures	\$1,252,758	\$368,073	\$124,080	\$727,538	\$33,067
Total Appropriated	\$1,252,758	\$368,073	\$124,080	\$727,538	\$33,067
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$1,340,779	\$373,262	\$138,099	\$787,395	\$42,023
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$1,340,779	\$373,262	\$138,099	\$787,395	\$42,023
Total Appropriated	\$1,340,779	\$373,262	\$138,099	\$787,395	\$42,023
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

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Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>ADP Capital Outlay</b>					
<b>FY 2008-09</b>					
(1) Administration	\$6,881	\$6,881	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$8,257	\$0	\$0	\$8,257	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$15,138	\$6,881	\$0	\$8,257	\$0
Total Appropriated	\$15,138	\$6,881	\$0	\$8,257	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$0	\$6,882	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$13,764	\$2,294	\$0	\$4,588	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$13,764	\$9,176	\$0	\$4,588	\$0
Total Appropriated	\$13,764	\$9,176	\$0	\$4,588	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Information Technology</b>					
<b>FY 2008-09</b>					
(1) Administration	\$5,697	\$5,697	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$330,598	\$0	\$0	\$330,598	\$0
(3) Criminal Justice and Appellate	\$46,858	\$12,847	\$13,781	\$18,159	\$2,071
(4) Water and Natural Resources	\$5,830	\$2,982	\$2,848	\$0	\$0
(5) Consumer Protection	\$43,365	\$1,409	\$37,093	\$4,863	\$0
Total Expenditures	\$432,348	\$22,935	\$53,722	\$353,620	\$2,071
Total Appropriated	\$432,348	\$22,935	\$53,722	\$353,620	\$2,071
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$14,946	\$14,946	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$321,177	\$0	\$0	\$321,177	\$0
(3) Criminal Justice and Appellate	\$32,021	\$345	\$12,425	\$17,870	\$1,381
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$39,523	\$0	\$34,873	\$4,650	\$0
Total Expenditures	\$407,667	\$15,291	\$47,298	\$343,697	\$1,381
Total Appropriated	\$407,667	\$15,291	\$47,298	\$343,697	\$1,381
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$15,291	\$15,291	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$321,177	\$0	\$0	\$321,177	\$0
(3) Criminal Justice and Appellate	\$31,676	\$0	\$24,715	\$5,580	\$1,381
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$39,523	\$0	\$34,873	\$4,650	\$0
Total Expenditures	\$407,667	\$15,291	\$59,588	\$331,407	\$1,381
Total Appropriated	\$407,667	\$15,291	\$59,588	\$331,407	\$1,381
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$407,667	\$15,291	\$59,588	\$331,407	\$1,381
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$407,667	\$15,291	\$59,588	\$331,407	\$1,381
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0



**Department of Law**  
**Schedule 8**

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Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Lease Space Storage</b>					
<b>FY 2008-09</b>					
(1) Administration	\$723	\$723	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$21,576	\$0	\$0	\$21,576	\$0
(3) Criminal Justice and Appellate	\$4,407	\$4,222	\$0	\$0	\$185
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$3,295	\$0	\$3,295	\$0	\$0
Total Expenditures	\$30,001	\$4,945	\$3,295	\$21,576	\$185
Total Appropriated	\$30,001	\$4,945	\$3,295	\$21,576	\$185
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$783	\$783	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$23,374	\$0	\$0	\$23,374	\$0
(3) Criminal Justice and Appellate	\$4,775	\$4,574	\$0	\$0	\$201
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$3,570	\$0	\$3,570	\$0	\$0
Total Expenditures	\$32,502	\$5,357	\$3,570	\$23,374	\$201
Total Appropriated	\$32,502	\$5,357	\$3,570	\$23,374	\$201
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$631	\$631	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$18,857	\$0	\$0	\$18,857	\$0
(3) Criminal Justice and Appellate	\$3,852	\$3,690	\$0	\$0	\$162
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$2,880	\$0	\$2,880	\$0	\$0
Total Expenditures	\$26,220	\$4,321	\$2,880	\$18,857	\$162
Total Appropriated	\$26,220	\$4,321	\$2,880	\$18,857	\$162
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$26,220	\$4,321	\$2,880	\$18,857	\$162
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$26,220	\$4,321	\$2,880	\$18,857	\$162
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Communication Service Payments</b>					
FY 2008-09					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$5,616	\$1,995	\$296	\$1,773	\$1,552
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$592	\$313	\$279	\$0	\$0
Total Expenditures	\$6,208	\$2,308	\$575	\$1,773	\$1,552
Total Appropriated	\$6,208	\$2,308	\$575	\$1,773	\$1,552
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$5,616	\$1,995	\$296	\$1,773	\$1,552
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$592	\$313	\$279	\$0	\$0
Total Expenditures	\$6,208	\$2,308	\$575	\$1,773	\$1,552
Total Appropriated	\$6,208	\$2,308	\$575	\$1,773	\$1,552
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$6,688	\$2,376	\$1,760	\$704	\$1,848
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$1,056	\$372	\$332	\$352	\$0
Total Expenditures	\$7,744	\$2,748	\$2,092	\$1,056	\$1,848
Total Appropriated	\$7,744	\$2,748	\$2,092	\$1,056	\$1,848
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 <i>(if there is a change from the base request)</i>					
(1) Administration	\$7,920	\$2,810	\$2,140	\$1,080	\$1,890
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$7,920	\$2,810	\$2,140	\$1,080	\$1,890
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

4-36

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>CLE Registration Fees</b>					
<b>FY 2008-09</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10</b>					
(1) Administration	\$1,875	\$1,875	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$63,187	\$0	\$0	\$63,187	\$0
(3) Criminal Justice and Appellate	\$17,815	\$15,301	\$375	\$1,576	\$563
(4) Water and Natural Resources	\$4,501	\$2,813	\$750	\$938	\$0
(5) Consumer Protection	\$5,250	\$2,250	\$2,625	\$375	\$0
Total Expenditures	\$92,628	\$22,239	\$3,750	\$66,076	\$563
Total Appropriated	\$92,628	\$22,239	\$3,750	\$66,076	\$563
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$2,250	\$2,250	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$64,125	\$0	\$0	\$64,125	\$0
(3) Criminal Justice and Appellate	\$16,126	\$13,613	\$1,163	\$787	\$563
(4) Water and Natural Resources	\$4,501	\$3,751	\$750	\$0	\$0
(5) Consumer Protection	\$5,624	\$2,624	\$2,625	\$375	\$0
Total Expenditures	\$92,626	\$22,238	\$4,538	\$65,287	\$563
Total Appropriated	\$92,626	\$22,238	\$4,538	\$65,287	\$563
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$92,626	\$22,238	\$4,538	\$65,287	\$563
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$92,626	\$22,238	\$4,538	\$65,287	\$563
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law**  
**Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Building Security</b>					
<b>FY 2009-10</b>					
(1) Administration	\$21,066	\$21,066	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$94,503	\$0	\$0	\$94,503	\$0
(3) Criminal Justice and Appellate	\$45,525	\$30,084	\$4,253	\$5,934	\$5,254
(4) Water and Natural Resources	\$6,505	\$6,505	\$0	\$0	\$0
(5) Consumer Protection	\$29,094	\$16,334	\$11,259	\$1,501	\$0
Total Expenditures	\$196,693	\$73,989	\$15,512	\$101,938	\$5,254
Total Appropriated	\$196,693	\$73,989	\$15,512	\$101,938	\$5,254
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11</b>					
(1) Administration	\$11,880	\$11,880	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$67,055	\$0	\$0	\$67,055	\$0
(3) Criminal Justice and Appellate	\$25,837	\$16,171	\$5,288	\$1,186	\$3,192
(4) Water and Natural Resources	\$4,595	\$2,584	\$0	\$2,011	\$0
(5) Consumer Protection	\$11,552	\$3,952	\$6,688	\$912	\$0
Total Expenditures	\$120,919	\$34,587	\$11,976	\$71,164	\$3,192
Total Appropriated	\$120,919	\$34,587	\$11,976	\$71,164	\$3,192
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2011-12</b>					
(1) Administration	\$120,919	\$33,993	\$11,976	\$71,758	\$3,192
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$120,919	\$33,993	\$11,976	\$71,758	\$3,192
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0



**SCHEDULE 8**  
**Common Policy Summary**

Health/Dental/Life	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$168,578	\$168,578			
Legal Services to State Agencies	\$999,681			\$999,681	
Appellate	\$167,462	\$167,462			
Capital Crimes	\$19,122	\$19,122			
Medicaid Fraud	\$61,505	\$15,376			\$46,129
POST Board	\$34,277		\$34,277		
Special Prosecution	\$49,838	\$49,000	\$838		
Securities Fraud	\$26,432	\$5,126		\$21,306	
Insurance Fraud	\$42,973			\$42,973	
Victims Assistance	\$4,449	\$4,449			
Federal & Interstate Water	\$26,386	\$26,386			
CERCLA	\$22,120	\$22,120			
RMA Litigation	\$8,899		\$8,899		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$77,623	\$45,261	\$32,362		
Collection Agency Board	\$32,724		\$32,724		
UCCC	\$32,037		\$32,037		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$1,774,106</b>	<b>\$522,880</b>	<b>\$141,137</b>	<b>\$1,063,960</b>	<b>\$46,129</b>
<b>Actual FY 09-10</b>					
Administration	\$190,695	\$190,695	\$0	\$0	\$0
Legal Services to State Agencies	\$1,136,254	\$0	\$0	\$1,136,254	\$0
Appellate	\$129,738	\$129,738			
Capital Crimes	\$20,346	\$20,346			
Medicaid Fraud	\$78,732	\$19,683			\$59,049
POST Board	\$17,747		\$17,747		
Special Prosecution	\$47,791	\$35,560	\$12,231		
Securities Fraud	\$24,080	\$5,527		\$18,553	
Insurance Fraud	\$38,600			\$38,600	
Victims Assistance	\$4,672	\$4,672			
Federal & Interstate Water	\$25,698	\$25,698			
CERCLA	\$19,219	\$19,219			
RMA Litigation	\$0				
Colorado River Litigation	\$9,615	\$9,615			
Consumer Protection & Anti-Trust	\$114,749	\$73,661	\$39,881	\$1,207	
Collection Agency Board	\$36,439		\$36,439		
UCCC	\$46,313		\$46,313		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$1,940,688</b>	<b>\$534,414</b>	<b>\$152,611</b>	<b>\$1,194,614</b>	<b>\$59,049</b>

**SCHEDULE 8**  
**Common Policy Summary**

Health/Dental/Life	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$187,632	\$187,632			
Legal Services to State Agencies	\$1,197,340			\$1,197,340	
Appellate	\$155,885	\$155,885			
Medicaid Fraud	\$67,022	\$16,755			\$50,267
POST Board	\$33,176		\$33,176		
Special Prosecution	\$121,188	\$51,810	\$51,854	\$17,524	
Safe2Tell	\$4,600	\$4,600			
Victims Assistance	\$4,744	\$4,744			
Federal & Interstate Water	\$26,096	\$26,096			
CERCLA	\$10,720			\$10,720	
RMA Litigation	\$0				
Colorado River Litigation	\$9,606	\$9,606			
Consumer Protection & Anti-Trust	\$109,184	\$72,262	\$36,109	\$813	
Collection Agency Board	\$36,972		\$36,972		
UCCC	\$57,966		\$57,966		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$2,022,131</b>	<b>\$529,390</b>	<b>\$216,077</b>	<b>\$1,226,397</b>	<b>\$50,267</b>
<b>Request FY 11-12</b>					
Administration	\$2,281,572	\$577,900	\$237,546	\$1,385,970	\$80,156
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$2,281,572</b>	<b>\$577,900</b>	<b>\$237,546</b>	<b>\$1,385,970</b>	<b>\$80,156</b>

**SCHEDULE 8**  
**Common Policy Summary**

Short Term Disability	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$3,156	\$3,156			
Legal Services to State Agencies	\$20,339			\$20,339	
Appellate	\$2,598	\$2,598			
Capital Crimes	\$411	\$411			
Medicaid Fraud	\$2,437	\$1,303			\$1,134
POST Board	\$465		\$465		
Special Prosecution	\$1,209	\$978	\$231		
Securities Fraud	\$374			\$374	
Insurance Fraud	\$696			\$696	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$493	\$493			
CERCLA	\$415	\$415			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$352	\$352			
Consumer Protection & Anti-Trust	\$1,739	\$966	\$522	\$251	
Collection Agency Board	\$442		\$442		
UCCC	\$1,214		\$1,214		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$36,340</b>	<b>\$10,672</b>	<b>\$2,874</b>	<b>\$21,660</b>	<b>\$1,134</b>
<b>Actual FY 09-10</b>					
Administration	\$3,248	\$3,248			
Legal Services to State Agencies	\$19,985			\$19,985	
Appellate	\$2,883	\$2,883			
Capital Crimes	\$402	\$402			
Medicaid Fraud	\$1,397	\$409			\$988
POST Board	\$440		\$440		
Special Prosecution	\$1,513	\$1,253	\$260		
Securities Fraud	\$660	\$213		\$447	
Insurance Fraud	\$799			\$799	
Victims Assistance	\$89	\$89			
Federal & Interstate Water	\$587	\$587			
CERCLA	\$482	\$482			
RMA Litigation	\$0				
Colorado River Litigation	\$387	\$387			
Consumer Protection & Anti-Trust	\$1,996	\$1,126	\$574	\$296	
Collection Agency Board	\$360		\$360		
UCCC	\$1,328		\$1,328		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$36,556</b>	<b>\$11,079</b>	<b>\$2,962</b>	<b>\$21,527</b>	<b>\$988</b>



**SCHEDULE 8**  
**Common Policy Summary**

Short Term Disability	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$3,609	\$3,609			
Legal Services to State Agencies	\$23,981			\$23,981	
Appellate	\$3,138	\$3,138			
Medicaid Fraud	\$1,618	\$365			\$1,253
POST Board	\$394		\$394		
Special Prosecution	\$3,601	\$1,932	\$1,168	\$501	
Victims Assistance	\$91	\$91			
Federal & Interstate Water	\$655	\$655			
CERCLA	\$406			\$406	
RMA Litigation	\$0				
Colorado River Litigation	\$374	\$374			
Consumer Protection & Anti-Trust	\$2,633	\$1,729	\$521	\$383	
Collection Agency Board	\$368		\$368		
UCCC	\$1,378		\$1,378		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$42,246</b>	<b>\$11,893</b>	<b>\$3,829</b>	<b>\$25,271</b>	<b>\$1,253</b>
<b>Request FY 11-12</b>					
Administration	\$51,296	\$13,021	\$4,886	\$31,462	\$1,927
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$51,296</b>	<b>\$13,021</b>	<b>\$4,886</b>	<b>\$31,462</b>	<b>\$1,927</b>

**SCHEDULE 8**  
**Common Policy Summary**

S.B. 04-257 Amortization Equalization Disbursement	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$37,945	\$37,945			
Legal Services to State Agencies	\$249,805			\$249,805	
Appellate	\$30,480	\$30,480			
Capital Crimes	\$4,563	\$4,563			
Medicaid Fraud	\$28,473	\$14,522			\$13,951
POST Board	\$5,719		\$5,719		
Special Prosecution	\$14,622	\$11,784	\$2,838		
Securities Fraud	\$6,419	\$1,815		\$4,604	
Insurance Fraud	\$8,570			\$8,570	
Victims Assistance	\$1,090	\$1,090			
Federal & Interstate Water	\$6,573	\$6,573			
CERCLA	\$5,620	\$5,620			
RMA Litigation	\$2,688		\$2,688		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$20,323	\$10,295	\$6,945	\$3,083	
Collection Agency Board	\$4,214		\$4,214		
UCCC	\$13,485		\$13,485		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$440,589</b>	<b>\$124,687</b>	<b>\$35,889</b>	<b>\$266,062</b>	<b>\$13,951</b>
<b>Actual FY 09-10</b>					
Administration	\$47,556	\$47,556			
Legal Services to State Agencies	\$324,136			\$324,136	
Appellate	\$42,181	\$42,181			
Capital Crimes	\$6,098	\$6,098			
Medicaid Fraud	\$21,802	\$5,451			\$16,351
POST Board	\$7,045		\$7,045		
Special Prosecution	\$21,200	\$17,482	\$3,718		
Securities Fraud	\$8,618	\$2,846		\$5,772	
Insurance Fraud	\$10,307			\$10,307	
Victims Assistance	\$1,342	\$1,342			
Federal & Interstate Water	\$8,144	\$8,144			
CERCLA	\$6,936	\$6,936			
RMA Litigation	\$0				
Colorado River Litigation	\$5,494	\$5,494			
Consumer Protection & Anti-Trust	\$27,498	\$15,924	\$7,755	\$3,819	
Collection Agency Board	\$5,335		\$5,335		
UCCC	\$17,130		\$17,130		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$560,822</b>	<b>\$159,454</b>	<b>\$40,983</b>	<b>\$344,034</b>	<b>\$16,351</b>

**SCHEDULE 8**  
**Common Policy Summary**

S.B. 04-257 Amortization Equalization Disbursement	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$54,036	\$54,036			
Legal Services to State Agencies	\$374,987			\$374,987	
Appellate	\$48,243	\$48,243			
Medicaid Fraud	\$25,868	\$6,467			\$19,401
POST Board	\$6,561		\$6,561		
Special Prosecution	\$55,851	\$32,427	\$16,950	\$6,474	
Safe2Tell	\$4,000	\$4,000			
Victims Assistance	\$1,609	\$1,609			
Federal & Interstate Water	\$9,152	\$9,152			
CERCLA	\$7,486			\$7,486	
RMA Litigation	\$0				
Colorado River Litigation	\$5,768	\$5,768			
Consumer Protection & Anti-Trust	\$34,516	\$21,429	\$8,504	\$4,583	
Collection Agency Board	\$5,870		\$5,870		
UCCC	\$20,367		\$20,367		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$654,314</b>	<b>\$183,131</b>	<b>\$58,252</b>	<b>\$393,530</b>	<b>\$19,401</b>
<b>Request FY 11-12</b>					
Administration	\$811,469	\$205,982	\$77,296	\$497,713	\$30,478
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$811,469</b>	<b>\$205,982</b>	<b>\$77,296</b>	<b>\$497,713</b>	<b>\$30,478</b>

**SCHEDULE 8**  
**Common Policy Summary**

S.B. 06-235 Supplemental Amortization Equalization	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$17,808	\$17,808			
Legal Services to State Agencies	\$117,341			\$117,341	
Appellate	\$14,601	\$14,601			
Capital Crimes	\$2,242	\$2,242			
Medicaid Fraud	\$9,220	\$2,681			\$6,539
POST Board	\$2,681		\$2,681		
Special Prosecution	\$7,653	\$6,323	\$1,330		
Securities Fraud	\$3,183	\$1,025		\$2,158	
Insurance Fraud	\$4,018			\$4,018	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$3,131	\$3,131			
CERCLA	\$2,709	\$2,709			
RMA Litigation	\$1,260		\$1,260		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$10,164	\$5,709	\$3,010	\$1,445	
Collection Agency Board	\$1,976		\$1,976		
UCCC	\$6,321		\$6,321		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$204,308</b>	<b>\$56,229</b>	<b>\$16,578</b>	<b>\$124,962</b>	<b>\$6,539</b>
<b>Actual FY 09-10</b>					
Administration	\$29,218	\$29,218			
Legal Services to State Agencies	\$202,585			\$202,585	
Appellate	\$25,916	\$25,916			
Capital Crimes	\$3,747	\$3,747			
Medicaid Fraud	\$13,626	\$3,407			\$10,219
POST Board	\$4,403		\$4,403		
Special Prosecution	\$13,066	\$10,741	\$2,325		
Securities Fraud	\$5,357	\$1,749		\$3,608	
Insurance Fraud	\$6,442			\$6,442	
Victims Assistance	\$825	\$825			
Federal & Interstate Water	\$5,004	\$5,004			
CERCLA	\$4,268	\$4,268			
RMA Litigation	\$0				
Colorado River Litigation	\$3,375	\$3,375			
Consumer Protection & Anti-Trust	\$17,016	\$9,784	\$4,845	\$2,387	
Collection Agency Board	\$3,335		\$3,335		
UCCC	\$10,706		\$10,706		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$348,889</b>	<b>\$98,034</b>	<b>\$25,614</b>	<b>\$215,022</b>	<b>\$10,219</b>

**SCHEDULE 8**  
**Common Policy Summary**

S.B. 06-235 Supplemental Amortization Equalization	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$39,946	\$39,946			
Legal Services to State Agencies	\$273,429			\$273,429	
Appellate	\$35,943	\$35,943			
Medicaid Fraud	\$18,861	\$4,715			\$14,146
POST Board	\$4,784		\$4,784		
Special Prosecution	\$39,824	\$22,745	\$12,359	\$4,720	
Safe2Tell	\$3,000	\$3,000			
Victims Assistance	\$1,026	\$1,026			
Federal & Interstate Water	\$6,927	\$6,927			
CERCLA	\$5,459			\$5,459	
RMA Litigation	\$0				
Colorado River Litigation	\$4,700	\$4,700			
Consumer Protection & Anti-Trust	\$24,288	\$14,745	\$6,201	\$3,342	
Collection Agency Board	\$4,280		\$4,280		
UCCC	\$14,851		\$14,851		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$477,318</b>	<b>\$133,747</b>	<b>\$42,475</b>	<b>\$286,950</b>	<b>\$14,146</b>
<b>Request FY11-12</b>					
Administration	\$652,073	\$165,521	\$62,113	\$399,948	\$24,491
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$652,073</b>	<b>\$165,521</b>	<b>\$62,113</b>	<b>\$399,948</b>	<b>\$24,491</b>

**SCHEDULE 8**  
**Common Policy Summary**

Salary Survey for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$0	\$0			
Legal Services to State Agencies	\$115,493			\$115,493	
Appellate	\$4,526	\$4,526			
Capital Crimes	\$3,254	\$3,254			
Medicaid Fraud	\$19,164	\$0			\$19,164
POST Board	\$15,320		\$15,320		
Special Prosecution	\$15,602	\$12,562	\$3,040		
Securities Fraud	\$7,245	\$4,152		\$3,093	
Insurance Fraud	\$10,058			\$10,058	
Victims Assistance	\$2,960	\$2,960			
Federal & Interstate Water	\$2,852	\$2,852			
CERCLA	\$7,888	\$7,888			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$17,181	\$10,043	\$7,138		
Collection Agency Board	\$7,553		\$7,553		
UCCC	\$22,017		\$22,017		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$251,113</b>	<b>\$48,237</b>	<b>\$55,068</b>	<b>\$128,644</b>	<b>\$19,164</b>
<b>Actual FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## SCHEDULE 8 Common Policy Summary

Salary Survey for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 11-12</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Salary Survey for Exempt Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$16,034	\$16,034			
Legal Services to State Agencies	\$445,619			\$445,619	
Appellate	\$75,571	\$75,571			
Capital Crimes	\$6,629	\$6,629			
Medicaid Fraud	\$6,374	\$1,593			\$4,781
POST Board	\$0				
Special Prosecution	\$15,208	\$12,449	\$2,759		
Securities Fraud	\$6,723	\$0		\$6,723	
Insurance Fraud	\$6,013			\$6,013	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$13,025	\$13,025			
CERCLA	\$7,138	\$7,138			
RMA Litigation	\$0		\$0		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$37,270	\$22,820	\$11,223	\$3,227	
Collection Agency Board	\$4,988		\$4,988		
UCCC	\$8,724		\$8,724		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$649,316</b>	<b>\$155,258</b>	<b>\$27,694</b>	<b>\$461,582</b>	<b>\$4,781</b>
<b>Actual FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



**SCHEDULE 8**  
**Common Policy Summary**

Salary Survey for Exempt Employees	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 11-12</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Performance-based Pay Awards for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$7,700	\$7,700			
Legal Services to State Agencies	\$42,999			\$42,999	
Appellate	\$1,740	\$1,740			
Capital Crimes	\$1,608	\$1,608			
Medicaid Fraud	\$12,480	\$3,120			\$9,360
POST Board	\$5,543		\$5,543		
Special Prosecution	\$7,709	\$6,240	\$1,469		
Securities Fraud	\$3,388	\$2,239		\$1,149	
Insurance Fraud	\$4,906			\$4,906	
Victims Assistance	\$1,056	\$1,056			
Federal & Interstate Water	\$1,014	\$1,014			
CERCLA	\$2,809	\$2,809			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$6,198	\$3,225	\$2,973		
Collection Agency Board	\$2,774		\$2,774		
UCCC	\$8,052		\$8,052		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$109,976</b>	<b>\$30,751</b>	<b>\$20,811</b>	<b>\$49,054</b>	<b>\$9,360</b>
<b>Actual FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Performance-based Pay Awards for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 11-12</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Employees Performance-Pay Awards for Exempt Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$6,006	\$6,006			
Legal Services to State Agencies	\$192,804			\$192,804	
Appellate	\$29,920	\$29,920			
Capital Crimes	\$3,293	\$3,293			
Medicaid Fraud	\$3,171	\$793			\$2,378
POST Board	\$0		\$0		
Special Prosecution	\$8,735	\$7,362	\$1,373		
Securities Fraud	\$3,306	\$0		\$3,306	
Insurance Fraud	\$2,955			\$2,955	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$5,786	\$5,786			
CERCLA	\$3,113	\$3,113			
RMA Litigation	\$0		\$0		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$12,920	\$8,557	\$3,240	\$1,123	
Collection Agency Board	\$2,508		\$2,508		
UCCC	\$4,364		\$4,364		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$278,881</b>	<b>\$64,830</b>	<b>\$11,485</b>	<b>\$200,188</b>	<b>\$2,378</b>
<b>Actual FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Employees Performance-Pay Awards for Exempt Employees	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 11-12</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Workers' Compensation	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$7,019	\$7,019			
Legal Services to State Agencies	\$35,515			\$35,515	
Appellate	\$5,048	\$5,048			
Capital Crimes	\$673	\$673			
Medicaid Fraud	\$2,418	\$589			\$1,829
POST Board	\$1,045		\$1,045		
Special Prosecution	\$2,168	\$1,733	\$435		
Securities Fraud	\$964	\$337		\$627	
Insurance Fraud	\$1,325			\$1,325	
Victims Assistance	\$168	\$168			
Federal & Interstate Water	\$926	\$926			
CERCLA	\$808	\$808			
RMA Litigation	\$348		\$348		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$3,415	\$1,935	\$957	\$523	
Collection Agency Board	\$906		\$906		
UCCC	\$2,142		\$2,142		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$64,888</b>	<b>\$19,236</b>	<b>\$5,833</b>	<b>\$37,990</b>	<b>\$1,829</b>
<b>Actual FY 09-10</b>					
Administration	\$5,453	\$5,453			
Legal Services to State Agencies	\$28,285			\$28,285	
Appellate	\$4,016	\$4,016			
Capital Crimes	\$519	\$519			
Medicaid Fraud	\$1,813	\$453			\$1,360
POST Board	\$777		\$777		
Special Prosecution	\$1,652	\$1,334	\$318		
Securities Fraud	\$727	\$259		\$468	
Insurance Fraud	\$984			\$984	
Victims Assistance	\$132	\$132			
Federal & Interstate Water	\$713	\$713			
CERCLA	\$453	\$453			
RMA Litigation	\$0				
Colorado River Litigation	\$518	\$518			
Consumer Protection & Anti-Trust	\$2,583	\$1,422	\$773	\$388	
Collection Agency Board	\$674		\$674		
UCCC	\$1,594		\$1,594		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$50,893</b>	<b>\$15,272</b>	<b>\$4,136</b>	<b>\$30,125</b>	<b>\$1,360</b>

**SCHEDULE 8**  
**Common Policy Summary**

Workers' Compensation	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$5,324	\$5,324			
Legal Services to State Agencies	\$28,206			\$28,206	
Appellate	\$3,964	\$3,964			
Safe2Tell	\$128	\$128			
Medicaid Fraud	\$1,791	\$448			\$1,343
POST Board	\$895		\$895		
Special Prosecution	\$2,200	\$1,880	\$320	\$0	
Securities Fraud	\$755	\$256		\$499	
Insurance Fraud	\$1,010		\$1,010		
Victims Assistance	\$128	\$128			
Federal & Interstate Water	\$703	\$703			
CERCLA	\$517			\$517	
RMA Litigation	\$0				
Colorado River Litigation	\$384	\$384			
Consumer Protection & Anti-Trust	\$2,557	\$1,662	\$512	\$383	
Collection Agency Board	\$703		\$703		
UCCC	\$1,598		\$1,598		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$50,863</b>	<b>\$14,877</b>	<b>\$5,038</b>	<b>\$29,605</b>	<b>\$1,343</b>
<b>Request FY 11-12</b>					
Administration	\$81,150	\$22,592	\$8,358	\$47,657	\$2,543
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$81,150</b>	<b>\$22,592</b>	<b>\$8,358</b>	<b>\$47,657</b>	<b>\$2,543</b>

**SCHEDULE 8**  
**Common Policy Summary**

Vehicle Lease Payments	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$2,407	\$2,407			
Legal Services to State Agencies	\$20,797			\$20,797	
Appellate	\$0	\$0			
Capital Crimes	\$348	\$348			
Medicaid Fraud	\$12,995	\$3,249			\$9,746
POST Board	\$0	\$0		\$0	
Special Prosecution	\$5,543	\$4,447	\$1,096		
Securities Fraud	\$2,407			\$2,407	
Insurance Fraud	\$5,446			\$5,446	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$0	\$0			
CERCLA	\$0	\$0			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$4,916	\$1,995		\$2,921	
Collection Agency Board	\$0		\$0		
UCCC	\$10,266		\$10,266		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY08-09</b>	<b>\$65,125</b>	<b>\$12,446</b>	<b>\$11,362</b>	<b>\$31,571</b>	<b>\$9,746</b>
<b>Actual FY 09-10</b>					
Administration	\$2,509	\$2,509			
Legal Services to State Agencies	\$19,681			\$19,681	
Appellate	\$0				
Capital Crimes	\$2,106	\$2,106			
Medicaid Fraud	\$6,245	\$1,561			\$4,684
POST Board	\$0				
Special Prosecution	\$19,817	\$15,618	\$4,199		
Securities Fraud	\$2,509			\$2,509	
Insurance Fraud	\$5,650			\$5,650	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$4,878	\$2,097		\$2,781	
Collection Agency Board	\$0				
UCCC	\$10,574		\$10,574		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY09-10</b>	<b>\$73,969</b>	<b>\$23,891</b>	<b>\$14,773</b>	<b>\$30,621</b>	<b>\$4,684</b>



**SCHEDULE 8**  
**Common Policy Summary**

Vehicle Lease Payments	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$2,551	\$2,551			
Legal Services to State Agencies	\$20,389			\$20,389	
Appellate	\$0				
Medicaid Fraud	\$6,245	\$1,561			\$4,684
POST Board	\$1,676		\$1,676		
Special Prosecution	\$23,761	\$12,197	\$9,013	\$2,551	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$4,683	\$2,139		\$2,544	
Collection Agency Board	\$0				
UCCC	\$10,742		\$10,742		
Reversions/Lapsed Appropriation	\$2,766	\$2,766			
<b>Department Total FY 10-11</b>	<b>\$72,813</b>	<b>\$21,214</b>	<b>\$21,431</b>	<b>\$25,484</b>	<b>\$4,684</b>
<b>Request FY 11-12</b>					
Administration	\$68,661	\$18,579	\$23,426	\$23,907	\$2,749
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$68,661</b>	<b>\$18,579</b>	<b>\$23,426</b>	<b>\$23,907</b>	<b>\$2,749</b>

**SCHEDULE 8**  
**Common Policy Summary**

Capitol Complex Leased Space	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$120,708	\$23,639		\$97,069	
Legal Services to State Agencies	\$627,964			\$627,964	
Appellate	\$86,794	\$86,794			
Capital Crimes	\$16,573	\$16,573			
Medicaid Fraud	\$42,464	\$10,126			\$32,338
POST Board	\$18,479		\$18,479		
Special Prosecution	\$37,498	\$29,799	\$7,699		
Securities Fraud	\$16,873	\$5,786		\$11,087	
Insurance Fraud	\$23,406			\$23,406	
Victims Assistance	\$2,893	\$2,893			
Federal & Interstate Water	\$15,912	\$15,912			
CERCLA	\$8,887	\$8,887			
RMA Litigation	\$6,160		\$6,160		
Colorado River Litigation	\$11,573	\$11,573			
Consumer Protection & Anti-Trust	\$59,447	\$33,270	\$16,938	\$9,239	
Collection Agency Board	\$16,015		\$16,015		
UCCC	\$37,881		\$37,881		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$1,149,527</b>	<b>\$245,252</b>	<b>\$103,172</b>	<b>\$768,765</b>	<b>\$32,338</b>
<b>Actual FY 09-10</b>					
Administration	\$126,750	\$126,750			
Legal Services to State Agencies	\$709,085			\$709,085	
Appellate	\$100,690	\$100,690			
Capital Crimes	\$12,992	\$12,992			
Medicaid Fraud	\$45,473	\$11,368			\$34,105
POST Board	\$19,488		\$19,488		
Special Prosecution	\$41,531	\$33,455	\$8,076		
Securities Fraud	\$18,199	\$6,496		\$11,703	
Insurance Fraud	\$24,697			\$24,697	
Victims Assistance	\$3,248	\$3,248			
Federal & Interstate Water	\$7,866	\$7,866			
CERCLA	\$11,368	\$11,368			
RMA Litigation	\$0				
Colorado River Litigation	\$12,991	\$12,991			
Consumer Protection & Anti-Trust	\$84,919	\$55,707	\$19,468	\$9,744	
Collection Agency Board	\$16,891		\$16,891		
UCCC	\$39,951		\$39,951		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$1,276,139</b>	<b>\$382,931</b>	<b>\$103,874</b>	<b>\$755,229</b>	<b>\$34,105</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Capitol Complex Leased Space</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 10-11</b>					
Administration	\$132,897	\$132,897			
Legal Services to State Agencies	\$694,715			\$694,715	
Appellate	\$97,626	\$97,626			
Safe2Tell	\$3,149	\$3,149			
Medicaid Fraud	\$44,089	\$11,022			\$33,067
POST Board	\$22,044		\$22,044		
Special Prosecution	\$97,627	\$52,591	\$32,754	\$12,282	
Victims Assistance	\$3,149	\$3,149			
Federal & Interstate Water	\$17,321	\$17,321			
CERCLA	\$11,092			\$11,092	
RMA Litigation	\$0				
Colorado River Litigation	\$9,378	\$9,378			
Consumer Protection & Anti-Trust	\$62,984	\$40,940	\$12,596	\$9,448	
Collection Agency Board	\$17,321		\$17,321		
UCCC	\$39,365		\$39,365		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$1,252,757</b>	<b>\$368,073</b>	<b>\$124,080</b>	<b>\$727,537</b>	<b>\$33,067</b>
<b>Request FY 11-12</b>					
Administration	\$1,340,779	\$373,262	\$138,099	\$787,395	\$42,023
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$1,340,779</b>	<b>\$373,262</b>	<b>\$138,099</b>	<b>\$787,395</b>	<b>\$42,023</b>

**SCHEDULE 8**  
**Common Policy Summary**

Communication Service Payments	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$296	\$296			
Medicaid Fraud	\$2,069	\$517			\$1,552
POST Board	\$0				
Special Prosecution	\$1,478	\$1,182	\$296		
Securities Fraud	\$591			\$591	
Insurance Fraud	\$1,182			\$1,182	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$592	\$313	\$279		
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY08-09</b>	<b>\$6,208</b>	<b>\$2,308</b>	<b>\$575</b>	<b>\$1,773</b>	<b>\$1,552</b>
<b>Actual FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$296	\$296			
Medicaid Fraud	\$2,069	\$517			\$1,552
POST Board	\$0				
Special Prosecution	\$1,478	\$1,182	\$296		
Securities Fraud	\$591			\$591	
Insurance Fraud	\$1,182			\$1,182	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$592	\$313	\$279		
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY09-10</b>	<b>\$6,208</b>	<b>\$2,308</b>	<b>\$575</b>	<b>\$1,773</b>	<b>\$1,552</b>

**SCHEDULE 8**  
**Common Policy Summary**

Communication Service Payments	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$2,464	\$616			\$1,848
POST Board	\$0				
Special Prosecution	\$4,224	\$1,760	\$1,760	\$704	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$1,056	\$372	\$332	\$352	
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$7,744</b>	<b>\$2,748</b>	<b>\$2,092</b>	<b>\$1,056</b>	<b>\$1,848</b>
<b>Request FY 11-12</b>					
Administration	\$7,920	\$2,810	\$2,140	\$1,080	\$1,890
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$7,920</b>	<b>\$2,810</b>	<b>\$2,140</b>	<b>\$1,080</b>	<b>\$1,890</b>

**SCHEDULE 8**  
**Common Policy Summary**

ADP	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$6,881	\$6,881		\$0	\$0
Legal Services to State Agencies	\$8,257			\$8,257	
Appellate	\$0	\$0			
Medicaid Fraud	\$0	\$0			
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$15,138</b>	<b>\$6,881</b>		<b>\$0</b>	<b>\$8,257</b>
<b>Actual FY 09-10</b>					
Administration	\$6,882	\$6,882			\$0
Legal Services to State Agencies	\$0				
Appellate	\$0	\$0			
Medicaid Fraud	\$0	\$0			
POST Board	\$0				
Special Prosecution	\$6,882	\$2,294		\$4,588	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$13,764</b>	<b>\$9,176</b>		<b>\$0</b>	<b>\$4,588</b>

**SCHEDULE 8**  
**Common Policy Summary**

ADP	Total Funds	GF	CF	RA	FF
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 11-12</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Information Technology	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$5,697	\$5,697	\$0	\$0	\$0
Legal Services to State Agencies	\$330,598			\$330,598	
Appellate	\$7,587	\$7,587			
Capital Crimes	\$1,012	\$1,012			
Medicaid Fraud	\$2,956	\$885		\$0	\$2,071
POST Board	\$9,728		\$9,728		
Special Prosecution	\$6,658	\$2,605	\$4,053		
Securities Fraud	\$6,343	\$506		\$5,837	
Insurance Fraud	\$12,322			\$12,322	
Victims Assistance	\$252	\$252			
Federal & Interstate Water	\$1,041	\$1,041			
CERCLA	\$864	\$864			
RMA Litigation	\$3,204	\$356	\$2,848		
Colorado River Litigation	\$721	\$721			
Consumer Protection & Anti-Trust	\$15,190	\$1,409	\$8,918	\$4,863	
Collection Agency Board	\$8,430		\$8,430		
UCCC	\$19,745		\$19,745		
Reversions/Lapsed Appropriation					
<b>Department Total FY 08-09</b>	<b>\$432,348</b>	<b>\$22,935</b>	<b>\$53,722</b>	<b>\$353,620</b>	<b>\$2,071</b>
<b>Actual FY 09-10</b>					
Administration	\$14,946	\$14,946			
Legal Services to State Agencies	\$321,177			\$321,177	
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$1,726	\$345			\$1,381
POST Board	\$8,550		\$8,550		
Special Prosecution	\$3,875		\$3,875		
Securities Fraud	\$5,580			\$5,580	
Insurance Fraud	\$12,290			\$12,290	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$12,400		\$7,750	\$4,650	
Collection Agency Board	\$8,059		\$8,059		
UCCC	\$19,064		\$19,064		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$407,667</b>	<b>\$15,291</b>	<b>\$47,298</b>	<b>\$343,697</b>	<b>\$1,381</b>



**SCHEDULE 8**  
**Comon Policy Summary**

Information Technology	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$15,291	\$15,291			
Legal Services to State Agencies	\$321,177			\$321,177	
Appellate	\$0				
Medicaid Fraud	\$1,381				\$1,381
POST Board	\$8,550		\$8,550		
Special Prosecution	\$21,745		\$16,165	\$5,580	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$12,400		\$7,750	\$4,650	
Collection Agency Board	\$8,059		\$8,059		
UCCC	\$19,064		\$19,064		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$407,667</b>	<b>\$15,291</b>	<b>\$59,588</b>	<b>\$331,407</b>	<b>\$1,381</b>
<b>Request FY 11-12</b>					
Administration	\$407,667	\$15,291	\$59,588	\$331,407	\$1,381
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$407,667</b>	<b>\$15,291</b>	<b>\$59,588</b>	<b>\$331,407</b>	<b>\$1,381</b>

## SCHEDULE 8 Common Policy Summary

CLE Registration Fees	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation					
<b>Department Total FY 08-09</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual FY 09-10</b>					
Administration	\$1,875	\$1,875			
Legal Services to State Agencies	\$64,125			\$64,125	
Appellate	\$11,625	\$11,625			
Capital Crimes	\$750	\$750			
Medicaid Fraud	\$751	\$188			\$563
POST Board	\$0				
Special Prosecution	\$2,175	\$1,800	\$375		
Securities Fraud	\$788			\$788	
Insurance Fraud	\$788			\$788	
Victims Assistance	\$0				
Federal & Interstate Water	\$1,688	\$1,688			
CERCLA	\$938	\$938			
RMA Litigation	\$750		\$750		
Colorado River Litigation	\$1,125	\$1,125			
Consumer Protection & Anti-Trust	\$4,125	\$2,250	\$1,500	\$375	
Collection Agency Board	\$375		\$375		
UCCC	\$750		\$750		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$92,628</b>	<b>\$22,239</b>	<b>\$3,750</b>	<b>\$66,076</b>	<b>\$563</b>

**SCHEDULE 8  
Common Policy Summary**

CLE Registration Fees	Total Funds	GF	CF	CFE	FF
<b>Estimate FY 10-11</b>					
Administration	\$2,250	\$2,250			
Legal Services to State Agencies	\$64,125			\$64,125	
Appellate	\$11,625	\$11,625			
Medicaid Fraud	\$751	\$188		\$0	\$563
POST Board	\$0				
Special Prosecution	\$3,750	\$1,800	\$1,163	\$787	
Victims Assistance	\$0				
Federal & Interstate Water	\$1,688	\$1,688			
CERCLA	\$938	\$938		\$0	
RMA Litigation	\$0				
Colorado River Litigation	\$1,125	\$1,125			
Consumer Protection & Anti-Trust	\$4,499	\$2,624	\$1,500	\$375	
Collection Agency Board	\$750		\$750		
UCCC	\$1,125		\$1,125		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$92,626</b>	<b>\$22,238</b>	<b>\$4,538</b>	<b>\$65,287</b>	<b>\$563</b>
<b>Request FY 11-12</b>					
Administration	\$92,626	\$22,238	\$4,538	\$65,287	\$563
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$92,626</b>	<b>\$22,238</b>	<b>\$4,538</b>	<b>\$65,287</b>	<b>\$563</b>

**SCHEDULE 8**  
**Common Policy Summary**

Lease Space Storage	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$723	\$723	\$0	\$0	\$0
Legal Services to State Agencies	\$21,576			\$21,576	
Appellate	\$1,022	\$1,022			
Capital Crimes	\$0	\$0			
Medicaid Fraud	\$247	\$62		\$0	\$185
POST Board	\$0				
Special Prosecution	\$3,138	\$3,138			
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$1,092		\$1,092		
UCCC	\$2,203		\$2,203		
Reversions/Lapsed Appropriation					
<b>Department Total FY 08-09</b>	<b>\$30,001</b>	<b>\$4,945</b>	<b>\$3,295</b>	<b>\$21,576</b>	<b>\$185</b>
<b>Actual FY 09-10</b>					
Administration	\$783	\$783			
Legal Services to State Agencies	\$23,374			\$23,374	
Appellate	\$1,108	\$1,108			
Capital Crimes	\$0				
Medicaid Fraud	\$268	\$67			\$201
POST Board	\$0				
Special Prosecution	\$3,399	\$3,399			
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$1,183		\$1,183		
Reversions/Lapsed Appropriation	\$2,387		\$2,387		
<b>Department Total FY 09-10</b>	<b>\$32,502</b>	<b>\$5,357</b>	<b>\$3,570</b>	<b>\$23,374</b>	<b>\$201</b>

## Common Policy Summary

Lease Space Storage	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$631	\$631			
Legal Services to State Agencies	\$18,857			\$18,857	
Appellate	\$894	\$894			
Medicaid Fraud	\$216	\$54			\$162
POST Board	\$0				
Special Prosecution	\$2,742	\$2,742			
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$954		\$954		
UCCC	\$1,926		\$1,926		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$26,220</b>	<b>\$4,321</b>	<b>\$2,880</b>	<b>\$18,857</b>	<b>\$162</b>
<b>Request FY 11-12</b>					
Administration	\$26,220	\$4,321	\$2,880	\$18,857	\$16
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$26,220</b>	<b>\$4,321</b>	<b>\$2,880</b>	<b>\$18,857</b>	<b>\$162</b>

**SCHEDULE 8**  
**Common Policy Summary**

Administrative Law Judge Services	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Common Policy Summary

Administrative Law Judge Services	Total Funds	GF	CF	RA	FF
<b>Estimate FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 11-12</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

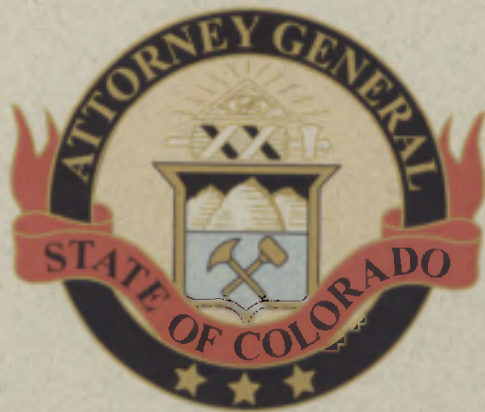
Security for State Services Building	Total Funds	GF	CF	RA	FF
<b>Actual FY 08-09</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual FY 09-10</b>					
Administration	\$21,066	\$21,066			
Legal Services to State Agencies	\$94,503			\$94,503	
Appellate	\$15,512	\$15,512			
Capital Crimes	\$2,002	\$2,002			
Medicaid Fraud	\$7,005	\$1,751			\$5,254
POST Board	\$3,002		\$3,002		
Special Prosecution	\$6,570	\$5,319	\$1,251		
Securities Fraud	\$2,966	\$1,000		\$1,966	
Insurance Fraud	\$3,968			\$3,968	
Victims Assistance	\$4,500	\$4,500			
Federal & Interstate Water	\$2,754	\$2,754			
CERCLA	\$1,751	\$1,751			
RMA Litigation	\$0				
Colorado River Litigation	\$2,000	\$2,000			
Consumer Protection & Anti-Trust	\$20,337	\$16,334	\$2,502	\$1,501	
Collection Agency Board	\$2,602		\$2,602		
UCCC	\$6,155		\$6,155		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$196,693</b>	<b>\$73,989</b>	<b>\$15,512</b>	<b>\$101,938</b>	<b>\$5,254</b>

**Common Policy Summary**



<b>Security for State Services Building</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 10-11</b>					
Administration	\$11,880	\$11,880	\$0	\$0	\$0
Legal Services to State Agencies	\$67,055			\$67,055	
Appellate	\$9,423	\$9,423			
Capital Crimes	\$0				
Medicaid Fraud	\$4,256	\$1,064			\$3,192
POST Board	\$2,128		\$2,128		
Special Prosecution	\$9,422	\$5,076	\$3,160	\$1,186	
Safe2Tell	\$304	\$304			
Victims Assistance	\$304	\$304			
Federal & Interstate Water	\$1,672	\$1,672			
CERCLA	\$2,011			\$2,011	
RMA Litigation	\$0				
Colorado River Litigation	\$912	\$912			
Consumer Protection & Anti-Trust	\$6,080	\$3,952	\$1,216	\$912	
Collection Agency Board	\$1,672		\$1,672		
UCCC	\$3,800		\$3,800		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$120,919</b>	<b>\$34,587</b>	<b>\$11,976</b>	<b>\$71,164</b>	<b>\$3,192</b>
<b>Request FY 11-12</b>					
Administration	\$120,919	\$33,993	\$11,976	\$71,758	\$3,192
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 11-12</b>	<b>\$120,919</b>	<b>\$33,993</b>	<b>\$11,976</b>	<b>\$71,758</b>	<b>\$3,192</b>

# FY 11-12 Schedule 9 Cash Fund Reports



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 12W- Non-Profit Health Care Review  
 6-19-406(1)(b), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash In Beginning Fund Balance <sup>1</sup></b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Actual Expenditure	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 12W- Non-Profit Health Care Review  
 6-19-406(1)(b), C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Accepting grants for the implementation of article 6-19 C.R.S.
Fee Sources	N/A
Non-Fee Sources	Reimburse State legal costs associated with a change from non-profit to for-profit operation.
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Reviewing the transfer of non-profit hospital assets.
Revenue Drivers	None
Expenditure Drivers	None

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
 Fund 12W- Non-Profit Health Care Review  
 6-19-406(1)(b), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: N/A</b>					
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 13H - Attorney Fees & Cost  
 24-31-108, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	429,547	440,623	588,787	563,787	538,787
Actual / anticipated revenue from court awards	\$105,671	\$202,185	\$25,000	\$25,000	\$25,000
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$105,671</b>	<b>\$202,185</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$25,000</b>
Actual Expenditure -	\$94,595	\$54,021	\$50,000	\$50,000	\$50,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$94,595</b>	<b>\$54,021</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$440,623</b>	<b>\$588,787</b>	<b>\$563,787</b>	<b>\$538,787</b>	<b>\$513,787</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$440,623</b>	<b>\$588,787</b>	<b>\$563,787</b>	<b>\$538,787</b>	<b>\$513,787</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 13H - Attorney Fees & Cost  
 24-31-108, C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup> <input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	The 2000 session of the General Assembly established this account. Any award of attorneys fees and costs received by the Attorney General are to be deposited into this fund subject to appropriation.
Fee Sources	N/A
Non-Fee Sources	None
Long Bill Groups Supported by Fund	Litigation Management Fund; Consultant Expense Line;
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	These funds are to be used for legal services provided by the Attorney General's Office.
Revenue Drivers	Court awards of attorney fees and costs.
Expenditure Drivers	None



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 13H - Attorney Fees & Cost  
 24-31-108, C.R.S.

Explanation of any Long-term Liability Funding Requirements	None
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: Water &amp; Natural Resources</b>					
Federal and Interstate Water	\$0	\$12,469	\$0	\$0	\$0
Consultant Expense	\$36,733	\$41,553	\$50,000	\$50,000	\$0
Division Subtotal	\$36,733	\$54,021	\$50,000	\$50,000	\$0
<b>Division Name: Special Purpose</b>					
Litigation Management Fund	\$105,518	\$0	\$0	\$0	\$0
Division Subtotal	\$105,518	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$142,251</b>	<b>\$54,021</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$0</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 14P - POST Custodial  
 24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	<b>\$6,780</b>	<b>\$4,298</b>	<b>\$4,364</b>	<b>\$0</b>	<b>\$0</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$468	\$66	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$468</b>	<b>\$66</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Actual / appropriated / projected cash expenditures	\$2,950	\$0	\$4,364	\$0	\$0
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$2,950</b>	<b>\$0</b>	<b>\$4,364</b>	<b>\$0</b>	<b>\$0</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$4,298</b>	<b>\$4,364</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$6,780</b>	<b>\$4,364</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 14P - POST Custodial  
 24-31-108(3), C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Support regionalized training of Peace Officers
Fee Sources	N/A
Non-Fee Sources	Court award from US District Court
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	N/A
Statutory or Other Restriction on Use of Fund	N/A
Revenue Drivers	N/A
Expenditure Drivers	N/A

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
**Fund 14P - POST Custodial**  
**24-31-108(3), C.R.S.**

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: None</b>					
Post Custodial Funds	\$2,950	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$2,950	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$2,950</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 146 - Consumer Protection Custodial  
 24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$5,219,325</b>	<b>\$5,107,093</b>	<b>\$5,351,472</b>	<b>\$5,145,236</b>	<b>\$4,930,236</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$412,499	\$1,209,287	\$250,000	\$250,000	\$250,000
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$412,499</b>	<b>\$1,209,287</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$250,000</b>
Actual / appropriated / projected cash expenditures	\$524,731	\$964,908	\$456,236	\$465,000	\$465,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$524,731</b>	<b>\$964,908</b>	<b>\$456,236</b>	<b>\$465,000</b>	<b>\$465,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$5,107,093</b>	<b>\$5,351,472</b>	<b>\$5,145,236</b>	<b>\$4,930,236</b>	<b>\$4,715,236</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$5,107,093</b>	<b>\$5,351,472</b>	<b>\$5,145,236</b>	<b>\$4,930,236</b>	<b>\$4,715,236</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 146 - Consumer Protection Custodial  
 24-31-108(3), C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Consumer protection and Education Enforcement
Fee Sources	N/A
Non-Fee Sources	Consumer protection litigation court awards
Long Bill Groups Supported by Fund	Consumer Protection and Anti-Trust Appropriation
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Only used for consumer protection education and enforcement
Revenue Drivers	Depends on Consumer Protection Litigation
Expenditure Drivers	Depends on Consumer Protection Expenses



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 146 - Consumer Protection Custodial  
 24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: Consumer Protection</b>					
Consumer Protection & Anti-Trust	\$439,362	\$370,233	\$422,316	\$429,529	\$429,529
CP Indirect Costs	\$25,116	\$40,313	\$35,471	\$35,471	\$35,471
Division Subtotal	\$464,478	\$410,546	\$457,787	\$465,000	\$465,000
State Services Building Security	\$1,376	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$1,376	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$465,854</b>	<b>\$410,546</b>	<b>\$457,787</b>	<b>\$465,000</b>	<b>\$465,000</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 147 - Special Prosecution Custodial  
 18-17-106, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash In Beginning Fund Balance <sup>1</sup></b>	<b>\$7,226</b>	<b>\$24,703</b>	<b>\$33,499</b>	<b>\$23,749</b>	<b>\$13,999</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$34,746	\$11,589	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$34,746</b>	<b>\$11,589</b>	<b>\$250</b>	<b>\$250</b>	<b>\$0</b>
Actual / appropriated / projected cash expenditures	\$17,269	\$2,793	\$10,000	\$10,000	\$10,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$17,269</b>	<b>\$2,793</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$24,703</b>	<b>\$33,499</b>	<b>\$23,749</b>	<b>\$13,999</b>	<b>\$3,999</b>
Decision Item #1 - "Sample A"	N/A	N/A	0	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	0	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$24,703</b>	<b>\$33,499</b>	<b>\$23,749</b>	<b>\$13,999</b>	<b>\$3,999</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 147 - Special Prosecution Custodial  
 18-17-106, C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Forfeitures under the Colorado Organized Crime Act
Fee Sources	N/A
Non-Fee Sources	Interest on Fund Balance
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Reviewing the transfer of non-profit hospital assets.
Revenue Drivers	Court awards and interest
Expenditure Drivers	None

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
 Fund 147 - Special Prosecution Custodial  
 18-17-106, C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request *	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: Water &amp; Natural Resources</b>					
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 148 - Natural Resources Custodial  
 24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$144,525</b>	<b>\$135,284</b>	<b>\$136,422</b>	<b>\$38,922</b>	<b>\$14,922</b>
Actual / Revenue	\$4,086	\$3,100	\$2,500	\$1,000	\$500
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$4,086</b>	<b>\$3,100</b>	<b>\$2,500</b>	<b>\$1,000</b>	<b>\$500</b>
Actual Expenditure	\$13,327	\$1,962	\$100,000	\$25,000	\$10,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$13,327</b>	<b>\$1,962</b>	<b>\$100,000</b>	<b>\$25,000</b>	<b>\$10,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$135,284</b>	<b>\$136,422</b>	<b>\$38,922</b>	<b>\$14,922</b>	<b>\$5,422</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$135,284</b>	<b>\$136,422</b>	<b>\$38,922</b>	<b>\$14,922</b>	<b>\$5,422</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 148 - Natural Resources Custodial  
 24-31-108(3), C.R.S.

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Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	This fund was established approximately 12 years ago as a result of a court award. The award stipulated that these funds be used for legal services to the State Engineers office. Further additional dollars were deposited to pay for RMA NRDs assessment costs
Fee Sources	None
Non-Fee Sources	None
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	NRDs assessment costs and other NR related work
Revenue Drivers	None
Expenditure Drivers	CERCLA litigation or legal work by the State Engineer



**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
**Fund 148 - Natural Resources Custodial**  
**24-31-108(3), C.R.S.**

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: N/A</b>					
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 150 - Collection Agency Board  
 12-14-101 to 12-14-137, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$141,638</b>	<b>\$154,949</b>	<b>\$181,571</b>	<b>\$178,783</b>	<b>\$58,988</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$459,493	\$477,215	\$477,500	\$372,500	\$477,500
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$459,493</b>	<b>\$477,215</b>	<b>\$477,500</b>	<b>\$372,500</b>	<b>\$477,500</b>
Actual Expenditure	\$446,182	\$450,593	\$480,288	\$492,295	\$504,603
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$446,182</b>	<b>\$450,593</b>	<b>\$480,288</b>	<b>\$492,295</b>	<b>\$504,603</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$154,949</b>	<b>\$181,571</b>	<b>\$178,783</b>	<b>\$58,988</b>	<b>\$31,885</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$154,949</b>	<b>\$181,571</b>	<b>\$178,783</b>	<b>\$58,988</b>	<b>\$31,885</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Business Registration	\$450,545	\$470,275	\$472,500	\$367,500	\$472,500
2. Other Fines	\$0	N/A	N/A	N/A	N/A
3. Interest Income	\$8,948	\$6,940	\$5,000	\$5,000	\$5,000

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 150 - Collection Agency Board  
 12-14-101 to 12-14-137, C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$154,949	\$174,631	\$173,783	\$53,988	\$26,885
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	\$73,620	\$74,348	\$79,248	\$81,229	\$83,259
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$81,329</b>	<b>\$100,283</b>	<b>\$99,535</b>	<b>(\$22,241)</b>	<b>(\$51,374)</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input checked="" type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input checked="" type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Fund regulation and the licensing of collection agencies to protect the public from illegal and oppressive collection practices.
Fee Sources	Investigation Fee \$300; Licensing Fee \$900; Renewal Fee \$425.
Non-Fee Sources	Penalites, Interest
Long Bill Groups Supported by Fund	Collection Agency Board
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Only fund activities of the Collection Agency Board
Revenue Drivers	Economy - With a weak economy and relatively minimal entrance requirements, more individuals enter the collection business.
Expenditure Drivers	As the number of licensees grow, the number of complaints, investigation and disciplinary action grow. Expenditure should keep pace with this growth.

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 150 - Collection Agency Board  
 12-14-101 to 12-14-137, C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: ADMINISTRATION</b>					
Administration ITA	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0
<b>Division Name: CONSUMER PROTECTION &amp; ANTI-TRUST</b>					
Collection Agency Board	\$380,880	\$386,095	\$415,560	\$422,598	\$434,915
Indirect Costs	\$65,302	\$64,498	\$65,031	\$65,031	\$65,031
Division Subtotal	\$446,182	\$450,593	\$480,591	\$487,629	\$499,946
<b>Division Name: SPECIAL PURPOSE</b>					
State Services Building Security	\$3,579	\$0	\$0	\$0	\$0
Division Subtotal	\$3,579	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$449,761</b>	<b>\$450,593</b>	<b>\$480,591</b>	<b>\$487,629</b>	<b>\$499,946</b>



**Schedule 9B: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
**Fund 150 - Collection Agency Board**  
**12-14-101 to 12-14-137, C.R.S.**

<b>Schedule 9.B Compliance Plan</b>	
<b>Action</b>	
<b>Plan Description</b>	Fee decrease in FY 12 to address compliance
<b>Assumptions and Calculations</b>	<p>This fund has fees set on the fiscal year, typically established in May. The department was not in a position to modify fees for FY 11, as such the department is anticipating a fee reduction for FY 12 to bring this fee into compliance.</p> <p>Currently the fee is \$900  The estimated number of licensees for FY 11 and FY 12 is 525.  The department will have to reduce the fee by \$200 in one year to bring the fund into compliance. This is the current plan.</p> <p>However, depending on the position of the fund the department may choose a more moderate fee reduction over a 2 year period to minimize drastic fluctuations on the regulated community.</p>





Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 151 - Uniform Consumer Credit Code  
 5-1-101 to 5-9-102.5, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$4,790</b>	<b>\$159,774</b>	<b>\$364,809</b>	<b>\$232,734</b>	<b>\$179,666</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$1,450,221	\$1,475,486	\$1,200,000	\$1,300,000	\$1,450,000
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$1,450,221</b>	<b>\$1,475,486</b>	<b>\$1,200,000</b>	<b>\$1,300,000</b>	<b>\$1,450,000</b>
Actual / appropriated / projected cash expenditures	\$1,295,237	\$1,270,451	\$1,332,075	\$1,353,068	\$1,353,068
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$1,295,237</b>	<b>\$1,270,451</b>	<b>\$1,332,075</b>	<b>\$1,353,068</b>	<b>\$1,353,068</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$159,774</b>	<b>\$364,809</b>	<b>\$232,734</b>	<b>\$179,666</b>	<b>\$276,598</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$159,774</b>	<b>\$364,809</b>	<b>\$232,734</b>	<b>\$179,666</b>	<b>\$276,598</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Business Registration	\$783,110	\$936,026	\$1,400,000	\$1,300,000	\$1,450,000
2. Fee Name	\$0	\$0	N/A	N/A	N/A
3. Fee Name	\$0	\$0	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 151 - Uniform Consumer Credit Code  
 5-1-101 to 5-9-102.5, C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$159,774	\$364,809	\$232,734	\$179,666	\$276,598
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses) 33% per HB09-1041	\$166,157	\$419,249	\$439,585	\$446,512	\$446,512
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>(\$6,383)</b>	<b>(\$54,440)</b>	<b>(\$206,851)</b>	<b>(\$266,846)</b>	<b>(\$169,914)</b>
Assessment of Potential for Compliance (check all that apply)	<input checked="" type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Fund regulating and licensing of lenders and creditors issuing consumer credit and engaging in debt management and credit repair to protect the public from illegal practices and ensure compliance with the law.
Fee Sources	Business Registrations: Supervised Lender License \$700; Supervised lender Branch License \$700; UCCC Notification Fee \$50; UCCC Volume Fee \$25 per \$100,000; Rent to Own
Non-Fee Sources	Fines and Forfeits
Long Bill Groups Supported by Fund	Department of Law - CP & Anti-Trust - Uniform Consumer Credit Code
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Only for UCCC
Revenue Drivers	Economy and legislation. The availability of credit on the commercial and investment markets impacts whether lenders offer consumer credit. Reductions in mortgage credit will reduce revenue as will consolidations. In addition, any legislation that limits payday lending can reduce revenue. However, lenders that extend their own funds may continue to grow.
Expenditure Drivers	More licensees and creditors operate online to try to avoid state regulation and the number of complaints, investigations and disciplinary actions grow. Expenditures should keep pace with growth.

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 151 - Uniform Consumer Credit Code  
 5-1-101 to 5-9-102.5, C.R.S.

Explanation of any Long-term Liability Funding Requirements	Legislation was passed in 2009 (HB09-1041) that raised the statutory lid on fees and increase fund balance maximum to 33%.
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: Consumer Protection &amp; Anti-Trust</b>					
Consumer Credit Unit line	\$1,140,772	\$1,126,097	\$1,184,278	\$1,205,271	\$1,205,271
Indirect Costs	\$154,465	\$144,354	\$147,797	\$147,797	\$147,797
Division Subtotal	\$1,295,237	\$1,270,451	\$1,332,075	\$1,353,068	\$1,353,068
<b>Division Name: Consumer Protection &amp; Anti-Trust</b>					
State Service Building Security	\$8,465	\$0	\$0	\$0	\$0
Division Subtotal	\$8,465	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$1,303,702</b>	<b>\$1,270,451</b>	<b>\$1,332,075</b>	<b>\$1,353,068</b>	<b>\$1,353,068</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 16B - UCCC Custodial  
 24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$1,323,541</b>	<b>\$1,088,262</b>	<b>\$788,403</b>	<b>\$716,448</b>	<b>\$611,448</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$51,876	\$103,022	\$25,000	\$10,000	\$10,000
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$51,876</b>	<b>\$103,022</b>	<b>\$25,000</b>	<b>\$10,000</b>	<b>\$10,000</b>
Actual / appropriated / projected cash expenditures	\$287,155	\$402,881	\$96,955	\$115,000	\$120,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$287,155</b>	<b>\$402,881</b>	<b>\$96,955</b>	<b>\$115,000</b>	<b>\$120,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$1,088,262</b>	<b>\$788,403</b>	<b>\$716,448</b>	<b>\$611,448</b>	<b>\$501,448</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$1,088,262</b>	<b>\$788,403</b>	<b>\$716,448</b>	<b>\$611,448</b>	<b>\$501,448</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
Fund 16B - UCCC Custodial  
24-31-108(3), C.R.S.

<b>Cash Fund Reserve Balance<sup>1</sup></b>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

<b>Cash Fund Narrative Information</b>	
Purpose/Background of Fund	Providing moneys for educational purposes in the areas of consumer credit and lending and consumer protection enforcement efforts involving credit and lending.
Fee Sources	N/A
Non-Fee Sources	Custodial Awards
Long Bill Groups Supported by Fund	Consumer Protection & Anti-Trust
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	None
Revenue Drivers	Disciplinary and legal actions to correct UCCC violations discovered in compliance examinations or through consumer complaints.
Expenditure Drivers	None

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 16B - UCCC Custodial  
 24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: Consumer Protection</b>					
Consumer Protection & Anti-Trust	\$185,334	\$135,096	\$83,581	\$85,131	\$85,131
CP Indirect Costs	\$12,558	\$12,407	\$11,824	\$11,824	\$11,824
Division Subtotal	\$197,892	\$147,503	\$95,405	\$96,955	\$96,955
<b>Division Name: Special Purpose</b>					
State Services Building Security	\$688	\$0	\$0	\$0	\$0
Division Subtotal	\$688	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$198,580</b>	<b>\$147,503</b>	<b>\$95,405</b>	<b>\$96,955</b>	<b>\$96,955</b>





Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 16Z- Insurance Fraud  
 10-3-207.5(2), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$71,074</b>	<b>\$131,716</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$0	\$0	\$931,260	\$931,260	\$931,260
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$931,260</b>	<b>\$931,260</b>	<b>\$931,260</b>
Actual / appropriated / projected cash expenditures	\$0	\$0	\$860,186	\$870,618	\$870,618
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$860,186</b>	<b>\$870,618</b>	<b>\$870,618</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$0</b>	<b>\$0</b>	<b>\$71,074</b>	<b>\$131,716</b>	<b>\$192,358</b>
	N/A	N/A	N/A	\$0	
	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$71,074</b>	<b>\$131,716</b>	<b>\$192,358</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Insurance Fraud Annual Fee	N/A	N/A	\$561	\$561	\$561
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input checked="" type="checkbox"/> Already in Compliance		<input type="checkbox"/> Statute Change <sup>2</sup>		<input type="checkbox"/> Planned Fee Reduction <sup>2</sup>
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup>		<input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup>		<input type="checkbox"/> Waiver <sup>3</sup>

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Providing moneys for educational purposes in the areas of consumer credit and lending and
Fee Sources	N/A
Non-Fee Sources	Custodial Awards
Long Bill Groups Supported by Fund	Consumer Protection & Anti-Trust
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	None
Revenue Drivers	Disciplinary and legal actions to correct UCCC violations discovered in compliance examinations
Expenditure Drivers	None
Explanation of any Long-term Liability Funding Requirements	N/A

Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: Criminal Justice and Appellate</b>					
Special Prosecutions Unit			\$766,779	\$777,211	\$777,211
Indirect Cost Assessment			\$93,407	\$93,407	\$93,407
Division Subtotal			\$860,186	\$870,618	\$870,618
<b>Division Name:</b>					
	\$0		\$0	\$0	\$0
	\$0		\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$860,186</b>	<b>\$870,618</b>	<b>\$870,618</b>



Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 19A - CAB Custodial  
 24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$105,711</b>	<b>\$134,604</b>	<b>\$139,735</b>	<b>\$141,735</b>	<b>\$143,735</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$37,254	\$8,084	\$2,000	\$2,000	\$2,000
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$37,254</b>	<b>\$8,084</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$2,000</b>
Actual / appropriated / projected cash expenditures	\$8,361	\$2,953	\$0	\$0	\$0
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$8,361</b>	<b>\$2,953</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$134,604</b>	<b>\$139,735</b>	<b>\$141,735</b>	<b>\$143,735</b>	<b>\$145,735</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$134,604</b>	<b>\$139,735</b>	<b>\$141,735</b>	<b>\$143,735</b>	<b>\$145,735</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 19A - CAB Custodial  
 24-31-108(3), C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Providing moneys for education purposes in the area of fair debt collection and consumer protection enforcement efforts involving the Colorado Fair Debt Collection Practices Act.
Fee Sources	N/A
Non-Fee Sources	Custodial Awards.
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	None
Revenue Drivers	Disciplinary and legal actions to remedy violations of the Colorado Fair Debt Collection Practices Act discovered in investigation consumer complaints.
Expenditure Drivers	None

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
 Fund 19A - CAB Custodial  
 24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: N/A</b>					
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>





Schedule 9A: Cash Funds Reports  
 Department of Law  
 FY 2011-12 Budget Request  
 Fund 296 - Peace Officer Standard & Training Board  
 24-31-301 to 24-31-307, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	<b>\$271</b>	<b>\$115,530</b>	<b>\$557,008</b>	<b>\$423,640</b>	<b>\$307,133</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$1,280,059	\$2,684,506	\$2,711,351	\$2,738,464	\$2,765,849
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$1,280,059</b>	<b>\$2,684,506</b>	<b>\$2,711,351</b>	<b>\$2,738,464</b>	<b>\$2,765,849</b>
Actual / appropriated / projected cash expenditures	\$1,164,800	\$2,243,028	\$2,844,719	\$2,854,971	\$2,854,971
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$1,164,800</b>	<b>\$2,243,028</b>	<b>\$2,844,719</b>	<b>\$2,854,971</b>	<b>\$2,854,971</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$115,530</b>	<b>\$557,008</b>	<b>\$423,640</b>	<b>\$307,133</b>	<b>\$218,011</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$115,530</b>	<b>\$557,008</b>	<b>\$423,640</b>	<b>\$307,133</b>	<b>\$218,011</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
1. Additional Motor Vehicle Registration Fee	\$1,126,524	\$2,566,029	\$2,589,351	\$2,616,464	\$2,638,349
2. Professional/Occupational Licenses	\$140,925	\$112,295	\$115,000	\$115,000	\$120,000
3. Certification/Inspections fee	\$5,425	\$1,735	\$2,000	\$2,000	\$2,500
4. Sale of Publications & Maps	\$5,685	\$4,446	\$5,000	\$5,000	\$5,000

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
Fund 296 - Peace Officer Standard & Training Board  
24-31-301 to 24-31-307, C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$115,530	\$557,008	\$423,640	\$307,133	\$218,011
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	\$192,192	\$370,100	\$469,379	\$471,070	\$471,070
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>(\$76,662)</b>	<b>\$186,908</b>	<b>(\$45,739)</b>	<b>(\$163,937)</b>	<b>(\$253,059)</b>
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup>				
	<input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input checked="" type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Funding the Peace Officers Standards and Training Board (POST Board). This program line must support certified all Peace Officers in the State of Colorado.
Fee Sources	Certification Exam fees \$125/test; VIN Inspection fees \$25; Publication fees \$20; Motor Vehicle Registration fee : (\$60) (FY10).
Non-Fee Sources	Sale of Publication regarding POST Certification including study guides, training manuals, etc.
Long Bill Groups Supported by Fund	(3) Criminal Justice and Appellate / (G) Peace Officers Standards and Training Board.
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Funds can only be used to fund POST Board
Revenue Drivers	The number of examinations; number of motor vehicles registered.
Expenditure Drivers	Operational of the program line and money to fund the training grants

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
**Fund 296 - Peace Officer Standard & Training Board**  
**24-31-301 to 24-31-307, C.R.S.**

Explanation of any Long-term Liability Funding Requirements	N/A
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Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Requested	Projected
	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
<b>Division Name: POST Board</b>					
POST line item	\$1,085,322	\$2,168,606	\$2,761,953	\$2,772,205	\$2,772,205
Indirect Cost	\$75,349	\$74,422	\$82,766	\$82,766	\$82,766
Division Subtotal	\$1,160,671	\$2,243,028	\$2,844,719	\$2,854,971	\$2,854,971
State Services Building Security	\$4,129	\$0	\$0	\$0	\$0
Division Subtotal	\$4,129	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$1,164,800</b>	<b>\$2,243,028</b>	<b>\$2,844,719</b>	<b>\$2,854,971</b>	<b>\$2,854,971</b>



**Schedule 9B: Cash Funds Reports**  
**Department of Law**  
**FY 2011-12 Budget Request**  
 Fund 296 - Peace Officer Standard & Training Board  
 24-31-301 to 24-31-307, C.R.S.

<b>Schedule 9.B Compliance Plan</b>	
<b>Action</b>	
<b>Plan Description</b>	Expected normal expenses with contracts, resulting in expenses in line with spending authority.
<b>Assumptions and Calculations</b>	<p>The department is forecasting slight increases in revenue in FY 11 compared to FY 10, resulting in total revenues of \$2,711,351. Additionally, the department is forecasting an increase in expenditures in FY 11 compared to FY 10, to better align contract dollars with spending authority, revenue, and quality proposals from the various regions. The department is estimating total expenses for this fund in FY 11 at \$2,844,719. With anticipated FY 11 revenues and expenses, the department is forecasting an end of year fund balance of \$423,640, which is within 16.5% of expenditures for the fiscal year.</p>



# FY 11-12

# LSSA Table 1 & 2

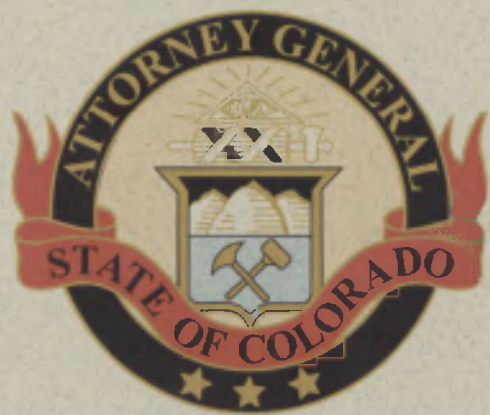


Table I

## Legal Services Provided to State Agencies

	Actual Year			Actual Year			Estimate Year		Request Year	
	FY09			FY 10			FY11		FY12	
	Attorney	Legal Asst	Total	Attorney	Legal Asst	Total	@73.37/hr.		73.37	
<b>Department</b>										
AGRICULTURE, DEPT. OF	3,505.60	772.20	\$321,085.48	3,129.60	812.00	\$295,204.54	4,660.00	\$341,904.20	4,653.00	\$341,390.61
CORRECTIONS, DEPT. OF	11,899.20	2,719.70	\$1,096,348.27	15,123.50	3,523.60	\$1,401,306.74	15,298.00	\$1,122,414.26	15,298.00	\$1,122,414.26
GOVERNOR'S ENERGY OFFICE	634.60	22.20	\$50,417.86	701.80	27.30	\$56,441.56	230.00	\$16,875.10	230.00	\$16,875.10
EDUCATION, DEPT. OF	4,506.00	1,205.90	\$426,701.30	3,674.40	935.90	\$345,494.30	7,602.00	\$557,758.74	7,602.00	\$557,758.74
GOVERNOR, OFFICE OF	1,683.10	313.00	\$150,372.40	4,763.00	949.40	\$431,222.68	8,651.00	\$634,723.87	8,651.00	\$634,723.87
HLTH CARE POLICY & FINANCE	9,566.90	2,115.00	\$876,762.34	7,594.40	2,552.70	\$753,052.28	11,893.00	\$872,589.41	11,893.00	\$872,589.41
HIGHER EDUCATION, DEPT.	12,872.91	528.70	\$1,027,810.54	12,509.62	604.40	\$1,013,479.96	12,244.00	\$898,342.28	12,244.00	\$898,342.28
TRANSPORTATION, DEPT. OF	14,321.10	3,921.20	\$1,361,980.00	12,627.10	3,219.30	\$1,187,488.28	16,432.00	\$1,205,615.84	16,432.00	\$1,205,615.84
PUBLIC HEALTH & ENVIRONMNT	24,957.80	3,857.90	\$2,178,453.15	24,526.90	3,718.00	\$2,146,754.45	34,238.00	\$2,512,042.06	33,296.00	\$2,442,927.52
HUMAN SERVICES DEPARTMENT	15,245.20	5,826.90	\$1,558,204.86	15,093.30	5,921.80	\$1,550,135.78	18,439.00	\$1,352,869.43	18,439.00	\$1,352,869.43
INNOVATION & TECHNOLOGY	0.00		\$0.00	0.00		\$0.00	26.00	\$1,907.62	26.00	\$1,907.62
JUDICIAL DEPARTMENT	2,637.20	311.70	\$223,895.90	2,052.60	405.10	\$185,579.00	3,900.00	\$286,143.00	3,900.00	\$286,143.00
LABOR & EMPLOYMENT DEPT.	6,531.10	1,806.60	\$622,335.27	6,486.10	1,683.20	\$611,818.11	8,310.00	\$609,704.70	8,310.00	\$609,704.70
LEGISLATIVE BRANCH	107.00	44.70	\$11,185.68	106.40		\$8,296.00	188.00	\$13,793.56	188.00	\$13,793.56
LOCAL AFFAIRS DEPT.	914.10	66.30	\$74,870.84	1,708.10	209.00	\$146,355.53	1,816.00	\$133,239.92	1,816.00	\$133,239.92
LAW, DEPARTMENT OF	226.70		\$17,490.11	76.70		\$5,980.43				\$0.00
MILITARY AFFAIRS, DEPT.	41.20	1.90	\$3,303.24	91.10	40.10	\$9,630.96	110.00	\$8,070.70	110.00	\$8,070.70
NATURAL RESOURCES, DEPT.	32,676.20	8,561.10	\$3,082,265.57	35,510.50	7,794.60	\$3,260,139.38	45,410.00	\$3,331,731.70	45,410.00	\$3,331,731.70
PERA PENSION PLANS	9.60	2.90	\$930.81	24.20	5.00	\$2,202.06	25.00	\$1,834.25	25.00	\$1,834.25
DEPARTMENT OF PERSONNEL & ADMINISTRATION	4,122.90	338.50	\$340,278.42	3,197.20	322.60	\$269,622.34	3,351.00	\$245,862.87	3,351.00	\$245,862.87
PERSONNEL - RISK MANAGEMENT	22,074.60	8,174.90	\$2,239,030.87	21,245.60	6,944.90	\$2,094,331.04	31,860.00	\$2,337,568.20	31,860.00	\$2,337,568.20
PUBLIC SAFETY, DEPT OF	2,145.70	0.30	\$165,560.59	1,672.60	9.80	\$131,030.62	2,113.00	\$155,030.81	2,113.00	\$155,030.81
REGULATORY AGENCIES	83,812.80	14,195.10	\$7,396,816.80	85,609.80	13,817.40	\$7,546,070.44	109,070.00	\$8,002,465.90	103,212.00	\$7,572,664.44
REVENUE, DEPT. OF	10,945.60	1,843.60	\$965,334.21	11,049.00	1,787.20	\$974,157.91	20,695.00	\$1,518,392.15	20,430.00	\$1,498,949.10
COLO ST. FAIR AUTHORITY	210.90	12.10	\$17,064.40	180.50	7.20	\$14,527.54	180.00	\$13,206.60	180.00	\$13,206.60
SECRETARY OF STATE	2,903.50	162.10	\$234,633.62	3,735.30	451.90	\$319,729.68	7,178.00	\$526,649.86	7,118.00	\$522,247.66
TREASURY, DEPT. OF	848.30	371.40	\$89,795.71	1,408.80	266.60	\$126,651.15	575.00	\$42,187.75	575.00	\$42,187.75
<b>Totals</b>	<b>269,399.81</b>	<b>57,175.90</b>	<b>\$24,532,928.24</b>	<b>273,898.12</b>	<b>56,009.00</b>	<b>\$24,886,702.76</b>	<b>364,494.00</b>	<b>\$26,742,924.78</b>	<b>357,362.00</b>	<b>\$26,219,649.94</b>

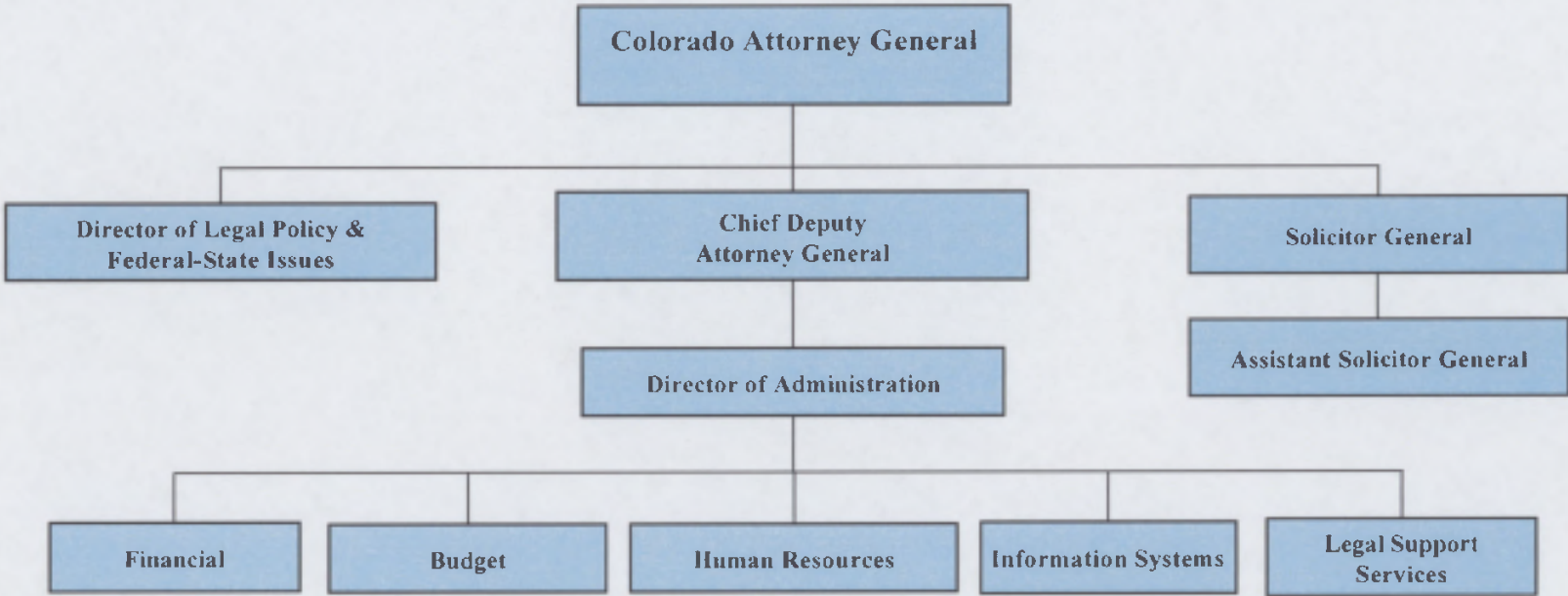


TABLE II

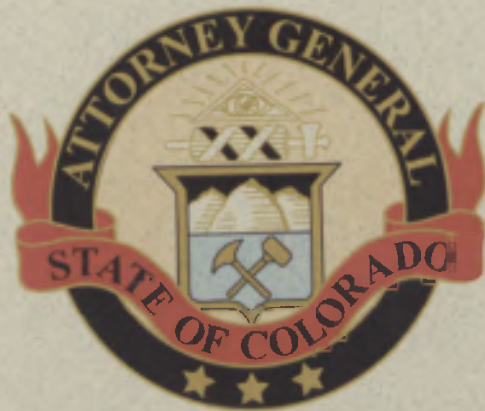
## Legal Services to State Agencies Comparison of Attorney Equivalent Hours

	Department	Actual Legal Hours	Actual Legal Hours	Actual Legal Hours	Actual Legal Hours	Actual Legal Hours	Average Hours	Approximate Appropriated Hours	Difference Average to Appropriation	Total Requested Hours	Difference Average to Request	Difference Appropriation FY 10-11 To Request
AG	AGRICULTURE, DEPT. OF	2,840	3,285	3,916	4,278	3,942	3,652	4,660	1,008	4,653	1,001	(7)
CO	CORRECTIONS, DEPT. OF	15,508	13,830	11,748	14,619	18,647	14,870	15,298	428	15,298	428	0
EC	GOVERNOR'S ENERGY OFFICE	54	151	508	657	729	420	230	(190)	230	(190)	0
ED	EDUCATION, DEPT. OF	4,792	4,827	4,786	5,712	4,610	4,946	7,602	2,656	7,602	2,656	0
EX	GOVERNOR, OFFICE OF	1,342	1,568	728	1,996	5,712	2,269	8,651	6,382	8,651	6,382	0
HC	HLTH CARE POLICY & FINANCE	11,642	11,132	10,249	11,682	10,147	10,971	11,893	922	11,893	922	0
HE	HIGHER EDUCATION, DEPT.	11,549	11,475	10,142	13,402	13,114	11,936	12,244	308	12,244	308	0
HI	TRANSPORTATION, DEPT. OF	17,159	16,467	16,902	18,242	15,846	16,923	16,432	(491)	16,432	(491)	0
HL	PUBLIC HEALTH & ENVIRONMNT	24,462	23,608	26,495	28,816	28,245	26,325	34,238	7,913	33,296	6,971	(942)
HS	HUMAN SERVICES DEPARTMENT	20,663	20,416	19,849	21,072	21,015	20,603	18,439	(2,164)	18,439	(2,164)	0
IT	INNOVATION & TECHNOLOGY	113		33	0	0	29	26	(3)	26	(3)	0
JD	JUDICIAL DEPARTMENT	3,990	2,838	2,698	2,949	2,458	2,986	3,900	914	3,900	914	0
LA	LABOR & EMPLOYMENT DEPT.	7,144	7,125	7,926	8,338	8,169	7,740	8,310	570	8,310	570	0
LE	LEGISLATIVE BRANCH	225	55	264	152	106	160	188	28	188	28	0
LO	LOCAL AFFAIRS DEPT.	1,427	1,671	2,462	980	1,917	1,691	1,816	125	1,816	125	0
LW	LAW, DEPARTMENT OF	410	289	249	227	77	250		(250)	0	(250)	0
MA	MILITARY AFFAIRS, DEPT.	107	24	15	43	131	64	110	46	110	46	0
NR	NATURAL RESOURCES, DEPT.	38,521	37,763	40,010	41,237	43,305	40,167	45,410	5,243	45,410	5,243	0
PA	PERA PENSION PLANS	27	10	5	13	29	17	25	8	25	8	0
PE	DEPARTMENT OF PERSONNEL & ADMINISTRATION	2,695	3,578	4,683	4,461	3,520	3,787	3,351	(436)	3,351	(436)	0
PERISK	PERSONNEL - RISK MANAGEMENT	37,136	34,683	36,488	30,250	28,191	33,349	31,860	(1,489)	31,860	(1,489)	0
PS	PUBLIC SAFETY, DEPT OF	1,971	2,040	1,953	2,146	1,682	1,958	2,113	155	2,113	155	0
RG	REGULATORY AGENCIES	81,361	84,589	90,369	98,008	99,427	90,751	109,070	18,319	103,212	12,461	(5,858)
RV	REVENUE, DEPT. OF	8,943	11,133	12,630	12,789	12,836	11,666	20,695	9,029	20,430	8,764	(265)
SF	COLO ST. FAIR AUTHORITY	239	174	399	223	188	245	180	(65)	180	(65)	0
ST	SECRETARY OF STATE	3,034	4,963	4,125	3,066	4,187	3,875	7,178	3,303	7,118	3,243	(60)
TR	TREASURY, DEPT. OF	576	599	756	1,220	1,675	965	575	(390)	575	(390)	0
		297,927	298,291	310,387	326,576	329,907	312,618	364,494	51,876	357,362	44,744	(7,132)

**Administration Section**



# Narrative Administration



## I) BACKGROUND INFORMATION: ADMINISTRATION UNIT

The Administration Division includes the following sections:

- *Office of the Attorney General*, which includes the Attorney General, Chief Deputy Attorney General, Solicitor General, Director of Legal Policy and Federal-State Issues, and associated administrative staff;
- *Human Resources*, which hires new employees, manages employee benefits, and consults with employees and managers regarding applicable state and federal personnel laws and regulations;
- *Financial Services*, which includes accounting, financial reporting, and payroll.
- *Budgeting*: Prepares the Department's budget, monitors expenditures
- *Information Technology Services*, which handles the Department's computer needs including maintenance, computer training, and operation of the Attorney General's website;
- *Legal Support Services*, which produces a significant number of the Department's documents including legal briefs and other court-related manuscripts, distributes mail, oversees the Department's vehicle fleet, file materials with courts, and manages general office documents.
- *Special Projects & Facilities Manager Services*, which handles the Department's special projects and building facilities needs including building maintenance through the State Capital Complex, and building upgrades.

Administration Division appropriations fall into two categories:

- Appropriations that pay the actual cost of running the Division, such as salaries for the Attorney General and Division personnel, and
- Central appropriations or "Pots", such as Health, Life and Dental, that the Department allocates among its divisions.

The Administration is funded with departmental indirect cost assessments (from cash funded sources to replace the General Fund) that are collected from the Department's various divisions and transferred as reappropriated funds to the Administration appropriation. The largest source of indirect cost recoveries are assessments within the Department's largest appropriation: Legal Services to State Agencies. Any part of the actual cost of running Administration that cannot be covered by indirect cost assessments must be covered by the General Fund.

The central appropriations are allocated to the line item appropriations that use the "pots". As a consequence, the "potted" appropriations are a mixture of General Fund,

cash funds, reappropriated funds, and federal funds, reflecting the funding sources of the divisions to which the central appropriations will be distributed.

Staffing for the Administration appropriation is broken into the following sections:

Staffing Summary	FY 08-09 Actual	FY 09-10 Actual	FY 10-11 Approp.	FY 11-12 Request
Office of the Attorney General	8.0	8.0	9.0	9.0
Human Resources	2.5	2.6	3.5	3.5
Fiscal and Accounting	7.5	7.3	7.5	7.5
Information Technology Services	14.2	13.6	15.2	15.2
Legal Support Services	7.4	4.9	7.0	7.0
<b>Total</b>	<b>39.6</b>	<b>36.3</b>	<b>42.2</b>	<b>42.2</b>

The comparison of the Administrative staff (not including the Office of the Attorney General) to total Departmental FTE and annual appropriation is listed below.

### Human Resources

The Human Resources Unit consists of 3.5 FTE and is responsible for recruiting and hiring new employees; delivering new employee orientation; processing all employment related actions (e.g., new hires, transfers, promotions, salary changes; terminations, etc.); maintaining official personnel, position and exam files; managing employee leave, Family Medical Leave cases, Short-Term Disability claims and worker's compensation claims; risk management and ergonomics; managing employee benefits; developing and implementing personnel related policies and procedures, to include delivering training on related topics; employee relations and communication; and consulting with employees and managers regarding job classification, compensation, performance management, dispute resolution, ADA, State Personnel Rules and Procedures and state and federal personnel laws and regulations.

The Human Resources function at the Department of Law is unique in that we operate under dual personnel systems, the state personnel system is applied to all classified staff and non-classified staff are covered by more of a private sector type of personnel system. For classified staff, most departmental policies and practices are dictated by statute and State Personnel Rules, where departmental policies and practices for non-classified staff are developed within the office and based primarily on prevailing business practices and state and federal law.

	<u>Administration</u>	<u>Department</u>	
<u>FY</u>	<u>Section Staff</u>	<u>Staff</u>	<u>Appropriation</u>
89-90	29.0	259.1	\$17,846,627
90-91	29.0	269.5	\$20,172,939
91-92	29.0	284.0	\$22,681,389
92-93	29.0	284.4	\$20,694,260
93-94	29.0	284.4	\$20,645,836
94-95	29.7	290.3	\$23,442,187
95-96	29.7	313.7	\$24,769,094
96-97	29.7	313.7	\$25,542,993
97-98	29.7	320.3	\$26,817,570
98-99	29.7	337.4	\$29,807,946
99-00	29.7	340.8	\$31,317,974
00-01	30.7	344.6	\$32,667,757
01-02	30.7	352.0	\$33,748,107
02-03	30.7	345.9	\$33,672,032
03-04	29.7	335.7	\$33,410,398
04-05	30.7	337.3	\$34,623,907
05-06	30.7	338.7	\$35,465,384
06-07	30.7	359.4	\$39,524,819
07-08	31.7	384.9	\$46,891,223
08-09	33.2	391.2	\$47,996,493
09-10	33.2	395.2	\$47,688,779
10-11	33.2	409.8	\$57,797,347

These increases in staff and appropriation translate to increases in:

- a. additional personnel/payroll activities, transactions, and requirements;
- b. increase in the volume of accounts payable and accounts receivable transactions processed by the fiscal staff;

- c. increases in the demand for general administrative support services, such as word processing, copying, procurement, archive maintenance, travel management, etc.; and
- d. increases in the need for technical support services such as programming, hardware/software maintenance, LAN administration, training, document scanning, e-law and litigation support.

\*The department accommodated for workload increases in FY 2010-11 by reallocating a position from the Legal Services Group within Administration to the Human Resources Group.

Additionally, the department recently hired the Assistant Solicitor General.

## **II) PRIOR YEAR LEGISLATION**

N/A

## **III) HOT ISSUES:**

- Implementation of a document management system to reduce paper and increase document handling efficiency.
- Funding for performance awards/achievement pay. For the most part, employees understand the need to make sacrifices when there are budgetary constraints. However, when performance pay funding continues to be treated as an unnecessary expenditure, the message sent is that employee performance (or at least the recognition of) is not a priority. This lack of commitment and funding continues to make it very difficult to get supervisors and employees to take the state's mandated performance management requirements seriously. Performance management activities take a great deal of time. While some level of performance management is necessary and important, the level at which we're required to function in the state personnel system is questionable when there is no money/reward attached.
- Electronic payments are becoming a critical issue within our electronic age. The Department must find opportunities to procure resources and capabilities to meet the needs of customers, clients and staff within this evolving technological era.
- Identify, procure and implement an automated leave-keeping system.
- Continue Cyber Security efforts toward compliance with state rules and policies.
- Identify, procure and implement a Departmental Case Management System.

## **IV) WORKLOAD MEASURE:**

**WORKLOAD INDICATORS: N/A**

**V): PERFORMANCE MEASURES FOR DEPARTMENT OF LAW – ADMINISTRATION SECTION.**

1. The goal of the Administration and Planning Section is to provide a high quality of service to the staff of the Department of Law, and to client agencies. This section will continue to analyze and adjust processes and services to meet the changing needs of the Department with existing staff levels for as long as it is feasible to do so.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Continue upgrades and improvement to the Attorney General Information System (AGIS), the billing, calendaring, docketing and case management system.		Work is, and will continue to be, on going on the case management system as this will be an ever changing system due to the innovations in technology in the practice of law.			

2. Work with Judicial and other planned tenants at the new building at 13<sup>th</sup> and Lincoln.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
New building planning and cooperation		The Department will begin occupancy of the new building in 2013. The department is working and cooperating with all tenants for space planning, security, data management and security, etc.			



### 3. Upgrade Building State Services Building Security

Performance Measure	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Obtain funding to implement the recommendations of the CDPS Rubicon critical infrastructure Protection Team including the Management of automated security entry system for DOL floors in the State Services Building	The Department has a full time State Patrol person assigned to the State Services Building. Further the Department has just signed a contract to upgrade building security in the current fiscal year. This includes securing stairwells, issuing new security badges			

*Strategy:*

Administrative will strive to provide excellent customer service to the Department. This includes leading the Department into the electronic age with document management, e-filing and other e-commerce activities.

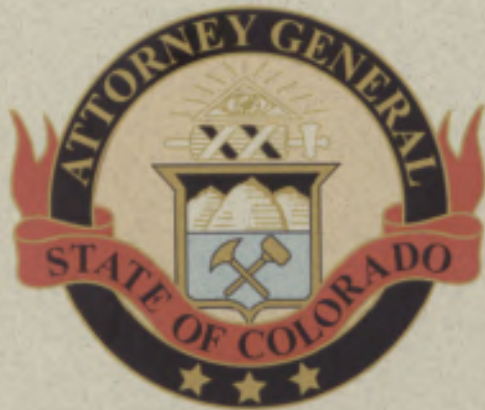
*Evaluation of Prior Year Performance:*

N/A

*Key Workload Indicators:*

N/A

# FY 11-12 Reconciliation of Request Administration



**DEPARTMENT OF LAW**

**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(1) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) Administration</b>						
<b>Personal Services</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$2,947,855	42.2	\$0	\$0	\$2,947,855	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$2,947,855</b>		<b>\$0</b>	<b>\$0</b>	<b>\$2,947,855</b>	<b>\$0</b>
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
PERA adjustment back to 10.15% from 7.65%	\$65,413	0.0	\$0	\$0	\$65,413	\$0
<b>FY 11-12 Base Request</b>	<b>\$3,013,268</b>	<b>42.2</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,013,268</b>	<b>\$0</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$3,013,268</b>	<b>42.2</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,013,268</b>	<b>\$0</b>
<b>(B) Health, Life and Dental</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$2,022,131	0.0	\$540,110	\$176,275	\$1,255,479	\$50,267
HB 10-1385 Funding Insurance Fraud Cases	\$0		\$0	\$39,802	(\$39,802)	\$0
HB 10-1329 Solid Waste User Fees	\$0		(\$10,720)	\$0	\$10,720	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$2,022,131</b>		<b>\$529,390</b>	<b>\$216,077</b>	<b>\$1,226,397</b>	<b>\$50,267</b>
<b>FY 11-12 Base Request</b>	<b>\$2,022,131</b>	<b>0.0</b>	<b>\$529,390</b>	<b>\$216,077</b>	<b>\$1,226,397</b>	<b>\$50,267</b>
Common Policy Adjustment	\$259,441	0.0	\$62,034	\$21,469	\$146,049	\$29,889
DI #1 Refinance 2.0 FTE to Securities Fraud Cash Fund	\$0		(\$13,524)		\$13,524	
<b>FY 2011-12 November 1st Request</b>	<b>\$2,281,572</b>	<b>0.0</b>	<b>\$577,900</b>	<b>\$237,546</b>	<b>\$1,385,970</b>	<b>\$80,156</b>
<b>(C) Short-term Disability</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$42,246	0.0	\$12,299	\$2,939	\$25,755	\$1,253
HB 10-1385 Funding Insurance Fraud Cases	\$0		\$0	\$890	(\$890)	\$0
HB 10-1329 Solid Waste User Fees	\$0		(\$406)	\$0	\$406	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$42,246</b>		<b>\$11,893</b>	<b>\$3,829</b>	<b>\$25,271</b>	<b>\$1,253</b>
<b>FY 11-12 Base Request</b>	<b>\$42,246</b>	<b>0.0</b>	<b>\$11,893</b>	<b>\$3,829</b>	<b>\$25,271</b>	<b>\$1,253</b>
Common Policy Adjustment	\$9,050	0.0	\$1,384	\$1,057	\$5,935	\$674
DI #1 Refinance 2.0 FTE to Securities Fraud Cash Fund	\$0		(\$256)		\$256	
<b>FY 2011-12 November 1st Request</b>	<b>\$51,296</b>	<b>0.0</b>	<b>\$13,021</b>	<b>\$4,886</b>	<b>\$31,462</b>	<b>\$1,927</b>
<b>(D) SB 04-257 Amortization Equalization Distribution</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$654,314	0.0	\$190,617	\$45,512	\$398,784	\$19,401
HB 10-1385 Funding Insurance Fraud Cases	\$0		\$0	\$12,740	(\$12,740)	\$0

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**DEPARTMENT OF LAW**  
**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

5-10

**(I) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
HB 10-1329 Solid Waste User Fees	\$0		(\$7,486)	\$0	\$7,486	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$654,314</b>		<b>\$183,131</b>	<b>\$58,252</b>	<b>\$393,530</b>	<b>\$19,401</b>
<b>FY 11-12 Base Request</b>	<b>\$654,314</b>	<b>0.0</b>	<b>\$183,131</b>	<b>\$58,252</b>	<b>\$393,530</b>	<b>\$19,401</b>
Common Policy Adjustment	\$157,155	0.0	\$26,903	\$19,044	\$100,131	\$11,077
DI #1 Refinance 2.0 FTE to Securities Fraud Cash Fund	\$0		(\$4,052)		\$4,052	
<b>FY 2011-12 November 1st Request</b>	<b>\$811,469</b>	<b>0.0</b>	<b>\$205,982</b>	<b>\$77,296</b>	<b>\$497,713</b>	<b>\$30,478</b>
<b>(E) SB 06-235 Supplemental Amortization Equalization Distribution</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$477,318	0.0	\$139,206	\$33,186	\$290,780	\$14,146
HB 10-1385 Funding Insurance Fraud Cases	\$0		\$0	\$9,289	(\$9,289)	\$0
HB 10-1329 Solid Waste User Fees	\$0		(\$5,459)	\$0	\$5,459	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$477,318</b>		<b>\$133,747</b>	<b>\$42,475</b>	<b>\$286,950</b>	<b>\$14,146</b>
<b>FY 11-12 Base Request</b>	<b>\$477,318</b>	<b>0.0</b>	<b>\$133,747</b>	<b>\$42,475</b>	<b>\$286,950</b>	<b>\$14,146</b>
Common Policy Adjustment	\$174,755	0.0	\$35,030	\$19,638	\$109,742	\$10,345
DI #1 Refinance 2.0 FTE to Securities Fraud Cash Fund	\$0		(\$3,256)		\$3,256	
<b>FY 2011-12 November 1st Request</b>	<b>\$652,073</b>	<b>0.0</b>	<b>\$165,521</b>	<b>\$62,113</b>	<b>\$399,948</b>	<b>\$24,491</b>
<b>(F) Salary Survey for Classified Employees</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$0</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 11-12 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Common Policy Adjustment	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(G) Salary Survey for Exempt Employees</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$0</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 11-12 Base Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Common Policy Adjustment	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(H) Performance-based Pay Awards for Classified Employees</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$0	0.0	\$0	\$0	\$0	\$0

**DEPARTMENT OF LAW**  
**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(I) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2010-11 Total Appropriation</b>	\$0		\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	\$0	0.0	\$0	\$0	\$0	\$0
Common Policy Adjustment	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2011-12 November 1st Request</b>	\$0	0.0	\$0	\$0	\$0	\$0
<b>(I) Performance-based Pay Awards for Exempt Employees</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	\$0		\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	\$0	0.0	\$0	\$0	\$0	\$0
Common Policy Adjustment	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2011-12 November 1st Request</b>	\$0	0.0	\$0	\$0	\$0	\$0
<b>(J) Continuing Legal Education</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$92,626	0.0	\$22,238	\$3,750	\$66,075	\$563
HB 10-1385 Funding Insurance Fraud Cases	\$0		\$0	\$788	(\$788)	\$0
<b>FY 2010-11 Total Appropriation</b>	\$92,626		\$22,238	\$4,538	\$65,287	\$563
<b>FY 11-12 Base Request</b>	\$92,626	0.0	\$22,238	\$4,538	\$65,287	\$563
Common Policy Adjustment		0.0				
<b>FY 2011-12 November 1st Request</b>	\$92,626	0.0	\$22,238	\$4,538	\$65,287	\$563
<b>(K) Workers' Compensation</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$50,863	0.0	\$15,394	\$4,028	\$30,098	\$1,343
HB 10-1385 Funding Insurance Fraud Cases	\$0		\$0	\$1,010	(\$1,010)	\$0
HB 10-1329 Solid Waste User Fees	\$0		(\$517)	\$0	\$517	\$0
<b>FY 2010-11 Total Appropriation</b>	\$50,863		\$14,877	\$5,038	\$29,605	\$1,343
<b>FY 11-12 Base Request</b>	\$50,863	0.0	\$14,877	\$5,038	\$29,605	\$1,343
DPA Common Policy Adjustment	\$30,287	0.0	\$8,114	\$3,320	\$17,653	\$1,200
DI #1 Refinance 2.0 FTE to Securities Fraud Cash Fund	\$0		(\$399)		\$399	
<b>FY 2011-12 November 1st Request</b>	\$81,150	0.0	\$22,592	\$8,358	\$47,657	\$2,543
<b>(L) Operating Expenses</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$194,679	0.0	\$0	\$0	\$194,679	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	\$194,679	0.0	\$0	\$0	\$194,679	\$0

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**DEPARTMENT OF LAW**  
**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

5-12

**(I) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$194,679</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$194,679</b>	<b>\$0</b>
DPA NP Printing of Statewide Warrants and Mainframe	\$156	0.0	\$0	\$0	\$156	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$194,835</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$194,835</b>	<b>\$0</b>
<b>(M) Purchase of Services from Computer Center</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$37,522	0.0	\$0	\$0	\$37,522	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$37,522</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$37,522</b>	<b>\$0</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$37,522</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$37,522</b>	<b>\$0</b>
OIT Common Policy Adjustment	\$38,205	0.0	\$0	\$0	\$38,205	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$75,727</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$75,727</b>	<b>\$0</b>
<b>(N) Payment to Risk Management</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$28,842	0.0	\$0	\$0	\$28,842	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$28,842</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$28,842</b>	<b>\$0</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$28,842</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$28,842</b>	<b>\$0</b>
DPA Common Policy Adjustment	\$84,882	0.0	\$0	\$0	\$84,882	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$113,724</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$113,724</b>	<b>\$0</b>
<b>(O) Vehicle Lease Payments</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$72,813	0.0	\$21,214	\$15,697	\$31,218	\$4,684
HB 10-1385 Funding Insurance Fraud Cases	\$0	0	\$0	\$5,734	(\$5,734)	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$72,813</b>	<b>0.0</b>	<b>\$21,214</b>	<b>\$21,431</b>	<b>\$25,484</b>	<b>\$4,684</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$72,813</b>	<b>0.0</b>	<b>\$21,214</b>	<b>\$21,431</b>	<b>\$25,484</b>	<b>\$4,684</b>
DPA Common Policy Adjustment	(\$4,152)	0.0	(\$2,635)	\$1,995	(\$1,577)	(\$1,935)
<b>FY 2011-12 November 1st Request</b>	<b>\$68,661</b>	<b>0.0</b>	<b>\$18,579</b>	<b>\$23,426</b>	<b>\$23,907</b>	<b>\$2,749</b>
<b>(Q) Information Technology Asset Maintenance</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$407,667	0.0	\$15,291	\$47,298	\$343,697	\$1,381
HB 10-1385 Funding Insurance Fraud Cases	\$0	0	\$0	\$12,290	(\$12,290)	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$407,667</b>	<b>0.0</b>	<b>\$15,291</b>	<b>\$59,588</b>	<b>\$331,407</b>	<b>\$1,381</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$407,667</b>	<b>0.0</b>	<b>\$15,291</b>	<b>\$59,588</b>	<b>\$331,407</b>	<b>\$1,381</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$407,667</b>	<b>0.0</b>	<b>\$15,291</b>	<b>\$59,588</b>	<b>\$331,407</b>	<b>\$1,381</b>

**DEPARTMENT OF LAW**  
**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(I) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(R) Lease Space</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$26,220	0.0	\$4,321	\$2,880	\$18,857	\$162
<b>FY 2010-11 Total Appropriation</b>	<b>\$26,220</b>	<b>0.0</b>	<b>\$4,321</b>	<b>\$2,880</b>	<b>\$18,857</b>	<b>\$162</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$26,220</b>	<b>0.0</b>	<b>\$4,321</b>	<b>\$2,880</b>	<b>\$18,857</b>	<b>\$162</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2011-12 November 1st Request</b>	<b>\$26,220</b>	<b>0.0</b>	<b>\$4,321</b>	<b>\$2,880</b>	<b>\$18,857</b>	<b>\$162</b>
<b>(S) Capitol Complex Leased Space</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$1,252,757	0.0	\$379,165	\$99,200	\$741,325	\$33,067
HB 10-1385 Funding Insurance Fraud Cases	\$0	0	\$0	\$24,880	(\$24,880)	\$0
HB 10-1329 Solid Waste User Fees	\$0		(\$11,092)	\$0	\$11,092	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$1,252,757</b>	<b>0.0</b>	<b>\$368,073</b>	<b>\$124,080</b>	<b>\$727,537</b>	<b>\$33,067</b>
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$1,252,757</b>	<b>0.0</b>	<b>\$368,073</b>	<b>\$124,080</b>	<b>\$727,537</b>	<b>\$33,067</b>
DPA Common Policy Adjustment	\$88,022	0.0	\$11,781	\$14,019	\$53,266	\$8,956
DI #1 Refinance 2.0 FTE to Securities Fraud Cash Fund	\$0		(\$6,592)		\$6,592	
<b>FY 2011-12 November 1st Request</b>	<b>\$1,340,779</b>	<b>0.0</b>	<b>\$373,262</b>	<b>\$138,099</b>	<b>\$787,395</b>	<b>\$42,023</b>
					\$780,803	
<b>(T) Communication Services Payments</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$7,744	0.0	\$2,748	\$684	\$2,464	\$1,848
HB 10-1385 Funding Insurance Fraud Cases	\$0	0	\$0	\$1,408	(\$1,408)	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$7,744</b>	<b>0.0</b>	<b>\$2,748</b>	<b>\$2,092</b>	<b>\$1,056</b>	<b>\$1,848</b>
<b>FY 11-12 Base Request</b>	<b>\$7,744</b>	<b>0.0</b>	<b>\$2,748</b>	<b>\$2,092</b>	<b>\$1,056</b>	<b>\$1,848</b>
OIT Common Policy Adjustment	\$176	0.0	\$62	\$48	\$24	\$42
<b>FY 2011-12 November 1st Request</b>	<b>\$7,920</b>	<b>0.0</b>	<b>\$2,810</b>	<b>\$2,140</b>	<b>\$1,080</b>	<b>\$1,890</b>
<b>(U) Building Security</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$120,919	0.0	\$36,598	\$9,575	\$71,554	\$3,192
HB 10-1385 Funding Insurance Fraud Cases	\$0	0	\$0	\$2,401	(\$2,401)	\$0
HB 10-1329 Solid Waste User Fees	\$0		(\$2,011)	\$0	\$2,011	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$120,919</b>	<b>0.0</b>	<b>\$34,587</b>	<b>\$11,976</b>	<b>\$71,164</b>	<b>\$3,192</b>
<b>FY 11-12 Base Request</b>	<b>\$120,919</b>	<b>0.0</b>	<b>\$34,587</b>	<b>\$11,976</b>	<b>\$71,164</b>	<b>\$3,192</b>
DPA Common Policy Adjustment		0.0				
DI #1 Refinance 2.0 FTE to Securities Fraud Cash Fund	\$0		(\$594)		\$594	
<b>FY 2011-12 November 1st Request</b>	<b>\$120,919</b>	<b>0.0</b>	<b>\$33,993</b>	<b>\$11,976</b>	<b>\$71,758</b>	<b>\$3,192</b>

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**DEPARTMENT OF LAW**

**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

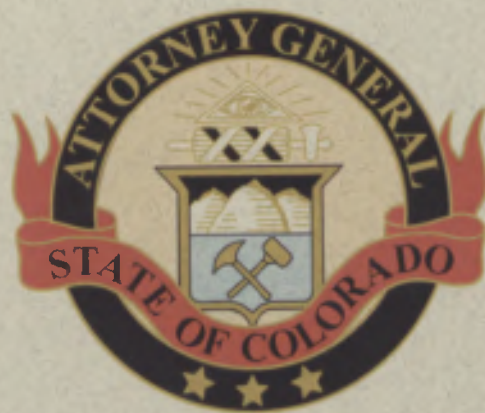
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**(I) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(V) Attorney General Discretionary Fund</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$5,000	0.0	\$5,000	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$5,000</b>	<b>0.0</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 11-12 Base Request</b>	<b>\$5,000</b>	<b>0.0</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
		0.0				
<b>FY 2011-12 November 1st Request</b>	<b>\$5,000</b>	<b>0.0</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(I) Administration</b>						
FY 2010-11 Appropriation(Long Bill plus Special Bills)	\$8,441,516	42.2	\$1,346,510	\$552,256	\$6,411,443	\$131,307
<b>FY 2011-12 Base Request</b>	<b>\$8,506,929</b>	<b>42.2</b>	<b>\$1,346,510</b>	<b>\$552,256</b>	<b>\$6,476,856</b>	<b>\$131,307</b>
<b>FY 2011-12 November Request</b>	<b>\$9,343,987</b>	<b>42.2</b>	<b>\$1,460,510</b>	<b>\$632,846</b>	<b>\$7,059,924</b>	<b>\$191,555</b>



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**Administration**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**ADMINISTRATION**

<b>PERSONAL SERVICES</b>	3,049,686	39.6	2,994,404	36.6			3,233,078	42.23	3,013,268	42.2
General Fund	257,218		-				285,223		-	
General Fund Exempt							-		-	
Cash Fund	-		-				-		-	
Reappropriated Funds	2,792,469		2,994,404				2,947,855		3,013,268	
Federal Funds									-	
<b>HEALTH/LIFE INSURANCE TOTAL</b>	-		-				-		2,281,572	
General Fund	-		-				-		577,900	
Cash Fund	-		-				-		237,546	
Reappropriated Funds	-		-				-		1,385,970	
Federal Funds	-		-				-		80,156	
<b>SHORT TERM DISABILITY</b>	-		-				-		51,296	
General Fund	-		-				-		13,021	
Cash Fund	-		-				-		4,886	
Reappropriated Funds	-		-				-		31,462	
Federal Funds	-		-				-		1,927	
<b>CLASSIFIED SALARY SURVEY</b>	-		-				-		-	
General Fund	-		-				-		-	
Cash Fund	-		-				-		-	
Reappropriated Funds	-		-				-		-	
Federal Funds	-		-				-		-	
<b>SALARY SURVEY - EXEMPT EMPLOYEES</b>	-		-				-		-	
General Fund	-		-				-		-	
Cash Fund	-		-				-		-	
Reappropriated Funds	-		-				-		-	
Federal Funds	-		-				-		-	
<b>PERFORMANCE PAY FOR CLASSIFIED EMPLOYEES</b>	-		-				-		-	
General Fund	-		-				-		-	
Cash Fund	-		-				-		-	
Reappropriated Funds	-		-				-		-	
Federal Funds	-		-				-		-	

## SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

ADMINISTRATION

									FY 12	
									Funds	TE
<b>PERFORMANCE PAY FOR EXEMPT EMPLOYEES</b>	-		-					-	-	
General Fund	-		-					-	-	
Cash Fund	-		-					-	-	
Reappropriated Funds	-		-					-	-	
Federal Funds	-		-					-	-	
<b>AMORTIZATION EQUALIZATION DISBURSEMENT</b>	-		-					-	811,469	
General Fund	-		-					-	205,982	
Cash Funds	-		-					-	77,296	
Reappropriated Funds	-		-					-	497,713	
Federal Funds	-		-					-	30,478	
<b>SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT</b>	-		-					-	652,073	
General Fund	-		-					-	165,521	
Cash Funds	-		-					-	62,113	
Reappropriated Funds	-		-					-	399,948	
Federal Funds	-		-					-	24,491	
<b>WORKERS COMP TOTAL</b>	-		-					-	81,150	
General Fund	-		-					-	22,592	
Cash Funds	-		-					-	8,358	
Reappropriated Funds	-		-					-	47,657	
Federal Funds	-		-					-	2,543	
<b>OPERATING EXPENSE TOTAL</b>	337,606		349,684					365,503	194,835	
General Fund	48,240		180,264					170,824	-	
General Fund Exempt	-		-					-	-	
Cash Fund	-		-					-	-	
Reappropriated Funds	289,366		169,420					194,679	194,835	
Federal Funds	-		-					-	-	

**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**ADMINISTRATION**

<b>ATTORNEY REGISTRATION FEES TOTAL</b>	-	-	-	-	-	-	92,626
General Fund	-	-	-	-	-	-	22,238
General Fund Exempt	-	-	-	-	-	-	-
Cash Fund	-	-	-	-	-	-	4,538
Reappropriated Funds	-	-	-	-	-	-	65,287
Federal Funds	-	-	-	-	-	-	563
<b>GENERAL GOV'T COMPUTING CENTER TOTAL</b>	60,456	68,003	-	-	37,522	-	75,727
General Fund	-	68,003	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-
Reappropriated Funds	60,456	-	-	-	37,522	-	75,727
<b>RISK MANAGEMENT TOTAL</b>	86,286	92,968	-	-	28,842	-	113,724
General Fund	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-
Reappropriated Funds	86,286	92,968	-	-	28,842	-	113,724
<b>VEHICLE LEASE PAYMENTS TOTAL</b>	-	-	-	-	2,766	-	68,661
General Fund	-	-	-	-	2,766	-	18,579
Cash Funds	-	-	-	-	-	-	23,426
Reappropriated Funds	-	-	-	-	-	-	23,907
Federal Funds	-	-	-	-	-	-	2,749
<b>ADP CAPITAL OUTLAY TOTAL</b>	-	-	-	-	-	-	-
General Fund	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-

**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**ADMINISTRATION**

							FY 12	
							Funds	FTE
<b>IT ASSET MAINTENANCE TOTAL</b>	-	-	-	-	-	-	407,667	
General Fund	-	-	-	-	-	-	15,291	
Cash Funds	-	-	-	-	-	-	59,588	
Reappropriated Funds	-	-	-	-	-	-	331,407	
Federal Funds	-	-	-	-	-	-	1,381	
<b>CAPITAL COMPLEX TOTAL</b>	-	-	-	-	-	-	1,340,779	
General Fund	-	-	-	-	-	-	373,262	
Cash Funds	-	-	-	-	-	-	138,099	
Reappropriated Funds	-	-	-	-	-	-	787,395	
Federal Funds	-	-	-	-	-	-	42,023	
<b>LEASE SPACE TOTAL</b>	-	-	-	-	-	-	26,220	
General Fund	-	-	-	-	-	-	4,321	
Cash Funds	-	-	-	-	-	-	2,880	
Reappropriated Funds	-	-	-	-	-	-	18,857	
Federal Funds	-	-	-	-	-	-	162	
<b>COMMUNICATION SERVICES PAYMENTS TOTAL</b>	-	-	-	-	-	-	7,920	
General Fund	-	-	-	-	-	-	2,810	
Cash Funds	-	-	-	-	-	-	2,140	
Reappropriated Funds	-	-	-	-	-	-	1,080	
Federal Funds	-	-	-	-	-	-	1,890	
<b>BUILDING SECURITY</b>	-	-	-	-	-	-	120,919	
General Fund	-	-	-	-	-	-	33,993	
Cash Funds	-	-	-	-	-	-	11,976	
Reappropriated Funds	-	-	-	-	-	-	71,758	
Federal Funds	-	-	-	-	-	-	3,192	
<b>ATTORNEY GENERAL DISCRETIONARY FUND</b>	5,000		5,000			5,000	5,000	
General Fund	5,000		5,000			5,000	5,000	
Cash Funds	-		-			-	-	
Reappropriated Funds	-		-			-	-	

**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**ADMINISTRATION**

<b>GRAND TOTAL ADMINISTRATION</b>	3,539,035	39.6	3,510,059	36.6	8,441,516	42.2	3,672,711	42.2	9,344,906	42.2
General Fund	310,458		253,267		1,346,510		463,813		1,460,510	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		552,256		-		632,846	
Reappropriated Funds	3,228,577		3,256,792		6,411,443		3,208,898		7,059,994	
Federal Funds	-		-		131,307		-		191,555	



**SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

**I. POSITION DETAIL**

Attorney General	80,004	1.0	80,004	1.0			80,004	1.0	80,004	1.0
Chief Deputy Attorney General	134,112	1.0	134,112	1.0			134,112	1.0	134,112	1.0
Solicitor General	130,620	1.0	130,620	1.0			130,620	1.0	130,620	1.0
Assistant Solicitor General							72,000	1.0	72,000	1.0
Deputy Attorney General	122,688	1.0	122,688	1.0			122,688	1.0	122,688	1.0
Asst. Attorney General I							0		0	0.0
Management	114,492	1.0	114,492	1.0			120,000	1.0	120,000	1.0
General Professional VI			90,828	1.0			204,216	2.0	204,216	2.0
General Professional V	90,828	1.0					0		0	0.0
General Professional IV			8,795	0.1			76,956	1.0	76,956	1.0
General Profession III	51,872	1.0					0		0	0.0
General Profession II	50,771	1.0	65,511	1.3			104,940	2.0	104,940	2.0
Controller II	98,604	1.0	75,953	0.8			102,108	1.0	102,108	1.0
Accountant III	138,852	2.0	138,852	2.0			60,876	1.0	60,876	1.0
Accountant I	100,260	2.0	100,400	2.0			107,400	2.0	107,400	2.0
Accounting Technician III			36,112	1.0			36,624	1.0	36,624	1.0
Accounting Technician I	31,248	1.0								
Program Assistant I	47,304	1.0	48,304	1.0			47,304	1.0	47,304	1.0
Office Manager I	100,596	2.0	99,396	2.0			99,396	2.0	99,396	2.0
Administrative Assistant III	35,088	1.0	35,088	1.0			35,088	1.0	35,088	1.0
Administrative Assistant II	253,455	7.4	182,952	5.8			273,756	8.0	273,756	8.0
IT Professional V	87,426	1.0	87,708	1.0			87,708	1.0	87,708	1.0
IT Professional IV	128,142	1.5	125,988	1.5			125,988	1.5	125,988	1.5
IT Professional III	77,964	1.0	72,649	0.9			81,600	1.0	81,600	1.0
IT Professional II	402,476	6.0	364,848	5.6			319,368	5.0	319,368	5.0
IT Professional I	146,262	2.7	237,061	4.7			312,349	5.7	312,349	5.7
IT Technician II	90,864	2.0								
Technician III										
<b>TOTAL POSITION DETAIL</b>	<b>2,513,928</b>	<b>39.6</b>	<b>2,352,360</b>	<b>36.6</b>			<b>2,735,101</b>	<b>42.2</b>	<b>2,735,101</b>	<b>42.2</b>





**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	2,513,928	39.6	2,352,360	36.6			2,735,101	42.2	2,735,101	42.2
(Permanent FTE by position) Continuation Salary Subtotal										
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	237,393		235,523				209,235		277,613	
Medicare on Continuation Subtotal	33,413		31,468				39,659		39,659	
Non-Base Performance Awards	1,852		-						-	
Part-Time/Temporary Salaries	600		24,816						-	
Contractual Services	1,074		26,443						-	
Overtime Pay			-						-	
Furlough			(27,093)						-	
Termination/Retirement Payouts	0		45,539						-	
Other	11,498									
Unemployment Insurance	455		-							
<b>SUBTOTAL</b>	286,285		336,695				248,894		317,272	
<b>(I.C.) P.S. SUBTOTAL=A+B</b>	2,800,213	39.6	2,689,055	36.6			2,983,995	42.2	3,052,373	42.2
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life/Dental	183,051		215,140				187,632			
Salary Survey	[16,034]						-			
Performance Awards	[13,706]						-			
Short Term Disability	3,247		3,869				3,609			
SB 04.257 A.E.D.	39,182		46,361				54,036			
SB 06.235 S.A.E.D.	18,325		28,993				39,946			
Other:	5,669		10,987							
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D</b>	3,049,686	39.6	2,994,404	36.6			3,269,218	42.2	3,052,373	42.2
General Fund	257,218		-				285,223		-	
Cash Funds							-		-	
Reappropriated Funds	2,792,469		2,994,404				2,983,995		3,052,373	
<b>(I.F.) DIFFERENCE= II-I.E.</b>							(36,140)		(39,105)	
<b>ROLLFORWARDS</b>										
General Funds Exempt							-		-	
<b>(I.) PERSONAL SERVICES DETAIL TOTAL</b>	3,049,686	39.6	2,994,404	36.6	2,947,855	42.2	3,269,218	42.2	3,052,373	42.2
General Fund	257,218		-				285,223		-	
General Fund Exempt							-		-	

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law		ADMINISTRATION								
		2011			2012			Request FY 12		
		Actual	Actual	Estimate	Actual	Actual	Estimate	Funds	FTE	
		2011	2011	2011	2011	2011	2011	2011	2011	
		Funds	FTE	Funds	FTE	Funds	FTE	Funds	FTE	
Cash Funds	-	-	-	-	-	-	-	-	-	
Reappropriated Funds	2,792,469		2,994,404		2,947,855		2,983,995	3,052,373		
Federal Funds										
<b>II. PERSONAL SERVICE REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>										
Previous Year Long Bill								2,947,855	42.2	
Salary Survey-Classified								-		
PBP Classified								-		
Salary Survey Exempt								-		
PBP Exempt								-		
PERA from 7.65% to 10.15%								65,413		
OSPB .2% Base Reduction								-		
Subtotal								3,013,268		
<b>(II.G) TOTAL BASE REQUEST</b>								3,013,268	42.2	
<b>(II.H) DECISION ITEMS</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>(II.I) REFINANCE THE LINE</b>										
General Fund										
Reappropriated Funds										
<b>II.TOTAL PERSONAL SERVICES REQUEST</b>								3,013,268	42.2	
General Fund								-		
Cash Funds								-		
Reappropriated Funds								3,013,268		
<b>III. PERSONAL SERVICES RECONCILIATION</b>										
Long Bill Appropriation	2,795,308	41.2	2,960,059	42.2	2,947,855	42.2	2,947,855	42.2	-	
Supplemental Bill			(205,000)							
Roll Forward from Previous FY										
Roll Forward to Subsequent FY										
Overexpenditures (Reversions) - General Fund	(2,849)	(1.6)								
Lapsed Appropriation Reappropriate Funds Ex	-	0	(31,372)	(5.6)						
<b>(III.C.) ALLOCATED POTS</b>										
Health/Life/Dental	168,578		190,695				187,632			

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

Salary POTS	[16,034]						-			
Performance Awards	[13,706]						-			
Short Term Disability	3,156		3,248				3,609			
SB 04.257 A.E.D.	37,945		47,556				54,036			
SB 06.235 S.A.E.D.	17,808		29,218				39,946			
<b>III.C. SUBTOTAL ALLOCATED POTS</b>	<b>227,487</b>		<b>270,717</b>				<b>285,223</b>			
<b>III. RECONCILIATION P.S. TOTAL</b>	<b>3,049,686</b>	<b>39.6</b>	<b>2,994,404</b>	<b>36.6</b>	<b>2,947,855</b>	<b>42.2</b>	<b>3,233,078</b>	<b>42.2</b>	<b>3,013,268</b>	<b>42.2</b>
General Fund	257,218		-		-		285,223		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	2,792,469		2,994,404		2,947,855		2,947,855		3,013,268	
Federal Funds	-		-		-		-		-	
<b>IV. RECONCILIATION DIFFERENCE= III-I</b>							<b>(36,140)</b>		<b>(39,105)</b>	
<b>Health, Life and Dental</b>	-		-		2,022,131		-		2,022,131	
General Fund	-		-		540,110		-		529,390	
Cash Funds	-		-		176,275		-		216,077	
Reappropriated Funds	-		-		1,255,479		-		1,226,397	
<b>DI #1 CF 2.0 FTE Securities Fraud CF</b>									-	
General Fund									(13,524)	
Cash Funds										
Cash Funds Exempt									13,524	
Federal Funds										
<b>Health/Life/Dental Common Policy Adjustment</b>					0				259,441	
General Fund					(10,720)				62,034	
Cash Funds					39,802				21,469	
Reappropriated Funds					(29,082)				146,049	
Federal Funds									29,889	
<b>TOTAL HEALTH/LIFE/DENTAL INSURANCE</b>	-		-		<b>2,022,131</b>				<b>2,281,572</b>	
General Fund	-		-		529,390				577,900	
Cash Funds	-		-		216,077				237,546	
Reappropriated Funds	-		-		1,226,397				1,385,970	
Federal Funds	-		-		50,267				80,156	
<b>Health/Life/Dental Reconciliation</b>										
Long Bill Allocation	1,783,219		1,940,668				2,022,131			

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law				ADMINISTRATION					
	Actual FY10			Approp FY11			Actual FY11		
	Total Funds	FTE	Total Funds	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Special Bill	(9,113)								
Allocation to Divisions	(1,774,106)		(1,940,668)			(2,022,131)			
Overexpenditures (Reversions) General Fund									
Lapsed Appropriation Cash Fund									
Lapsed Appropriation Cash Fund Exempt									
Lapsed Appropriation Federal									
TOTAL	-	-	-			-			
<b>Short Term Disability</b>	-	-	-	42,246				42,246	
General Fund	-	-	-	12,299				11,893	
Cash Funds	-	-	-	2,939				3,829	
Reappropriated Funds	-	-	-	25,755				25,271	
Federal Funds	-	-	-	1,253				1,253	
<b>Short Term Disability Common Policy Adjustments</b>				0				9,050	
General Fund				(406)				1,384	
Cash Funds				890				1,057	
Reappropriated Funds				(484)				5,935	
Federal Funds								674	
<b>DI #1 CF 2.0 FTE Securities Fraud CF</b>								-	
General Fund								(256)	
Cash Funds									
Cash Funds Exempt								256	
Federal Funds									
<b>SHORT TERM DISABILITY TOTAL</b>	-	-	-	42,246			-	51,296	
General Fund	-	-	-	11,893			-	13,021	
Cash Funds	-	-	-	3,829			-	4,886	
Reappropriated Funds	-	-	-	25,271			-	31,462	
Federal Funds	-	-	-	1,253			-	1,927	
<b>Short Term Disability Reconciliation</b>									
Long Bill Allocation	36,340		36,556			42,246			
Allocation to Divisions	(36,340)		(36,556)			(42,246)			
Overexpenditures (Reversions) General Fund									
Lapsed Appropriation Cash Fund									
Lapsed Appropriation Cash Fund Exempt									
Lapsed Appropriation Federal									
TOTAL	-	-	-						
<b>SB 04-257 Amortization Equalization Disburse</b>	-	-	-	654,314				654,314	
General Fund	-	-	-	190,617				183,131	
Cash Funds	-	-	-	45,512				58,252	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

Reappropriated Funds	-		-		398,784				393,530
Federal Funds	-		-		19,401				19,401
<b>SB 04.257 A.E.D. Adjustment</b>					0				157,155
General Fund					(7,486)				26,903
Cash Funds					12,740				19,044
Reappropriated Funds					(5,254)				100,131
Federal Funds									11,077
<b>DI #1 CF 2.0 FTE Securities Fraud CF</b>									-
General Fund									(4,052)
Cash Funds									-
Cash Funds Exempt									4,052
Federal Funds									-
<b>SB 04.257 A.E.D. TOTAL</b>	-		-		654,314				811,469
General Fund	-		-		183,131				205,982
Cash Funds	-		-		58,252				77,296
Reappropriated Funds	-		-		393,530				497,713
Federal Funds	-		-		19,401				30,478
<b>SB 04.257 A.E.D. Reconciliation</b>									
Long Bill Allocation	444,510		560,823				654,314		
Supplemental:	(3,921)								
Allocation to Divisions	(440,589)		(560,822)				(654,314)		
Overexpenditures (Reversions)									
TOTAL	-		1				-		
<b>SB 06-235 Supplemental Amortization</b>									
<b>Equalization Disbursement</b>	-		-		477,318				477,318
General Fund	-		-		139,206				133,747
Cash Funds	-		-		33,186				42,475
Reappropriated Funds	-		-		290,780				286,950
Federal Funds	-		-		14,146				14,146
<b>SB 06.235 S.A.E.D. Adjustment</b>					0				174,755
General Fund					(5,459)				35,030
Cash Funds					9,289				19,638
Reappropriated Funds					(3,830)				109,742
Federal Funds									10,345

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

**ADMINISTRATION**

	FY 11		FY 12		FY 11		FY 12	
	Sal/Funds	FTE	Total	FTE	Total Funds	FTE	Total Funds	FTE
<b>DI #1 CF 2.0 FTE Securities Fraud CF</b>								
General Fund							(3,256)	
Cash Funds							-	
Reappropriated Funds							3,256	
Federal Funds							-	
<b>SB 06.235 S.A.E.D. TOTAL</b>	-		-		<b>477,318</b>		<b>652,073</b>	
General Fund	-		-		<b>133,747</b>		<b>165,521</b>	
Cash Funds	-		-		<b>42,475</b>		<b>62,113</b>	
Reappropriated Funds	-		-		<b>286,950</b>		<b>399,948</b>	
Federal Funds	-		-		<b>14,146</b>		<b>24,491</b>	
<b>SB 06-235 S.A.E.D. Reconciliation</b>								
Long Bill Allocation	206,226		348,890			477,318		
<i>Supplemental:</i>	(1,918)							
Allocation to Divisions	(204,308)		(348,889)			(477,318)		
Overexpenditures (Reversions)								
<b>TOTAL</b>	-			1		-		
Cash Funds							-	
Reappropriated Funds							-	
Federal Funds							-	
<b>TOTAL</b>								
<b>Classified Salary Survey</b>	-		-				-	
General Fund	-		-				-	
Cash Funds	-		-				-	
Reappropriated Funds	-		-				-	
Federal Funds	-		-				-	
<b>Classified Salary Survey FY10 Adjustment</b>								
General Fund							-	
Cash Funds							-	
Reappropriated Funds							-	
Federal Funds							-	
<b>TOTAL CLASSIFIED SALARY SURVEY</b>	-		-				-	
General Fund	-		-				-	
Cash Funds	-		-				-	
Reappropriated Funds	-		-				-	
Federal Funds	-		-				-	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

<b>Classified Salary Survey Reconciliation</b>										
Long Bill Allocation	341,175		-				-			
Allocation to Divisions	(90,062)		-				-			
Overexpenditures (Reversions) General Fund	(251,113)		-							
Lapsed Appropriation Cash Fund										
Lapsed Appropriation Cash Fund Exempt										
Lapsed Appropriation Federal										
<b>TOTAL</b>	<b>-</b>		<b>-</b>				<b>-</b>			
<b>Salary Survey - Exempt Employees</b>	<b>-</b>		<b>-</b>						<b>-</b>	
General Fund	-		-						-	
Cash Funds	-		-						-	
Reappropriated Funds	-		-						-	
Federal Funds	-		-						-	
<b>Exempt Salary Survey FY12 Adjustment</b>									<b>-</b>	
General Fund									-	
Cash Funds									-	
Reappropriated Funds									-	
Federal Funds									-	
<b>SALARY SURVEY EXEMPT TOTAL</b>	<b>-</b>		<b>-</b>				<b>-</b>		<b>-</b>	
General Fund	-		-				-		-	
Cash Funds	-		-				-		-	
Reappropriated Funds	-		-				-		-	
Federal Funds	-		-				-		-	
<b>Salary Survey Exempt Reconciliation</b>										
Long Bill Allocation	658,444		-				-			
Allocation to Divisions	(9,128)		-				-			
Overexpenditures (Reversions) General Fund	(649,316)		-							
Lapsed Appropriation Cash Fund										
Lapsed Appropriation Cash Fund Exempt										
Lapsed Appropriation Federal										
<b>TOTAL</b>	<b>-</b>		<b>-</b>				<b>-</b>			
<b>PBP for Classified Employees</b>	<b>-</b>		<b>-</b>						<b>-</b>	
General Fund	-		-						-	
Cash Funds	-		-						-	
Reappropriated Funds	-		-						-	
Federal Funds	-		-						-	



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

**ADMINISTRATION**

Item	Actual FY 09		Actual FY 10		Budget FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>PBP for Classified Employees FY12 Adjustment</b>								
General Fund							-	
Cash Funds							-	
Reappropriated Funds							-	
Federal Funds							-	
<b>TOTAL PBP FOR CLASSIFIED</b>	-		-				-	
General Fund	-		-				-	
Cash Funds	-		-				-	
Reappropriated Funds	-		-				-	
Federal Funds	-		-				-	
<b>PBP for Classified Reconciliation</b>								
Long Bill Allocation	133,803		-		-		-	
Allocation to Divisions	(23,827)		-		-		-	
Overexpenditures (Reversions) General Fund	(109,976)		-		-		-	
Lapsed Appropriation Cash Fund								
Lapsed Appropriation Reappropriated Funds								
Lapsed Appropriation Federal								
TOTAL	-		-		-		-	
<b>PBP for Exempt Employees</b>								
General Fund	-		-				-	
Cash Funds	-		-				-	
Reappropriated Funds	-		-				-	
Federal Funds	-		-				-	
<b>PBP for Exempt Employees FY12 Adjustment</b>								
General Fund							-	
Cash Funds							-	
Reappropriated Funds							-	
Federal Funds							-	
<b>TOTAL PBP FOR EXEMPT</b>	-		-				-	
General Fund	-		-				-	
Cash Funds	-		-				-	
Reappropriated Funds	-		-				-	
Federal Funds	-		-				-	
<b>PBP for Exempt Reconciliation</b>								
Long Bill Allocation	282,048		-		-		-	
Allocation to Divisions	(3,167)		-		-		-	
Overexpenditures (Reversions) General Fund	(278,881)		-		-		-	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

Lapsed Appropriation Cash Fund										
Lapsed Appropriation Cash Fund Exempt										
Lapsed Appropriation Federal										
<b>TOTAL</b>	-		-							
<b>Workers Compensation</b>	-		-		50,863				50,863	
General Fund	-		-		15,394				14,877	
Cash Funds	-		-		4,028				5,038	
Reappropriated Funds	-		-		30,098				29,605	
Federal Funds	-		-		1,343				1,343	
<b>Workers Compensation Adjustment</b>					0				30,287	
General Fund					(517)				8,114	
Cash Funds					1,010				3,320	
Reappropriated Funds					(493)				17,653	
Federal Funds									1,200	
<b>DI #1 CF 2.0 FTE Securities Fraud CF</b>									-	
General Fund									(399)	
Cash Funds										
Reappropriated Funds									399	
Reappropriated Funds										
Federal Funds										
<b>WORKERS COMPENSATION TOTAL</b>	-		-		50,863				81,150	
General Fund	-		-		14,877				22,592	
Cash Funds	-		-		5,038				8,358	
Reappropriated Funds	-		-		29,605				47,657	
Federal Funds	-		-		1,343				2,543	
<b>Workers Compensation Reconciliation</b>										
Long Bill Allocation	65,561		53,106				50,863			
Supplemental: HB 10-1305			(2,213)							
Supplemental: SB 09-192	(673)		-							
Allocation to Divisions	(64,888)		(50,893)				(50,863)			
Overexpenditures (Reversions)										
<b>TOTAL</b>	-		-				-			
<b>Page Totals</b>	3,049,686	39.6	2,994,404	36.6	6,194,727	42.2	3,233,078	42.2	6,890,828	42.2
General Fund	257,218		-		873,038		285,223		985,016	
General Fund Exempt							-			
Cash Funds	-		-		325,671		-		390,199	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

Item	Fiscal Year 10		Approp FY 11		Estimate FY 11		Fiscal Year 12	
	Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reappropriated Funds	2,792,469		4,909,608		2,947,855		5,376,017	
Federal Funds	-		86,410		-		139,596	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

<b>OPERATING EXPENSES</b>									
ABAD OT RE DOL TO DPA	744		744					-	
1350 Employee Non Cash Incentives			120					-	
1930 Purchased Services - Litigation	180		-			34,837		34,837	
2170 Waste Disposal Services	12		-			12		12	
2210 Other Maintenance/Repair Services			-					-	
2220 Building Grounds Maintenance			-					-	
2230 Equipment Contract Maintenance	23		47			23		23	
2231 ADP Equip Maint/Repair Services	283		1,492			283		283	
2232 Software Upgrades	5,358		6,519			5,358		5,358	
2240 Motor Vehicle Repair/Maintenance			-					-	
2250 Misc Rentals			-					-	
2251 Rental/Lease Motor Pool Veh	2,509		2,551			2,509		2,509	
2252 Leased Vehicle - Variable	3,771		2,487			3,771		3,771	
2253 Rental of Equipment	678		693			678		678	
2254 Rental of Motor Vehicles			-					-	
2255 Rental of Building	186,055		137,382					-	
2258 Parking	5,555		7,442			5,555		5,555	
2259 Parking Fee Reimbursement	12		-			12		12	
2510 In State Travel			14					-	
2511 IS Common Carrier Fares			-					-	
2512 IS Personal Travel Per Diem	1,499		807			1,299		1,299	
2513 IS Pers Vehicle Reimbursement	21		84			45		45	
2514 IS State Owned Aircraft			-					-	
2515 State-Owned Vehicle Charge			-					-	
2530 Out of State Travel	447		403			447		447	
2531 OS Common Carrier Fares	1,961		1,984			1,961		1,961	
2532 OS Personal Travel Per Diem	4,845		4,157			4,500		4,500	
2533 OS Pers Vehicle Reimbursement	418		-			350		350	
2541 OS-Non-Employee Common Carrier			-					-	
2542 OS-Non-Employee Per Diem			-					-	
2610 Advertising			-					-	
2611 Public Relations			-					-	
2630 Comm Service Div of Telecom	27,344		37,518			38,200		38,200	
2631 Comm Svcs from Outside Sources	5,626		6,870			6,350		6,350	
2641 Other ADP Billing -Purch Services	1,471		854			850		850	
2640 GGCC Billing Purch Services			-					-	
2660 Insurance	7,019		5,372					-	
2680 Contract Printing	9,358		9,910			10,000		10,000	
2681 Photocopy Reimbursement			-					-	
2710 Purchase Medical Services			-					-	
2810 Freight & Storage			-					-	

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

## Department of Law

## ADMINISTRATION

Item	2011 FY:09		Estimate FY:10		Estimate FY:12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2820 Other Purchased Services			20		-	
2830 Office Moving-Pur Services			-		-	
3110 Other Supplies and Materials			-		-	
3112 Automotive Supplies			-		-	
3113 Clothing and Uniform Allowance			-		-	
3114 Custodial			-		-	
3115 DP Supplies	2,082		2,408		2,525	2,525
3116 Purchased/Leased Software	6,825		682		-	-
3117 Educational	33		50		33	33
3118 Food and Food Service Supplies			-		-	
3119 Med Lab and Supplies			2,204		-	
3120 Books & Subscriptions	22,503		41,649		32,570	32,570
3121 Office Supplies	7,703		12,114		10,563	10,563
3122 Microfilming/Photo. Supplies			-		-	
3123 Postage	14,376		18,188		18,376	18,376
3124 Printing			-		-	
3126 Repair & Maintenance Supplies			-		-	
3128 Non-Capitalized Equipment	677		374		-	
3131 Non-Capitalized Building Materials			20,325		-	
3132 Non-Capitalized Furn	145		1,419		-	
3140 Non-Capitalized IT - PC's	1,252		2,974		-	
3141 Non-Capitalized IT - Servers	83		209		-	
3143 Non-Capitalized IT - Other	172		4,785		-	
3146 Non-Capitalized IT - PC SW	28		-		-	
3950 Gasoline			-		-	
3970 Natural Gas			-		-	
4111 Prizes and Awards			265		-	
4117 Reportable Claims Against State			-		-	
4140 Dues & Memberships	6,653		7,065		6,752	6,752
4180 Official Functions	299		2,037		1,299	1,299
4200 Purchase Discounts			175		-	
4220 Registration Fees	8,509		5,293		5,300	5,300
4221 Other Educational - W2 RPT			-		-	
6140 Leasehold Improv - Direct Purch			-		-	
6210 ADP Equipment			-		-	
6212 IT Servers - Direct Purchase	857		-		-	
6213 IT PC SW - Direct Purchase	219		-		219	219
6280 Other Capital Equipment (direct purchase)			-		-	
6340 Leasehold Improvements			-		-	
Operating Expense Subtotal	337,606		349,684		194,679	194,679
General Fund	48,240		180,264		-	-

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

General Fund Exempt									
Cash Funds	-		-				-		-
Reappropriated Funds	289,366		169,420				194,679		194,679
Federal Funds	-		-						
<b>FY12 DECISION ITEMS</b>									
<b>DPA NP Printing Statewide Warrants and Mainframe Doc</b>									156
General Fund									-
Reappropriated Funds									156
<b>Potted Operating Expenses</b>									
Workers' Compensation	7,019		5,453				5,324		
Leased Vehicle Expense	2,407		2,509				2,551		
Capital Complex	120,708		126,750				132,897		
Leased Space Expense	723		783				631		
IT Asset Maintenance	6,881		14,946				15,291		
ADP Capital Outlay	5,697		6,882						
Communication Services Payments	-		-				-		
CLE Registration Fees	1,875		1,875				2,250		
Building Security			21,066				11,880		
Total Potted Operating Expenses	145,310		180,264				170,824		
<b>OPERATING EXPENSE GRAND TOTAL:</b>	<b>337,606</b>		<b>349,684</b>			<b>194,679</b>		<b>365,503</b>	<b>194,835</b>
General Fund	48,240		180,264				170,824		-
General Fund Exempt	-		-				-		-
Cash Funds	-		-				-		-
Reappropriated Funds	289,366		169,420			194,679	194,679		194,835
Federal Funds	-		-				-		-
<b>OPERATING EXPENSE RECONCILIATION</b>									
Long Bill Appropriation	192,543		194,679				194,679		
Supplemental			(20,856)						
Allocated POTS									
<i>Worker's Compensation</i>	7,019		5,453				5,324		
<i>Vehicle Lease Payments</i>	2,407		2,509				2,551		
<i>Capital Complex Lease Space</i>	120,708		126,750				132,897		
<i>Leased Space</i>	723		783				631		
<i>IT Asset Maintenance</i>	5,697		14,946				15,291		
<i>ADP Capital Outlay</i>	6,881		6,882				-		
<i>Communication Services Payments</i>			-				-		
<i>CLE Registration Fees</i>	1,875		1,875				2,250		

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**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law		ADMINISTRATION							
		Actual FY 2009		Actual FY 2010		Request FY 11		Request FY 12	
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
<i>Building Security</i>			21,066			11,880			
Year-End Transfer									
Rollforward from previous FY	-		-		-				
Rollforward to subsequent FY									
Overexpenditure/(Reversion)									
Lapsed Appropriation Reappropriated Funds	(245)		(4,403)						
<b>TOTAL</b>	<b>337,608</b>		<b>349,684</b>		<b>365,503</b>		<b>-</b>		
<b>Attorney Registration &amp; CLE's Costs</b>	<b>-</b>		<b>-</b>		<b>92,626</b>		<b>92,626</b>		
General Fund	-		-		22,238		22,238		
General Fund Exempt	-		-		-		-		
Cash Funds	-		-		4,538		4,538		
Reappropriated Funds	-		-		65,287		65,287		
Federal Funds	-		-		563		563		
<b>Attorney Registration &amp; CLE's Adjustment</b>	<b>-</b>		<b>-</b>		<b>-</b>		<b>-</b>		
General Fund	-		-		-		-		
General Fund Exempt	-		-		-		-		
Cash Funds	-		-		-		-		
Reappropriated Funds	-		-		-		-		
Federal Funds	-		-		-		-		
<b>TOTAL ATTORNEY REGIS. &amp; CLE's</b>	<b>-</b>		<b>-</b>		<b>92,626</b>		<b>92,626</b>		
General Fund	-		-		22,238		22,238		
Cash Funds	-		-		4,538		4,538		
Reappropriated Funds	-		-		65,287		65,287		
Federal Funds	-		-		563		563		
<b>Attorney Registration &amp; CLE's Reconciliation</b>	<b>92,626</b>		<b>92,626</b>		<b>92,626</b>		<b>92,626</b>		
Long Bill Appropriation	92,626		92,626		92,626		92,626		
<i>Special Bills: HB 10-1305</i>									
Allocation to Divisions	(92,626)		(92,626)		(92,626)		(92,626)		
Overexpenditure/(Reversion)									
<b>TOTAL</b>	<b>-</b>		<b>-</b>		<b>-</b>		<b>-</b>		
<b>General Gov Computing Center</b>	<b>60,456</b>		<b>68,003</b>		<b>37,522</b>		<b>37,522</b>		
General Fund	-		68,003		-		-		
Cash Funds									
Reappropriated Funds	60,456		-		37,522		37,522		
Federal Funds									
<b>GGCC FY Adjustment</b>	<b>-</b>		<b>-</b>		<b>-</b>		<b>-</b>		
General Fund									
Reappropriated Funds							38,205		
<b>GGCC TOTAL</b>	<b>60,456</b>		<b>68,003</b>		<b>37,522</b>		<b>75,727</b>		

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

General Fund	-	68,003	-	-	-
Cash Funds	-	-	-	-	-
Reappropriated Funds	60,456	-	37,522	37,522	75,727
GGCC Reconciliation					
Long Bill Appropriation	71,185	71,185		37,522	
<i>Supplemental: HB 10-1305</i>		(3,182)			
<i>Supplemental: HB08-1290</i>					
Lapsed Reappropriated Funds	(10,729)				
TOTAL	60,456	68,003		37,522	
Risk Management	86,286	92,968	28,842	28,842	28,842
General Fund	-	-	-	-	-
Reappropriated Funds	86,286	92,968	28,842	28,842	28,842
Risk Management FY12 Adjustment					84,882
General Fund					-
Cash Funds					-
Reappropriated Funds					84,882
Federal Funds					-
<b>RISK MANAGEMENT TOTAL</b>	<b>86,286</b>	<b>92,968</b>	<b>28,842</b>	<b>28,842</b>	<b>113,724</b>
0 General Fund	-	-	-	-	-
Reappropriated Funds	86,286	92,968	28,842	28,842	113,724
Risk Management Reconciliation					
Long Bill Appropriation	87,652	98,646		28,842	
<i>Supplemental: HB 10-1305</i>		(5,678)			
<i>Supplemental: HB08-1290</i>					
Lapsed Reappropriated Funds	(1,366)				
TOTAL	86,286	92,968		28,842	
Vehicle Lease Payments	-	-	72,813		72,813
General Fund	-	-	21,214		21,214
Cash Funds	-	-	21,431		21,431
Reappropriated Funds	-	-	25,484		25,484
Federal Funds	-	-	4,684		4,684
Vehicle Lease Payments FY12 Adjustment					(4,152)
General Fund					(2,635)
Cash Funds					1,995
Reappropriated Funds					(1,577)



## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law	ADMINISTRATION								
	Actual FY09		Actual FY10		Appropriated FY11		Appropriated FY12		
	Total Funds	FTE	Total Funds	FTE	Total Funds	Total Funds	FTE	Total Funds	FTE
Federal Funds								(1,935)	
VEHICLE LEASE PAYMENTS TOTAL	-		-		72,813	2,766		68,661	
General Fund	-		-		21,214	2,766		18,579	
Cash Funds	-		-		21,431	-		23,426	
Reappropriated Funds	-		-		25,484	-		23,907	
Federal Funds	-		-		4,684	-		2,749	
Vehicle Lease Reconciliation									
Long Bill Appropriation	65,125		73,969			70,047			
<i>Special Bills</i>									
<i>Supplemental: HB08-1290</i>									
Allocation to Divisions	(65,125)		(73,969)			(70,047)			
Overexpenditure/(Reversion) General Fund									
Lapsed Appropriation Cash Fund									
Lapsed Appropriation Cash Fund Exempt									
Lapsed Appropriation Federal									
TOTAL	-		-			-			
ADP Capital Reconciliation									
Long Bill Appropriation	15,138		13,764			-			
<i>Supplemental</i>									
Allocation to Divisions	(15,138)		(13,764)			-			
Overexpenditure/(Reversion) General Fund									
Lapsed Appropriation Cash Fund									
Lapsed Appropriation Cash Fund Exempt									
TOTAL	-		-			-			
Information Technology Asset Maintenance					407,667	-		407,667	
General Fund	-		-		15,291	-		15,291	
Cash Funds	-		-		59,588	-		59,588	
Reappropriated Funds	-		-		331,407	-		331,407	
Federal Funds	-		-		1,381	-		1,381	
IT ASSET MAINTENANCE TOTAL	-		-		407,667	-		407,667	
General Fund	-		-		15,291	-		15,291	
Cash Funds	-		-		59,588	-		59,588	
Reappropriated Funds	-		-		331,407	-		331,407	
Federal Funds	-		-		1,381	-		1,381	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

IT Asset Maintenance Reconciliation							
Long Bill Appropriation	432,348		407,667			407,667	
Supplemental							
Allocation to Divisions	(432,348)		(407,667)			(407,667)	
Rollforward							
Overexpenditure/(Reversion) General Fund							
Lapsed Appropriation Cash Fund							
Lapsed Appropriation Cash Fund Exempt							
Lapsed Appropriation Federal							
TOTAL	-		-			-	
Capital Complex Leased Space	-		-	1,252,757			1,252,757
General Fund	-		-	379,165			368,073
Cash Funds	-		-	99,200			124,080
Reappropriated Funds	-		-	741,325			727,537
Federal Funds	-		-	33,067			33,067
Capital Complex Adjustment				0			88,022
General Fund				(11,092)			11,781
Cash Funds				24,880			14,019
Reappropriated Funds				(13,788)			53,266
Federal Funds							8,956
DI #1 CF 2.0 FTE Securities Fraud CF							-
General Fund							(6,592)
Cash Funds							-
Cash Funds Exempt							6,592
Federal Funds							-
<b>CAPITAL COMPLEX TOTAL</b>	-		-	<b>1,252,757</b>			<b>1,340,779</b>
General Fund	-		-	368,073			373,262
Cash Funds	-		-	124,080			138,099
Reappropriated Funds	-		-	727,537			787,395
Federal Funds	-		-	33,067			42,023
Capital Complex Reconciliation							
Long Bill Appropriation	1,159,223		1,293,584			1,252,757	
Supplemental: HB10-1305			(17,445)				

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law		ADMINISTRATION								
Item	Actual FY 09		Actual FY10		Estimate FY11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<i>Supplemental: SB09-192</i>	(9,696)		-							
Allocation to Divisions	(1,149,527)		(1,276,139)				(1,252,757)			
Overexpenditure/(Reversion) General Fund										
Lapsed Appropriation Cash Fund										
Lapsed Appropriation Cash Fund Exempt										
Lapsed Appropriation Federal	-		-				-			
TOTAL										
Lease Space	-		-		26,220				26,220	
General Fund	-		-		4,321				4,321	
Cash Funds	-		-		2,880				2,880	
Reappropriated Funds	-		-		18,857				18,857	
Federal Funds	-		-		162				162	
Budget Amendment -Lease Space										
FY12 Adjustment - Common Policy									-	
General Fund									-	
Cash Funds									-	
Reappropriated Funds									-	
Federal Funds									-	
LEASE SPACE TOTAL	-		-		26,220		-		26,220	
General Fund	-		-		4,321		-		4,321	
Cash Funds	-		-		2,880		-		2,880	
Reappropriated Funds	-		-		18,857		-		18,857	
Federal Funds	-		-		162		-		162	
Lease Space Reconciliation										
Long Bill Appropriation	30,001		32,502				-			
<i>Supplemental: HB08-1290</i>										
Allocation to Divisions	(30,001)		(32,502)				-			
Overexpenditure/(Reversion) General Fund										
Lapsed Appropriation Cash Fund										
Lapsed Appropriation Cash Fund Exempt										
Lapsed Appropriation Federal										
TOTAL	-		-				-			
Security for State Services Building	-		-		120,919				120,919	
General Fund	-		-		34,587				34,587	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

Cash Funds	-		-		11,976			11,976
Reappropriated Funds	-		-		71,164			71,164
Federal Funds	-		-		3,192			3,192
<b>DI #1 CF 2.0 FTE Securities Fraud CF</b>								-
General Fund								(594)
Cash Funds								
Reappropriated Funds								594
Federal Funds								-
<b>SECURITY FOR STATE SER BLDG TOTAL</b>	-		-		120,919		-	120,919
General Fund	-		-		34,587		-	33,993
Cash Funds	-		-		11,976			11,976
Reappropriated Funds	-		-		71,164			71,758
Federal Funds	-		-		3,192		-	3,192
Security for State Srv Building Reconciliation								
Long Bill Appropriation	-		196,693				120,919	
<i>Supplemental: HB08-1290</i>								
Allocation to Divisions	-		(196,693)				(120,919)	
Overexpenditure/(Reversion) General Fund								
Lapsed Appropriation Cash Fund								
Lapsed Appropriation Cash Fund Exempt								
Lapsed Appropriation Federal								
TOTAL	-		-				-	
<b>COMMUNICATION SERVICE PAYMENTS</b>	-		-		7,744			7,744
General Fund	-		-		2,748			2,748
Cash Funds	-		-		684			2,092
Reappropriated Funds	-		-		2,464			1,056
Federal Funds	-		-		1,848			1,848
FYAdjustment - Common Policy					0			176
General Fund								62
Cash Funds					1,408			48
Reappropriated Funds					(1,408)			24
Federal Funds								42
<b>COMMUNICATION SERVICES TOTAL</b>	-		-		7,744		-	7,920
General Fund	-		-		2,748		-	2,810

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Actual FY 10				Request FY 12				
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
Cash Funds	-	-	-	-	2,092	-	-	2,140	-
Reappropriated Funds	-	-	-	-	1,056	-	-	1,080	-
Federal Funds	-	-	-	-	1,848	-	-	1,890	-
Comm Ser Payments Reconciliation									
Long Bill Appropriation	6,208		6,208				7,744		
Supplemental: SB07-168									
Supplemental: HB08-1290	-		-						
Allocation to Divisions	(6,208)		(6,208)				(7,744)		
Overexpenditure/(Reversion) General Fund									
Lapsed Appropriation Cash Fund									
Lapsed Appropriation Cash Fund Exempt									
Lapsed Appropriation Federal									
TOTAL	-		-				-		
AG's DISCRETIONARY FUND	5,000		5,000		5,000		5,000		5,000
General Fund	5,000		5,000		5,000		5,000		5,000
Cash Funds									
Reappropriated Funds									
Federal Funds									
AG's Decret Reconciliation of Funds									
Long Bill Appropriation	5,000		5,000				5,000		
Overexpenditure/(Reversion) General Fund									
TOTAL	5,000		5,000				5,000		
<b>ADMINISTRATION GRAND TOTAL</b>	<b>3,539,035</b>	<b>39.6</b>	<b>3,510,059</b>	<b>36.6</b>	<b>8,441,516</b>	<b>42.2</b>	<b>3,672,711</b>	<b>42.2</b>	<b>9,344,906</b>
General Fund	310,458		253,267		1,346,510		463,813		1,460,510
General Fund Exempt									
Cash Funds	-		-		552,256		-		632,846
Reappropriated Funds	3,228,577		3,256,792		6,411,443		3,208,898		7,059,994
Federal Funds	-		-		131,307		-		191,555

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

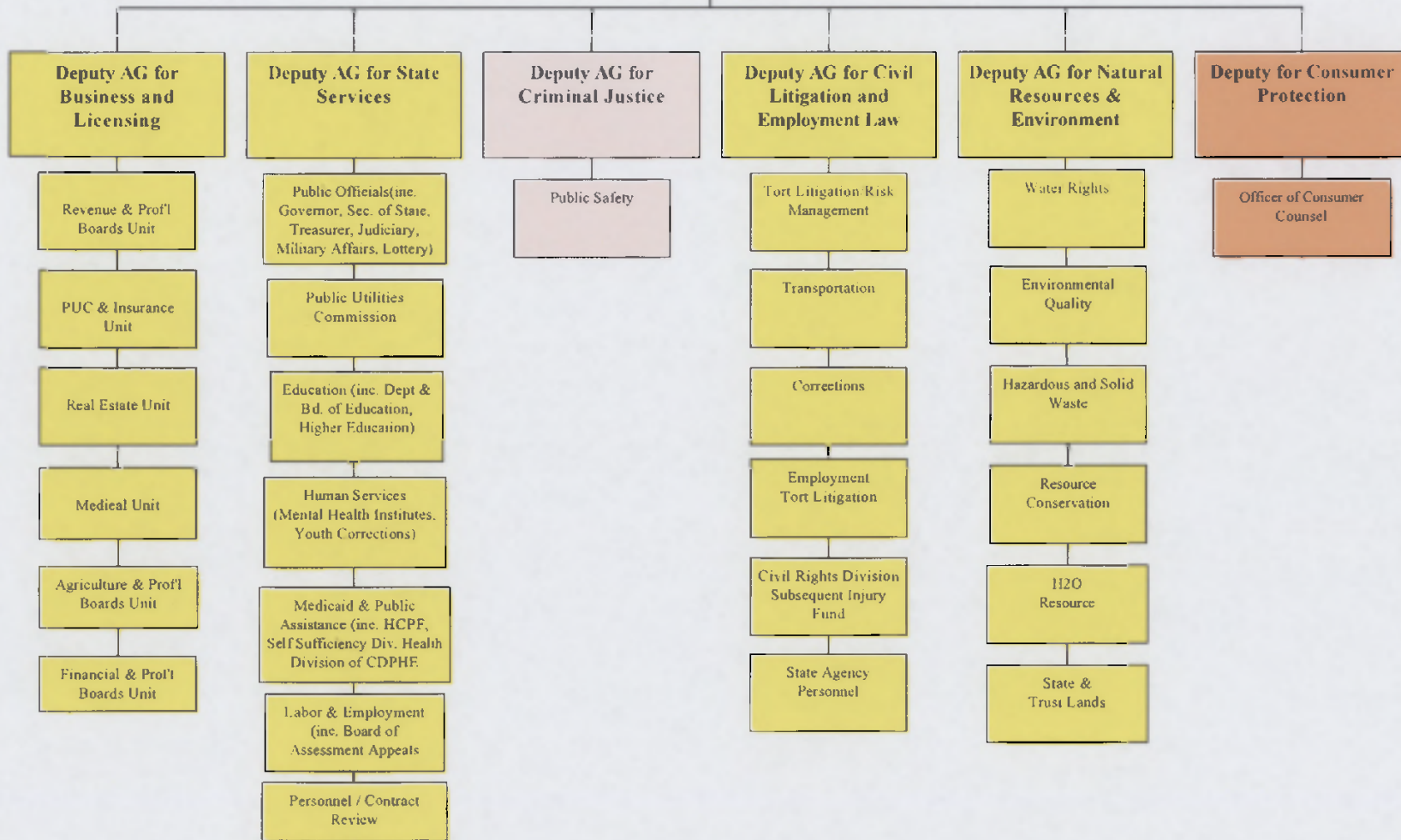
**Department of Revenue**

**ADMINISTRATION**

<b>Schedule 3 Total</b>		3,539,035	3,510,059	8,441,516	3,672,711	9,344,906
General Fund		310,458	253,267	1,346,510	463,813	1,460,510
General Fund Exempt		-	-	-	-	-
Cash Funds		-	-	552,256	-	632,846
Reappropriated Funds		3,228,577	3,256,792	6,411,443	3,208,898	7,059,994
Federal Funds		-	-	131,307	-	191,555
<b>Cash Funds</b>						
Various Sources of Cash		(5,000)	-	552,256	-	632,846
NO Call Cash Fund		5,000	-	-	-	-
<b>SUBTOTAL CASH FUNDS:</b>		-	-	552,256	-	632,846
<b>Reappropriated Funds</b>						
Various Sources of Cash Exempt		3,228,577	3,256,792	6,411,443	3,208,898	7,059,994
<b>FEDERAL FUNDS</b>						
Medicaid Fraud		-	-	131,307	-	191,555
		-	-	-	-	-



**Legal Services to State Agencies**

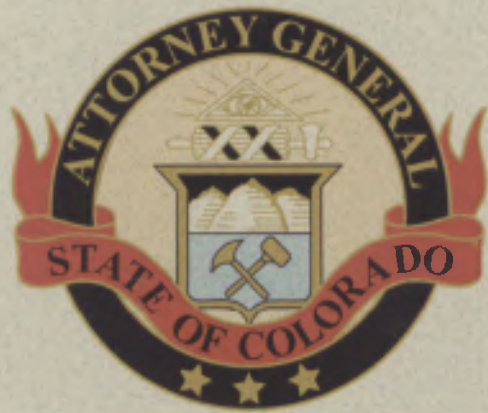




# **Narrative**

# **LSSA**

# **Business & Licensing**



## **D) BACKGROUND INFORMATION: BUSINESS AND LICENSING SECTION.**

**OBJECTIVE:** The Business and Licensing Section's mission is to provide the highest quality legal representation to regulatory boards, commissions, programs and other governmental agencies. Through Business and Licensing's ("B&L") representation, these clients are able to effectuate the shared goal of public protection. The Assistant Attorneys General ("AAGs") within B&L develop subject matter expertise depending on the clients they represent. Attorneys litigate enforcement actions most often in state district court, initiate licensing actions in administrative court, assist in rulemaking, and provide general counsel advice to the client agencies. In most cases B&L utilizes a collaborative model to promote efficiency, consistency, and excellent legal services for our clients.

The Business & Licensing Section is headed by Deputy Attorney General Diana Black and has approximately fifty-five (55) attorneys, nine (9) legal assistants and eight (8) support staff organized into units, each headed by a First Assistant Attorney General.

The Business and Licensing Section clients include:

- Department of Regulatory Agencies
- Department of Agriculture
- Department of Revenue
- Independent Ethics Commission
- State Personnel Board
- Unrelated clients in other Sections for whom we serve as conflicts counsel

### **The Department of Regulatory Agencies**

The Department of Regulatory Agencies ("DORA") houses several divisions represented by B&L AAGs. The AAGs enforce compliance with the law by prosecuting disciplinary actions against licensed professionals, by representing the programs in licensure denial actions, by litigating civil enforcement and subpoena enforcement actions, and by litigating injunctive actions. In addition to prosecuting individual cases, the attorneys provide general counsel advice regarding legislative and policy matters, rulemaking and case analysis. Examples include:

**Division of Registrations:** B&L AAGs provide legal representation to regulatory boards, committees and programs within the Division of Registrations, the largest Division within DORA. The professions regulated include accountants, acupuncturists, addictions counselors, architects, athletic agents, barbers, cosmetologists, chiropractors, dentists, electricians, engineers, land surveyors, landscape architects, hearing aid dealers, massage therapists, marriage and family therapists, midwives, nurses, nurse aides, nursing home administrators, occupational therapists, optometrists, outfitters, physicians, physical therapists, plumbers, podiatrists, pharmacists, professional counselors, psychologists, respiratory therapists, social workers, unlicensed psychotherapists, and veterinarians.

**Division of Real Estate:** The AAGs representing the Division of Real Estate provide legal counsel to the Colorado Real Estate Commission, the Board of Real Estate Appraisers, the Director of the Division of Real Estate (“Director”), the newly established board for the Mortgage Loan Originator Program, and the Colorado Conservation Easement Oversight Commission.

**Division of Insurance:** AAGs representing the Division of Insurance act as general and litigation counsel to the various divisions of the Division of Insurance (“DOI” or the “Division”). Unit attorneys assist and advise on a wide variety of subject areas in rulemaking related to the regulation of insurance companies and their agents, and provide legal advice regarding changes and amendments to the insurance laws. Litigation is conducted in administrative and district courts on behalf of the DOI against unauthorized companies and individuals and insurance companies and their agents. These entities offer numerous types of insurance including, but not limited to, health care insurance, health maintenance organizations, long-term care, Medicare supplement insurance, life insurance, property and casualty insurance, and preneed funeral contracts.

**Division of Securities:** AAGs representing the Division of Securities (“DOS”) assist the client in the regulation of securities, issuers, broker-dealers, sales representatives, investment advisors, and investment advisor representatives and other related entities. As part of its service, Unit attorneys primarily conduct litigation in administrative and district courts on behalf of the DOS against individuals and entities offering traditional investments (stocks and bonds), private placement offerings, and exotic/non-traditional instruments such as derivatives (including collateralized mortgage obligations) and auction rate securities.

**Colorado State Banking Board:** AAGs assisting the Colorado State Banking Board provide legal representation and advice to the Board and the Division of Banking on such issues as involuntary liquidations and possession of banks and general legal advice including rulemaking associated with public deposits.

**Division of Financial Services** AAGs assisting the Colorado Financial Services Board provide legal representation and advice to the Board and the Division of Financial Services on such issues as involuntary liquidations and possession of credit unions.

**Public Utilities Commission Staff:** The Colorado Public Utilities Commission (“PUC” or “Commission”) regulates the rates, charges, services, and facilities of public utilities within the State of Colorado. Within B&L, the PUC AAGs primary responsibility is to represent Litigation Staff of the PUC in cases before the Commission itself.

Staff of the Commission consists of experts in fields including, but not limited to engineering, finance, and economics. When Staff enters an appearance and becomes a party to a proceeding, Staff is divided into Advisory Staff and Litigation Staff. Representation of Litigation Staff includes advising on a daily basis and representing them in cases before the PUC. Such cases include but are not limited to those in which public utilities seek to increase the rates charged to the public, including residential, commercial, and industrial customers as well as cases in which public utilities seek to either build new facilities or extend existing Colorado facilities.

The AAGs also represent the PUC and its Commissioners in judicial review actions; in civil actions commenced by or against the PUC in state and federal courts (except civil actions for damages against the PUC and/or PUC Commissioners, which are litigated by attorneys in the Tort Litigation Unit); and in federal administrative proceedings before the Federal Communications Commission, Federal Energy Regulatory Commission, and the Surface Transportation Board.

## **Department of Revenue**

The attorneys for the Colorado Department of Revenue (“Revenue”) provide legal services to all divisions within Revenue, including:

**Taxation divisions.** These include Audit and Compliance, Collections, Discovery, Taxpayer Services, Tax Policy Analysis, and the Office of the Tax Conferee. Most frequently, attorneys represent the Tax Conferee in administrative, district court and appellate proceedings in which all types of tax assessments are contested. The Unit’s attorneys represent Revenue in its efforts to establish a new mediation process to resolve conservation easement tax credit disputes. Attorneys also defend Revenue against constitutional and other challenges to taxation statutes and regulations. Attorneys provide regular legal advice and representation defending the state’s interest in consumer bankruptcy cases and defending the department in actions related to tax collection efforts.

**Enforcement programs and divisions.** These include the Division of Gaming and the Colorado Limited Gaming Control Commission; the Auto Industry Division and the Colorado Motor Vehicle Dealer Board; the Division of Racing and the Racing Commission; and the Liquor and Tobacco Enforcement Division. New this year, the Enforcement group includes Colorado’s Medical Marijuana Licensure Authority. Attorneys for all of these programs provide general counsel advice on matters including rulemaking, interpretations, policies, legislative matters and other questions presented. Attorneys also represent the clients in administrative hearings, during the exceptions process and on appeal.

**The Division of Motor Vehicles.** Attorneys review rules and records requests, represent the Division in appeals of driver’s license revocation cases to the Colorado Court of Appeals and Supreme Court, and provide other legal assistance as requested.

**The Executive Director’s Office.** Attorneys provide legal representation to the Executive Director’s Office, which oversees all of the Department of Revenue. This year, the Unit’s attorneys are defending the Executive Director in lawsuits challenging new laws affecting the Department of Revenue.

## **Independent Ethics Commission**

The AAGs representing the Independent Ethics Commission assist the Commission in carrying out its constitutional and statutory duties through the Commission’s issuance of Position Statements, Advisory Opinions and Letter Rulings relating to standards of conduct for government officials.

## **Department of Agriculture**

The Business and Licensing Section provides general and litigation counsel to the Colorado Department of Agriculture and the Commissioner of Agriculture. This representation is provided by two full-time AAGs who represent and provide legal advice to the various divisions within the department including: the Animals Division, the Colorado State Board of Livestock Inspection, the Conservation Services Division, the Inspection and Consumer Services Division, the Plants Division, and the Markets Division. The AAGs also represent and advise the Colorado State Fair and several other marketing-related boards associated with the department. The AAGs assist the department in dealing with a myriad of complicated legal issues on a daily basis from livestock disease emergency quarantines, takings and destructions, to regulation of pesticide use, licensing of commodity handlers, certification of organic producers, and prevention of plant diseases, many of which involve complex interactions between state and federal law. The AAGs also assist with rulemaking, drafting of proposed legislation and the sunset review process.

## **Mined Land Reclamation Board**

The Business and Licensing Section provides a .5 FTE General Counsel position that serves a permanent conflicts counsel to the Colorado Mined Land Reclamation Board (“MLRB”), a multi-interest citizen board that establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety (“DRMS”). The MLRB implements the Colorado Mined Land Reclamation Act and is actively involved in the decision-making process for controversial permit issuance and enforcement actions. Generally, the Board oversees the reclamation permitting activity for the hard rock mining and construction materials mining industries. The MLRB also has jurisdiction over reclamation permits issued for oil shale activities and for coal mines. The General Counsel position ensures the separation of the prosecutorial and decision making processes by advising the MLRB at its adjudicatory hearings in which it approves or denies permits and permit modifications when there are objections or public comment, issues violations, sets civil penalties and corrective actions, revokes permits and authorizes bond forfeitures. The MLRB’s General Counsel provides guidance on procedural issues before, during and after the hearings. The General Counsel also provides guidance regarding substantive issues of law throughout the process, and drafts the Orders that result from the monthly enforcement hearings. The General Counsel also advises the MLRB regarding compliance with open meetings requirements and provides guidance on rulemaking procedures.

## **The Department of Local Affairs**

Colorado’s Department of Local Affairs (“DOLA”) is an initial and primary point of contact where local communities work in partnership with the state. Approximately half of DOLA’s legal services budget is allocated to attorneys within the Business and Licensing Section, who represent two of DOLA’s key divisions: the Board of Assessment Appeals and the Property Tax Administrator. Because these two divisions have sometimes conflicting legal interests, the

attorneys for the Board of Assessment Appeals and the attorneys for the Property Tax Administrator are in separate Units within the Business and Licensing Section, and report to separate supervisors.

DOLA's Property Tax Division coordinates and administers the implementation of property tax law throughout 64 counties in Colorado. The Property Tax Administrator, who is appointed by the state Board of Equalization, leads the Division. The Administrator's responsibilities include review of county government grants of property tax refunds exceeding \$1000, valuation of public utilities for property taxation, review of applications for property tax exemptions, and ruling on other property tax questions. The attorneys representing the Property Tax Administrator provide statutory interpretation and other general counsel services as needed and represent the Administrator in administrative hearings and negotiations before the Board of Assessment Appeals. This year, attorneys have represented the Property Tax Administrator in several complex valuation and tax exemption cases, including cases involving the airline industry, the telecommunications industry and organizations claiming religious exemptions.

DOLA's Board of Assessment Appeals ("BAA") is a three-member board appointed by the Governor and confirmed by the state Senate. The Governor also may appoint up to six additional members to one-year terms. Currently there are eight members of the BAA. The BAA hears appeals filed by real and personal property owners regarding the valuation placed on their property. Taxpayers may appeal decisions of county boards of equalization or county boards of commissioners to the BAA. Decisions of the Property Tax Administrator regarding state assessed properties and exemptions may also be appealed to the BAA. Business and Licensing attorneys provide advice to the BAA in its adjudicatory role and represent the BAA when its decisions are appealed.

### **Other Conflicts Counsel Clients**

Business and Licensing also represents the Civil Rights Commission and the State Personnel Board.

## **II) PRIOR YEAR LEGISLATION**

### **Department of Regulatory Agencies:**

**Division of Registrations:** This year, 4 programs underwent sunset review. Those programs include, the Colorado the Electrical Board (HB 10-1225); the Colorado Medical Board (HB 10-1260), State Board of Accountancy (HB 10-1236), and the State Board of Podiatry (HB 10-1224). The attorneys representing those programs assisted their clients during the sunset review process, identifying areas within the current statutory scheme that presented a barrier to effective enforcement and regulation. Additionally, the General Assembly passed SB 10-124 expanding the Michael Skolnik Medical Transparency Act to health care practitioners other than physicians and SB 10-109 establishing a regulatory structure for the certification of medical marijuana by physicians. Attorneys within B&L will be assisting the client agency with implementation of this legislation.

Other newly added programs that will also receive representation this fiscal year by the Business and Licensing Section include: surgical assistants and surgical technologists (HB 10-1415).

**Division of Real Estate:** On May 26, 2010, the Governor signed into law HB 10-1141, which created some changes to the Division effective August 11, 2010. Of import, HB 10-1141 created the Board of Mortgage Loan Originators, and vested the Board with enforcement, administrative and rule-making authority over mortgage loan originators. Prior to this legislation, mortgage loan originators were regulated under a Director model. HB 10-1141 also vests the Board with authority over the registration of mortgage companies. The legislation also requires that the Division exercise its powers and perform its duties under DORA as if such powers were transferred to the Division via a type 2 transfer rather than via a type 1 transfer as was previously the case.

**The Conservation Easement Oversight Commission,** created by HB 08-1353, provides guidance to the Department of Revenue and to the Director of the Division of Real Estate concerning conservation easement appraisals and holders. The Commission's AAGs assisted the client with its statutory purpose of maintaining the integrity of the Conservation Easement Tax Credit Program. Consistent therewith, AAGs provided legal advice regarding rulemaking and implementation of the Conservation Easement Holder Certification Program.

**Division of Banking:** This year, the General Assembly passed HB 10-1114 and HB 10-1081. These bills require licensed money transmitters to report additional information about their agents to the Division of Banking and also require that employees of agents of licensed money transmitters either sign a notice that they understand federal and state money laundering laws or receive training. House Bill 10-1081 also creates a new, more comprehensive definition of money laundering. The Division of Banking is drafting the implementing rules.

**Division of Insurance:** The General Assembly passed at least 22 bills impacting the Division of Insurance. Many of them will require either the drafting of new rules or amending existing ones. The legislation includes: HB 10-1004, which requires standardized health insurance information to be provided to consumers; HB 10-1008, which prohibits gender rating in the individual market; HB 10-1160, which permits health insurance carriers to offer incentives for participation in wellness programs based on outcomes; and HB 10-1220, which involved the sunset review of functions of the Division. In addition, the Division will be impacted by the Patient Protection and Affordable Care Act of 2009, the federal health care reform bill. New legislation will impact attorneys' legal services as the bills become effective and new cases develop.

**Public Utilities Commission:** The General Assembly passed HB 10-1365, which provides incentives for electric public utilities to reduce air emissions and requires the utilities to submit plans to achieve such reductions by replacing or repowering coal generation with natural gas, and also consider other low-emitting resources. The bill contains a stringent deadline by which the Public Utilities Commission must approve plans submitted by the utilities. The

hearing process regarding implementation of HB 10-1365 requires participation by the Unit's attorneys.

**Department of Revenue:** This year, Colorado's General Assembly adopted multiple bills impacting the Department of Revenue. Business and Licensing Section attorneys representing Revenue have, as requested, assisted the Department with rulemaking and modification of policies and procedures to implement these new laws effectively and efficiently. For example, attorneys assisted with developing rules to implement diverse legislative changes, including several bills modifying sales tax exemptions and a bill (HB 10-1284) creating a program to regulate the medical marijuana industry. Attorneys also are defending Revenue in lawsuits challenging three new bills. Attorneys are defending the state against a lawsuit challenging HB 10-1193, which imposed reporting requirements on retailers who do business in Colorado but who do not collect Colorado sales tax. In addition, attorneys are defending Revenue against a lawsuit challenging HB 10-1049 and SB 10-201, which affected the relationship between motor vehicle manufacturers and motor vehicle dealers holding a franchise from the manufacturer.

**Department of Agriculture:**

- Senate Bill 09-127, sunset review of egg regulation.
- Senate Bill 09-117, sunset review of meat processors and home food plans.
- Senate Bill 09-118, sunset review of the Pet Animal Care Facility Act.
- Senate Bill 09-113, sunset review of the Measurement Standards Act.
- Senate Bill 09-114, sunset review of the Farm Products and Commodity Handler Act.
- Senate Bill 09-151, sunset review of the licensing of livestock slaughterers

**Independent Ethics Commission:** HB 10-1404 transferred the Commission from the department of personnel to the judicial department as an independent agency.

**III) HOT ISSUES:**

**Department of Regulatory Agencies:**

**Division of Registrations:** Examples of cases handled by the attorneys representing the various boards, committees and programs within the Division of Registrations include:

**Gerald M. Bradshaw, CPA.** The AAGs representing the Board of Accountancy resolved a case against Gerald Bradshaw, a licensed certified public accountant without the need of a formal hearing. Mr. Bradshaw began soliciting tax clients and other individuals to participate in an investment opportunity which, in actuality, was a Ponzi scheme. AAGs representing the Board were able to negotiate relinquishment of Mr. Bradshaw's certificate



and his firm's registration along with an agreement that Mr. Bradshaw would not offer any investments in the future.

**Colorado Board of Medicine v. Louis W. Bair, Jr. D.O.** The Board initiated formal disciplinary proceedings against Dr. Bair following information that he had engaged in sexual intercourse with two patients, sent sexually explicit materials via text messaging to another patient, and took yet another woman with whom he had a physician-patient relationship to Napa Valley and Keystone Ski Resort. Following an order for partial summary judgment in favor of the Board, Dr. Bair voluntarily relinquished his licensed and agreed not to seek licensure as a physician in Colorado at any time in the future.

**State Board of Medical Examiners v. Keith Stampher, M.D.** Dr. Stampher is a family practice physician who had a romantic relationship with a female medical assistant employed by his practice who he also had a physician-patient relationship. Following the hearing, the AAG prosecuting the case established that the norms of conduct applicable to a family practice physician prohibited that physician from engaging in a romantic relationship with a patient, even if that patient was also an employee. The Judge found that Dr. Stampher's conduct violated the generally accepted standards of practice because crossing of this professional boundary confuses the physician-patient relationship, jeopardizes the physician's objectivity, and can easily progress to even more egregious boundary violations such as sexual contact with the patient. The Judge ordered that Dr. Stampher be publicly reprimanded, ordered to comply with evaluation and treatment recommendations by a peer health organization, and to be fined \$10,000.

**State Board of Medical Examiners v. Kelly Gregg, M.D.** In this case, the AAG successfully moved for summary judgment against Dr. Gregg, establishing that he practiced medicine by diagnosing and prescribing medications to patients, in violation of a Board order, failed to maintain required liability insurance, prescribed controlled substances to three patients other than in the course of legitimate medical practice, repeatedly failed to make essential entries regarding prescribed medications in the records of certain patients, and failed to respond to a Board inquiry. The Judge concluded that Dr. Gregg's license to practice medicine should be revoked because he violated numerous provisions of the Medical Practice Act and revocation is necessary to protect the public health and welfare.

**Cesar Corzo, SW, CAC III:** AAGs representing the Social Work Examiner Board and the Addiction Counselor Program were able to obtain a summary suspension and voluntary relinquishment for both the Social Work and Level III Certified Addiction Counselor licenses of Corzo. Allegations included that Corzo had engaged in inappropriate sexual language and behavior with female clients that Corzo was unfit to practice. It was later revealed that Corzo had a felony conviction in 1998 for distributing cocaine and money laundering in California, and that Corzo faced 7 felony counts in Colorado for introducing contraband to youths at a youth treatment facility, obscenity, and conspiracy to commit sexual conduct in a penal institution.

**State Board of Nursing v. Fischer:** Ms. Fischer, a nurse, was arrested for diverting narcotics from her employer. She entered into an Interim Agreement for Cessation of practice pending resolution of her criminal case and ultimately pleaded guilty to a class 5

felony. As a result of AAG advocacy and negotiation, the Board allowed her to enter Peer Assistance Services (“PAS”) and sign a stipulation, making her conviction and participation in PAS public knowledge.

**State Board of Nursing v. Ewing:** Ms. Ewing, a Certified Nurse Midwife, was involved in a home delivery that turned problematic when the baby proved difficult to deliver. The mother suffered a grade four tear, and the baby was not breathing at birth. Ms. Ewing administered Pitocin without a doctor's order, and waited nearly an hour before calling for an ambulance. The baby and mother survived. As a consequence of AAG representation and negotiation, Ms. Ewing signed a Stipulation and Final Agency Order in which she was admonished for her conduct and agreed to relinquish her advanced practice authority to practice as a CNM in Colorado.

#### **Division of Real Estate:**

**Colorado Real Estate Commission v. Mile High Management LLC:** The Commission received reports that certain persons and their business were collecting rents on behalf of landlords, but never remitting the collected funds. In short order, AAGs successfully obtained a temporary restraining order against the individuals and the business and thereafter obtained a permanent injunction halting the illicit activities. The Commission received favorable media reports as a result of its swift and effective legal action.

**Colorado Real Estate Commission v. Bartlett:** AAGs successfully obtain an Order revoking the Respondent’s real estate broker license, as a result of a guilty plea Respondent entered to the crime of Attempted Sexual Assault on a Child in 2006 and his failure to report this conviction to the Commission.

**Colorado Real Estate Commission v. Minney:** In a hotly contested matter, AAGs obtained an order revoking the Respondent’s real estate broker license as a result of the Respondent’s commitment of mortgage fraud on multiple occasions. AAGs also successfully obtained an order imposing a \$70,000 fine from the Administrative Law Judge.

**William Allan Gay:** Gay previously faced disciplinary actions taken by the NASD and Colorado Division of Securities. He subsequently applied for a mortgage broker license. AAG’s successfully negotiated Gay’s license application withdrawal.

#### **Division of Insurance:** Significant cases handled by the Insurance Unit include:

**Division of Insurance v. Leticia Montoya:** The Commissioner of Insurance sought and obtained a temporary restraining order and preliminary injunction against Leticia Montoya, a former bail bonding agent. This case is significant because the district court agreed with the interpretation of the Division of Insurance that it is the bail bonding agent who posts the bail bond with the court for a criminal defendant who is responsible for all statutory duties under the Bail Bonding Agent Act in 12-7-101, et seq, C.R.S. Consequently, the district court held that since Ms. Montoya was not the posting agent of

record for a particular transaction, she was not entitled to collect from the consumer purported monies owed. The permanent injunction hearing is not yet scheduled.

**Allstate Insurance Company:** Negotiated a significant reduction in automobile rates to benefit Colorado consumers.

**Nolan Funeral Homes:** Interpleader action in El Paso County District Court subsequent to licensing action against Nolan Funeral Homes to require payout to consumers of ill-gotten gains held in trust by Nolan Funeral Homes.

**Pinnacol Assurance:** Negotiated \$15M settlement/credit to Colorado consumers in case involving payment of excess premium by Colorado consumers for worker's compensation insurance from Pinnacol.

**Hise v. Div. of Insurance and CDPHE:** Obtained dismissal of class action personal injury case against the Division in Denver District Court.

The Unit's attorneys are assisting the Division with its implementation of the new federal health care reform act as the Division scrutinizes insurance premiums and rate filings. In addition, the attorneys are assisting the Division with restructuring the bail bond industry.

**Division of Securities:** The AAGs representing the Division of Securities handled a significant number of complex civil matters. For example:

**Mueller Capital Management:** AAGs represented the Division of Securities in bringing an injunctive enforcement action in the Denver District Court against Mueller Capital Management, LLC ("MCM"), Mueller Over Under Fund, LP (the "Fund"), and Sean Michael Mueller ("Mueller"). After obtaining information strongly indicating that the Fund was essentially a Ponzi Scheme, AAGs from the Unit obtained a Temporary Restraining Order, Order Freezing Assets and the appointment of a receiver over MCM, the Fund, and several related entities. Unit attorneys then negotiated the entry of a preliminary injunction over MCM, the Fund and Mueller, preventing the further dissipation of investor assets in a fund that claimed to have assets exceeding \$100 million.

**Burton Custom Homes:** AAGs representing the Division of Securities also brought about a successful resolution in an injunctive enforcement action against Burton Custom Homes, Inc., Soaring Eagle Investments, LLC, and a number of promoters and related parties. After settling with one party, Unit attorneys obtained summary judgment against the remaining defendants, prompting a global settlement of the remaining issues in the case. As a result, all defendants are now subject to a permanent injunction and orders for damages and restitution have entered.

In addition to traditional injunctive litigation, AAGs representing the Division of Securities are actively managing a number of cases (in addition to Mueller) where a receiver has been successfully sought by the DOS to seize investment funds, including Wealth Systems International and the DelGreene family of funds, Secured Financial Group and the Integrity

Funds, Southern Financial Corporation and the Secured Real Estate Lending Fund, Mark Jackson, Dharma Investment Group and the Dharma family of entities, as well as XL Capital and the Vision and Velocity Funds.

**Division of Banking:** As identified more specifically below, the AAGs representing the Division of Banking assisted with a high profile bank closure.

**New Frontier Bank:** AAGs assisted the Colorado State Banking Board with the involuntary dissolution and possession of New Frontier Bank in Greeley, New Frontier was a \$2 billion bank with an estimated \$4 million in uninsured deposits. AAGs worked with Banking Board staff as well as the FDIC.

**Public Utilities Commission:** Significant cases in which the PUC Unit was involved include:

**Public Service Company of Colorado's Consecutive Rate Cases:** Represented staff on behalf of the public interest in an application to increase electric rates submitted by an Xcel Energy subsidiary, Public Service Company of Colorado ("Xcel Energy"). Xcel Energy initially requested a rate increase of \$180.2 million and the PUC approved an increase of \$128.3 million, which went into effect January 1, 2010.

**San Luis Valley Transmission Project:** Represented staff on behalf of the public interest in a joint application to construct transmission lines out of the San Luis Valley by Xcel Energy and Tri-State Generation and Transmission Association, Inc. ("Tri-State"). The utilities' purpose for constructing new transmission is two fold: to take advantage of the renewable energy resources in and around the San Luis Valley and address electricity service reliability. More than thirty parties/interests have intervened. This matter is presently pending before the PUC.

The focus on and interest in renewable energy continues. Legislation passed in 2007-2009 significantly increased the percentage of renewable energy Colorado utilities are required to generate or purchase, and also imposed requirements that gas and electric utilities develop and offer programs that encourage retail customers to participate in energy conservation. Based on the legislative directives, fiscal year 2009-2010 continued to see many filings and PUC decisions designed to carry out the legislative directives.

In addition, the General Assembly passed HB10-1365, which provides incentives for electric public utilities to reduce air emissions and requires the utilities to submit plans to achieve such reductions by replacing or repowering coal generation with natural gas, and also consider other low-emitting resources. The PUC must approve plans submitted by the utilities by December 15, 2010.

**Independent Ethics Commission:** This past fiscal year, the IEC issued numerous Advisory Opinions and Position Statements and were assisted by AAGs in doing so. AAGs also assisted

the Commission in its rendering of decisions regarding complaints and aided the Commission with the single complaint hearing it held this past year, *Fry v. Burns*, Complaint No. 09-08.

**Department of Revenue:** Significant cases handled on behalf of the Department of Revenue include:

**Cendant Corp v. Revenue:** This year, the Colorado Supreme Court denied Cendant Corp's petition for writ of certiorari, resulting in savings to the state of approximately \$14 million. In this case, Cendant Corp and its subsidiaries filed a lawful C-Corp tax return for 2001. After the due date for the return, Cendant sought to amend the return and make an election to file using a method called "consolidation," which would have allowed them to add other corporations to the return, with significant savings to the corporation. The deadline for making the election, however, is the deadline for the return, and the appellate courts have affirmed Revenue's position that the law was sufficiently clear to place Cendant on notice of its filing options.

**Nationwide Rebar:** The Unit's attorneys reached an agreement with this debtor's trustee that resulted in a \$100,000 recovery for the state.

**MJR One and Two:** In these cases, the Unit's attorneys obtained an emergency order for relief from stay, without notice to the debtor or its attorneys, permitting Revenue to seize all cash in the debtor's possession. The seizure exposed the fact that the debtor had been misreporting sales to the court. The case was dismissed within days and Revenue then seized the debtor's equipment, which had considerable value. The secured lender eventually paid Revenue in full, resulting in a recovery of about \$70,000.

**Champion Auto Group dealerships:** The Unit's attorneys represented the Motor Vehicle Dealer Board in connection with the summary suspension of five related motor vehicle dealer licenses. The dealerships are alleged to have failed to pay off consumer loans when a vehicle was traded in, failed to activate warranties, failure to forward tax payments to the counties and failure to deliver titles, all of which affected some 150 consumers.

**Stacy M. Baldwin:** In this published Court of Appeals decision, the Court clarified the extent to which hearsay evidence may be used in a driver's license revocation. The decision is also noteworthy for the Concurring opinion by Judge Furman that the exclusionary rule should not apply in driver license revocation proceedings, marking the first published in-depth discussion of this issue in Colorado.

**Direct Marketing Association:** The Unit's attorneys are defending Revenue in this federal lawsuit challenging HB 10-1193 on several constitutional grounds.

**Department of Agriculture:** AAGs successfully litigated the Department's position in the Keyah Grande case, involving claims for damages arising from euthanization of elk suspected of having Chronic Wasting Disease ("CWD"), through the Court of Appeals. They also assisted the department in bringing legal enforcement actions in several animal cruelty cases, most recently saving 24 horses threatened by their owner with public "execution." During FY 08, they handled fifteen cases enforcing the pesticide regulation laws. AAGs worked closely with

the department staff to address the concerns raised in the course of six separate sunset reviews of various regulatory programs, several of which resulted in significant legislative revisions and updates supported by the department.

**Mined Land Reclamation Board:** The MLRB is currently in the informal stage of rulemaking for rules implementing changes to the Mined Land Reclamation Act made by the legislature in 2008 to address uranium in-situ leach mining operations, including new provisions regarding the confidentiality of prospectors and the nature of prospecting activities. These proposed regulations are of significant interest to those communities potentially affected by uranium in-situ leach mining operations, water providers such as Denver Water, the mining and oil shale industries, and environmental groups. Also controversial is the Idaho Mill permit application from Wildcat Mining Corporation for a gold mine on property located in La Plata County, near the town of Mayday, to which there is significant community opposition. The MLRB heard approximately 50 matters during the '09 fiscal year, issued 46 Board Orders drafted by the General Counsel, and is currently defending one suit in Denver District Court.

**Department of Local Affairs:**

**Board of Assessment Appeals: Boulder County Board of Commissioners vs. HealthSouth Corporation:** AAGs represented the Board of Assessment Appeals (“BAA”) before the Court of Appeals and the Colorado Supreme Court in this case. The primary issue is whether HealthSouth is entitled to property tax refunds on moneys paid to Boulder County based on fictitious assets. Although the Court of Appeals ruled against the BAA, the Colorado Supreme Court accepted certiorari in the matter and the BAA is awaiting a decision from the high court.

**IV) WORKLOAD MEASURE:**

**WORKLOAD INDICATORS**

As a result of DORA’s increased use of the Expedited Settlement Program within the Division of Registrations and Division of Real Estate, cases not requiring referral for legal services have been resolved within the agency. Consequently, the cases that have been referred to the Office of the Attorney General have been more complex and contentious. Consistent with the client’s expectation, AAGs have continued to aggressively file or resolve most cases within a one-year period of time. AAGs have responded to this goal without compromising their commitment to prioritize the most egregious cases and promote public protection. Additionally, the AAGs for the Division of Registrations have reduced the total number of cases pending for longer than one year without filing or resolution by 75%. Furthermore, the ongoing mortgage crisis has resulted in increased litigation surrounding the regulation of mortgage loan originators. Under HB 10-1141 enforcement authority shifted to a Board model, as well as to Department of Regulatory

Agencies oversight. As has been the case for four years, substantial statutory changes to the Mortgage Loan Originator Program have required a significant amount of legal time to be allocated to the drafting and review of newly promulgated rules.

**Department of Regulatory Agencies:**

Workload Measure	Division of Registrations	Division of Real Estate	Division of Securities	Division of Banking/ Division of Financial Services	Division of Insurance	Public Utilities Commission
New Cases Referred	426	54	33	1	63	58
Cases Closed	483	63	32	n/a	35	55
Cases Resolved Prior to Filing Cases	324	18	0	n/a	3	n/a
Appellate Cases	3	1	3	n/a	5	n/a
Federal Litigation	0	0	11	n/a	0	n/a
State District Court Litigation	17	9	33	n/a	2	2
Administrative Litigation	159	36	5	1	38	56
Formal Training	34	3	0	1	3	n/a
Board Meeting Representation	193	24	n/a	16	n/a	n/a
Rulemaking Hearings	32	16	0	2	8	n/a
Rule Opinions	81	61	0	1	32	n/a
Informal Opinions	22	2	0	1	10	n/a



**Department of Local Affairs:**

<b>Workload Measure</b>	<b>Property Tax</b>	<b>BAA</b>	<b>Total</b>
New Cases Referred	8		8
Cases Closed	1		1
Appellate Cases	6	4	10
Administrative Cases	9		9
Formal Training		1	1
Board Meeting Representation		6	6

**Department of Revenue:**

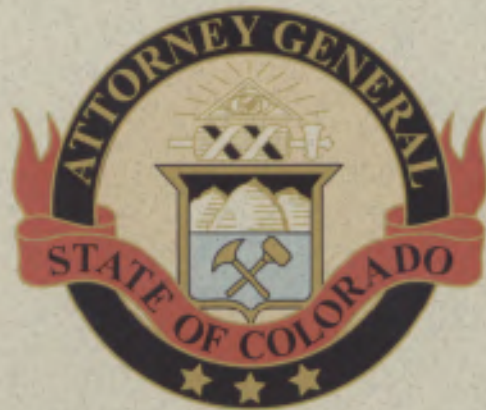
Workload Measure	Taxation (Audit and Compliance, Collections, Fair Share, Taxpayer Services, Tax Policy Analysis, and the Office of the Tax Conferee)	Enforcement (Division of Gaming and the Colorado Limited Gaming Control Commission; the Auto Industry Division and the Colorado Motor Vehicle Dealer Board; the Division of Racing and the Racing Commission; and Liquor and Tobacco Enforcement)	Division of Motor Vehicles	Executive Director's Office	Total
New Cases	53	109	17	4	183
Cases Closed	23	29	17	3	72
Appellate Cases	6	1	37		44
State District Court Cases	44	9	6	1	60
Federal District Court Cases	6	1			7
Administrative Cases	13	114			127
Board Meeting Representation		35			35
Rulemaking Hearings	8	15			23
Rule Opinions	25	22	4		51
Informal Opinions	2	4	3		10



# **Narrative**

# **LSSA**

# **State Services**



## **I) BACKGROUND INFORMATION: STATE SERVICES SECTION.**

The State Services Section consists of 39 attorneys, 9 legal assistants, three administrative assistants and one office manager. Collectively, the attorneys in the State Services section provide representation to nine of sixteen executive branch state agencies, as well as Colorado's five statewide elected public officials. The legal work of the Section is diverse, ranging from providing advice on transactions and general operations to defending the constitutionality of state laws in both state and federal court. In general, the State Services Section protects children, people at risk, and represents the public at large. The Section also conserves the state's fiscal system by reviewing hundreds of state contracts and defending the State against claims typically involving the inadequacy of funding of various programs.

The Section is composed of the following units:

### **Human Services:**

This Unit represents the Department of Human Services. On behalf of the Department, the Unit defends the confirmation of a report of child abuse as determined by a County. The State handles administrative appeals of these County reports. On behalf of the Division of Child Care, the unit also brings licensure actions to revoke or discipline child care providers who harm children or do not follow requirements. The Unit includes one attorney stationed in Pueblo representing the Colorado Institute for Mental Health at Pueblo. The Department's many other programs also require legal representation.

### **Medicaid and Public Assistance:**

This Unit represents the health programs of the Department of Public Health and Environment, including the division that licenses and surveys all health facilities in the state, sets standards and level of care for hospital emergency departments and trauma units, and certifies EMTs and paramedics. The Unit also represents the Registrar of Vital Statistics within CDPHE, which includes the Medical Marijuana Registry, birth/death records, and the State Laboratory. The Unit represents the Department of Health Care Policy and Financing, which administers Medicaid, the Colorado Indigent Care Program and the Children's Basic Health Plan. The Unit's representation includes eligibility issues, Medicaid provider appeals, recipient appeals on judicial review, collection of overpayments and amounts owed Medicaid by third-parties. The Unit also represents the Division of Child Support Enforcement of the Department of Human Services. In addition, we review rules for and provide counsel to the Colorado Board of Health and the Colorado Medical Services Board. We also provide counsel to the Hospital Provider Fee Oversight and Advisory Board, a governor appointed board which was created by HB 09-1293 (Health Care Affordability Act).

### **Labor/Personnel and Administration:**

This Unit represents the Department of Labor and Employment, which involves mainly workers compensation, unemployment and petroleum storage tank monitoring and cleanup. In addition, the Unit does the legal work for the Department of Personnel and Administration, including the Personnel Director, employee benefit programs, state buildings and purchasing. We also advise the State Controller and review hundreds of contracts annually for legal sufficiency.

### **Education:**

This Unit advises the State Board of Education and the Department of Education on a wide variety of issues, including charter school appeals, general policy questions, and teacher licensure cases. The Unit also provides general legal advice to the Department of Higher Education, the Commission on Higher Education and the state's public colleges and universities. The Unit regularly defends state education laws and the system of public school finance against constitutional challenges.

### **Public Officials/PUC:**

This Unit represents the three Public Utilities Commissioners and the staff members of the PUC in an advisory (general counsel) capacity. Much of this representation consists of drafting the orders adopted by the PUC. The PUC Unit also represents the Commissioners and their Advisory Staff in hearings before the Commission and in cases appealed to state and federal courts. The other attorneys in the Unit provide legal advice to the Governor/Lt. Governor, Secretary of State (election and campaign finance law), the Treasurer, the Attorney General, and the Judicial Department, as well as the Department of Local Affairs, the Department of Military Affairs, the State Auditor and the Colorado Lottery. The Unit handles constitutional challenges to some state laws and initiated measures adopted by the voters.

## **II) PRIOR YEAR LEGISLATION**

### **Human Services**

**SB 10-118** Concerning Authorizing the Department of Human Services to Obtain a Fingerprint-Based Criminal History Record Check on an Individual Who Cares for a Related Child Whose Care is Funded in Whole or in Part with Moneys Received From the Colorado Child Care Assistance Program  
Sponsors: TOCHTROP-MIKLOSI

This bill gives the authority to obtain fingerprint-based criminal history record checks on persons who are related to a child and providing child care that is funded in whole or in part by the child care assistance program.

**SB 10-171** Concerning the Creation of a Child Protection Ombudsman Program  
Sponsors: NEWELL-GAGLIARDI

This bill establishes a child protection ombudsman program independent of the Department of Human Services. The ombudsman will review complaints made by or on behalf of a child, evaluate and make recommendations, and file an annual report with suggestions to improve the child protection system.

**HB 10-1022** Concerning the Administration of the Supplemental Nutrition Assistance Program  
Sponsors: SUMMERS & GAGLIARDI - BOYD

This bill requires the Department of Human Services to adopt the maximum certification period allowable pursuant to federal law and to develop and implement an outreach plan to promote access to federal food benefits. The bill also changes the name of the program from federal food stamps program to the supplemental nutrition assistance program.

**HB 10-1226** Concerning an Alternative Approach for a County Department of Social Services to use in Addressing Certain Intrafamilial Child Abuse or Neglect Cases  
Sponsors: KEFALAS-SPENCE

This bill creates a differential response pilot program for participating county departments for use in addressing intra-familial abuse that is assessed as low or moderate risk. Participating counties who identify low or moderate risk incidents may proceed without an investigation or without making a finding concerning the intra-familial abuse.

**Medicaid/Public Assistance**

**HB 10-1284**—CONCERNING REGULATION OF MEDICAL MARIJUANA. This bill, effective July 1, 2010, provides for taxation and regulation of medical marijuana by the Department of Revenue. It also grants rulemaking authority to the Board of Health with regard to standards for issuing medical marijuana registry cards, documentation for physicians who certify patients for medical marijuana use, and sanctions for physicians who violate the bill. In addition, it provides that a primary care giver can serve no more than five patients, it authorizes the establishment of medical marijuana centers (as regulated by the Department of Revenue), and provides that a physician who recommends the use of medical marijuana may not receive remuneration from a primary care giver or center.

**SB 10-109**—CONCERNING REGULATION OF THE PHYSICIAN/PATIENT RELATIONSHIP FOR MEDICAL MARIJUANA PATIENTS. This bill, effective July 1, 2010, defines a bona fide physician patient relationship, unprofessional conduct and a license in good standing, both terms used in the Colorado Constitution, article XVIII, § 14. It includes a ban on a physician who recommends the use of medical marijuana from holding an economic interest in an enterprise that provides or distributes medical marijuana. Moreover, it gives CDPHE authority to restrict a recommending physician's

authority to recommend that a patient be on the Medical Marijuana Registry and permits referral to the Colorado Board of Medical Examiners in the event willful and deliberate violation of Colo. Const. article XVIII, § 14.

**SB 10-167—COLORADO MEDICAID CIVIL FALSE CLAIMS ACT.** This bill makes significant changes and improvements to the state’s ability to prosecute Medicaid provider civil false claims, including the following: Increased penalties from a maximum civil fine of two times damages plus \$5,000 per claim to a new maximum civil fine of three times damages plus \$10,000 per claim. The bill changes the liability provisions to mirror the standards for liability under the federal False Claims Act. Generally, this expands the scope of conduct that is actionable. The bill includes new whistleblower provisions, including establishment of a *qui tam* process by which a person can file a false claim lawsuit on behalf of the State, and be paid a percentage (up to 25%) of the recovery. The whistleblower provisions also include a new cause of action for retaliation. Finally, the bill expands the Attorney General's ability to investigate potential Medicaid civil fraud cases by authorizing the Attorney General to issue "civil investigative demands," which expands the Attorney General's ability to subpoena documents and compel the deposition of individuals prior to the filing of a lawsuit.

### **Education**

**HB10-1183** This bill creates a pilot program to collect data concerning alternative school finance funding models.

**HB10-1318** This bill changes the formula for state aid for a limited number of school districts with high levels of local revenue.

**HB10-1336** This bill creates the school safety resource center cash fund and authorizes the Department of Public Safety to solicit and accept gifts, grants, and donations for the purpose of implementing the school safety resource center.

**HB10-1345** This bill grants a school district or the state charter school institute that has authorized a charter school the ability to request the power for an external entity to take control of a charter school that is considered to be in an emergency situation.

**HB10-1383** The bill makes a one-time transfer of \$29.8 million from the Collegeinvest scholarship trust fund to the general fund and expands the use of the Collegeinvest scholarship trust fund to include funding need-based financial aid.

**HB10-1412** This bill creates the charter school and charter authorizer standards review committee. The committee will make recommendations to the state board of education and the education committees of the house of representatives and the senate concerning standards for charter schools and charter school authorizers. The committee’s recommendations are to be incorporated into rules adopted by the state board.



**SB10-003** Higher Education Flexibility Bill. This bill creates five guaranteed-transfer degree programs by 2011, changes limits on foreign student enrollment, gives institutions more control over financial aid, gives institutions more flexibility in adopting their own fiscal and information technology rules and reduces construction project reporting requirements.

**SB10-008** This bill directs the Department of Education to contract for a study of a system to determine pupil enrollment based on the average number of days that each pupil is enrolled in school during the school year rather than based on a single count date.

**SB10-036** This bill requires the department of education report annually on educator preparation program effectiveness. The department shall make the report available to the public on its website.

**SB10-062** This bill places funding for categorical programs in a bill separate from the Long Bill that is considered by both education committees.

**SB10-064** This bill allows an institution of higher education, with the consent of a student, to apply for stipends from the college opportunity fund on behalf of an admitted student using the information in the student's admission application.

**SB10-065** This bill reduces K-12 support by \$110 million for FY09-10 and does not fund current year enrollment and at-risk increases.

**SB10-150** This bill temporarily transfers to the state public school fund, instead of the permanent school fund, moneys not otherwise allocated from interest or income earned the permanent school fund, proceeds from the sale of timber on public school lands, rental payments for the surface of said lands, and rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold, silver, or other minerals on public school lands; and royalties and other payments for the depletion or extraction of a natural resource on public school lands.

**SB10-191** This bill changes teacher and principal evaluations and teacher tenure.

### **Public Utilities Commission**

**HB 10-1365** CONCERNING INCENTIVES FOR ELECTRIC UTILITIES TO REDUCE AIR EMISSIONS, AND, IN CONNECTION THEREWITH, REQUIRING PLANS TO ACHIEVE SUCH REDUCTIONS THAT GIVE PRIMARY CONSIDERATION TO REPLACING OR REPOWERING COAL GENERATION WITH NATURAL GAS AND ALSO CONSIDERING OTHER LOW-EMITTING RESOURCES, AND MAKING AN APPROPRIATION.

BY REPRESENTATIVE(S) Solano and Roberts, Benefield, Carroll T., Court, Fischer, Frangas, Gerou, Hullinghorst, Kagan, Kerr A., Kerr J., King S., Levy, Liston, Massey, May, McFadyen, McNulty, Merrifield, Middleton, Miklosi, Peniston, Pommer, Primavera, Rice, Ryden, Scanlan, Schafer S., Stephens, Todd, Tyler, Vaad, Vigil, Ferrandino, Kefalas, Labuda, McCann, Nikkel, Riesberg, Summers;

also SENATOR(S) Whitehead and Penry, Bacon, Boyd, Brophy, Carroll M., Foster, Heath, Johnston, Morse, Romer, Shaffer B., Steadman, Williams.

In this landmark legislation known as the Clean Air Clean Jobs Act, the General Assembly has expressed a preference in the fuel(s) to be used in the generation of electricity. HB 10-1365 requires all rate-regulated utilities that own or operate coal-fired electric generation plants located in Colorado (Public Service and Black Hills) to submit to the PUC, on or before August 15, 2010, an emission reduction plan for emissions from these coal plants. HB 10-1365 requires these plans to cover a minimum of 900 megawatts or 50 percent of a utility's coal-fired generating units in Colorado, whichever is smaller. HB 10-1365 requires the utilities to consult with the Colorado Department of Public Health and Environment (CDPHE) prior to filing the plans and for the PUC to provide CDPHE an opportunity to comment on the air quality, air pollutants, and other emission reductions of the Plan. CDPHE shall also evaluate whether the Plan is consistent with current and foreseeable future requirements of the federal Clean Air Act. HB 10-1365 requires the PUC to review these plans and enter decisions approving, denying, or modifying the plans by December 15, 2010. Fulfillment of the new statutory obligations will require substantial legal support in the areas of procedural due process (an obvious challenge with compressed time frames and thirty parties to the PUC proceedings), and statutory interpretation.

Legal support has also been required to assist the PUC in connection with responding to a large CORA request submitted to the agency by the Colorado Mining Association (CMA). The CMA, whose members are obviously affected by HB 10-1365, sought information related to the PUC's involvement in the legislative activities leading to the enactment of the new statute.

**HB10-1001 CONCERNING INCENTIVES FOR THE INSTALLATION OF NEW DISTRIBUTED RENEWABLE ENERGY GENERATION FACILITIES IN COLORADO, AND, IN CONNECTION THEREWITH, INCREASING THE TARGET PERCENTAGES UNDER THE ELECTRIC UTILITY PORTFOLIO STANDARD TO ENCOURAGE COLORADO UTILITIES TO GENERATE THREE PERCENT OF THEIR RETAIL ELECTRICITY SALES FROM DISTRIBUTED RENEWABLE SOURCES BY THE YEAR 2020, ADOPTING STANDARDS FOR THE INSTALLATION OF DISTRIBUTED SOLAR ELECTRIC GENERATION EQUIPMENT, AND MAKING AN APPROPRIATION THEREFOR.**

BY REPRESENTATIVE(S) Tyler, Apuan, Court, Ferrandino, Fischer, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas, Labuda, Levy, McCann, Merrifield, Middleton, Miklosi, Pace, Pommer, Rice, Ryden, Scanlan, Schafer S., Soper, Todd, Vigil, Carroll T., Benefield, Kerr A., Solano;

also SENATOR(S) Schwartz and Whitehead, Bacon, Boyd, Carroll M., Foster, Gibbs, Heath, Hudak, Johnston, Keller, Morse, Newell, Romer, Shaffer B., Steadman, Tochtrop, Williams.

This bill increased the requirements for investor owned qualifying retail utilities (Public Service and Black Hills) to generate electricity from renewable resources from 20% to

30% by 2020, eliminates a set-aside for solar resources, and creates a set-aside for distributed renewable generation. HB 10-1001 also permits the utilities to advance funds that will be repaid through future collections from customers, to purchase more renewable energy sooner than later. HB 10-1001 prompted the PUC to begin a rulemaking to update its Renewable Energy Standard (RES) rules to bring them into compliance with the new law. This bill has resulted in the use of legal resources to develop the necessary rule amendments and changes in the content of each utility's annual renewable energy standard plan approval filing.

**HB10-1342 CONCERNING MEASURES TO ENCOURAGE ADDITIONAL INVESTMENT IN SOLAR ENERGY GENERATION FACILITIES, AND, IN CONNECTION THEREWITH, AUTHORIZING THE CREATION OF COMMUNITY SOLAR GARDENS.**

BY REPRESENTATIVE(S) Levy, Benefield, Court, Ferrandino, Fischer, Gagliardi, Hullinghorst, Kagan, Merrifield, Peniston, Pommer, Primavera, Solano, Tyler, Apuan, Frangas, Gerou, Kefalas, Labuda, Massey, Middleton, Ryden, Todd, Schafer S., Soper; also SENATOR(S) Williams, Newell, Foster, Shaffer B., Steadman.

HB 10-1342 pertains to the community solar gardens, which are solar generation facilities, sized at or below 2 megawatts and owned by ten or more customers at a shared location. The PUC must commence a rulemaking on or before October 1, 2010 to adopt rules necessary to implement the new statutory provisions. HB 10-1342 further requires the Commission to develop and implement policies to encourage the development of community solar gardens. Many of the rules required by the bill will address issues that are new to the PUC. Significant legal support will be required to carry out the requirements of this new legislation.

**SB 10-120 CONCERNING THE INCLUSION OF PREPAID WIRELESS TELEPHONE SERVICE AMONG THE SERVICES SUBJECT TO THE SURCHARGE THAT FUNDS ENHANCED 911 EMERGENCY SERVICES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

BY SENATOR(S) White, Bacon, Steadman, Boyd, Foster, Gibbs, Heath, Hodge, Johnston, Keller, Tochtrop, Whitehead, Williams, Schwartz; also REPRESENTATIVE(S) Rice, Bradford, McCann, Casso, Hullinghorst, Liston, Looper, Soper, Todd.

SB 10-120 establishes a charge on the retail sale of prepaid wireless telephone service, which charge is to be collected for the purpose increasing the funding for E911 services that is available to the local 911 authority boards. The PUC is required to develop a formula for distributing the revenues from this charge based upon each local authority's portion of 911 wireless call volume. This requirement will require a PUC rulemaking as the PUC does not presently gather this data. Legal support will be required during the development of these rules.

## **Public Officials**

### **HB10-203 Initiative and Referendum CONCERNING INDEPENDENT EXPENDITURES IN COLORADO ELECTIONS AFTER THE UNITED STATES SUPREME COURT CASE OF *CITIZENS UNITED V. FEDERAL ELECTION COMM'N*, AND MAKING AN APPROPRIATION THEREFOR.**

This bill broadly expands campaign finance disclosure requirements with regard to corporations that make independent expenditures.

## **III) HOT ISSUES:**

### **Human Services**

a. Colorado Benefits Management System (“CBMS”) - Continued litigation and settlement negotiations regarding timely processing of applications for Medicaid, food stamps, and other public assistance. This case was filed in 2004; the named Defendants are the Department of Human Services and Department of Health Care Policy and Financing. The Department of Human Services is continuing to negotiate modified settlement terms and an extension to the current settlement.

b. Child welfare – The State continues to look at ways to improve the child protection system to prevent fatalities and child abuse. Legislation this session creates a new ombudsman program. There is a committee reviewing whether or not to centralize the intake process for reports of child abuse.

c. Developmental disabilities - The Department has reduced the capacity at the regional centers, making institutional care extremely difficult to obtain, even where individuals are dangerous. ICF-MR beds have been reduced at the State regional centers, and individuals are being moved into the community even where they have spent decades at the center. The Department instituted the use of a new assessment tool to determine the level of care/services that DD individuals in the community can receive. There have been many appeals from the Department’s decisions.

### **Medicaid and Public Assistance**

a. The Unit continues to defend HCPF in the CBMS litigation. In August 2010, Plaintiffs filed a motion to enforce the original settlement agreement.

b. The Unit continues to defend multi-million dollar claim for attorneys’ fees in connection with social security disability income benefits (“SSI”). Attorneys representing successful SSI claimants have asserted (under a theory of unjust enrichment) that they are entitled to be reimbursed for attorneys’ fees and costs from the State Aid to the Needy and Disabled program. The case was tried in October 2008, with judgment in favor of the

State on all claims. The case is currently on appeal. In the meantime, the program which would be required to pay for the attorney fees if reversed on appeal has been suspended effective January 1, 2010 as a result of budget cuts.

c. In accordance with 2008 legislation, the Department of Public Health and Environment now surveys and licenses Home Health Agencies. The Unit is working with the Department of Health to promulgate rules and begin enforcement in this area, and anticipates significant administrative litigation in licensing actions, including suspension and termination.

d. The Unit is continuing joint efforts with the U.S. Attorney's office and the Medicaid Fraud Control Unit to pursue Medicaid provider fraud, in both the civil and criminal arenas.

e. The Unit continues to advise the Department of Public Health and Environment, which maintains the medical marijuana registry. The constitutional definitions of "patient" and "caregiver" have created significant problems for CDPHE. In the past year, the number of patients in the registry surged from approximately 4,000 to an estimated 80,000 to 100,000 by mid-2010. There is a 6-month backlog in processing applications. CDPHE has attempted, both by policy and by rule, to limit the number of patients a caregiver may have. Effective July 1, 2010, a limit of five patients per care giver was established by statute (HB 10-1284). That bill makes significant changes to the medical marijuana program and the Unit anticipates litigation in that area, including the five patients limit and physician restrictions set out in SB 10-109.

g. ICF/MRs. Both HCPF and CDPHE are involved in termination of Medicaid provider agreements and denial of federal certification for four ICF/MRs (Intermediate Care Facilities for the Mentally Retarded) owned and managed by Bethesda Lutheran Communities. Bethesda has appealed the provider agreement termination. That appeal is stayed. CDPHE completed its certification survey in late July and has advised HCPF that it does not recommend federal certification. After completing its review of the surveys, we anticipate that HCPF will deny certification in August 2010. We anticipate that both actions will be appealed. Placement of the twenty residents pending resolution of the appeals is a major concern, since available ICF/MR beds in the state are almost non-existent. Transfer to another facility, either on a temporary or permanent basis, is likely to cause very significant upheaval for both residents, many of whom have resided at Bethesda facilities for decades, and for parents/guardians, many of whom are elderly. The Developmental Disabilities division of DHS is working on evaluation and placement.

#### **Labor/Personnel and Administration and HIPAA**

a. The unit is working on issues arising from the Governor's Executive order on employee partnerships. This will involve research, general advice to the client, and negotiation of agreements.

b. Defense of a lawsuit challenging the constitutionality of Amendment 42 which increases the minimum wage for Colorado with the Denver/Boulder/Greeley Consumer Price Index. Litigation will continue through 2010.

c. The unit is expecting that the Division of Labor will be challenged on immigration issues in connection with its enforcement efforts. The Division is currently involved in an audit of the entire enforcement program.

d. The unit will be working with the Office of Information Technology to streamline the State's contracting and administration process in connection with information technology.

e. The unit will continue to work with DPA and the Governor's Office and reform of the State procurement and State contracting policies and procedures.

### **Education**

a. Litigation. These cases have significant potential impact and have received coverage in the press.

- *Lobato v. State of Colorado*. The Colorado Supreme Court reversed the decisions of the trial court and the court of appeals, finding the Plaintiffs' challenge to the State's K-12 funding and remanded the case for trial. The Education Unit is preparing for trial, currently set for August 2011.
- *Boulder Valley School District v. State Board of Education*. The Colorado Supreme Court upheld the constitutionality of the Charter School Institute and its enabling legislation.

b. SB10-191 changed the teacher evaluation and teacher tenure systems. This bill garnered significant press and is likely to be an ongoing source of contention.

### **Public Officials/PUC**

a. Pending Public Officials litigation—These lawsuits have potentially significant public impact and have been covered in the media:

- *Common Cause v. Buescher*. Plaintiffs are challenging Colorado's compliance with the National Voter Registration Act. Plaintiffs dismissed all but one claim. The parties filed cross motions for summary judgment on the remaining claim and are awaiting a ruling from the federal district court.
- *Sampson v. Coffman*. Plaintiffs challenged the constitutionality of reporting requirements imposed upon small issue committees by the Campaign and Political Finance Amendment in federal court. The trial court ruled that the requirements did not apply under the unique circumstances of this case. The parties filed cross-

appeals to the 10<sup>th</sup> Circuit. The case was argued in November 2009; a decision from the 10<sup>th</sup> Circuit remains pending.

- *Independence Institute v. Buescher*. The Independence Institute and other plaintiffs challenge several provisions in Colorado's initiative statute, including residency for circulators, limits on payments made on a per-signature basis, requirements that circulators be available to provide testimony in petition challenges, licensure of petition entities, and other provisions. The federal district court entered a preliminary injunction against the State on the residency requirements and the limits on pay per-signature. The judge denied the preliminary injunction on all other issues.
- *Denver Post v. Ritter*. The Denver Post files an Open Records Act request seeking access to the telephone billing records for the Governor's private cell phone. The state district court affirmed the denial of the request. The Post appealed to the Court of Appeals, which affirmed. The Colorado Supreme Court granted *The Post's* petition for certiorari review; briefing is underway.
- *Riddle v. Daley*. Plaintiffs, who are unaffiliated candidates running for state office, challenged the candidate disaffiliation requirement in federal district court, contending that the requirement violates their First Amendment rights to ballot access. The district court issued a decision in favor of the State. The Plaintiffs appealed; the case is pending in the Tenth Circuit. A decision is expected by early September 2010.

b) Pending PUC litigation – These lawsuits have potentially significant public impact:

*OCC v. PUC*. The OCC has challenged the lawfulness of the Commission's decisions authorizing Qwest Corporation to increase the rate it charges for standalone residential basic local exchange service. The OCC claims (1) that the PUC violated the provisions of § 40-15-502(3)(b)(I.5)(A-D), C.R.S., by setting an unlawful maximum price cap for Qwest residential basic service in light of the record evidence (this includes the \$16.52 cap in effect today, the 11.02 percent increase for measured and message service, and the \$17.00 cap to take effect in mid-2010); (2) that the Commission failed to hold Qwest to the appropriate burden of proof established by § 40-15-502(3)(b)(I.5)(A-D), C.R.S.; and (3) that the PUC's decisions abused its ratemaking power and violated article XXV of the Colorado Constitution and § 40-2-101, et seq. This case is pending in Denver District Court.

*OCC v. PUC*. The OCC has challenged the PUC's authority to approve an electric resource plan filed by Public Service Company of Colorado, when the cost of the approved plan was not compared against a base plan in which all generation facilities necessary to meet the forecasted growth in electricity demand are utility owned. This matter is in the very early stages and is pending in Denver District Court.

*Qwest Corporation v. PUC, Cbeyond Communications.* This matter is presently before the U.S. Tenth Circuit Court of Appeals. Qwest and the PUC/Cbeyond cross-appealed the lower court decision. This matter commenced when Qwest challenged the PUC's interpretation of the Federal Communication Commission's definition of a "business line" to be used when determining how much intercarrier competition there is in a wire center. The interpretation is important because the level of competition affects the wholesale price at which Qwest may sell access to its facilities

c) Impending PUC litigation: The PUC is currently conducting proceedings in two high profile matters, which matters are likely to be headed to litigation:

*In the Matter of the Application of Public Service Company of Colorado and Tri-State Generation and Transmission Association or a Certificate of Convenience and Necessity for the San Luis Valley-Calumet- Comanche Transmission Line Project.* Trinchera Ranch (owned by Louis Bacon), a very large landowner whose property the transmission line may cross, has challenged both the need for the proposed transmission line and the proposed corridor for the line.

*In the Matter of the Public Service Company of Colorado Emissions Reduction Plan filed pursuant to HB10-1365 (the Clean Air Clean Jobs Act).* Two aspects of this matter are likely to end up in court – whether the PUC Commissioners are biased and should recuse themselves and whether the decision the PUC will render on or about December 15, 2010 is just, reasonable and in the public interest. At its heart, this matter concerns the PUC's review of Public Service's statutorily required filing that sets forth how Public Service intends to use emissions controls, coal plant closures, increased use of natural gas fired electric generation, etc. to meet current reasonably foreseeable air quality standards of the federal Clean Air Act (these standards are to be determined by the Colorado Department of Health and Public Environment and then made a part of the PUC record) such that a 70% to 80% reduction in annual NO<sub>x</sub> as applied to 900 MW of its existing coal-fired electric generation is achieved preferably by 2015.

d) The PUC is reviewing the proposed acquisition of Qwest by CenturyLink. Due to the size and presence in our community of Qwest, the PUC is rigorously examining the application for approval of the merger.

e) The PUC recently concluded litigation under the Colorado Open Records Act (CORA) that was brought by the Colorado Mining Association, which documents related to the PUC's involvement in the drafting of HB10-1365 (the Clean Air Clean Jobs Act). Further, due to a recent policy adopted by the Executive Director for the Colorado Department of Regulatory Agencies in how to apply CORA, the PUC's response to various media outlets seeking access to large quantities of PUC records has drawn ire.

f) The PUC is highly active in the continued legislative push regarding renewable energy and dealing with greenhouse gases. Through 2010 legislative changes and amendments to the PUC's rules, the PUC has taken the lead in the state to ensure that (1) renewable energy sources such as wind, solar, concentrated solar, biomass, compressed air and other



renewable sources become a larger part of energy utility resource portfolios (2) coal plant emissions are reduced through closures/retrofits and/or increased use of natural gas fired electric generation and (3) an emphasis on distributed generation is carried out.

e) The PUC is also implementing legislative changes to require energy utilities to meet the 2020 requirement that 30% of their resource portfolios are to consist of renewable energy sources (see HB10-1001).

g) The 2008 law related to the entrance of taxi cabs into the greater Denver market (comprising of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson counties) has garnered much attention during 2009. The legislation, tweaked again in 2009, has charged the PUC with opening the market through a shift in the burden of proof. A constitutional challenge to this law (codified at § 40-10-105, C.R.S.) was defeated. However, new challenges are likely in light of a recent ruling denying entrance to the marketplace of applicants on the ground that the existing taxicab market place is saturated.

**IV) WORKLOAD MEASURE:**

**DEPARTMENT OF HUMAN SERVICES**

Workload Measure	FY 10 Actual	FY 11 Estimate
Defend the Department in litigation regarding the implementation of the Colorado Benefits Management System (CBMS).	Review and submit monthly data regarding timely processing in accordance with settlement agreement; communicate with plaintiffs' counsel to address concerns, CBMS upgrades and processing data.	Work with the Department to address individual cases as well to improve systemic issues; negotiate modified settlement agreement or defend in active litigation
Defend County confirmations of child abuse/neglect in the State database system on behalf of the Department for use in employment/background checks.	Ongoing litigation to prosecute child abuse/neglect in full evidentiary hearings before the OAC. Unit carries an average of 450 active cases.	Aggressively prosecute child abuse cases to prevent persons who are found responsible for child abuse from working with children.

Prosecute licensing actions for the Division of Childcare	Actively litigate to revoke, suspend, and deny licenses where the facility fails to follow department rules, the licensee or employs commits child abuse, or otherwise fails to assure safe care for children.	Continue to actively prosecute child care licensing cases to assure safe childcare.
Advise the Department in rulemaking and adoption process.	Review rules and advise on authority and substantive content.	Continue advising on rulemaking.
Initiate actions to revoke, suspend, or deny substance abuse treatment licenses for the Division of Behavioral Health.	Prosecute treatment agencies for failures to comply with Department regulations.	Continue to represent the Division in licensing actions.
Defend the Department in administrative proceedings brought by recipients of Vocational Rehabilitation services or programs who were denied or reduced services.	Actively defend and, where possible, negotiate settlements for the Division of Vocational Rehabilitation.	Continue to defend the Department in these actions before the OAC. Assist the Division to improve the administrative hearing rules for these cases.
File petitions in district courts on behalf of the Division of Youth Corrections for aggravated offenders, requesting extensions of commitments, release from mittimus or vacating illegal sentences.	Represent the DYC in all post-commitment juvenile proceedings, specifically those requiring a return to court for a change in placement or status or responding to subpoenas for records.	Continue representing the DYC in juvenile cases and providing legal advice.
Assist the Department to respond to subpoenas and open records requests.	File motions to quash or redact records as needed when responding to records requests.	Provide ongoing legal advice and representation.
Represent and advise the Division of Developmental Disabilities.	Provide legal advice and represent the Department when needed in court actions.	Advise the Division in proceedings before OAC and assist with the rule revisions.

Caseload Trends:

The Human Services Unit continues to see a greater variety of cases and requests for legal advice from more divisions within the Department of Human Services. The Division of Behavioral Health has licensing actions. The Division of Youth Corrections has increased the number of cases referred.

Type of Case	Number of Cases	Current Status
Estate/Collection Cases	4 Cases	2 are in active litigation
Informal Legal Opinions	19	Completed or in final draft stages
Judicial Review of Final Agency Decisions	8	3 Child Abuse/Neglect 5 Other
Child Abuse/Neglect	882 cases received	90% settle, 302 active cases currently
Child Care Licensing	34 cases received	18 active currently
Other Litigation/Court Cases	14	4 active litigation and 3 actively advising
Vocational Rehabilitation	7	2 active
Youth Corrections/Hearings	15	All granted or pending.
Youth Corrections/Non-Hearing Petitions	21	All granted or pending.
Behavioral Health/ADAD	4	2 ongoing

**MEDICAID AND PUBLIC ASSISTANCE**

Workload Measure	FY 10 Actual	FY 11 Estimate
<b>Department of Health Care Policy and Financing</b>		
Defense of the Department in litigation regarding the implementation of the Colorado Benefits Management System.	Monitor provision of claims processing date. Respond to inquiries from plaintiffs' counsel	Anticipate that this office will continue to monitor a very complex settlement.

<p>Defense of the Department in Administrative proceedings brought by recipients and providers claiming services or amounts due under Department of complex regulations in the Medicaid system. Many of the federal requirements have increased the issues programs – primarily state Medicaid.</p>	<p>Continue representation of HCPF in all administrative matters involving provider appeals or audits. Represent HCPF in certain recipient appeals, primarily at district court level.</p>	<p>Given the substantial increase in Medicaid populations, which will likely continue to increase, we can anticipate increased appeals and utilization of resources.</p>
<p>Recover funds expanded as a result of third parties' actions.</p>	<p>Total recovery of \$762,133. Increased litigation and potential for litigation as a result of <i>State of Arkansas v. Ahlborn</i>.</p>	<p>Although HCPF handles more third party cases in house, it is likely that the increase in Medicaid recipients will increase work load in this area. Anticipate additional <i>Ahlborn litigation</i>.</p>
<p>Working with the Department's Program Integrity Unit to uncover and eliminate provider overpayments and fraud in the Medicaid program.</p>	<p>Prosecute provider overpayment appeals at civil level. Work with agency and health care fraud task force to identify fraud in the Medicaid program.</p>	<p>Anticipate economy driven increase in provider overpayment appeals.</p>
<p>Advise HCPF in the rule-making and adoption process to keep the state in compliance with federal and state statutes in connection with the distribution of benefits.</p>	<p>Continue to provide advice to Medical Services Board. This year we have added representation of the HB 09-1293 Oversight and Advisory Bd.</p>	<p>Continue representation of both MSB and 1293 Board.</p>
<p>Provide advice and representation with regard to subpoenas and CORA requests.</p>	<p>Maintain advice and document review assistance.</p>	<p>There is no reason to believe that trend of significant involvement in CORA requests will slow down.</p>

<b>Colorado Department of Public Health and Environment</b>		
Workload Measure	FY 10 Actual	FY 11 Estimate
Actions prosecuted to revoke, suspend, or place on probationary status licenses of Emergency Medical Technicians.	22	28
Prosecute licensing actions involving Home Health agencies licensed under the authority of the Department.	Regulatory process ongoing to develop licensing criteria.	Anticipate that licensing process will be in place. Assist Dept. in resolution of start up issues. Prepare to and prosecute enforcement actions.
Prosecute licensing actions involving Health facilities licensed under the authority of the Department.	13	15
Provide rulemaking advice to Board of Health.	Review all rules and attend monthly Board meetings.	Same as FY 10

## **EDUCATION**

### *Caseload trends:*

Teacher licensure cases referred for charges have increased significantly. The unit continues to average 2-3 major constitutional cases each year.

### *Legislative Measures*

The General Assembly enacted numerous laws affecting the State Board of Education's oversight responsibilities. Many will require additional rule-making, policy and procedure creation, and additional hearings and board meeting work.

### *Ballot Initiatives*

The institutions of higher education and other education clients are attempting to prepare for the potential passage of a number of ballot initiatives that, if passed, will impact their operations.

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Estimate
Teacher licensure cases referred	# of cases	54	67	68	70
Settlements Obtained	# of settlements	13	1	3	5
Closed cases	# of closed cases	30	52	43	445
Actions Filed	# of cases	24	20	20	20
Cases carried over to next FY (open and pending cases)	# of cases	24	18	20	20

*Objective:* The Education Unit set an objective in FY 09 of achieving a 10% increase in the number of teacher licensure cases closed and settled in 2010 and 2011.

*Strategy:* In order to achieve the objective of a 10% increase from FY08-FY09, the unit assigned an additional attorney to the prosecution of these cases and two additional attorneys to provide research and case preparation support. The Unit is working with CDE to increase overall process efficiency.

*Evaluation of Prior Year Performance;* Overall, the Unit exceeded this objective, increasing closed and settled cases by 23% from FY 09 to FY 10. Settled cases were down, but closed cases were up significantly.

*Key Workload Indicators:* The number of cases opened continues to increase. This number is based on the number of charges referred by the Colorado Department of Education.

### **PUBLIC UTILITIES COMMISSION**

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY11 Estimate
Prevail in appeals of PUC decisions in state and federal court	# of decisions.	Prevailed in 3 of 6 cases. Obtained a split decision in 1 case. Obtained favorable or neutral settlements in 2 cases	.	There are four appeals or other court cases pending

Provide on-going, comprehensive, timely and accurate legal assistance to the PUC regarding PSCo's Emissions Reduction Plan Filing Pursuant to HB10-1365		Continue to meet all deadlines and provide substantive assistance in any appeals of the PUC's decision in this matter.	Continue to meet all deadlines and provide substantive assistance in any appeals of the PUC's decision in this matter.	Continue to meet all deadlines and provide substantive assistance in any appeals of the PUC's decision in this matter.
Provide on-going, comprehensive, timely and accurate legal assistance to the PUC regarding the PSCo/Tri-State application to construct a transmission line connecting the San Luis Valley to a site near Pueblo		We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.	We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.	Continue to meet all deadlines and provide substantive assistance in any appeals of the PUC's decision in this matter.
Provide comprehensive and timely legal assistance to the PUC regarding the Qwest merger with CenturyLink.		This matter commenced at the very end of the FY09	This matter commenced at the very end of the FY09	We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.
Provide comprehensive and timely legal assistance to the PUC regarding the promulgation of rules regarding the renewable energy standard and community solar gardens.		Began drafting new rules in FY10.		We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.

**LABOR/PERSONNEL AND ADMINISTRATION**

**DEPARTMENT OF LABOR AND EMPLOYMENT,  
DIVISION OF WORKERS COMPENSATION**

**1. Worker's Compensation Enforcement**

Objective: Pursue statutory fines against employers that fail to have WC insurance for their employees.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Number of cases filed.	New cases	115	102	150	170
	Judgments	94	81	120	150

	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Number of cases settled.	settlements	30	36	35	40
	Cases to close businesses	12	4	15	15

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Total fines imposed and sent to collections.	Total fines sent to collections	\$1,029,700	\$557,565	\$1 M +	\$1.5Million



## **2. ICAO Appeals**

The Industrial Claims Appeals Office (ICAO) serves as the first appellate level for appeals in Worker's Compensation and Unemployment Insurance cases. If an ICAO decision is appealed, that appeal is filed with the Colorado Court of Appeals. Further appeal is available in the Colorado Supreme Court. In FY10, the ICAO sent 57 cases to the DPA/Labor Unit. The Unit filed 47 appellate briefs and participated in 10 oral arguments. The ICAO selects cases that effect the overall administration of the WC or UI systems, and not just whether benefits were or were not granted in a particular case.

## **3. Division of Oil and Public Safety**

The Division of Oil and Public Safety (OPS) has several statutory duties including oversight of petroleum storage tanks, amusement rides, boiler inspection program, and the elevator, escalator, and other public conveyances program. In FY10, the Unit opened 37 new cases for OPS. The Unit closed or dismissed 44 cases.

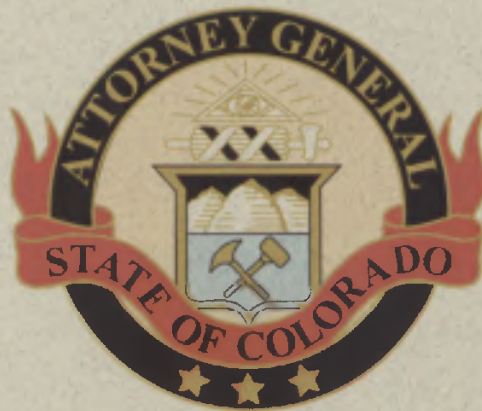
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**Narrative**

**LSSA**

**Department of Public Safety**



## **D) BACKGROUND INFORMATION: DEPARTMENT OF PUBLIC SAFETY UNIT**

One attorney is assigned to provide legal representation and advice to the Colorado Department of Public Safety (CDPS) and the Colorado Peace Officer Standards and Training Board (P.O.S.T. Board).

The CDPS includes the Executive Staff and four divisions: Colorado Bureau of Investigation (CBI), Colorado State Patrol (CSP), Division of Criminal Justice (DCJ), and the Division of Fire Safety (DFS). The Department is responsible for the provision of state law enforcement services and research, advice and oversight of the State of Colorado criminal justice system. Approximately 90 statutory and administrative boards and commissions fall under the auspices of CDPS. The CDPS has approximately 1300 employees statewide. CDPS headquarters is at 700 Kipling Street, Denver, CO.

The P.O.S.T. Board is responsible for overseeing the education, training, and certification of Colorado's peace officers. The Board meets quarterly and is composed of 20 members, of which three are statutory (Colorado Attorney General-chair, FBI Special Agent in Charge- Denver Division, and Executive Director of CDPS). Seventeen members are appointed by the Governor to 3-year terms and include one local government representative, one member of the general public, 6 active sheriffs, 6 active chiefs of police, and 3 line-level peace officers serving at the rank of sergeant and below.

### **Primary Duties:**

The provision of legal services to CDPS includes legal advice and representation covering a broad spectrum of issues arising from the responsibilities and functions of the Executive Director, staff, several divisions, and various boards and commissions. The intent of this legal representation is to review proposed agency actions to ensure legality and reduce the likelihood of future litigation.

Legal advice is provided to executive staff members on policy matters and personnel decisions. Examples of ongoing advice include policy development, legislative matters, intergovernmental agreements, asset forfeiture allocations, legal coordination, rulemaking hearings, and open records requests. Examples of litigation include representation and appearances in state district courts (civil and criminal), federal district court, the Colorado Court of Appeals, and the State Personnel Board.

Increasingly, the CDPS is involved in coordination and participation of law enforcement activities with other governmental entities. Oftentimes this requires drafting and approving a wide range of agreements including contracts, memoranda of understanding, and intergovernmental agreements with local, federal, and other state agencies.

THE PROVISION OF LEGAL SERVICES TO THE P.O.S.T BOARD AND TO THE P.O.S.T. STAFF INCLUDES ATTENDANCE AT ALL P.O.S.T. BOARD QUARTERLY MEETINGS, RULE INTERPRETATIONS, LEGAL RESEARCH AND

ADVICE AS REQUESTED, AND LEGAL REPRESENTATION IN LITIGATION, AS NEEDED.

**II) PRIOR YEAR LEGISLATION:**

HB 09-1151 DESIGNATED CDPS AS THE AGENCY RESPONSIBLE FOR OVERSIGHT OF PUBLIC SCHOOL INSPECTIONS AND TRANSFERRED ALL ASSOCIATED EMPLOYEES FROM THE DEPARTMENT OF LABOR AND EMPLOYMENT (7 FTE). THE LEGISLATION ALSO ESTABLISHED A NEW BOARD OF APPEALS WITH FINAL AGENCY ACTION AUTHORITY. NO LEGAL SERVICES FUNDING WAS TRANSFERRED.

HB 09-1036 INCREASED THE VEHICLE REGISTRATION FEES FOR P.O.S.T. TRAINING, SUBSTANTIALLY INCREASING THE AMOUNT OF FUNDING AVAILABLE FOR GRANTS.

HB 10-1113 TRANSFERRED THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM OF THE PORTS OF ENTRY SECTION IN THE DEPARTMENT OF REVENUE TO THE COLORADO STATE PATROL. APPROPRIATIONS FOR 8.8 FTE WERE TRANSFERRED TO CDPS. NO ADDITIONAL LEGAL SERVICES FUNDING WAS TRANSFERRED.

**III) HOT ISSUES:**

The most critical issue is the need for additional legal resources to meet the increasing functions and responsibilities of the CDPS as delegated by the Governor and the state legislature including the creation of task force commissions for policy development and the coordination of statewide law enforcement activities. CDPS HAS SUBMITTED DECISION ITEMS IN THE LAST TWO LEGISLATIVE SESSIONS TO INCREASE ITS LEGAL SERVICES APPROPRIATION BUT THOSE ITEMS HAVE BEEN DENIED DUE TO CURRENT STATE ECONOMIC CONSTRAINTS. ADDITIONAL LEGAL SERVICES FUNDING WAS ATTACHED TO THE 2010 SEX OFFENDER MANAGEMENT LEGISLATION VETOED BY THE GOVERNOR.

**IV) WORKLOAD MEASURES:**

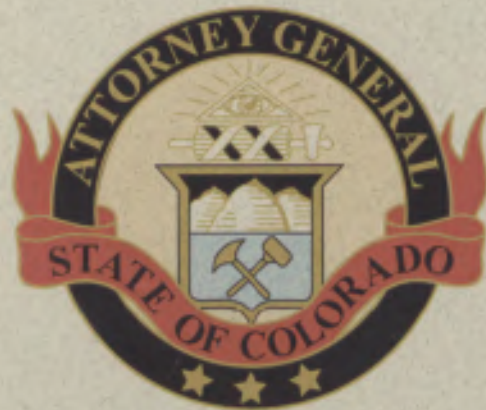
This position is funded for one fulltime attorney position.

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Request
Trial Court Litigation	# of cases	6	5	6	10
Administrative Hearings	# of cases	12	12	20	30

EEOC Investigations	# of cases	3	0	2	5
Appellate Litigation.	# of cases	2	2	3	6
Court Interventions	# of appearances	25	30	40	50
Major Policy Issues	# of issues	15	10	30	50
Intergovernmental Agreements	# of agreements	10	6	10	20
Rulemaking Hearings	# of hearings	10	2	1	20
Major Client Meetings	# of meetings	100	100	150	200
General Requests for Legal Advice	# of requests	200	200	250	300



**Narrative**  
**LSSA**  
**Litigation &**  
**Employment Law**





## **D) BACKGROUND INFORMATION: CIVIL LITIGATION AND EMPLOYMENT LAW**

The Civil Litigation and Employment Law Section of the Colorado Attorney General's Office employs 35 attorneys, 10 legal assistants, 5 administrative assistants and 1 office manager. The employees of the section defend state agencies, officials, and employees in litigation in state and federal court, as well as administrative hearings. The section also acts as general counsel to the Division of Risk Management, the Colorado Dept. of Corrections (CDOC), the Parole Board, the Colorado Civil Rights Division (CCRD), the Colorado Transportation Commission, and the Colorado Dept. of Transportation (CDOT), providing quick and thorough legal advice regarding the many issues that arise on a daily basis. The section advises all state agencies regarding personnel matters. The Section is divided into five units: Corrections, Tort Litigation, Transportation, Employment Tort, and Employment Personnel and Civil Rights. A brief description of each unit follows.

### **Corrections:**

The members of this unit are responsible for the representation of the Department of Corrections, the Colorado State Board of Parole and all employees of those agencies in state and federal lawsuits including tort claims, claims of various constitutional violations, construction claims, requests for documents and appearances in court, challenges to sentences, appeals of internal discipline, environmental matters, religious practices, medical treatment claims, and prison conditions. The unit represents other agencies who are sued by inmates. The unit acts as a general service law firm to DOC except in the areas of personnel and contracts. The unit members give advice on a daily basis to representatives of DOC and the Parole Board on the many complicated issues that arise in a prison and parole context. The attorneys provide advice regarding proposed legislation as well.

### **Tort Litigation:**

The members of this unit defend the State of Colorado, its agencies, employees, entities, and officials in lawsuits seeking damages for personal injury and property damage and those brought pursuant to federal law (except for employment claims). The unit also provides day to day advice to the State Risk Management Division on questions of coverage, indemnity, settlements, and applicability of the Colorado Governmental Immunity Act. Members of this unit aggressively defend the state and seek to minimize the monetary liability of the state in a variety of law suits. The Risk Management cases handled by the Corrections Unit attorneys are included in the Workload Measures for the Corrections Unit.

### **Transportation:**

The Transportation Unit acts as a general service law firm to CDOT and the Colorado Transportation Commission with the exception of personnel and tort matters. The members of the unit advise CDOT regarding a myriad of legal issues. The unit prosecutes all condemnation actions, defends inverse condemnation actions, and handles administrative actions. The unit also

handles access control, highway beautification, billboard location disputes, and protests under the Procurement Code. The unit advises CDOT in construction matters and represents CDOT in construction arbitration and litigation. The unit also provides advice regarding environmental and real estate issues and defends and negotiates settlements in these areas. Members of the unit review, revise, and approve all CDOT contracts and assist in rulemaking and approval of regulations. The attorneys also review proposed legislation affecting CDOT.

### **Employment Tort:**

The Employment Tort unit defends state agencies and employees in state and federal court employment litigation. The attorneys handle the cases from inception through appeal. The cases involve claims arising under a myriad of federal and state statutes, including Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Fair Labor Standards Act, The Family Medical Leave Act, the Equal Pay Act, the Age Discrimination in Employment Act, the state whistleblower act and other employment laws as well as federal civil rights laws. The attorneys also provide advice and training to state agencies regarding employment law. The unit also provides day to day advice to the State Risk Management Division on questions of coverage, indemnity, settlements, and conflicts.

### **Employment Personnel and Civil Rights:**

The Employment Personnel and Civil Rights unit defends state agencies and employees in administrative hearings, hearings before the State Personnel Board, and before the appellate courts in matters involving employment grievances and appeals. The cases involve claims arising from the Colorado Constitution, the State Personnel System Act, the state Employee Protection (Whistleblower) Act, the Colorado Anti-Discrimination Act, and related federal and state statutes. The attorneys also provide advice and training to state agencies on issues such as hiring, managing, and disciplining employees. The unit also provides legal advice to the Colorado Civil Rights Division within the Dept. of Regulatory Agencies in connection with CCRD's investigation of charges of employment, housing and public accommodations discrimination and cases brought based as a result of those investigations. The unit prosecutes civil rights cases through all stages of appeal and defends challenges to the authority of the Commission. The unit also defends cases brought under the Subsequent Injury Fund and the Major Medical Insurance Fund by employees injured in the course and scope of their employment with the state. These funds cover very limited claims.

## **II) PRIOR YEAR LEGISLATION:**

**HB09-1351:** Concerning an increase in the amount of time an inmate may have deducted from the inmate's sentence (Rep. Pommer and others, Sen. M. Carroll and others).

This bill increases the amount of "earned time" credits the CDOC may award from 10 days per month to 12 days per month. It also increases the overall deduction from the inmate's sentence from 25% to 30%. Finally, the bill has been interpreted by the CDOC to permit the CDOC to award an additional 60 days of "earned release time" to certain Class 4 and Class 5 felons and an additional 30 days of "earned release time" to certain Class 6 felons.

**HB09-1122:** Concerning increasing the age of persons eligible for the Youthful Offender System (Rep. Roberts and others, Sen. Morse and others)

Increases the age of offenders eligible for placement in YOS from under 18 at the time of the offense and under 19 at the time of the sentence to under 20 at the time of the offense and under 21 at the time of the sentence.

**SB09-108:** Funding Advancement for Surface Transportation and Economic Recovery (FASTER) (Rep. Rice, Sen. Gibbs)

This bill created new vehicle registration fees to fund transportation improvements. The bulk of the estimated \$250 million in new funding (when fully implemented following a 3-year phase-in) is directed to safety projects and bridge projects. The bill creates two new TABOR-exempt enterprises: the Statewide Bridge Enterprise which is charged with repairing, replacing, and reconstructing structurally deficient bridges with a bridge safety surcharge; and the High-Performance Transportation Enterprise which is charged with seeking out innovative methods of financing and providing transportation infrastructure.

**SB 09-110:** Concerning the Continuation of the Regulation of Civil Rights Issues (Morse, Levy)

This was the Colorado Civil Rights Division/Commission Sunset bill. The bill added Commission-initiated complaints to the process; clarified language in the public accommodation and filing of charge sections; added "terms and conditions" to the employment section; and expanded the subpoena power of the Division.

**HB 09-1008:** Concerning the Expansion of the Ability to Transfer Annual Leave Between Employees in the State Personnel System (Micklosi, Williams).

This bill broadened the language permitting employees to transfer leave between state employees.

**SB 09-035:** Concerning a Penalty for a Violation of Certain Proscribed Acts for Governmental Officials (Renfroe, Sonnenberg).

This bill makes it a class 1 misdemeanor for a violation for violations of the standards of conduct under the State Code of Ethics, 24-18-101, et seq.

### **III) HOT ISSUES:**

#### 1) Montez case

The class action lawsuit, Montez et. al. v. Ritter et. al., is still pending in the U.S. District Court. This is a case against the CDOC brought pursuant to the Americans with Disabilities Act and the Rehabilitation Act. The case was settled in 2003. The settlement included two major components: 1) offenders who believed they had been injured by discrimination against them based on a disability were allowed to file individual claims for damages. These claims were handled by Special Masters appointed by the federal court. Over 1300 claims were filed which have now been resolved with the exception of fewer than 10 claims that still remain. The state paid less than \$50,000 overall on these claims. In addition, the Division of Risk Management paid plaintiffs' attorneys' fees and the Special Masters' fees. 2) The CDOC was given two years to come into compliance with the terms of the stipulation and then a two-year monitoring period will begin. The CDOC has come into compliance regarding physical architectural changes but has not completed compliance with respect to programmatic, training, and disability determination issues. The compliance period has been extended twice, and the new date for compliance is May 1, 2009. The Division of Risk Management continues to pay attorneys fees to class counsel during this time. A three-week hearing will commence on October 19, 2009 to determine whether the CDOC is in compliance and how to terminate this case.

#### 2) CDOT Affirmative Action Program

The Colorado Transportation Commission authorized an updated Disparity Study which is intended to provide the necessary "strong basis in evidence" to support CDOT's Disadvantaged Business Enterprises program. The Disparity Study should be released in September or October 2009. It analyzes data and anecdotal evidence of discrimination in the highway construction industry for purposes of maintaining a federally required and constitutionally supported affirmative action program.

#### 3) Electronically Stored Information

The Employment Tort Unit continues to spearhead the effort to train and advise state agencies, their human resource and information technology professionals, and their counsel within the AG's Office on the obligations to preserve and disclose electronically-stored information.

#### 4) Training

The Employment Tort and Employment Personnel Units continue to create and present training to state agencies on a myriad of employment and litigation issues. This past year, the employment tort lawyers conducted training sessions covering sexual harassment and retaliation issues. The Employment Tort Unit created a training program on employment issues for CDOT supervisors. In order to reach all of the supervisors, there were 8 separate presentations throughout the state. The Employment Tort Unit also made presentations to DPA's H.R.

Directors' Forum on new Supreme Court and Tenth Circuit employment law decisions, medical marijuana in the workplace, and, as identified more fully below, the whistleblower notice provisions of the American Reinvestment and Recovery Act and the potential liability for unemployment insurance payments to independent contractors.

#### 5) FLSA

The Employment Tort Unit continues to regularly consult with and advise state agencies on FLSA matters. One specific area of difficulty is coordinating certain agency's computer systems so that they accurately record time worked, comp time, overtime, etc. The Unit consults with those agencies so that they can program the computer systems to comply with FLSA requirements.

#### 6) Unemployment Insurance

The Employment Tort Unit became aware of the pitfalls of independent contractors being considered employees and receiving unemployment benefits from the state if an agency ends their contracts (which has been happening more and more because of the budget cuts). The Unit's lawyers have researched the issues, attended state working groups that deal with contracting issues, defended state agencies in the unemployment hearings, and made suggestions to DVR, CDPHE, and attorneys who draft or review contracts on how to avoid the pitfalls.

#### 7) American Reinvestment and Recovery Act (ARRA)

The Employment Tort Unit advised agencies on how to post the notice required by the whistleblower provisions in the ARRA. The Unit has reviewed contract amendments for all state contractors that insure compliance with the ARRA by having contractors and subcontractors to State agencies agree that they are aware of and pledge compliance with the law.

#### 8) Furloughs and Layoffs

The governor declared insufficient revenues for expenditures and ordered mandatory furloughs for certain state employees. He issued Executive Order D015 09 to implement this plan for four unpaid days of work. There may be additional furlough days in the next calendar year. In addition, State Agencies have put together business plans and matrices for use during any layoffs resulting from personal services budget reductions. The Employment Personnel Unit provides advice on a daily basis to state agencies on issues associated with the furloughs and the potential layoffs.

#### 9) Sexual Orientation and Transgender Rulemaking

The Colorado Civil Rights Commission is drafting and implementing regulations as a result of SB 08-200, the bill that added sexual orientation and transgender status as protected classes under the housing, public accommodation, and advertising statutes in the Colorado Anti-discrimination Act.

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#### IV) WORKLOAD MEASURES:

#### **WORKLOAD INDICATORS**

##### **CORRECTIONS:**

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Request
Number of new cases handled	Corrections	461 (321 inmate, 43 advice, 64 Risk Management, 27 Montez, 6 assigned to outside counsel)		460	
Billable Hours		15,886 (No Montez contract attorneys were retained)		16,000	

##### **TORT LITIGATION:**

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Number of cases opened	Tort Litigation	71 includes 4 monitoring cases			
Savings to State from total cases (including settled and dismissed cases)		\$23,501,387			
Billable hours		17,517			

##### **TRANSPORTATION:**

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Request
Number of New cases filed	Transportation	40			

Number of Pending cases		70		
Number of Trials		3		
Number of Contested Hearings		2		
Billable Hours		15,872		

**EMPLOYMENT TORT:**

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Request
New cases and claims filed	Employment Tort	18 new cases with 373 claims			
Cases and claims handled in-house		37 cases with 692 claims			
Cases and claims handled by outside counsel		1 case with 1 claim			
Billable hours		9,821			



**EMPLOYMENT PERSONNEL AND CIVIL RIGHTS:**

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY11 Estimate	FY 12 Request
Number of Employment Personnel cases opened and number of cases handled	Employment Personnel	165 cases opened 263 cases handled			
Number of SIF and MMIF cases opened and number handled during the year		7 cases opened 9 cases handled			
Number of Civil Rights matters opened (including hearing worthiness analysis and probable cause sufficiency analysis)		22 cases opened 33 cases handled			
Billable hours		18,732			

## CORE OBJECTIVES AND PERFORMANCE MEASURES

### CORRECTIONS:

Objective 1: Limit the number of inmate suits which actually proceed to discovery or trial by filing dispositive motions (dismissal or summary judgment) at the inception of the case, along with supporting briefs and affidavits.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Successful dispositive motions before discovery	Benchmark	80%	80%	80%	
	Actual	50.1% (164 granted in 327 new cases) (Montez and Rule 106 cases- which don't permit dispositive motions-excluded)			

Objective: 2. Prevail at hearing or trial on all suits brought against the CDOC, the Parole Board, or their employees. Prevail at hearing or trial on all suits brought by inmates against any state agency or state employee. [This objective excludes personnel and employment matters, which are handled by another unit. Settlements are also excluded].

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Successful trial and hearing outcome	Benchmark	80%	80%	80%	
	Actual	71% (17-7)			

Objective 3: Prevail on all appeals of cases from the trial court. This number includes appeals to district court. It also includes appellate rulings from the courts of appeals and supreme courts in the state and federal systems. [It does not include CRCP 106 judicial reviews that were not dismissed but were ruled upon after review of briefs and certified records. See objective 4].

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of appeals won	Benchmark	85%	85%	90%	
	Actual	98% (57-1)			

Objective: 4. Prevail on all appeals of prison disciplinary cases and other agency hearings from the agency to the district court.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Successful appellate outcome in prison disciplinary and administrative cases	Benchmark	85%	85%	85%	
	Actual	81.25% (52-12)			

Objective: 5. Settle cases for a reasonable amount when appropriate.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
	Benchmark	4 cases Savings of \$100,000	4 cases Savings of \$100,000	4 cases Savings \$100,000	
Successful settlements in appropriate cases	Actual	6 cases settled. Savings: 1) Demand: multimillions Settled for Placement in SOTMP. No money paid. 2) Demand: multimillions Settled for \$500. 3) Demand: 100,000; Settled for \$500. 4) Demand: \$150,000 Settled for \$2,500 5) Demand: \$292,500. Settled for \$30,000 including attorneys fees 6) Demand: \$500,000 Settled for \$200,000			

Objective: 6. Seek costs of care and attorneys fees from opposing party when appropriate; settle claims for attorney's fees against the state reasonably.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		Incidents	Incidents	Incidents	Incidents
Amount of fees and costs ordered	Benchmark	Depends on cases	Depends on cases	Depends on cases	
	Actual	Obtained orders for attorneys' fees of \$1125 in 2 cases; paid some attorneys fees as part of the lump sum settlement of \$30,000 listed above.			

Objective: 7. Provide answers to requests for advice within 10 days of request. Provide written responses, including informal Attorney General Opinions, when requested. [The target measure will be less than 100% because informal AGOs cannot and should not be given within 10 days.] Attend meetings at CDOC and Parole Board upon request. [Generally, at least once per week].

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		Incidents	Incidents	Incidents	Incidents
Advice given within 10 days of request	Benchmark	90%	90%	90%	
	Actual	100% (492-0) (No informal AGOs given)			

Objective: 8. File motions for protective orders or motions to quash in every case in which a party seeks privileged or confidential records or files. Represent the agency in any hearings on motions. Either succeed in having the subpoenas quashed in full after in camera review or at a minimum obtain protective orders so that no inmate or other third party may view the confidential material.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Motion for protective order filed and granted in whole or substantially in part	Benchmark	90%	90%	90%	
	Actual				

Objective: 9. Review proposed and pending legislation to determine effect on the CDOC and on the Parole Board within 3 days of request.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Review proposed and pending legislation and provide input within 3 days	Benchmark	100%		100%	
	Actual	100%			

*Update below to match chart and years*

*Strategy:* The unit will continue to represent the Dept. of Corrections aggressively and successfully winning the vast majority of the cases through motions. The unit will continue to handle a high volume of cases and seek to resolve them early in the litigation. The First Assistant will continue to attend meetings at least weekly with the leadership team at CDOC to assist in the daily issues that arise in the prison setting. The attorneys will continue to provide training to CDOC representatives to help eliminate errors in administrative proceedings that could lead to litigation.

*Evaluation of Prior Year Performance:* The attorneys and support staff continue to provide excellent and thorough representation for the CDOC as reflected in the overwhelming positive results achieved in court. The need for additional prison space continues and CDOC continues to place prisoners out of state and in private prisons. The most recent statistics

provided by the CDOC indicate that there are 22,887 inmates, 208 offenders in YOS, and 10,982 parolees as of June 30, 2008. That number reflects an annual growth of 5.8 % in FY08. The growth figures were 7.4% for FY 03, 5.5% for FY04, 5.3% for FY05, 7.2 % for FY06, 7.9% for FY07. Continued annual growth of 5-7.5% can be expected. Nevertheless, the overall number of cases has shown a slight decline over the past two years. We believe that continued screening of cases, as required by the federal and state prison litigation reform acts, has helped. On the other hand, the complexity of the cases has increased. It is more difficult to resolve cases through early dispositive motions when those cases have survived judicial screening. Consequently, more time is spent in discovery. Almost all of the individual Montez claims have been resolved by the Special Masters, although the special masters have recently assigned a few more cases for hearings. The CDOC has achieved compliance with the physical/architectural requirements of the settlement agreement and believes it has come into compliance concerning programmatic and disability determinations. The compliance period has been extended twice – the latest deadline was May 1, 2009. A hearing will be held in October, 2009 to determine whether the Department is in compliance.

**TORT LITIGATION:**

Objective: Aggressively and efficiently defend the state in tort and federal court cases and successfully represent clients in hearings and trials.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of motions to dismiss and motions for summary judgment filed and won.	Benchmark	90%	90%	90%	
	Actual	95% Won 40 out of 42			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of cases going to trial and number of defense verdicts	Benchmark	1/1 100 %			
	Actual	1 trial - verdict pending			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Amount of money saved by successful motions, appeals, court dismissal or voluntary dismissals by plaintiff	Benchmark	\$2,000,000			
	Actual	\$23,501,387			



Objective: Obtain favorable rulings on appeal.

Performance Measure	Outcome	FY 09 Actual Incidents	FY 10 Actual Incidents	FY 11 Estimate Incidents	FY 12 Request Incidents
Number of favorable rulings on appeal	Benchmark	80%	80%	80%	
	Actual	100% Won 5 Lost 0			

Objective: Settle cases favorably for the State.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b> <u>Incidents</u>	<b>FY 10 Actual</b> <u>Incidents</u>	<b>FY 11 Estimate</b> <u>Incidents</u>	<b>FY 12 Request</b> <u>Incidents</u>
Number of cases and claims settled and amount saved the State.	Benchmark	\$1,000,000		\$1,000,000	
	Actual	\$5,694,907 Settled 30 cases for \$3,278,500 from demands of \$8,973,407; average paid: \$109,283 This includes attorney fees claims settled (without these the average paid: \$72,203)			

Objective: Obtain voluntary dismissals from plaintiffs and court dismissals.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of voluntary dismissals and dismissals by the courts	Benchmark	15 cases	15 cases	15 cases	
	Actual	12 voluntary 30 court dismissals			

Objective: Obtain costs and attorneys' fees for the state in appropriate cases and resist requests for attorney fees in tort cases and monitoring cases.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Attorneys' fees ordered for the state in Risk Management cases and successful resistance to attorneys fees sought	Benchmark	\$15,000			
	Actual	Obtained orders for \$7,385.50 in 3 cases. No requests for attorneys fees filed against us.			

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Attorneys fees ordered to be paid by state in cases tort was monitoring for attorneys fees	Benchmark	Aggressively defend attorneys fees claims	Aggressively defend attorneys fees claims	Aggressively defend attorneys fees claims	
	Actual	Resolved three petitions for attorney fees awards in §1983 cases, requesting \$2,135,000. Paid \$1,209,261. Savings: \$925,734			

Objective: Seek petitions for certiorari when appropriate and resist petitions by opposing parties.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Petitions for certiorari defeated successfully and petitions granted when the state requests	Benchmark	Defeat 5 Petitions for Certiorari			
	Actual	Opposed 3 certiorari petitions, 2 were denied, 1 remains pending.			

*Strategy:* The tort litigation unit continues to win most of the cases on motions to dismiss and summary judgment motions. The number of cases remained constant but fewer cases are proceeding to hearings or trials. The unit continues to save the state substantial amounts of money by settling cases favorably and winning them.

*Evaluation of Prior Year Performance:* The Unit had a very successful year winning some very important cases such as Nicholas v. Boyd, et al. (Colorado School of Mines Police Dept.) by convincing the 10<sup>th</sup> Circuit Court of Appeals to uphold the trial court's summary judgment in favor of School of Mines employees on claims of conspiracy to deprive plaintiffs of their First Amendment right of access to the courts by allegedly covering up an alleged homicide on campus. The Unit also prevailed in lawsuits filed against the State Engineer alleging that orders to cease pumping irrigation wells in the South Platte watershed constituted unlawful takings without compensation. Unit members successfully limited attorney fee awards under 42 U.S.C. § 1988 through meticulous review of documentation submitted in support of the attorney fee petitions and aggressively negotiating settlement. The unit continues to win the majority of cases through motions to dismiss or motions for summary judgment. Some of the attorneys and staff participated in training sessions for state agencies.

**TRANSPORTATION:**

Objective: Aggressively and effectively represent the Colorado Department of Transportation in litigation.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Resolve cases favorably for the State, including settlements	Benchmark	Save \$1,000,000	Save \$1,000,000	Save \$1,000,000	
	Actual	Resolved 14 condemnation cases. Saved \$878,164.			

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Represent CDOT successfully in the appellate courts	Benchmark	Win 3 appellate cases	Win 3 appellate cases	Win 3 appellate cases	
	Actual	Settled 2 cases following briefing. Lost 2 cases in Court of Appeals: - one involving mineral ownership under land acquired via condemnation; - one involving dismissal of contract claim.			

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
File motions to dismiss or for summary judgment	Benchmark	Win 5 motions to dismiss or for summary judgment	Win 5 motions to dismiss or for summary judgment	Win 5 motions to dismiss or for summary judgment	
	Actual	Won 1 motion to dismiss but reversed on appeal.			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Proceed to hearing in appropriate cases	Benchmark	Win 80% of hearings	Win 80% of hearings	Win 80% of hearings	
	Actual	100 % Prevailed in 3 district court hearings. Saved client nearly \$116,000 in condemnation value hearings.			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Pursue cases as plaintiff for defective workmanship	Benchmark	Seek payments for defective workmanship	Seek payments for defective workmanship	Seek payments for defective workmanship	
	Actual	Settled claim on Red Cliff Arch Bridge for defects in paint undercoating. Value - \$150,000			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Aggressively represent CDOT in construction litigation; resolve cases favorably	Benchmark	Resolve claims successfully for the state	Resolve claims successfully for the state	Resolve claims successfully for the state	
	Actual	Construction claims totaling \$7,436,000 settled for \$788,000 resulting in approx \$6,648,000 savings to CDOT.			

Objective: Respond to all requests for legal advice from CDOT and the Transportation Commission in a concise, comprehensive and timely manner.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
All non-emergency requests are to be referred to an attorney within 5 days of receipt with a response date as established by the client	Benchmark	90%	90%	90%	
	Actual	95%			
Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request



		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Emergency requests are to be handled immediately and a response given within the time frame established by the client	Benchmark	100%		100%	
	Actual	100%			

Objective: Review, revise and approve all contracts to meet CDOT requirements.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Review between 400-500 contracts	Benchmark	450 contracts	450 contracts	450 contracts	
	Actual	468 contracts	468 contracts		

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Review, revise, and approve CDOT contracts in less than 4 days on average (statewide average is 4 days)	Benchmark	3 days or less	3 days or less	3 days or less	
	Actual	2.5 days			

Objective: Review proposed and pending legislation for CDOT.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Review legislation within 5 days of receipt of request and provide input based on client need	Benchmark	5 days	5 days	5 days	
	Actual	100%			

Objective: Attend all Transportation Commission and Tolling Enterprise Board meetings.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Attend all meetings of the Commission and Enterprise and provide advice as requested	Benchmark	100%	100%	100%	
	Actual	100%			

*Strategy:* The Transportation Unit continues to represent CDOT aggressively in condemnation, billboard, contract, access, relocation, and quiet title actions and in construction litigation. Construction claims continue to require a great deal of attorney time, and the unit will continue to defend the claims aggressively as well as seek compensation for defective work or contract violations. These are generally handled through an administrative resolution process so they are not typically reflected in the statistics for cases. A new administrative claims process is helping resolve some of these issues earlier in the dispute.

*Evaluation of Prior Year performance:* The attorneys and legal staff continue to successfully meet CDOT's legal service needs in litigation and non-litigation contexts. Construction claims and issues attendant to construction projects continue to grow as part of the practice of law for CDOT. Condemnation litigation continues to see a decline as CDOT and government in general strives to make fairness to landowners a priority. The FASTER legislation passed in 2009 (SB09-108) created two new enterprises within CDOT and is generating substantial new revenues for improvement of the state's transportation system. The new state law, together with federal stimulus funding, has provided additional opportunities for CDOT and this office to show tangible results for taxpayers in terms of improved transportation infrastructure.

**EMPLOYMENT TORT:**

Objective: File early motions to dismiss and obtain dismissal of as many claims as possible at outset of litigation.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of motions to dismiss filed, number won and number of claims dismissed.	Benchmark	5 filed/4 win	5 filed/4 win	5 filed/4 win	
	Actual	4 filed. 3 decided - 2 granted in full, 1 granted in part. 192 claims dismissed.			

Objective: File motions for summary judgment if appropriate and obtain judgment on as many claims as possible short of trial.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of motions for summary judgment filed, number won and number of claims dismissed.	Benchmark	6 filed/4 won	6 filed/4 won	6 filed/4 win	
	Actual	3 filed. 1 decided, granted in full, dismissing 1 claim. 1 settled after filing MSJ, dismissing 10 claims			

Objective: Aggressively defend the state and its employees in trial.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of trials held, number won and number of claims won.	Benchmark	2 trials/2 wins	2 trials/2 wins	2 trials/2 wins	
	Actual	1 trial – won in full. 1 claim won.			

Objective: Obtain favorable rulings on appeal.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of appeals handled, number won and number of claims won.	Benchmark	6 handled/3 won	6 handled/3 won	5 handled/3 won	
	Actual	2 handled. 2 decided – both won in full. 4 claims won.	2 handled. 2 decided – both won in full. 4 claims won.		

Objective: Settle cases favorably for the State.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of cases and claims settled and amount saved the State.	Benchmark	8 cases settled/ save as much as possible	8 cases settled/ save as much as possible	8 cases settled/save as much as possible	
	Actual	11 cases settled - 252 claims settled. Requested amount was \$7,865,000 and paid amount was \$437,712.92. Saved: \$7,427,287.08			

Objective: Save the State money by aggressively defending employment lawsuits.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Amount of money requested by plaintiffs compared to amount of money paid to plaintiffs.	Benchmark	\$5,000,000 saved	\$5,000,000 saved	\$5,000,000 saved	
	Actual	13 cases closed. Amount demanded in those cases was \$12,065,000. Amount paid was \$437,712.92. Saved: \$11,627,287.08			

Objective: Reduce litigation by developing and presenting training to state agencies on employment and litigation matters.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of training sessions held.	Benchmark	12 training sessions	12 training sessions	12 training sessions	
	Actual	16 training sessions			

**Strategy:**

Aggressively defend every employment lawsuit filed against the state, state agencies, or state employees in state or federal court. Create and present training to state agencies on

how to manage employees and avoid litigation. Save the state as much money as possible by successfully defending cases and negotiating favorable settlements.

*Evaluation of Prior Year Performance:*

The Employment Tort Unit continues to be very successful in winning motions to dismiss, motions for summary judgment, trials and appeals. The Unit won every decision rendered last year, except for one motion to dismiss, which was granted in part and resulted in the dismissal of the agency Defendant and two claims. Eleven cases were settled and the amount paid was a significant savings compared to the amount sought. The number of new cases remained steady from the previous year but the number of new claims for relief increased because of one new case alleging 135 separate claims for relief against 13 separate defendants, including 9 individual defendants sued in their individual capacities. The Unit continues to regularly advise state agencies on FLSA issues and provide training on all issues in order to prevent future litigation.

**EMPLOYMENT PERSONNEL AND CIVIL RIGHTS:**

Objective: Aggressively defend the state and its employees in State Personnel Board (SPB) hearings in disciplinary actions in which state employees suffered a loss in current base pay, status, or tenure.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of cases that went to mandatory hearing in front of State Personnel Board and results obtained	Benchmark	Win 70% of cases that go to hearing	Win 70% of cases that go to hearing	Win 70% of cases that go to hearing	
	Actual	62 % (Won 13, lost 5) 78 mandatory hearing cases opened by SPB			

Objective: Oppose petitions for discretionary hearings in cases in which the employee does not have a right to a hearing, such as final agency grievance decisions.



Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of petitions that were briefed and number of cases won (hearing denied)	Benchmark	Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	
	Actual	78 % (36 cases briefed: won 28; of 8 petitions lost, 4 settled, 1 won at hearing, 3 still pending)			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of petitions that were briefed and number of cases won (hearing denied)	Benchmark	Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	
	Actual	78 % (36 cases briefed: won 28; of 8 petitions lost, 4 settled, 1 won at hearing, 3 still pending)			

Objective: Represent state agencies successfully in appeals to the State Personnel Board from decisions of Administrative Law Judges.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of SPB personnel appeals; number of successful rulings	Benchmark	Win 67% of appeals to SPB	Win 67% of appeals to SPB	Win 67% of appeals to SPB	
	Actual	20 % (5 appeals: won 1, Board Modified or reversed 4)			

Objective: Represent state agencies successfully in appeals from decisions of State Personnel Board to Colorado Court of Appeals.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of appeals to the Court of Appeals; number of successful appeals	Benchmark	Win 50% of appeals to Court of Appeals	Win 50% of appeals to Court of Appeals	Win 50% of appeals to Court of Appeals	
	Actual	25 % (4 appeals: won 1, 3 remanded)			

Objective: Dispose of personnel cases short of hearing through motions or settling cases that should be settled for a reasonable amount.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of cases dismissed on motion	Benchmark	Win motions in 25% of cases set for hearing	Win motions in 25% of cases set for hearing	Win motions in 25% of cases set for hearing	
	Actual	16 % (78 cases set for mandatory hearing: 13 dismissed on motion)			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Number of cases settled	Benchmark	Settle 50 % of cases set for hearing	Settle 50 % of cases set for hearing	Settle 50% of cases set for hearing	
	Actual	65 % (78 cases set for hearing: 51 settled)			

Objective: Provide training to state agency supervisors and managers to assist them in avoiding liability and providing more effective performance management.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Present training sessions to state agencies, managers, and supervisors	Benchmark	15 sessions	15 sessions	15 sessions	
	Actual	27 sessions to 30 agencies			

Objective: Safeguard state money in the Subsequent Injury Fund (SIF) and Major Medical Insurance Fund (MMIF) and ensure the statutory and legal propriety of lost wage and medical benefits paid to injured workers from those Funds.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Aggressively pursue motions to dismiss or for summary judgment in appropriate cases and defend motions successfully	Benchmark	Win 80% of motions	Win 80% of motions	Win 80% of motions	
	Actual	100% (2 motions filed: won 2)			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Aggressively represent the state in SIF and MMIF hearings and trials	Benchmark	Win 75% of hearings or trials	Win 75% of hearings or trials	Win 75% of hearings or trials	
	Actual	100 % (1 case went to hearing: won)			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Represent SIF and MMIF successfully in appeals	Benchmark	Win 80% of appeals	Win 80% of appeals	Win 80% of appeals	
	Actual	0 appeals			

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Settle SIF and MMIF cases as appropriate	Benchmark	Settle cases to save the state money	Settle cases to save the state money	Settle cases to save the state money	
	Actual	1 case settled			

Objective: Provide timely, current and complete legal advice to the Colorado Civil Rights Division of the Dept. of Regulatory Affairs.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Research, prepare and submit legal memoranda on transactional questions and "cutting edge" legal issues to CCRD within 30 days of each request	Benchmark	100%	100%	100%	
	Actual	100%			

Objective: Provide timely, current and complete legal analysis and opinions on the hearing worthiness of cases referred by the CCRD.

<b>Performance Measure</b>	<b>Outcome</b>	<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Analyze each investigative file, research the legal questions raised, prepare and submit memorandum to the CCRD and the Colorado Civil Rights Commission within 30 days of receipt of such request	Benchmark	100%	100%	100%	
	Actual	100% (21 files referred and reviewed for hearing worthiness)			

Objective: Vigorously prosecute all cases of employment, housing, and public accommodation discrimination in administrative and court proceedings in which the Colorado Civil Rights Commission issues a formal complaint.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Aggressively pursue and conclude all phases of litigation including discovery, hearings, trials and appellate briefs and arguments; incorporate ADR as appropriate	Benchmark	100%	100%	100%	
	Actual	100 % (15 complaints set for hearing: 5 settled; 2 loss at hearing; 8 pending)			

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Successfully represent CCRD in appeals	Benchmark	Win 75% of appeals	Win 75% of appeals	Win 75% of appeals	
	Actual	2 appeals 1 pending, 1 withdrawn			



Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
		<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>	<u>Incidents</u>
Settle cases favorably for charging party when appropriate	Benchmark	5 cases	5 cases	5 cases	
	Actual	6 cases settled for a total of \$73,000 plus training			

*Strategy:* Aggressively defend every employment personnel matter filed against the state. Advise and handle civil rights cases for the CCRD. Continue to train all attorneys in the unit to handle civil rights cases. Provide prompt and effective advice and assistance to state agencies on a daily basis. Create and present training to state agencies on how to manage employees and avoid litigation. Save the state as much money as possible by successfully defending cases and negotiating favorable settlements.

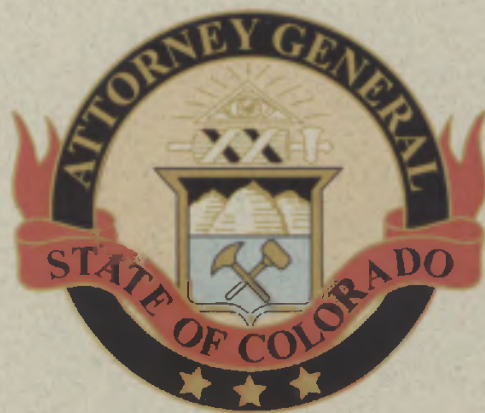
*Evaluation of Prior Year Performance:* The attorneys and support staff continue to represent the state aggressively and to achieve fair and just results for the state. There have been some contentious disciplinary matters which have required thorough preparation and careful analysis. Primary among these was the termination of a Nursing Home Administrator and the Director of Nursing at the Rifle Nursing Home which resulted in a 9-day personnel hearing, and a Whistleblower matter arising at the Dept. of Health Care Policy and Finance which resulted in an 8-day hearing.

The unit continues to provide training to agencies and state employees. This training is instrumental in helping to reduce litigation. Human Resources personnel are also calling for advice frequently which is helpful in reducing litigation.

The unit continues to be extremely busy in advising state agencies on matters related to the mandatory furloughs and potential layoffs.



**Narrative**  
**LSSA**  
**Natural Resources &**  
**Environment**



## **D) BACKGROUND INFORMATION: NATURAL RESOURCES AND ENVIRONMENT SECTION (LSSA).**

### **Introduction to the Natural Resources and Environment Section**

The Natural Resources and Environment Section currently has 39 lawyers, 9 legal assistants, and 4 support staff. These dedicated employees protect and defend the interests of the State and its citizens in all areas of natural resources law and environmental law. The Section is made up of seven units that represent and advise state agencies and boards that regulate and oversee the development, use and conservation of Colorado's natural resources and the quality of Colorado's environment.

### **Environmental Quality Unit**

The Environmental Quality Unit represents the divisions and commissions of the Colorado Department of Public Health and Environment (CDPHE) that are responsible for improving and protecting our state's air and water resources. The Unit also represents the divisions of CDPHE that are charged with radiation control and consumer protection. Specifically, the Unit provides legal counsel to the Executive Director's Office, the Air Quality Control Commission, the Air Pollution Control Division, the Consumer Protection Division, the Laboratory and Radiation Services Division, the Water Quality Control Commission, the Water Quality Control Division, the Water and Wastewater Facility Operators Certification Board, the Office of Administration, the Office of Policy and Public/Private Initiatives and Uranium Special Projects. The Unit also provides representation to the Governor's Office of Energy Conservation.

The attorneys in the Environmental Quality Unit provide general legal advice as well as representation in administrative and judicial proceedings, rule-making hearings, enforcement actions, and legislative proposals. They help to ensure that the State's businesses and citizens comply with applicable environmental requirements, and they bring enforcement actions against those who do not comply.

### **Water Conservation Unit**

The Water Conservation Unit provides legal counsel and representation in water rights and administration matters to the Department of Natural Resources, including the Executive Director's Office, the Colorado Water Conservation Board ("CWCB"), the Division of Wildlife ("Wildlife"), the Division of Parks and Outdoor Recreation ("Parks") and the State Land Board ("SLB"). The Unit also provides legal counsel and representation in water matters to the Department of Transportation ("DOT"), the Department of Corrections ("DOC") and any other state agency or official that requests water rights advice or representation.

The Unit files water rights applications or water rights diligence applications for these agencies and also files statements of opposition in water court to protect the existing water rights of the agencies. Water matters are appealed directly from Water Court to the

Supreme Court, and the Unit generally has several matters pending before the Supreme Court at any given time. The Unit represents and counsels various boards and commissions, and their staff under each agency. The Unit handles transactional work for each agency, including negotiating and drafting documents for acquisitions and protection of water rights for the CWCB, Wildlife and Parks. The Unit helps draft contracts for hundreds of millions of dollars in loans and grants from the CWCB to ditch companies, water conservation districts, municipalities and other water users.

In addition to general legal advice, the Unit assists the CWCB with various hearings before the Board, trials and appeals, helps in drafting and promulgating rules and regulations for the instream flow program and the floodplain program and establishing policies and guidelines for the loan program and the water conservation program, drafts and reviews CWCB loan and grant contracts, and negotiates and drafts documents for acquisitions and protection of water rights for the CWCB. The Unit helps the CWCB Water Supply Planning and Finance Program to: (1) arrange low-interest loans to enable the construction of water resource projects or the purchase of water rights; (2) finance other specialized water studies and projects; 3) aid in the construction of new reservoirs and rehabilitation of existing structures including dams, diversions, pipelines, pump stations and irrigation channels; and (4) fund feasibility studies for possible new construction projects, and processes. Specifically, the Unit aids the client in drafting the contracts associated with such loans, grants and studies, and loan repayments.

### **Water Resources Unit**

The Water Resources Unit provides legal counsel and representation in water rights legal and administration matters to the Division of Water Resources of the Department of Natural Resources. The Unit represents the directors, board members, and staffs of the State and Division Engineers, the Colorado Groundwater Commission, and the Board of Examiners for Water Well Contractors. The Unit has an active caseload of approximately 600 proceedings, including water court litigation proceedings regarding applications for new water rights, changes to existing water rights, and plans for augmentation; administrative and water court proceedings concerning objections to well permit issuances and denials; water court and administrative enforcement actions to curtail illegal water uses; declaratory judgment actions challenging water rights administration decisions by the State Engineer; and other water rights related matters. Because Water Court decisions are appealed directly to the Colorado Supreme Court, the Unit also typically has several matters pending before the Supreme Court at any given time. In addition to assisting the Division of Water Resources with litigation enforcement matters, the Unit also provides general legal advice to the Division with respect to the Division's administrative decision and responsibilities so as to ensure efficient and effective water rights administration.

### **Resource Conservation Unit**

The attorneys and legal assistants in the Resource Conservation Unit provide legal assistance and representation to entities within the Department of Natural Resources ("DNR"), including the Oil and Gas Conservation Commission, the Mined Land

Reclamation Board, the Colorado Coal Mine Board of Examiners and the Division of Reclamation, Mining and Safety. These clients within DNR implement and enforce numerous statutorily created programs including regulation of reclamation of land that has been mined and regulation of oil and gas operations. The activities performed by attorneys in the Resource Conservation Unit include general legal advice to and representation of the Executive Director's Office and divisions, boards and commissions of DNR in administrative and judicial hearings, trials, and appeals; promulgation of rules and regulations; defense of litigation filed against the agencies (other than tort and personnel actions, in which case the Resource Conservation Unit attorneys may serve as "second chair" to attorneys in the Litigation Section or Employment Section, respectively); prosecution of enforcement actions; general advice and counsel in permitting; and advice on legislative proposals.

### **State and Trust Lands**

The attorneys and legal assistants in the State and Trust Lands Unit provide legal assistance and representation to state officials and agencies within the Department of Natural Resources ("DNR"), including the Wildlife Commission and the Division of Wildlife, the Parks Board and the Division of Parks and Outdoor Recreation, the Colorado Geological Survey, and the State Board of Land Commissioners and its administrative staff.

Unlike most agencies, Wildlife, Parks and the State Land Board are essentially cash funded agencies that generate their own revenues to support their statutorily mandated responsibilities and mandated activities. Representation of these agencies is similar in many respects to representation of corporate business entities and, as such, raises issues frequently not presented by other state agencies.

Wildlife is a TABOR enterprise funded entirely by the sale of hunting and fishing license fee revenues, federal fish and wildlife funds, and funds made available to it by the GOCO Trust Fund. Parks receives a minor amount of general funds (15%) and is otherwise funded by the sale of parks passes and permits, federal park and recreation funds and funds made available to it by the GOCO Trust Fund. The State Land Board serves as the trustee for the lands granted the state in public trust to support K-12 education and its trust management activities are supported by revenues generated by the trust assets.

### **Hazardous & Solid Waste Unit**

This Unit represents the Hazardous Materials & Waste Management Division of CDPHE ("HMWMD") regarding the storage, treatment and disposal of solid and hazardous waste. Advice includes civil and administrative law enforcement, regulatory matters and rule-makings, and transactional matters. The Unit ensures contaminated sites are promptly and thoroughly cleaned up by those responsible for the contamination, and pursues enforcement actions when appropriate. The Unit also advises HMWMD regarding EPA-lead CERCLA or "Superfund" cases and ensures that the State's "meaningful and substantial involvement" is incorporated into EPA's CERCLA response actions. Finally,

the Unit provides legal advice to the Petroleum Storage Tank Committee, which oversees reimbursement of cleanup costs that are covered under the Petroleum Storage Tank Fund (essentially a state insurance program). The Unit also provides legal advice to the Director of the Department of Labor's Division of Oil and Public Safety in connection with Explosives Permit appeals hearings.

## **II) PRIOR YEAR LEGISLATION**

Most of these bills require the Section to provide legal assistance in promulgating new rules or amending existing rules to comply with the new statutory mandates. Several of the bills will require additional legal representation for appeals and new workload engendered by the increased regulation and enforcement.

HB 10 1365 is directed to a coordinated plan for air pollution emission reductions. The legislation provides incentives for replacing or repowering certain coal-burning power plants with natural gas, renewable energy or other resources. CDPHE and other state agencies have designated roles under the legislation. The legislation has already resulted in several administrative and judicial challenges, and more are expected.

HB 10 1018 consolidates various waste tire programs into one regulatory scheme and sets requirements for tire haulers, retailers, wholesalers, collection facilities, and disposers. The bill transfers three grant programs from DOLA to CDPHE, bringing to five the total number of tire grant programs administered by CDPHE. CDPHE will propose waste tire regulations after consulting with stakeholders and a Waste Tire Advisory committee, created by the bill. The bill also creates three new positions to staff grant programs and the cradle-to-grave regulatory system. CDPHE hopes for a February 2011 rulemaking.

HB 10 1125 creates a cradle-to-grave regulatory program for waste grease, requiring CDPHE to propose comprehensive regulations governing waste grease haulers, generators, and users. The bill provides for 0.5 FTE to enforce the regulations. CDPHE hopes for a December 2011 rulemaking.

HB 10 1329 provides for "tipping fees" on solid waste disposal. These tipping fees provide money for: 1) the Hazardous Substance Response Fund, in turn providing for the State's CERCLA matching funds, including long-term operations and maintenance of hazardous substance release sites. The HSRF lost \$32m to the General Fund in the State's efforts to balance the FY 10 budget. 2) CDPHE's Solid Waste program, regulating solid waste facilities and disposal. 3) the AGO's representation of the State's Natural Resources Trustees, who are the Directors of CDPHE and DNR, and the Attorney General. Natural Resources Trustees representation was previously funded by the General Fund. This bill provided caps on the tipping fees and transferred fee-setting authority to the Solid & Hazardous Waste Commission. Rulemaking set for November 2010.

SB 09 119 clarifies provisions of the Colorado Water Quality Control Act by making it clear that no part of the law impairs the state's ability to enforce penalties for companies discharging hazardous waste or hazardous materials into Colorado waters.

HB 09-1303 sets forth standards for permitting and regulating Coal Bed Methane ("CBM") and Oil and Gas wells that withdraw water in the course of production. The bill extends until April 1, 2010 the deadline date by which Oil and Gas wells that withdraw groundwater and place such water to beneficial use must obtain ground water well permits, and if necessary, submit substitute water supply plans. In addition, the bill extends until January 1, 2013 the deadline by which CBM wells must submit plans for augmentation. The bill also clarifies certain well spacing requirements. Finally, the bill grants the State Engineer specific rulemaking authority with respect to permitting of Oil and Gas wells that withdraw groundwater.

### **III) HOT ISSUES:**

#### **Clean Air - Clean Jobs Legislation**

In April 2010, HB 10-1365, the Clean Air - Clean Jobs Act, became law. The Act is intended to promote air pollution reductions that will help enable Colorado to meet current and future air pollution requirements. The legislation provides incentives for certain electric utilities to reduce their air pollution. In connection therewith, the utilities must consider replacing or repowering their coal-burning power plants with natural gas or other resources. The Act aims in part at significantly cutting nitrous oxide emissions from several older, less efficient coal plants along the Front Range, by the end of 2017. Several entities are challenging the implementation of the Act. The Attorney General's Office is representing various state agencies in different administrative and judicial forums, in connection with the implementation of the Act.

#### **Ozone State Implementation Plan**

On November 20, 2007, the United States Environmental Protection Agency (EPA) designated the Denver Metropolitan Area /North Front Range region (DMA/NFR) as nonattainment for the 1997 National Ambient Air Quality Standard (NAAQS) for ground-level ozone (.08 parts per million). The area in question includes Adams, Boulder, Broomfield, Denver, Douglas, and Jefferson Counties, as well as portions of Larimer and Weld Counties. Pursuant to the federal Clean Air Act, ground-level ozone is one of six air pollutants for which the EPA must adopt a NAAQS. Elevated ground-level ozone can cause lung damage, aggravate breathing disorders, and cause chest pain, coughing, throat irritation and congestion.

As a consequence of violating the ozone NAAQS, Colorado submitted a plan to re-attain the standard (referred to as a revision to the State Implementation Plan, or SIP) to EPA. EPA has issued notice of its intent to approve Colorado's plan to comply with the 1997 ground-level ozone standard. EPA final action is expected to take place in September 2010, following public notice and comment.



On March 27, 2008, EPA further revised the primary and secondary NAAQS for ground-level ozone to 0.075 parts per million. EPA is also planning to announce a new, more stringent standard for ozone in 2010. More areas of Colorado will likely violate the new standard, requiring a revised and more aggressive attainment plan.

### **Four Corners Air Quality**

Attorney General Suthers joined Governor Ritter and State Representative Tipton in urging the U.S. Environmental Protection Agency to reconsider its decision to permit the proposed Desert Rock power plant in northwestern New Mexico. They also asked the EPA to require the installation of emissions controls at the existing Four Corners Power Plant (FCPP) located nearby. The FCPP is the largest nitrogen oxides emission source in the United States, and its emissions impact the air quality of southwestern Colorado. In 2009 EPA voluntarily remanded the desert Rock permit, and that project is now stayed. EPA has indicated that it will publish a proposed retrofit technology determination for FCPP in 2010. The Attorney General's Office will work closely with the CDPHE to protect Colorado's air from excessive emissions in the four corners region.

### **Aggregation of Air Pollution Sources**

The aggregation of emissions is an increasingly significant issue, particularly in the oil and gas industry. In 2010 CDPHE responded to an EPA objection regarding a permit for an oil and gas operation in the Wattenberg Field northeast of Denver. The state's response further supported CDPHE's determination that it was not appropriate to aggregate emissions from a compressor station with those of gas wells and associated facilities. An environmental organization has filed similar objections to other CDPHE air permits on the same issue. The same group also recently filed a petition asking EPA to take over CDPHE's permitting and SIP programs for oil and gas operations, alleging that Colorado has failed to properly implement both programs because it is not aggregating compressor stations with oil and gas wells.

### **Southern Delivery System**

This is a project sponsored principally by the City of Colorado Springs. Its main component is to move water from Pueblo Reservoir to Colorado Springs and near-by communities. The project obtained a federal permit, and under the federal Clean Water Act, that permit included a certification by the State of Colorado that the project will not cause a violation of state water quality standards. The CDPHE Water Quality Control Division's determination to issue the certification is being appealed.

### **Drinking Water Disinfection Waivers**

CDPHE has undertaken a broad effort to review the propriety of waivers for disinfection of drinking water supplies. In 2008 a salmonella outbreak in Alamosa caused many illnesses and one death. Some municipalities are now challenging the revocation of their disinfection waivers.

## **Pesticide Permitting**

EPA adopted a rule in 2006 exempting certain pesticide spraying activities from the requirement to obtain a Clean Water Act permit, so long as the spraying met applicable FIFRA requirements. The 6th Circuit vacated the rule. EPA obtained a two-year stay of the court's ruling, until April 9, 2011. EPA is working on a general permit covering aquatic pesticide spraying activities. CDPHE intends to issue a state general permit prior to the April 9, 2011 deadline.

## **Suits against Department of Defense to Push For Chemical Weapons Destruction and Safe Storage Until Destruction is Complete**

The Department of Defense has refused to ensure destruction of hundreds of thousands of mustard agent weapons stored at the Pueblo Chemical Depot as quickly as possible. The weapons are hazardous wastes. Storage of hazardous wastes is prohibited and HMWMD seeks an injunction requiring treatment of the weapons by 2017, a date also established by Congress. DoD has resisted on the grounds that it has insufficient money to comply, and questions Colorado's authority over the aging mustard agent weapons. The District Court judge decided that State regulation of the chemical weapons was preempted by federal law and treaty; we have appealed that decision to the Tenth Circuit Court of Appeals. On another front, The Pueblo Chemical Depot had resisted CDPHE's efforts to improve monitoring of the weapons and possible impacts from occasional leaks, leading to a lawsuit to enforce requirements of a 2006 administrative order regarding safe storage of the weapons pending treatment. That suit has been settled and we are assisting HMWMD's oversight of the agreed-upon changes at PCD.

## **Hazardous Waste Disposal Facility Radiation Control Licensing and Hazardous Waste Permitting**

Adams County objects to CDPHE's Permit and License allowing low-activity radioactive materials to be disposed of at the Clean Harbors Deer Trail facility in far-eastern Adams County. The County's appeal is groundless in terms of technical merit or health risk, and turns on a county's right to question State decisions relegated to a State agency by statute. The recently-licensed radioactive materials are far less dangerous than the hazardous wastes the facility was built to safely manage. Nonetheless, a total of five lawsuits have spun out of the issue. Two more will be decided by the Colorado Supreme Court in 2009. Although a defendant in most of the actions, in mid-2008 HMWMD sued Adams County for misuse of a funds meant to off-set impacts from the CHDT facility. The trial court ruled that the funds were improperly spent by Adams County. Political efforts to resolve the various suits have failed and protracted litigation is possible but we have entered settlement talks featuring long Adams County response delays.

## **Produced Water Rulemaking**

House Bill 9-1303 granted the State Engineer specific rulemaking authority with respect to permitting of Oil and Gas wells that withdraw groundwater. In 2009, the State

Engineer exercised this authority by initiating rulemaking to determine whether where Oil and Gas wells operating in specific areas of the state withdraw tributary or nontributary groundwater, and to establish procedures for determining whether water withdrawn by Oil and Gas wells operating in other areas of the state is tributary or nontributary. In early 2010, the State Engineer promulgated his Produced Ground Water Rules. Certain parties have now appealed those rules. Efforts are underway to resolve those appeals; however, protracted litigation is likely if those efforts are unsuccessful.

#### **IV) WORKLOAD MEASURES**

##### **Environmental Quality Unit**

The attorneys in the Environmental Quality Unit provide general legal advice as well as representation in regulatory, administrative and judicial proceedings, enforcement actions, and legislative proposals. This includes representing clients in meetings, rule-making hearings, and adjudicatory hearings before (among other entities) the Air Pollution Control Division, Air Quality Control Commission, Water Quality Control Division, Water Quality Control Commission, the Water and Wastewater Facility Operators Certification Board, the Laboratory and Radiation Services Division, the Public Utilities Commission, the Board of Health, and various state and federal courts. As just one example, the attorneys prepare for and attend approximately thirty-six meetings of various boards and commissions annually.

The attorneys assist the air and water divisions in obtaining and maintaining delegation from the EPA to administer the state counterparts of corresponding federal environmental programs. They ensure that adoption, implementation and enforcement of the state's environmental programs are consistent with state and federal requirements, and defend any challenges to such programs. The attorneys are regularly involved in prominent issues of statewide importance, including such matters as clean streams, rivers and lakes, safe drinking water and clean air (including addressing ozone and regional haze).

The Unit's attorneys have a regular caseload of enforcement actions. The attorneys seek to ensure compliance with environmental programs through creative, non-punitive means, as well as through traditional enforcement methods. In addition to traditional cash penalties, the attorneys help to negotiate supplemental environmental projects, which can be used to reduce cash penalties and improve the environment.

In the regulatory arena, the attorneys help to draft and to negotiate clear, effective and efficient regulations and legislation on behalf of their clients. They review proposed legislation to ensure that it is consistent with existing laws and regulations.

In recent years the CDPHE has experienced an increase in workload relating to many of the state's environmental programs, including air quality, water quality, and radiation control. Such workload increases have included and will include large-scale rulemakings, such as oil and gas, ozone, regional haze and mercury regulations in the air arena. They also include new temperature and ammonia standards, new nutrient criteria and Whole

Effluent Toxicity requirements, other permitting regulations, and oil and gas issues in the water arena. There has also been an increase in litigation (both in court and administrative) concerning challenges to CDPHE decisions, such as with respect to air and water permits, radioactive materials licenses, Open Records Act issues, agency commission determinations, construction stormwater enforcement, water treatment plant site approvals, and drinking water disinfection revocations. This trend has required the DOL to spend additional time assisting the client to develop and defend its decision-making record. A recent increase in major federal environmental legislation and litigation, particularly in the air quality arena, will require additional legal resources as CDPHE makes changes to its corresponding state program. Due to the increased workload, the unit is seeking to add an additional attorney in fiscal year 2010-11.

### **Water Conservation Unit**

The Water Conservation Unit assists the CWCB, Wildlife, Parks, State Land Board, Department of Transportation, Department of Corrections and Department of Education in acquiring, maintaining and protecting water rights. The CWCB has approximately 265 active cases, Parks has approximately 76 active cases, and Wildlife has approximately 103 active cases. The remaining clients combined have approximately 17 cases this year. This year, the unit resolved approximately 44 cases. The unit has 16 trials scheduled for during the next year. In order to meet expectations of the above goal, Unit personnel undertake the following: evaluate water rights portfolio and recommend and assist in implementing advisable actions; identify and resolve problems concerning existing water rights through stipulated settlements or litigation; pursue changes of water rights or applications for new water rights as directed by the client; protect clients water rights and access easements from 3<sup>rd</sup> parties; represent and assist client agencies in administrative proceedings and hearings and advise staff in preparing for such meetings; assist CWCB staff in developing and obtaining Controller approval of standard loan contract and revisions; assist CWCB staff in resolving issues related to loans and grants and in developing loan programs and procedures; provide comprehensive legislative history research for client agencies, and other complex legal research, including drafting legal memos and opinions; advise Parks staff regarding water and water rights acquisitions for new State parks; assess the quality and viability of prospective acquisitions, negotiate specific terms of purchase and negotiate and draft transactional documents; and advise Division of Wildlife staff regarding water and water rights acquisitions for Wildlife parks; and assess the quality and viability of prospective acquisitions, negotiate specific terms, negotiate and draft transactional documents, providing guidance through the due diligence process.

### **Water Resources Unit**

As population increases, water users continue to place additional demands on Colorado's water supply. This trend has resulted in and will continue to result in a steadily increasing number of water rights applications for new water rights, changes of water rights, and plans for augmentation. In addition, as the water supply grows tighter, an escalating number of water users concerned about the effects of new water rights

applications on existing water supply are filing statements of opposition to these new water rights applications, resulting in an increased number of complicated, difficult, expensive and time consuming water court litigations.

As the administrative agency responsible for administering new water rights and preventing new water rights applications from injuring existing water users, the primary client of the Water Resources Unit, the State Engineer's Office, has been and increasingly will be required to spend additional resources in these water court related matters. Moreover, the State Engineer's Office's efforts to protect existing water rights from injury resulting from these applications continue to be met with more resistance from water rights applicants, requiring more complex and difficult negotiations. Accordingly, Assistant Attorneys General representing the State Engineer's Office will continue to be required to accept responsibility for a larger and more complex caseload.

There also has been over the past year an increased awareness of the affects of upon vested water rights of certain practices that historically have not been regulated by the State Engineer's Office. Specifically, the Supreme Court, in *Vance v. Wolfe*, recently ruled that produced water from Oil and Gas operations falls under the regulatory authority of the State Engineer. Moreover, the Supreme Court found that the State Engineer must permit Coal Bed Methane wells that produce water in the course of methane production. As a result of this decision, the State Engineer's Office adopted rules pursuant to which the State Engineer's Office will now regulate the operation of certain oil and gas wells that remove groundwater. There have been numerous legal challenges regarding this rulemaking requiring legal representation from the Attorney General's Office.

Attorneys are expected to demonstrate competency in all areas of water law sufficient to meet and exceed the demands of the State Engineer's Office. Each attorney will be required to participate in monthly meetings with the State Engineer's Office, at which meetings each Assistant Attorney General will be required to demonstrate mastery of the legal and technical issues raised by their respective assignments. In addition, each Assistant Attorney General will be required to develop specialized knowledge in one area of water law. Each Assistant Attorney General will demonstrate this mastery by preparing and presenting a Continuing Legal Education class regarding that area of law. The attorneys are responsible for supervising a caseload of at least 100 active matters and enforcing water rights matters for the seven Water Divisions.

### **Resource Conservation Unit**

Attorneys in the Resource Conservation Unit represent the Division of Reclamation, Mining and Safety in administrative hearings held monthly before the Mined Land Reclamation Board. Attorneys advise and assist the Division in preparing for administrative hearings and represent the Division at prehearing conferences and at the hearings. These administrative hearings can range from small hearings with a few people involved to time consuming hearings in which numerous parties (operator, objectors, etc) and complex issues (water quality, legal right to enter) are involved. In the upcoming

fiscal year, we anticipate having complex or contentious hearings concerning Cotter Corp's uranium mine sites, Pride of the West and PowerTech (in situ leach uranium).

In addition, attorneys in this unit represent the Division in litigation such as the *High Country Citizens' Alliance* case and at times represent both the Division and the Board in certain matters such as was the case in the Asarco bankruptcy case and the *Colorado Mining Association and Summit County* case. The attorneys also assist the Division in drafting proposed regulations for rulemaking hearings. In the past year, the Division's attorneys drafted proposed regulations and held eight months of stakeholder meetings. The Mined Land Reclamation Board recently held a rulemaking proceeding and adopted rules that implement House Bill 08-1161, Senate Bill 08-229 and Senate Bill 169. Resource Conservation Unit attorneys also provide day-to-day verbal and written advice and representation to the Division on a variety of legal issues and matters. Cases range from simple legal questions to complex legal issues. In addition, attorneys in this unit act as legal advisor to the Oil and Gas Conservation Commission including in monthly administrative hearings. The attorneys also represent the Commission in litigations which currently include lawsuits filed in connection with the rulemaking and in connection with the process required for applications for permits to drill. Further, as with the Division of Reclamation, Mining and Safety, the attorneys provide day-to-day verbal and written advice and representation to the Commission on a variety of legal issues and matters. Cases may range from simple legal questions to very complex issues.

Lastly the attorneys work with the Division and Commission to set priorities for legal services based on workload, need, and budget constraints. The average yearly number of matters for which legal services are provided by this Unit runs in the hundreds.

The Division of Reclamation, Mining and Safety continues to see a substantial increase in its need for legal advice especially concerning proposed molybdenum and uranium development. Such development will ultimately result in reclamation permit applications being filed with the Division and hearings being held on such applications before the Mined Land Reclamation Board.

The prospect of oil shale development may require advice and counsel on a number of legal issues, and attendance at numerous federal and state agency coordination meetings. A number of regulatory issues have arisen, and will likely continue to arise, in regard to uranium development. These regulatory issues have required and will continue to require legal advice and counsel. Given the increase in demand for molybdenum, the Division will likely see increased activity in mining of this mineral in addition to oil shale and uranium. Accordingly, there will be a parallel increased need for legal services.

As to the Oil and Gas Conservation Commission, the trend of issuing record breaking numbers of applications for permits to drill will most likely continue this year. In addition, continues to implement the regulations it adopted in 2008. In addition, several lawsuits have been filed against the Commission concerning these rules, the process for applications for permits to drill and other final agency actions by the Commission. Based

on the rules, the litigations and the record breaking business of the OGCC, there is likely to be a continued increase in the Commission's need for legal services.

### **State and Trust Lands Unit**

The attorneys in the State and Trusts Lands Unit are assigned to and act as general counsel to and work directly with their client agencies – the Wildlife Commission, the Parks Board and the State Land Board – to appropriately plan and meet the demand for legal services based on workload and budget constraints. Case loads for all client agencies continue to increase and generally exceed legal service budgets and attorneys work directly with their client agencies to establish priorities within those budgets. Due to the specialized nature of their client agencies, all of which are primarily revenue generating entities and not primarily regulatory in nature, legal services are provided by attorneys on a daily and otherwise on-going basis and not generally on an individual request basis. In many instances such services are provided informally in person or through telephone consultations. Assigned attorneys attend, represent and assist the Wildlife Commission, the Parks Board and the State Land Board in establishing policies and program direction during their monthly meetings and then assist the staff of the client agencies in their implementation of those policies and programs and general management of the revenue generating assets of the client agencies. The provision of legal services is given in a manner intended to avoid legal challenge to or litigation regarding the activities of the client agencies. However, any litigation that is filed is handled by the attorney assigned to representing the client agency in a timely and effective manner.

### **Hazardous & Solid Waste Unit**

This Unit represents the HMWMD in a wide variety of civil matters. The Unit's attorneys promptly review draft administrative orders to ensure that they are within the client's authority to issue and enforce. Additionally, the Unit represents the related rule-making body, the Solid & Hazardous Waste Commission, and ensures it complies with applicable statutory and regulatory procedural requirements, and advises the Commission as needed. The Unit also handles civil and administrative litigation and assists the client in formulating litigation strategy, amassing evidence, preparing witnesses, and appearing in administrative, trial and appellate courts. The client leveled off from its recent trend of increasing litigation, especially relating to solid waste enforcement, although new legislative mandates and penalty authorities could reverse this trend. Attorneys in the Unit assist in hazardous and solid waste rulemakings; the Solid Waste Regulations will be completely revised and re-promulgated over the next several years.

Last year, 33 new matters were assigned to Unit attorneys. Over the last five years the number of matters in litigation has grown significantly, but leveled off in FY 10. There are currently 13 matters in litigation.

Oil & gas drilling brine waste facilities continue to account for a disproportionate share of resources, requiring three civil actions and several unilateral orders as well as promulgation of a new section of the Solid Waste Regulations. This new section has been appealed by two of the facilities. Following our victory in District Court, they took

the case up on appeal. Violations over the last several years have included forged laboratory reports, direct release of solid wastes to surface water bodies, failure to characterize contaminant plumes, unauthorized expansion, and refusal to pay applicable tipping fees.

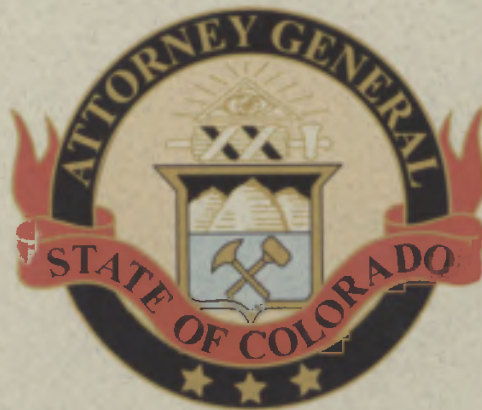
Dry cleaning facilities are the fastest-growing clean up category; approximately half of all hazardous waste remediation sites in Colorado are current or former dry cleaners. The Unit is represented in a Work Group to develop a legislative proposal for a dry cleaner specific remediation fund.

Although usually prosecutorial, the HMWMD has found itself as a defendant in several matters. Five years ago, Adams County appealed a hazardous waste Permit and a radioactive materials License issued by HMWMD to Clean Harbors Dear Trail (CHDT); the five lawsuits stemming from the effort to allow CHDT to accept low-activity radioactive materials. The Unit also represents the Solid & Hazardous Waste Commission, which is a defendant in the suit against the new brine waste impoundment regulations noted above.





**Narrative**  
**LSSA**  
**Office of Consumer**  
**Counsel Section**



## **D) BACKGROUND INFORMATION: OFFICE OF CONSUMER COUNSEL SECTION.**

This Unit provides full legal services to the Office of Consumer Counsel (“OCC”), a type 1 agency within the Colorado Department of Regulatory Agencies, and the Utility Consumers’ Board. By statute, the OCC is charged with representing the public interest and specific interests of residential, small business, and agricultural consumers in proceedings before the Colorado Public Utilities Commission (“PUC”). Such advocacy most often involves matters relating to proposed changes in electric, gas, and telephone utility rates and services. In addition, the Unit represents the OCC in federal regulatory proceedings affecting Colorado consumers’ rates and services. See Legal Services to State Agencies for Program Summary.

## **ID) PRIOR YEARS LEGISLATION**

The Colorado Legislature in 2007, 2008, 2009, and 2010 passed the following legislation affecting energy regulation in Colorado:

SB 07-022, Concerning the Authority of the Public Utilities Commission to Consider the Needs of Low-Income Households When Setting Utility Rates for Energy;

HB 07-100, Concerning Measures to Ensure the Adequacy of Colorado’s Electric Transmission Infrastructure, and, in Connection Therewith, Requiring Utilities to Designate Energy Resource Zones and Authorizing Expedited Cost Recovery for the Construction of Transmission Facilities;

HB 07-1037, Concerning Measures to Promote Energy Efficiency, and Making an Appropriation Therefore;

HB 07-1281, Concerning Increased Renewable Energy Standards;

HB 08-1164, Concerning the Advancement of New Solar Energy Technologies;

HB08-1227, Concerning the Public Utilities Commission, and, in Connection therewith, Continuing the Public Utilities Commission under the Sunset Law;

HB09-1345, Concerning Integrated Planning for the Construction of Electric Transmission Facilities in Colorado;

SB09-051, Concerning Measures to Facilitate the Financing of Energy-Efficient Structures;

HB10-1001, Concerning the Installation of New Distributed Renewable Energy Generation Facilities in Colorado and Increasing the Target Percentages under the Electric Utility Portfolio Standard;

HB10-1365, Concerning Incentives for Electric Utilities to Reduce Air Emissions, and Requiring Plans to Achieve Such Reductions that Give Primary Consideration to Replacing or Repowering Coal Generation with Natural Gas and Also Considering Other Low-Emitting Resources.

### **III) HOT ISSUES (for the OCC)**

Governor Ritter, in November 2007, issued his Colorado Climate Action Plan, A Strategy to Address Global Warming. As a result of the Governor's Climate Action Plan, the above referenced legislation, and the PUC's rulemaking dockets to implement the legislation, the OCC has been heavily involved in numerous proceedings involving these issues. The largest of these dockets was Public Service Company of Colorado's ("Public Service") 2007 Colorado Resource Plan which identified its electric resource needs through the year 2015. The PUC issued its Phase II Decision in February, 2010. The OCC appealed the PUC's Decision to Denver County District Court. Utility resource need filings are made every 4 years.

Public Service's electric resource needs for the 2007 Colorado Resource Plan were affected by the PUC's decisions in other dockets, which included Demand Side Management, Renewable Energy Resources, Interruptible Service Option Plan and various transmission plan applications. HB 07-1037 required the PUC to develop rules for natural gas and electric demand side management programs to develop natural gas and electric savings targets. Electric resource needs will be reduced by the implementation of these conservation measures. HB 07-1281 revised the electric resource standards by requiring electricity to be generated, for utilities under the PUC's jurisdiction, from eligible energy resources in the following amounts: 3% for the year 2007, 5% for the years 2008 through 2010, 10% for the years 2011 through 2014, 15% for the years 2015 through 2019 and 20% for the year 2020 and thereafter. (Municipal utilities and cooperative electric associations have smaller requirements.) The maximum retail rate impact to comply with these standards is 2% of the total electric bill annually for each customer. HB06-1281 (codified at 40-2-123) provides incentives for utilities to consider the use of "new clean energy and energy-efficient technologies" for its electric generation portfolio. For generation that qualifies as a 123 Resource, the utility is allowed to collect approved costs through a separate rate rider. SB09-051 encourages the installation of energy-efficient equipment such as solar panels. Even though HB10-1001 was not in effect during Public Service's 2007 Electric Resource Plan, it will have an effect in future proceedings. HB10-1001 further revised the electric resource standards by requiring 12% for the years 2011 through 2014, 20% for the years 2015 through 2019 and 30% for the year 2020 and

thereafter. The proceedings involving all of the above referenced legislation will be ongoing for many years.

Because of the rising energy costs, SB 07-022 was passed to assist low-income households who are having problems paying their utility bills. The first proposed pilot project to implement this legislation was filed in Public Service's 2008 natural gas rate case and approved by the PUC. The program became operational in January 2009. A similar pilot program for electric customers was filed in Public Service's 2009 electric rate case and was approved by the PUC.

HB10-1365 is known as the "Clean Air-Clean Jobs Act". This bill requires all rate-regulated electric utilities (Public Service and Black Hills) to file at the PUC before August 15, 2010 its Emission Reduction Plan, which covers a minimum of 900 megawatts or 50 % of the utility's coal-fired electric generating units in Colorado, whichever is smaller. Each of the utility's plans has to be reviewed by the Department of Public Health and Environment prior to filing to determine if the plan or plans "meet the current and reasonably foreseeable requirements of the Federal Act ("Federal Clean air Act") and State law ("Colorado Air Pollution Prevention and Control Act") in a cost-effective manner."

**IV) WORKLOAD MEASURE (for the OCC)**

Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Achieve customer savings that at least equal the OCC's annual appropriation		3926% \$59,027,453	3118% \$46,453,935	3000% (Based on a 3 year fiscal average)	
Percent of rate proceedings in which the OCC participated on behalf of consumers		100%	100%	100%	

## OCC

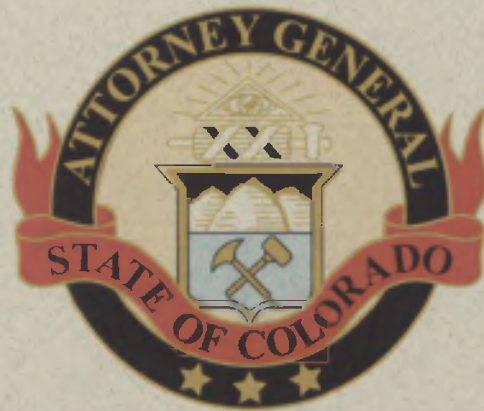
Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Number of cases OCC participates	Benchmark	60	60	60	
	Actual	89	76	75	

*Strategy:* The Office of Consumer Counsel (“OCC”) unit represents the Office of Consumer Counsel and therefore represents residential, small commercial and agricultural customers before the Public Utilities Commission.

*Evaluation of Prior Year Performance:* Because the cases the OCC unit participates is based on the filings done by electric, natural gas and telephone utilities, the OCC has no control on the number of cases worked on. However, by reviewing the savings chart above, the OCC has saved utility customers millions of dollars.

*Key Workload Indicators:* The key workload factor is the amount of customer savings. The number can fluctuate each year because it depends on the number and type of cases filed by utilities. For example, there are potentially more savings in years that a utility or multiple utilities file rate cases.

# FY 11-12 Reconciliation of Request LSSA



**DEPARTMENT OF LAW**

**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(2) Legal Services to State Agencies**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Legal Services to State Agencies</b>						
<b>Personal Services</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$18,687,929	223.6	\$0	\$1,582,388	\$17,105,541	\$0
SB 10-072 Colorado Seed Potatoes	\$815	-	\$0	\$0	\$815	\$0
SB 10-109 Phys.-patient relationship Med Marij. CDPHE	\$89,891	0.7	\$0	\$0	\$89,891	\$0
SB 10-109 Phys.-patient relationship Med Marij. DORA	\$461,326	3.8	\$0	\$0	\$461,326	\$0
SB 10-124 Healthcare provider disclose info	\$6,784	-	\$0	\$0	\$6,784	\$0
SB 10-203 CO Elections after the US Supreme Court	\$4,069	-	\$0	\$0	\$4,069	\$0
HB 10-1018 Regulate Waste Tires	\$13,568	0.2	\$0	\$0	\$13,568	\$0
HB 10-1125 Regulate Waste Food Preparation	\$6,784	-	\$0	\$0	\$6,784	\$0
HB 10-1128 Supervision of Regulated Prof.	(\$8,819)	-	\$0	\$0	(\$8,819)	\$0
HB 10-1141 Mort. Co. registered with Div. Real Estate	\$5,766	-	\$0	\$0	\$5,766	\$0
HB 10-1148 Renew License to practice architecture	(\$10,176)	-	\$0	\$0	(\$10,176)	\$0
HB 10-1176 Gov. overpayment of tax dollars	\$1,800	-	\$0	\$0	\$1,800	\$0
HB 10-1193 Collect sales/use taxes	\$36,000	-	\$0	\$0	\$36,000	\$0
HB 10 1224 Colorado Podiatry Board	\$2,035	-	\$0	\$0	\$2,035	\$0
HB 10-1260 Sunset-Board of Medical Exm DORA	\$14,926	0.1	\$0	\$0	\$14,926	\$0
HB 10-1260 Sunset-Board of Medical Exm CDPHE	\$610	-	\$0	\$0	\$610	\$0
HB 10-1278 Colorado Commn Interest Ownership Act	\$14,112	0.1	\$0	\$0	\$14,112	\$0
HB 10-1284 Regulate Med. Marij.	\$244,231	2.0	\$0	\$0	\$244,231	\$0
HB 10-1365 PUC reduce air emissions	\$11,737	0.1	\$0	\$0	\$11,737	\$0
HB 10-1415 Registration of asst. for Surgeons	\$3,392	-	\$0	\$0	\$3,392	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$19,586,780</b>	<b>230.6</b>	<b>\$0</b>	<b>\$1,582,388</b>	<b>\$18,004,392</b>	<b>\$0</b>
<i>SB 10-072 Colorado Seed Potatoes Annualization</i>	(\$476)	-	\$0	\$0	(\$476)	\$0
<i>SB 10-109 Phys.-patient relationship Med Marij. CDPHE An</i>	(\$59,905)	(0.5)	\$0	\$0	(\$59,905)	\$0
<i>SB 10-109 Phys.-patient relationship Med Marij. DORA Ann</i>	(\$379,916)	(3.1)	\$0	\$0	(\$379,916)	\$0
<i>SB 10-124 Healthcare provider disclose info Annualization</i>	(\$5,427)	-	\$0	\$0	(\$5,427)	\$0

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801-9 DEPARTMENT OF LAW  
 FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST

(2) Legal Services to State Agencies

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<i>SB 10-203 CO Elections after the US Supreme Court Annualization</i>	(\$4,069)	-	\$0	\$0	(\$4,069)	\$0
<i>HB 10-1018 Regulate Waste Tires Annualization</i>	\$0	(0.2)	\$0	\$0	\$0	\$0
<i>HB 10-1125 Regulate Waste Food Preparation Annualization</i>	(\$3,392)	-	\$0	\$0	(\$3,392)	\$0
<i>HB 10-1128 Supervision of Regulated Prof. Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1141 Mort. Co. registered with Div. Real Estate Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1148 Renew License to practice architecture Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1176 Gov. overpayment of tax dollars Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1193 Collect sales/use taxes Annualization</i>	(\$18,000)	-	\$0	\$0	(\$18,000)	\$0
<i>HB 10 1224 Colorado Podiatry Board Annualization</i>	\$4,071	-	\$0	\$0	\$4,071	\$0
<i>HB 10-1260 Sunset-Board of Medical Exm DORA Annualization</i>	(\$14,316)	(0.1)	\$0	\$0	(\$14,316)	\$0
<i>HB 10-1260 Sunset-Board of Medical Exm CDPHE Annualization</i>	(\$610)	-	\$0	\$0	(\$610)	\$0
<i>HB 10-1278 Colorado Commn Interest Ownership Act Annualization</i>	(\$14,112)	(0.1)	\$0	\$0	(\$14,112)	\$0
<i>HB 10-1284 Regulate Med. Marij. Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1365 PUC reduce air emissions Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1415 Registration of asst. for Surgeons Annualization</i>	\$12,211	-	\$0	\$0	\$12,211	\$0
PERA adjustment back to 10.15% from 7.65%	\$414,871	0.0	\$0	\$0	\$414,871	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$19,517,710</b>	<b>226.6</b>	<b>\$0</b>	<b>\$1,582,388</b>	<b>\$17,935,322</b>	<b>\$0</b>
Fund adjustment to accommodate CF FY 10 actual revenues				\$76,752	(76,752)	\$0
CDPHE Legal Services DI	\$118,859	1.0			\$118,859	
<b>FY 11-12 November 1 Request</b>	<b>\$19,636,569</b>	<b>227.6</b>	<b>\$0</b>	<b>\$1,659,140</b>	<b>\$17,977,429</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$1,445,134	0.0	\$0	\$0	\$1,445,134	\$0
SB 10-072 Colorado Seed Potatoes	\$90	-	\$0	\$0	\$90	\$0
SB 10-109 Phys.-patient relationship Med Marij. CDPHE	\$9,988	-	\$0	\$0	\$9,988	\$0

**DEPARTMENT OF LAW**

**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(2) Legal Services to State Agencies**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
SB 10-109 Phys.-patient relationship Med Marij. DORA	\$51,258	-	\$0	\$0	\$51,258	\$0
SB 10-124 Healthcare provider disclose info	\$754	-	\$0	\$0	\$754	\$0
SB 10-203 CO Elections after the US Supreme Court	\$453	-	\$0	\$0	\$453	\$0
HB 10-1018 Regulate Waste Tires	\$1,508	-	\$0	\$0	\$1,508	\$0
HB 10-1125 Regulate Waste Food Preparation	\$754	-	\$0	\$0	\$754	\$0
HB 10-1128 Supervision of Regulated Prof.	(\$980)	-	\$0	\$0	(\$980)	\$0
HB 10-1141 Mort. Co. registered with Div. Real Estate	\$641	-	\$0	\$0	\$641	\$0
HB 10-1148 Renew License to practice architecture	(\$1,131)	-	\$0	\$0	(\$1,131)	\$0
HB 10-1176 Gov. overpayment of tax dollars	\$200	-	\$0	\$0	\$200	\$0
HB 10-1193 Collect sales/use taxes	\$4,000	-	\$0	\$0	\$4,000	\$0
HB 10 1224 Colorado Podiatry Board	\$226	-	\$0	\$0	\$226	\$0
HB 10-1260 Sunset-Board of Medical Exm DORA	\$1,658	0.0	\$0	\$0	\$1,658	\$0
HB 10-1260 Sunset-Board of Medical Exm CDPHE	\$68	-	\$0	\$0	\$68	\$0
HB 10-1278 Colorado Commn Interest Ownership Act	\$1,567	0.0	\$0	\$0	\$1,567	\$0
HB 10-1284 Regulate Med. Marij.	\$27,137	0.0	\$0	\$0	\$27,137	\$0
HB 10-1365 PUC reduce air emissions	\$1,304	0.0	\$0	\$0	\$1,304	\$0
HB 10-1415 Registration of asst. for Surgeons	\$377	-	\$0	\$0	\$377	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$1,545,006</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,545,006</b>	<b>\$0</b>
<i>SB 10-072 Colorado Seed Potatoes Annualization</i>	(\$52)	-	\$0	\$0	(\$52)	\$0
<i>SB 10-109 Phys.-patient relationship Med Marij. CDPHE An</i>	(\$6,656)	-	\$0	\$0	(\$6,656)	\$0
<i>SB 10-109 Phys.-patient relationship Med Marij. DORA Ann</i>	(\$42,212)	-	\$0	\$0	(\$42,212)	\$0
<i>SB 10-124 Healthcare provider disclose info Annualization</i>	(\$603)	-	\$0	\$0	(\$603)	\$0
<i>SB 10-203 CO Elections after the US Supreme Court Annual</i>	(\$453)	-	\$0	\$0	(\$453)	\$0
<i>HB 10-1018 Regulate Waste Tires Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1125 Regulate Waste Food Preparation Annualizatio</i>	(\$377)	-	\$0	\$0	(\$377)	\$0
<i>HB 10-1128 Supervision of Regulated Prof. Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1141 Mort. Co. registered with Div. Real Estate Ann</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1148 Renew License to practice architecture Annuali</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1176 Gov. overpayment of tax dollars Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1193 Collect sales/use taxes Annualization</i>	(\$2,000)	-	\$0	\$0	(\$2,000)	\$0

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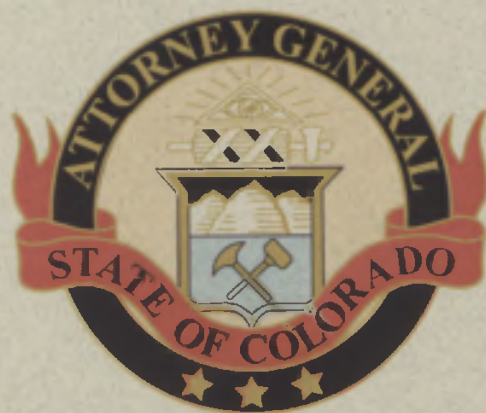
## DEPARTMENT OF LAW

## FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST

## (2) Legal Services to State Agencies

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<i>HB 10 1224 Colorado Podiatry Board Annualization</i>	\$452	-	\$0	\$0	\$452	\$0
<i>HB 10-1260 Sunset-Board of Medical Exm DORA Annualiza</i>	(\$1,590)	-	\$0	\$0	(\$1,590)	\$0
<i>HB 10-1260 Sunset-Board of Medical Exm CDPHE Annuali</i>	(\$68)	-	\$0	\$0	(\$68)	\$0
<i>HB 10-1278 Colorado Commn Interest Ownership Act Annua</i>	(\$1,567)	-	\$0	\$0	(\$1,567)	\$0
<i>HB 10-1284 Regulate Med. Marij. Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1365 PUC reduce air emissions Annualization</i>	\$0	-	\$0	\$0	\$0	\$0
<i>HB 10-1415 Registration of asst. for Surgeons Annualization</i>	\$1,357	-	\$0	\$0	\$1,357	\$0
<b>FY 11-12 Base Request</b>	<b>\$1,491,237</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,491,237</b>	<b>\$0</b>
DPA NP Printing of Statewide Warrants and Mainframe	\$840				\$840	
CDPHE Legal Services DI	\$13,207				\$13,207	
<b>FY 2011-12 November 1st Request</b>	<b>\$1,505,284</b>		<b>\$0</b>	<b>\$0</b>	<b>\$1,505,284</b>	<b>\$0</b>
<b>Indirect Costs</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$2,608,316	0.0	\$0	\$0	\$2,608,316	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$2,608,316</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,608,316</b>	<b>\$0</b>
<b>FY 11-12 Base Request</b>	<b>\$2,608,316</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,608,316</b>	<b>\$0</b>
<b>FY 2011-12 November 1st Request</b>	<b>\$2,608,316</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,608,316</b>	<b>\$0</b>
<b>(2) Legal Services to State Agencies</b>						
<b>FY 2010-11 Appropriation(Long Bill plus Special Bills)</b>	<b>\$23,740,102</b>	<b>230.6</b>	<b>\$0</b>	<b>\$1,582,388</b>	<b>\$22,157,714</b>	<b>\$0</b>
<b>FY 2011-12 Base Request</b>	<b>\$23,617,263</b>	<b>226.6</b>	<b>\$0</b>	<b>\$1,582,388</b>	<b>\$22,034,875</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$23,750,169</b>	<b>227.6</b>	<b>\$0</b>	<b>\$1,659,140</b>	<b>\$22,091,029</b>	<b>\$0</b>

**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**LSSA**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

<b>PERSONAL SERVICES</b>	19,322,836	203.5	19,757,992	212.7	19,586,780	230.6	21,456,517	230.6	19,636,569	227.6
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Fund	1,582,342		1,659,140		1,582,388		1,582,388		1,659,140	
Reappropriated Funds	17,740,494		18,098,852		18,004,392		19,874,129		17,977,429	
<b>OPERATING EXPENSES</b>	1,989,464		2,109,797		1,545,006		2,783,280		1,505,284	
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Fund	-		-		-		-		-	
Reappropriated Funds	1,989,464		2,109,797		1,545,006		2,783,280		1,505,284	
<b>INDIRECT COST ASSESSMENT</b>	2,676,131		2,665,207		2,608,316		2,608,316		2,608,316	
General Fund	-		-		-		-		-	
Cash Fund	-		-		-		-		-	
Reappropriated Funds	2,676,131		2,665,207		2,608,316		2,608,316		2,608,316	
<b>GRAND TOTAL</b>	23,988,431	203.5	24,532,997	212.7	23,740,102	230.6	26,848,113	230.6	23,750,169	227.6
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,582,342		1,659,140		1,582,388		1,582,388		1,659,140	
Reappropriated Funds	22,406,089		22,873,857		22,157,714		25,265,725		22,091,029	
Federal Funds	-		-		-		-		-	

**SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

<b>I. POSITION DETAIL</b>										
Deputy Attorney General	467,682	3.8	496,872	4.0			496,872	4.0	496,872	4.0
Assistant Deputy Attorney General	135,528	1.0	135,528	1.0			135,528	1.0	135,528	1.0
First Assistant Attorney General	2,419,912	23.6	2,437,248	24.0			2,462,496	24.0	2,462,496	24.0
Senior Assistant Attorney General	3,777,246	40.3	3,533,133	40.0			3,759,117	41.2	3,759,117	41.2
Assistant Attorney General	6,181,962	81.6	6,584,191	90.1			7,052,495	95.6	7,052,495	95.6
Assistant Attorney General II										
Assistant Attorney General I										
Attorney I										
Legal Assistant II	1,864,888	31.8	1,869,094	32.5			1,930,822	33.4	1,930,822	33.4
Legal Assistant I	85,338	1.8	55,068	1.0			55,068	1.0	55,068	1.0
Program Assistant I										
Office Manager I	207,804	4.0	209,129	4.0			209,129	4.0	209,129	4.0
General Professional V	23,601	0.3	47,202	0.5			47,202	0.5	47,202	0.5
IT Professional I			17,219	0.3			17,220	0.3	17,220	0.3
IT Technician I	17,154	0.3								
Administrative Assistant III	226,488	5.8	263,382	7.0			310,608	8.0	310,608	8.0
Administrative Assistant II	310,840	9.3	296,499	8.4			368,986	10.6	368,986	10.6
<b>TOTAL POSITION DETAIL</b>	<b>15,718,443</b>	<b>203.5</b>	<b>15,944,564</b>	<b>212.7</b>			<b>16,845,543</b>	<b>223.6</b>	<b>16,845,543</b>	<b>223.6</b>

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

<b>(I.A) CONTINUATION FTE SALARY COSTS</b>	15,718,443	203.5	15,944,564	212.7		16,845,543	223.6	16,845,543	223.6
(Permanent FTE by position) Continuation Salary Subtotal									
<b>(I.B) OTHER PERSONAL SERVICES</b>									
PERA on Continuation Subtotal	1,566,060		1,559,804			1,288,684		1,709,823	
Medicare on Continuation Subtotal	213,432		215,296			244,260		244,260	
Non-Base Building Performance Awards	63,500					-			
Part-Time/Temporary Salaries	62,861		63,679			63,679		63,679	
Contractual Services	117,927		332,762			245,763		239,495	
Overtime Pay	0		1,271						
Termination/Retirement Payouts	65,325		51,961						
Sick Leave Payouts	69,294		18,882						
Unemployment Compensation	1,365		-						
Furloughs			(184,856)						
Other Employee Benefits	17,156		51,779						
<b>Special Bills</b>									
SB 10-072 Seed Potato Act					815	-	815	-	815
SB 10-109 Phys Patient relationship Med. Mar					551,217	4.5	551,217	4.5	551,217
SB 10-124 Healthcare provider disclose info					6,784	-	6,784	-	6,784
SB 10-203 CO Elections After Supreme Court					4,069	-	4,069	-	4,069
HB 10-1018 Regulate Waste Tire					13,568	0.2	13,568	0.2	13,568
HB 10-1125 Regulate waste food preparation					6,784	-	6,784	-	6,784
HB 10-1128 Supervision of Reg. Professional					(8,819)	-	(8,819)	-	(8,819)
HB 10-1141 Mort. Co. Reg. with Div Real Estate					5,766	-	5,766	-	5,766
HB 10-1148 Ren License to Practice Architecture					(10,176)	-	(10,176)	-	(10,176)
HB 10-1176 Gov Overpayment of Tax Dollars					1,800	-	1,800	-	1,800
HB 10-1193 Collect sales/use tax					36,000	-	36,000	-	36,000
HB 10-1224 Colorado Podiatry Board					2,035	-	2,035	-	2,035
HB 10-1260 Sunset Board of Med Examiners					15,536	0.1	15,536	0.1	15,536
HB 10-1278 CO Common Interest Ownership					14,112	0.1	14,112	0.1	14,112
HB 10-1284 Regulate Medical Marijuana					244,231	2.0	244,231	2.0	244,231
HB 10-1365 PUC reduce air emissions					11,737	0.1	11,737	0.1	11,737
HB 10-1415 Reg. of assiss for surgeons					3,392	-	3,392	-	3,392
					-	-	-	-	-
<b>Special Bills Subtotal:</b>	-	-			898,851	7.0	898,851	7.0	898,851
Reappropriated Funds	-				898,851		898,851		898,851

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	LEGAL SERVICES TO STATE AGENCIES									
	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Long Bill Appropriation</b>	-	-	-	-	18,687,929	223.6				
<b>Annualization of Legislation</b>										
SB 10-072 Seed Potato Act									(476)	-
SB 10-109 Phys Patient relationship Med. Mar									(439,821)	(3.6)
SB 10-124 Healthcare provider disclose info									(5,427)	0.0
SB 10-203 CO Elections After Supreme Court									(4,069)	0.0
HB 10-1018 Regulate Waste Tire									-	(0.2)
HB 10-1125 Regulate waste food preparation									(3,392)	0.0
HB 10-1128 Supervision of Reg. Professional									-	0.0
HB 10-1141 Mort. Co. Reg. with Div Real Estate									-	0.0
HB 10-1148 Ren License to Practice Architecture									-	0.0
HB 10-1176 Gov Overpayment of Tax Dollars									-	0.0
HB 10-1193 Collect sales/use tax									(18,000)	0.0
HB 10-1224 Colorado Podiatry Board									4,071	0.0
HB 10-1260 Sunset Board of Med Examiners									(14,926)	(0.1)
HB 10-1278 CO Common Interest Ownership									(14,112)	(0.1)
HB 10-1284 Regulate Medical Marijuana									-	
HB 10-1365 PUC reduce air emissions									-	
HB 10-1415 Reg. of assiss for surgeons									12,211	
<b>Annualization Special Bills Subtotal:</b>									(483,941)	(4.0)
Reappropriated Funds									(483,941)	
<b>Subtotal -</b>	17,895,362	203.5	18,055,142	212.7			19,586,780	230.6	19,517,710	226.6
<b>(I.C.) PERSONAL SERVICES</b>										
<b>SUBTOTAL= A+B</b>										
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life/Dental	1,044,491		1,178,282				1,197,340			
Salary Survey	[561,112]									
Performance Awards	[235,803]									
Short Term Disability	20,382		24,311				23,981			
SB 04.257 A.E.D.	246,873		307,602				374,987			
SB 06.235 S.A.E.D.	115,729		192,656				273,429			
Other:	0									
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES= C+D</b>	19,322,836	203.5	19,757,992	212.7			21,456,517	230.6	19,517,710	226.6



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

General Fund									
General Fund Exempt									
Cash Funds	1,582,342		1,659,140				1,582,388		1,659,140
Reappropriated Funds	17,740,494		18,098,852				19,874,129		17,858,570
<b>(I.F.) DIFFERENCE= II-E.</b>									
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>									
General Fund									
Cash Funds									
Reappropriated Funds									
<b>Dec Item # Legal Services CDPHE</b>									
General Fund									
Cash Funds									
Reappropriated Funds								118,859	1.0
<b>Dec Item #</b>									
Cash Funds Exempt								-	
Cash Funds Exempt								-	
Cash Funds Exempt								-	
Cash Funds Exempt								-	
<b>Dec Item #</b>									
Cash Funds								-	
Cash Funds Exempt								-	
Cash Funds Exempt								-	
<b>ROLLFORWARDS</b>									
General Fund Exempt	-		-				-		

## SCHEDULE 3 - PROGRAM DETAIL

Department of Law		LEGAL SERVICES TO STATE AGENCIES								
		Actual FY 10		Prop FY 11		Estimate FY 11		Request FY 12		
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reappropriated Funds	-		-				-			
<b>Projected Spending Authority Shortfall</b>							-			
Reappropriated Funds							-			
<b>PERSONAL SERVICES TOTAL</b>	19,322,836	203.5	19,757,992	212.7	19,586,780	230.6	21,456,517	230.6	19,636,569	227.6
General Fund										
General Fund Exempt	-		-		-		-			
Cash Funds	1,582,342		1,659,140		1,582,388		1,582,388		1,659,140	
Reappropriated Funds	17,740,494		18,098,852		18,004,392		19,874,129		17,977,429	
Federal Funds										
<b>II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>										
Previous Year Long Bill									18,687,929	223.6
CDPHE Legal Services DI									118,859	1.0
\$76,752 RF to CF switch										
<b>SPECIAL BILLS:</b>										
Salary Survey-Classified									-	-
PBP Classified									-	-
Salary Survey Exempt									-	-
PBP -Exempt									-	-
Annualization of Special Bills									414,910	3.0
PERA Adjustment back to 10.15%									414,871	
Subtotal -									19,636,569	227.6
<b>PERSONAL SERVICES RECONCILIATION</b>										
Long Bill Appropriation	17,377,012	213.2	18,241,775	217.5			18,687,929	223.6		
Supplemental HB10-1305			218,152	1.9						
Supplemental SB09-192	237,425	2								
Special Bills -										
SB 10-072 Seed Potato Act							815	-		
SB 10-109 Phys Patient relationship Med. Mar							551,217	4.5		
SB 10-124 Healthcare provider disclose info							6,784	-		
SB 10-203 CO Elections After Supreme Court							4,069	-		
HB 10-1018 Regulate Waste Tire							13,568	0.2		
HB 10-1125 Regulate waste food preparation							6,784	-		
HB 10-1128 Supervision of Reg. Professional							(8,819)	-		
HB 10-1141 Mort. Co. Reg. with Div Real Estate							5,766	-		

### SCHEDULE 3 - PROGRAM DETAIL

Department of Law

LEGAL SERVICES TO STATE AGENCIES

HB 10-1148 Ren License to Practice Architecture							(10,176)	-		
HB 10-1176 Gov Overpayment of Tax Dollars							1,800	-		
HB 10-1193 Collect sales/use tax							36,000	-		
HB 10-1224 Colorado Podiatry Board							2,035	-		
HB 10-1260 Sunset Board of Med Examiners							15,536	0.1		
HB 10-1278 CO Common Interest Ownership							14,112	0.1		
HB 10-1284 Regulate Medical Marijuana							244,231	2.0		
HB 10-1365 PUC reduce air emissions							11,737	0.1		
HB 10-1415 Reg. of assiss for surgeons							3,392	-		
<i>HB 08- 1335 Finance Public School Facility</i>										
<i>HB 08- 1396 Impact of the Canterbury Tunnel</i>										
<i>SB 08-029 Architect Obtain Continuing Ed.</i>	6,003	-								
<i>SB 08-152 Occupational Therapy</i>	7,204	-								
<i>SB 08-153 Home Care Agencies by DPHE</i>	1,921	-								
<i>SB 08-200 Proh. Against Discrimination</i>	40,049	0.5								
<i>SB 08-219 Reg. of Massage Therapists</i>	12,005	0.2								
<i>HB 08-1058 Uniform Athlete Agents Act</i>	5,043	-								
<i>HB 08-1161 Mined Land Reclamation Brd</i>	9,604	-								
<i>HB 08-1226 CPA from another state</i>	2,402	-								
<i>HB 08-1227 PUC under the Sunset Law</i>	28,812	0.3								
<i>HB 08-1257 Veh. with an overweight divisible</i>	7,260	-								
<i>HB 08-1314 Gambling addiction counseling</i>	1,911	-								
<i>HB 08-1325 Non-immigrant Agricultural</i>	2,881	-								
<i>HB 08-1335 Finance Public School Facility</i>	21,609	0.3								
<i>HB 08-1353 Easement in the State</i>	-	-								
<i>HB 08-1383 Inactive Status for Nursing Lic.</i>	480									
<i>HB09-1188 modified Skolnik Medical Transparenc</i>	1,127									
<i>SB 09-026 Athletic Trainers</i>					21,779	0.2				
<i>SB 09-123 Pilot prog to reduce dropout rate</i>					751	-				
<i>SB 09-138 Certification of Nurse Aids</i>					3,755	-				
<i>SB 09-163 Education Accountability</i>					7,135	-				
<i>SB 09-167 Regulation of Chiropractors</i>					4,882	-				
<i>SB 09-239 Regulation of Nurses</i>					33,795	0.2				
<i>HB 09-1086 Renewal of lic. For Social Workers</i>					30,000	0.2				
<i>HB 09-1136 Renewal of lic. of Electricians</i>					11,265	0.1				
<i>HB 09-1173 Enforcement of Tobacco Laws</i>					7,510	0.1				
<i>HB 09-1202 Regulation for funeral Est.</i>					24,783	0.2				
<i>HB 09-1319 Repeals enrollment in Pub Sch</i>					10,139	-				
<i>SB 10-065 Dept of Education</i>					3,004					

## SCHEDULE 3 - PROGRAM DETAIL

Department of Law		LEGAL SERVICES TO STATE AGENCIES								
		Actual FY 10				Estimate FY 11				Request FY 12
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Roll Forward from Previous FY	22,922									
Roll Forward to Subsequent FY										
Year End Transfers										
Overexpenditures (Reversions)										
Lapsed Appropriation Cash Funds										
Lapsed Appropriation Cash Funds Exempt	(85,286)									
Lapsed Appropriation Reappropriated Funds	(561,627)	(13.00)	(543,693)	(7.7)						
Other										
<b>Allocated POTS</b>										
Salary POTS	796,915						-			
Health/Life/Dental	999,681		1,136,254				1,197,340			
Short Term Disability	20,339		19,985				23,981			
SB 04.257 A.E.D.	249,805		324,136				374,987			
SB 06.235 S.A.E.D.	117,341		202,585				273,429			
<b>Pots Subtotal</b>	2,184,081		1,682,960				1,869,737			
<b>Reconciled Total</b>	19,322,838	203.5	19,757,992	212.7			21,456,517	230.6		
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	19,322,836	203.5	19,757,992	212.7	19,586,780	230.6	21,456,517	230.6	19,636,569	227.6
General Fund	-		-		-		-			
General Fund Exempt	-		-		-		-			
Cash Funds	1,582,342		1,659,140		1,582,388		1,582,388		1,659,140	
Reappropriated Funds	17,740,494		18,098,852		18,004,392		19,874,129		17,977,429	
Federal Funds	-		-		-		-		-	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

<b>OPERATING EXPENSES</b>									
1930 Purchased Services - Litigation	97,355		100,522				254,942		254,942
2170 Waste Disposal Services	5,106		4,423				4,800		4,800
2220 Building Grounds Maintenance	26,077		14,983				15,500		15,500
2230 Equipment Contract Maintenance	1,001		1,472				1,500		1,500
2231 ADP Equip Maint/Repair Services	17,899		24,700				19,850		19,850
2232 Software Upgrades	127,212		189,628				185,026		185,026
2240 Motor Vehicle Repair/Maintenance			-						-
2251 Rental/Lease Motor Pool Veh	16,682		18,902				21,250		21,250
2252 Leased Vehicle - Variable	21,369		14,108				20,520		20,520
2253 Rental of Equipment	217		206				217		217
2254 Rental of Motor Vehicles			-						-
2255 Rental of Building	649,540		728,073						-
2258 Parking	10,015		9,597				9,850		9,850
2259 Parking Fee Reimbursement	47		-				-		-
2510 In State Travel	253		445				350		350
2511 IS Common Carrier Fares	449		1,582				850		850
2512 IS Personal Travel Per Diem	11,021		6,474				6,544		6,544
2513 IS Pers Vehicle Reimbursement	1,799		1,096				1,245		1,245
2514 IS State Owned Aircraft			-						-
2515 State-Owned Vehicle Charge			-						-
2520 IS Travel Non Employee			47						-
2521 IS Common Carrier Non Employee			-						-
2522 IS Non Employee Per Diem			-						-
2523 IS Non Employee Per Veh Reimburse			25						-
2530 Out of State Travel	854		553				650		650
2531 OS Common Carrier Fares	3,416		2,739				3,310		3,310
2532 OS Personal Travel Per Diem	4,850		3,897				4,200		4,200
2533 OS Pers Vehicle Reimbursement			-						-
2550 Out of Country Travel			18						-
2552 OC Per Diem			65						-
2610 Advertising			524						-
2611 Public Relations			-						-
2630 Comm Service Div of Telecom	130,040		129,208				135,200		135,200
2631 Comm Svcs from Outside Sources	9,535		4,961				7,456		7,456
2640 GGCC Billing Purch Services			-						-
2641 Other ADP Billing	257,275		254,242				287,255		287,255
2660 Insurance	35,515		27,858				29,500		29,500
2680 Contract Printing	78,952		74,813				77,888		77,888

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

LEGAL SERVICES TO STATE AGENCIES

2681 Photocopy Reimbursement			-						-
2810 Freight & Storage			-						-
2820 Other Purchased Services	16,417		9,934				12,456		12,456
2830 Office Moving-Pur Services	330		-				-		-
2831 Storage-Purchase Services			-				-		-
3110 Other Supplies and Materials			-				-		-
3112 Automotive Supplies			-				-		-
3113 Clothing and Uniform Allowance			-				-		-
3114 Custodial			-				-		-
3115 DP Supplies	30,400		24,121				29,850		29,850
3116 Purchased/Leased Software	24,675		4,719				16,500		16,500
3117 Educational	1,197		3,250				2,800		2,800
3118 Food and Food Service Supplies			-				-		-
3120 Books & Subscriptions	71,931		34,218				55,452		55,452
3121 Office Supplies	37,157		37,698				45,245		45,245
3122 Microfilming/Photo. Supplies			-				-		-
3123 Postage	34,647		29,262				32,233		32,233
3124 Printing			-				-		-
3126 Repair & Maintenance Supplies			-				-		-
3128 Non-Capitalized Equipment	1,156		3,170				-		-
3131 Non-Capitalized Building Materials	11,325		88,714				55,400		55,400
3132 Non Capitalized IT Purchases	28,902		6,100				-		-
3140 Non-Capitalized IT - PC's	52,882		107,140				-		-
3141 Non-Capitalized IT- Servers			10,217				-		-
3143 Non-Capitalized IT Other	23,619		37,043				-		-
3146 Non-Cap. IT Purch. Server Software	1,162		-				-		-
3940 Electricity			-				-		-
3950 Gasoline			-				-		-
3970 Natural Gas			-				-		-
4110 Losses			-				-		-
4111 Prizes and Awards			294				-		-
4117 Reportable Claims Against the State			-				-		-
4140 Dues & Memberships	33,950		35,270				35,270		35,270
4151 Interest - Late Payments	104		-				-		-
4170 Miscellaneous Fees			-				-		-
4180 Official Functions	3,357		1,041				1,525		1,525
4220 Registration Fees	60,772		62,448				61,500		61,500
4221 Other Educational - W2 RPT			-				-		-
6140 Leasehold Improv - Direct Purch			-				-		-

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

6210 ADP Equipment			-						-
6212 IT Servers - Direct Purchase	36,208		-						-
6213 IT PC SW- Direct Purchase	9,270		-						-
6220 Office Furn & Equip			-			9,000			9,000
6224 Other Furn & Fixtures- Direct Purch.			-						-
6480 Other Cap. Equipment-Lease Furn			-						-
6340 Leasehold Improvements			-						-
<b>OPERATING EXPENSE SUBTOTAL</b>	1,989,464		2,109,797		1,445,134		1,445,134		1,445,134
General Fund									
General Fund Exempt									
Cash Funds	-		-						
Reappropriated Funds	1,989,464		2,109,797		1,445,134		1,445,134		1,445,134
<b>DECISION ITEMS: DPA NP Printing of Statewide Warrants and Mainframe Docs</b>									
TF									840
General Fund									
Cash Funds									
Reappropriated									840
<b>DECISION ITEMS: CDPHE Legal Services</b>									
TF									13,207
General Fund									
Cash Funds									
Reappropriated									13,207
<b>ROLLFORWARDS</b>							23,750		
General Funds Exempt							-		
Reappropriated Funds							23,750		
<b>SPECIAL BILLS</b>									
SB 10-072 Seed Potato Act					90		90		90
SB 10-109 Phys Patient relationship Med. Mar					61,246		61,246		61,246
SB 10-124 Healthcare provider disclose info					754		754		754
SB 10-203 CO Elections After Supreme Court					453		453		453
HB 10-1018 Regulate Waste Tire					1,508		1,508		1,508
HB 10-1125 Regulate waste food preparation					754		754		754
HB 10-1128 Supervision of Reg. Professional					(980)		(980)		(980)
HB 10-1141 Mort. Co. Reg. with Div Real Estate					641		641		641

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

LEGAL SERVICES TO STATE AGENCIES

				Request	Total Funds	Request
HB 10-1148 Ren License to Practice Architecture				(1,131)	(1,131)	(1,131)
HB 10-1176 Gov Overpayment of Tax Dollars				200	200	200
HB 10-1193 Collect sales/use tax				4,000	4,000	4,000
HB 10-1224 Colorado Podiatry Board				226	226	226
HB 10-1260 Sunset Board of Med Examiners				1,726	1,726	1,726
HB 10-1278 CO Common Interest Ownership				1,567	1,567	1,567
HB 10-1284 Regulate Medical Marijuana				27,137	27,137	27,137
HB 10-1365 PUC reduce air emissions				1,304	1,304	1,304
HB 10-1415 Reg. of assiss for surgeons				377	377	377
<b>Subtotal:</b>	-	-		<b>99,872</b>	<b>99,872</b>	<b>99,872</b>
<i>Reappropriated Funds</i>	-	-		<i>99,872</i>	<i>99,872</i>	<i>99,872</i>
<b>Potted Operating Expenses</b>						
Workers' Compensation					28,206	
Leased Vehicle Expense					20,389	
Capital Complex Lease Space					694,715	
Lease Space					18,857	
IT Asset Maintenance					321,177	
ADP Capital Outlay					-	
CLE Registration Fees					64,125	
Building Security					67,055	
<b>Total</b>					<b>1,214,524</b>	
<i>Reappropriated Funds</i>					<i>1,214,524</i>	
<b>Annualization of Legislation</b>						
SB 10-072 Seed Potato Act					-	(52)
SB 10-109 Phys Patient relationship Med. Mar						(49,471)
SB 10-124 Healthcare provider disclose info						
SB 10-203 CO Elections After Supreme Court					-	(453)
HB 10-1018 Regulate Waste Tire					-	-
HB 10-1125 Regulate waste food preparation						(377)
HB 10-1128 Supervision of Reg. Professional						-
HB 10-1141 Mort. Co. Reg. with Div Real Estate						-
HB 10-1148 Ren License to Practice Architecture						-
HB 10-1176 Gov Overpayment of Tax Dollars						-
HB 10-1193 Collect sales/use tax						(2,000)
HB 10-1224 Colorado Podiatry Board						452
HB 10-1260 Sunset Board of Med Examiners						(1,658)
HB 10-1278 CO Common Interest Ownership						(1,567)



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

HB 10-1284 Regulate Medical Marijuana									-
HB 10-1365 PUC reduce air emissions									-
HB 10-1415 Reg. of assiss for surgeons								-	1,357
<b>Subtotal:</b>									<b>(53,769)</b>
<i>Reappropriated Funds</i>									<i>(53,769)</i>
<b>OPERATING EXPENSE TOTAL:</b>	<b>1,989,464</b>		<b>2,109,797</b>		<b>1,545,006</b>		<b>2,783,280</b>		<b>1,505,284</b>
General Fund							-		-
General Fund Exempt							-		-
Cash Funds							-		-
Reappropriated Funds	<b>1,989,464</b>		<b>2,109,797</b>		<b>1,545,006</b>		<b>2,783,280</b>		<b>1,505,284</b>
<b>Operating Expense Reconciliation</b>									
Long Bill Appropriation	1,293,569		1,354,987				1,445,134		
Supplemental HB10-1305			42,024						
Supplemental SB09-192	49,236								
Supplemental HB 10-1313 Reg Agencies			(3,755)						
Special Bills -									
SB 10-072 Seed Potato Act							90		
SB 10-109 Phys Patient relationship Med. Mar							61,246		
SB 10-124 Healthcare provider disclose info							754		
SB 10-203 CO Elections After Supreme Court							453		
HB 10-1018 Regulate Waste Tire							1,508		
HB 10-1125 Regulate waste food preparation							754		
HB 10-1128 Supervision of Reg. Professional							(980)		
HB 10-1141 Mort. Co. Reg. with Div Real Estate							641		
HB 10-1148 Ren License to Practice Architecture							(1,131)		
HB 10-1176 Gov Overpayment of Tax Dollars							200		
HB 10-1193 Collect sales/use tax							4,000		
HB 10-1224 Colorado Podiatry Board							226		
HB 10-1260 Sunset Board of Med Examiners							1,726		
HB 10-1278 CO Common Interest Ownership							1,567		
HB 10-1284 Regulate Medical Marijuana							27,137		
HB 10-1365 PUC reduce air emissions							1,304		
HB 10-1415 Reg. of assiss for surgeons							377		
<i>HB 08- 1335 Finance Public School Facility</i>									
<i>HB 08- 1396 Impact of the Canterbury Tunnel</i>									
<i>SB 08-029 Architect Obtain Continuing Ed.</i>	3,001								

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

LEGAL SERVICES TO STATE AGENCIES

	2010	2011	2012	2013	2014	Fiscal Year 2015	
						Funds	NOTE
<i>SB 08-152 Occupational Therapy</i>	3,601						
<i>SB 08-153 Home Care Agencies by DPHE</i>	960						
<i>SB 08-200 Proh. Against Discrimination</i>	20,024						
<i>SB 08-219 Reg. of Massage Therapists</i>	6,003						
<i>HB 08-1058 Uniform Athlete Agents Act</i>	2,521						
<i>HB 08-1161 Mined Land Reclamation Brd</i>	4,802						
<i>HB 08-1226 CPA from another state</i>	1,200						
<i>HB 08-1227 PUC under the Sunset Law</i>	14,406						
<i>HB 08-1257 Veh. with an overweight divisib</i>	3,630						
<i>HB 08-1314 Gambling addiction counseling</i>	955						
<i>HB 08-1325 Non-immigrant Agricultural</i>	1,441						
<i>HB 08-1335 Finance Public School Facility</i>	10,805						
<i>HB 08-1353 Easement in the State</i>	-						
<i>HB 08-1383 Inactive Status for Nursing Lic.</i>	240						
<b>Allocated POTS:</b>							
Vehicle Lease Payments	20,797		19,681			20,389	
Capital Complex Lease Space	627,964		709,085			694,715	
Lease Space	21,576		23,374			18,857	
<i>Worker's Compensation</i>	35,515		28,285			28,206	
IT Asset Maintenance	330,598		321,177			321,177	
Building Security			94,503			67,055	
Postage Increase							
ADP Capital Outlay	8,257						
CLE Registration Fees	64,125		64,124			64,125	
Year-End Transfer							
Rollforward from previous FY						23,750	
Rollforward to Subsequent FY			(23,750)				
Overexpenditure/(Reversion)							
Lapsed Appropriation Cash Funds Exempt							
Lapsed Appropriation Reappropriated Fund	(535,761)		(519,938)				
Other							
<b>TOTAL</b>	<b>1,989,465</b>		<b>2,109,797</b>			<b>2,783,280</b>	
<b>OPERATING AND LITIGATION:</b>							<b>1,505,284</b>
General Fund							-
Cash Funds							-
Reappropriated							<b>1,505,284</b>

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

<b>INDIRECT COST ASSESSMENT</b>	2,676,131		2,665,207		2,608,316		2,608,316		2,608,316	
General Fund										
Cash Funds										
Reappropriated Funds	2,676,131		2,665,207		2,608,316		2,608,316		2,608,316	
<b>INDIRECT COST ASSESSMENT TOTAL</b>	<b>2,676,131</b>		<b>2,665,207</b>		<b>2,608,316</b>		<b>2,608,316</b>		<b>2,608,316</b>	
General Fund										
Cash Funds										
Reappropriated Funds	2,676,131		2,665,207		2,608,316		2,608,316		2,608,316	
<b>Indirect Cost Assess. Reconciliation</b>										
Long Bill Appropriation	2,676,131		2,697,806				2,608,316			
Lapsed Appropriation Reappropriated Funds			(32,599)							
Other										
TOTAL	2,676,131		2,665,207				2,608,316			
<b>GRAND TOTALS LSSA (PS, OP, IND)</b>	<b>24,345,020</b>	<b>203.5</b>	<b>24,532,997</b>	<b>212.7</b>	<b>23,740,102</b>	<b>230.6</b>	<b>26,848,113</b>	<b>230.6</b>	<b>23,750,169</b>	<b>227.6</b>
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,582,342		1,659,140		1,582,388		1,582,388		1,659,140	
Reappropriated Funds	22,762,678		22,873,857		22,157,714		25,265,725		22,091,029	



## SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

<b>Schedule 3 Total</b>	24,345,020	24,532,997	23,740,102	26,848,113	23,750,169
General Fund	-	-	-	-	-
General Fund Exempt	-	-	-	-	-
Cash Funds	1,582,342	1,659,140	1,582,388	1,582,388	1,659,140
Reappropriated Funds	22,762,678	22,873,857	22,157,714	25,265,725	22,091,029
Federal Funds	-	-	-	-	-
<b>CASH FUNDS</b>					
Various Sources of Cash				1,582,388	1,659,140
Fringe Benefits					
AIDT Receivership and Liquidation		25,089			
Florence State Nursing Home	13,655	10,481			
Trinidad State Nursing Home	9,000	559			
Colo State VA Center-Homelake	2,655	5,024			
Rifle State Nursing Home	40,831	25,512			
Service Director of Nursing Homes	594	187			
PERA	931	2,206			
Colorado Student Loan Program	25,502	19,791			
Student Obligation Bond Authority	31,045				
Correctional Industries	34,158	8,908			
Auraria Higher Education Ctr-Tabor Enterp		78			
CU Health Sciences Center	1,628	9,505			
Revenue - Lottery	19,492	13,640			
Division of Wildlife-Enterprise	614,646	572,086			
Cumbres & Toltec RR	957	39			
Colo School Dist Self Insurance PL		3,155			
Disability Insurance Trust	28,251	27,535			
SVC-State VA Center - Fitzsimons	32,651	25,889			
AHEC	65,168	57,841			
State Board of Agriculture	128,896	82,138			
DOAG/Brand BD	4,757	3,170			
School of Mines	166,066	190,483			
UNC	10,893	29,914			
Adams State College	98,468	141,079			
Metro State College	35,960	57,007			
Mesa State College	47,309	45,635			

## SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

### Department of Law

### LEGAL SERVICES TO STATE AGENCIES

Item	Actual	Actual	Approved	Estimate	Request
	FY 2011	FY 2010	FY 2011	FY 2011	FY 2012
Western State College	55,682	52,620			
Ft. Lewis College	63,016	85,323			
CCCOES	73,440	62,358			
Private VOC School	28,914	66,911			
CU Boulder	5,479	6,212			
CU - Colorado Spring	540				
CSU-Global Campus	54	2,823			
Open Records Requests					
Authorities - State Comp.					
Student Loan		4,042			
DOLE Petroleum storage tank	11,557	21,904			
Reversion of Excess Earnings to G/F (CF)					
<b>Subtotal Cash Funds</b>	<b>1,652,191</b>	<b>1,659,140</b>		<b>1,582,388</b>	<b>1,659,140</b>
<b>REAPPROPRIATED FUNDS</b>					
Various Sources of Cash Exempt Administration				25,265,725	22,091,029
Agriculture	316,113	292,034			
Colorado Horse Development Authority	216				
Corrections	1,062,189	1,392,644			
Education	426,701	345,494			
Governor's Office	150,372	431,223			
Governor's Office - OIT					
Energy Conservation	50,418	56,442			
Public Health and Environment	2,132,964	2,131,732			
Higher Education	45,837	8,362			
HE - Comp Resort Auth	278	117			
Arts and Humanities Council					
Historical Society-C&TS Railroad	110,436	62,460			
Health Care Policy and Financing	876,762	753,052			
Human Services	1,458,172	1,482,484			
Judicial	223,896	185,579			
Law - HIPAA	17,490	3,538			
Law - POST	2,469	4,663			
General Assembly (GA)	11,186	8,296			

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**LEGAL SERVICES TO STATE AGENCIES**

Labor & Employment	610,778	589,915			
Local Affairs	74,871	146,356			
Military Affairs	3,303	9,631			
Natural Resources	2,467,619	2,688,053			
Personnel	340,278	269,622			
Risk Management	2,239,031	2,094,331			
Public Safety	165,561	130,810			
Regulatory Agencies	7,396,817	7,546,070			
Revenue	805,927	827,640			
Revenue - Gaming	139,915	132,878			
Secretary of State	234,634	319,730			
Transportation	1,361,980	1,187,488			
Treasury	89,796	126,651			
State Fair Authority	17,064	14,528			
Rollforward		(23,750)			
Capital Construction Expenses					
Transfer to Fund Litigation Mgmt Fund		(325,000)			
Reversion of Excess Earnings to GF (CFE)		(19,214)			
Underearned Revenue					
<b>Subtotal Reappropriated Funds</b>	<b>22,833,073</b>	<b>22,873,857</b>		<b>25,265,725</b>	<b>22,091,029</b>
<b>Total Revenues - CF and RA</b>	<b>24,485,264</b>	<b>24,532,997</b>			





# Criminal Justice & Appellate Section

Criminal Justice  
Deputy Attorney General

Deputy Solicitor General

Criminal Appeals

Special  
Prosecutions Unit

Financial Fraud

POST Board

Medicaid Fraud

Victim Assistance

Complex Crimes  
Unit

Foreign  
Prosecution Unit

Gang Prosecution  
Unit

Environmental  
Crimes

Worker's Comp  
Fraud Unit

Securities Fraud

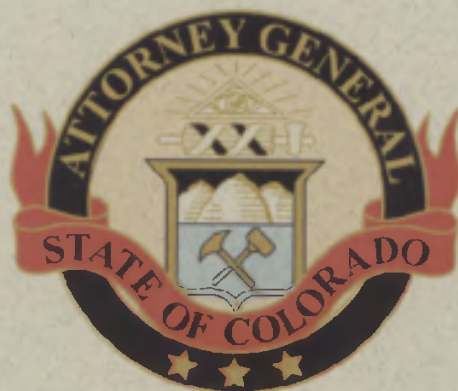
Insurance Fraud

Homicide  
Assistance

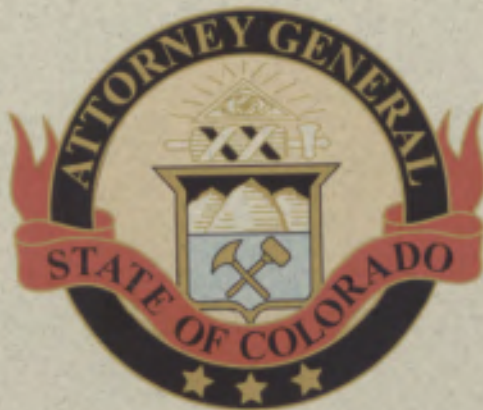
# **FY11-12 Reconciliation of Request**

## **Criminal Justice & Appellate**

- A. SP Unit**
- B. Appellate**
- C. Medicaid Fraud**
- D. POST Board**
- E. Safe 2 Tell**
- F. Insurance Fraud Unit**
- G. Securities Fraud Unit**
- H. Capital Crimes Pros**
- I. Victim's Assist**
- J. CJ&A Indirect**



# Narrative Special Prosecutions



## **I) BACKGROUND INFORMATION: SPECIAL PROSECUTION SECTION.**

The Attorney General's trial prosecution efforts are focused in multiple areas: 1) Workers' Compensation Fraud, 2) Complex Crimes, 3) Environmental Crimes, 4) Gang Prosecution, 5) Foreign Prosecutions and 6) the Homicide Assistance Team (HAT). Of these duties, the "Special Prosecutions Unit" (hereinafter SPU) dealt with all six areas in FY 10. The SPU is also involved in several outreach programs associated with mitigating gang activity, preventing school violence and responding to child abductions.

In FY 10 the SPU consisted of 12.8 FTE: five full-time attorneys, five investigators and one legal assistant, one program assistant and .8 of the Deputy AG for Criminal Justice.

The best review of the Special Prosecutions Line Item is provided by an individual review of each of four subject areas:

### **1. Complex Crimes**

The Complex Crimes Unit prosecutes cases that: 1) Are referred to us because of our specialized knowledge or experience or 2) Are multi-jurisdictional cases investigated through the use of the state grand jury and local District Attorneys requested we continue to prosecute the cases.

This unit derives its authority to investigate and prosecute from three sources: a) statutory authority granted directly to the Attorney General; b) appointment by a local District Attorney to act as a Special Deputy District Attorney; and c) gubernatorial order.

Complex crimes matters required the efforts of four attorneys and three investigators. Several areas of expertise include racketeering cases, domestic terrorism, identity fraud, large check fraud schemes, methamphetamine rings, mortgage fraud and tax fraud.

One of the investigators and one of the prosecutors allocate a portion of their time to gang prosecutions as needed. The remaining complex crime prosecutors focused on the financial and narcotic crimes associated with the gang activities and organized criminal enterprises.

### **2. Environmental Crimes Unit**

The primary function of the Environmental Crimes Unit is to investigate and prosecute and assure remediation for environmental crimes occurring in the State of Colorado. The unit also provides investigative and prosecutorial expertise and support to statewide law enforcement efforts against entities committing environmental crimes in the state. The unit also coordinates a state/federal task force for the purpose of engendering an interrelated effort to contend with environmental crimes affecting Colorado. Members of the unit also work with the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency to increase awareness and

recognition of environmental crimes through training programs directed at local regulators, law enforcement, and other agencies intimately related to the management of Colorado's resources.

The unit derives its authority from statutory authority granted directly to the Attorney General and special appointment by district attorneys. The Unit consists of one Attorney General Prosecutor, a Special Assistant Attorney General as needed on loan from the Environmental Protection Agency, an Attorney General Investigator, and a criminal investigator on loan from the Environmental Protection Agency's Criminal Investigations Division. All costs associated with the EPA Attorney and Investigator are borne by the EPA. The unit investigates and prosecutes environmental crimes regardless of media (i.e. hazardous waste, hazardous substances, water and air) using existing environmental statutes and other crimes enumerated in the criminal code when applicable.

### **3. Gang Prosecution Unit**

Gangs are a continuing problem in Colorado. The Gang Prosecutions Subunit ("GPU") began in 2000 with a mission to decrease the impact gangs have on the community. Since the inception of the unit, we have indicted over 138 gang members on over 250 felony charges. The majority gang members have been indicted on racketeering related charges. These prosecutions have all resulted in felony convictions and dozens of years in prison sentences. The GPU works to accomplish that goal through collaborative efforts with other agencies. The GPU prosecutes gang-related multi-jurisdictional crimes. Since the GPU started, many gang members have been successfully indicted and convicted under the Colorado Organized Crime Control Act ("COCCA").

The COCCA laws are similar to federal racketeering laws. Racketeering cases are complex, and demand a lot of resources to adequately investigate and prosecute. Investigations often requires months of collaborative work with numerous agencies before sufficient evidence exists to prosecute these cases. The complexity of these large, multi-jurisdictional cases demand prosecution by experienced attorneys.

In addition to investigation and prosecution, the GPU should be involved with community outreach. Until recently, an attorney from the GPU is a legal advisor to the Colorado Gang Advisory Board ("CoG"). Another attorney from the Attorney General's Criminal Justice Section is now the legal advisor to "CoG." The other COG board members are representatives from the Colorado Bureau of Investigations and Colorado law enforcement agencies. COG created and maintains a gang database that is used by law enforcement statewide. The GPU also provides educational outreach and training to prosecutors, police officers, school officials, mental health professionals, law enforcement commanders and corrections officials. Specifically, Investigator Gary Clyman continued to do law enforcement training and instruction teaching the Gang segment at two local POST training academies as well as the Terrorism block of instruction at three academies. Investigator Clyman teaches counter-terrorism courses for two federally funded (USDOJ) programs.

During most of a recent fiscal year a full time investigator was assigned to the Metro Gang Task Force (MGTF) to work a multi-agency investigation concerning a gang-motivated drug trafficking organization. This required a daily presence of the investigator at the MGTF off-site location in Aurora. The assignment included daily moving surveillance of targets in the metro Denver and Colorado Springs area, participation in planning and operation of undercover drug transactions, work in the listening post during the wiretap phase, interviewing subjects, search warrants, and informant development and management. While the specific investigation in the metro Denver and Colorado Springs area terminated, the relationship between the GPU and MGTF continues.

#### **4. Foreign Prosecutions**

Each year fugitives flee Colorado after committing homicides. State records reveal 226 active homicide arrest warrants. Nearly 20% of these warrants reveal that the murder fugitive fled to Mexico to avoid prosecution in Colorado. The CBI database indicates 43 murder fugitives believed to be Mexican nationals returned to their country of origin and currently are residing in the Republic of Mexico.

There are two avenues available to states when attempting to prosecute fugitives that have fled to Mexico. First, the state may attempt to extradite the fugitive back to the United States for prosecution. Second, is the option to prosecute the fugitive in Mexico under Article IV of the Mexican Federal Penal Code. Extradition treaties exist between Mexico and the U.S. However, the Government of Mexico has been reluctant to extradite Mexican nationals back to the United States. There have been limited extraditions of Mexican nationals for serious drug offenses and certain aggravated murders.

The other option available in prosecuting fugitives in Mexico is prosecution in Mexico under Article IV of the Mexican Penal Code. This option, provided by the government of Mexico, is to try their citizens in Mexico for crimes committed in the U.S. If convicted, the offenders serve their sentence in a Mexican prison. In 2001, the General Assembly granted funding for a bilingual investigator at the Attorney General's Office to be the coordinator for Colorado Article IV prosecutions. Mexico's Article IV requires the case be submitted by either the State or Federal Attorney General. The FPU investigator works both with the Mexican Attorney General's Office (PGR), and Colorado law enforcement, to facilitate appropriate Article IV filings and prosecutions of Colorado cases.

In 2009 the Attorney General's Foreign Prosecution Unit (of one investigator) prepared and filed two cases; one murder case involving three fugitives. A total of four Mexican Federal Warrants for homicide were obtained in 2009 for homicides that occurred in Adams County and Montrose, Colorado. In addition, FPU receives requests from Mexico to locate and detain murder fugitives seeking refuge in Colorado. With the cooperation of ICE and other law enforcement, four homicide suspects were apprehended and returned to Mexico and are no longer a threat to Colorado citizens.

## **5. Worker's Compensation**

The primary function of the Workers' Compensation Fraud Unit is to provide investigative and prosecutorial expertise for statewide law enforcement efforts against employees and employers who perpetrate workers' compensation fraud on the Colorado Compensation Insurance Authority d/b/a Pinnacol Assurance. Cases are acted upon after the Special Investigation Unit at Pinnacol completes an initial investigation of possibly criminal behavior and refers the case to the Attorney General's Office for potential prosecution. The Workers' Compensation Fraud Unit reviews the case, performs additional investigation where necessary, and files appropriate criminal charges if warranted.

There are various types of workers' compensation fraud, including individuals who falsely claim injuries, individuals who are actually working while collecting benefits, individuals who are malingering in their injuries, subcontractors who falsely document having the required workers' compensation insurance and businesses which misrepresent the scope and nature of their business operations to avoid higher insurance premiums.

## **6. Homicide Assistance Team**

The Homicide Assistance Team (HAT) is a two-attorney, one-investigator unit. HAT was created by the Legislature in fiscal year 1994-1995 to assist District Attorneys by providing additional investigative and prosecutorial resources in their active, cold-case, and death-penalty-eligible homicides and to more effectively analyze and prosecute these cases. In addition to providing legal assistance in the prosecution of cases, the Unit has provided investigator assistance as well. HAT's work load is dictated by the incidence of homicides, as well as District Attorney requests for assistance.

The team has handled capital appeals in both the state and federal appellate courts, and post-conviction proceedings involving death row inmates. HAT has performed a primary role in responding to legal and logistical needs during the execution process and is the only prosecutorial entity in Colorado, which provides expertise on capital cases from initial investigation through execution.

The HAT attorneys and investigator only become involved in a case upon the request of the local District Attorney and the approval of the Attorney General. As anticipated, requests by state prosecutors to HAT for consultation or other assistance was greater than the assistance that could be provided.

## **II) PRIOR YEAR LEGISLATION**

1) Money Laundering- C.R.S. 18-5-309. This new statute was enacted to replace C.R.S. 18-18-408 which was repealed. The most significant aspect of this new legislation is that it now addresses the majority of the commonly observed behaviors that are executed by individuals who purposefully maneuver proceeds that were obtained from conducting

various criminal activities. This is important because this new crime is now applicable to the entire criminal code, not just to crimes that were in violation of the Uniform Controlled Substances Act.

**III) HOT ISSUES:**

- 1) Ongoing investigation of the Peggy Hettrick homicide by Order of the Governor.

In early 2008, Governor Ritter ordered the Criminal Justice Section to undertake the investigation of the 1987 murder of Peggy Hettrick. This office is now tasked with a renewed investigation of that murder. Apart from the resources required to rework the entire investigation from the beginning in an effort to objectively consider all of the available evidence, the advent of modern DNA procedures and the costs associated with that science are significant factors in this renewed effort to solve this crime. This investigation continues to be a highly intensive effort that is using significant amounts of office resources and personnel time.

- 2) Investigation of Conservation Easement abuse by Order of the Governor.

In 2008, Governor Ritter ordered this section to undertake an investigation into the possibility of criminal conduct in the utilization of conservation easements in Colorado. While state administrative actions have been taken against various individuals where appropriate, the task for this office is to determine whether or not there is criminal culpability in any of scenarios referred to this office for investigation. A complicating factor relates to the interplay between issues falling exclusively under the jurisdiction of the Internal Revenue Service and those potentially enforceable by the Colorado Department of Revenue. While the 2009 legislature tightened some of the many loosely written aspects of the original legislation, those changes do not apply retroactively. The loopholes present in state law relating to conservation easements prior to the 2009 statutory revisions remain a challenge in undertaking this task for the Governor. However, this topic remains part of an ongoing investigation in the Statewide Grand Jury.

**IV) WORKLOAD MEASURE:**

**WORKLOAD INDICATORS**

**1. Complex Crimes**

Objective: To utilize the Statewide Grand Jury to a greater extent and obtain at least 10 felony indictments.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request



Grand Jury investigations initiated in FY. (individuals)		45	105		
Indictments obtained in FY (individuals)		37	93		

Objective: To open 40 new investigation files, file 25 new cases in court and obtain at least 15 felony convictions.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Total new investigations opened (individual)		94	169		
Total new cases filed (individuals)		66	141		
Felony convictions obtained		48	86		
Misdemeanor convictions obtained		13	5		
Cases Closed		61	95		

Objective: To obtain restitution, fines and cost recoveries in appropriate cases.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Fines, costs and restitution ordered.		\$606,129	\$1,955,613.02		

Objective: To participate in multi-jurisdictional case-driven task forces and information exchanging work groups.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Intergovernmental Cooperation		30	25		

Objective: To continue in multi-jurisdiction case-driven task forces and information exchanging work groups.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
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Training sessions given.		14	31		
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## 2. Environmental Crimes Unit

Objective: Maintain the effort of the Environmental Crimes Prosecution Unit to work in collaborative effort with local law enforcement, local emergency response personnel, District Attorneys, the Colorado Department of Public Health and Environment and the US Environmental Protection Agency.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Draft proposal to secure federal funding or support of a cooperative criminal enforcement effort to combat environmental crimes within the borders of the State of Colorado		50%	50%		

Objective: To enforce compliance with existing environmental laws and regulations through investigation and prosecution of environmental crimes.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
New investigations opened		10	32		
New cases filed		2	12		
Felony convictions obtained		2	6		
Cases closed		6	6		
Jury trials		0	0		
Court trials		0	0		

Objective: To increase the State of Colorado's participation in cohesive state and federal effort to combat environmental crimes.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Increase membership participation in state/federal task forces and unified state environmental programs		3	3		

Objective: To increase awareness of environmental criminal activity within the State of Colorado by conducting statewide training.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Conduct local/state/federal awareness training to entities concerned with Colorado's environment		12	15		

### 3. Gang Prosecution Unit\*

Objective: To prosecute gang members, with the State Grand Jury, for multi-jurisdictional criminal activities.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Gang members investigated**		32	77		
Gang members indicted**		32	77		
Felony convictions obtained for gang members		21	49		
Number of years Department of Corrections		159	237		
Trials		2	0		

\* A "Gang" means a group of three or more individuals with a common interest, bond and whose activity is characterized by criminal or delinquent conduct.

### 4. Foreign Prosecution

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Active Cases		11	13	16	
Article IV cases filed in Mexico		2	2	3	
Extraditions/assists		9	7		

### 5. Worker's Compensation

Objective: To utilize the state grand jury, search warrants, audits and other criminal investigative tools to investigate potential worker's compensation fraud cases including, but not limited to: false statement to obtain worker's compensation benefits, forgery, theft, perjury and offering a false instrument for recording.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Conduct investigations and increase the number of cases referred	Target				
	Actual	27	17		
To decrease the number of cases declined	Target				
	Actual	5	3		

Objective: To vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, jail sentences, restitution, fines and penalties.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
To increase the number of active filed cases	Target				
	Actual	12	10		
To obtain orders for restitution cost savings and fines	Target				
	Actual	15	11		
To obtain orders for restitution cost savings and fines	Target				
	Actual	\$146,238	\$355,865		
To bring at least one case to trial	Target				
	Actual	2	0		

Objective: To reduce the loss of revenues to the State Compensation Insurance Authority resulting from fraud by employers through the deterrent effect of prosecuting violators.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
To increase the number of cases of fraud by employers	Target				
	Actual	6	6		

Objective: To reduce the victimization of employees who may be injured while working for non-complying employers and who consequently do not receive benefits they would be entitled to through the deterrent effect of prosecuting violators.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
To increase the number of cases of intentional false representation of employers	Target				
	Actual	6	2		

Objectives: To create a more equitable business environment for law-abiding employers who are injured as a result of the unfair competition created by those employers whose business costs do not include the payment of premiums.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
To increase the number of cases of false certificate of insurance cases	Target				
	Actual	6	1		

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Number of case referrals	Target				
	Actual	27	21		
Number of active investigations increased	Target				
	Actual	27	21		
Number of filed cases increased	Target				
	Actual	12	10		

\*Instead of straight deferrals, cases are not staffed prior to referral to achieve better quality cases for prosecution and to reduce declinations. This has resulted in a significant reduction in the number of cases referred to us by Pinnacol Assurance.

## 6. Homicide Assistance Team

Objectives: The objective of the Unit is to assist local District Attorneys in the investigation, evaluation, and prosecution of homicides. If the death penalty is

sought, the prompt and effective assistance to the local District Attorney in filing and arguing motions, and trying cases, as requested by the local jurisdiction.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
ColdCase/Active Homicide Assistance		21	13	30	40
Death Penalty Case Assistance		7	3	3	3

### 7. Insurance Team

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud relating to insurance which local jurisdictions would be unable to effectively handle.

Workload Measures		Actual FY09	Actual FY10	Estimate FY11	Request FY12
<b>Measure 1.1</b> Criminal Investigation Opened	<b>Target</b>	60		60	60
	<b>Actual</b>	37			
<b>Measure 1.2.</b> Criminal Cases Filed	<b>Target</b>	30		30	30
	<b>Actual</b>	16			
<b>Measure 1.3</b> Jury trials	<b>Target</b>	2		2	2
	<b>Actual</b>	1			
<b>Measure 1.4</b> Convictions Obtained	<b>Target</b>	22		22	22
	<b>Actual</b>	17			
<b>Measure 1.4</b> Restitution Ordered	<b>Target</b>	450,000		\$450,000	\$450,000
	<b>Actual</b>	\$274,905			
<b>Measure 1.6</b> Publicize convictions obtained	<b>Target</b>	5		5	5
	<b>Actual</b>	1			

## 8. Securities Team

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to securities fraud which local jurisdictions would be unable to effectively handle.

Workload Measures		Actual FY09	Actual FY10	Estimate FY11	Request FY12
<b>Measure 1.1</b> Criminal Investigation Opened	18	18		12	12
	9	11			
<b>Measure 1.2.</b> Criminal Cases Filed	12	12		12	12
	9	6			
<b>Measure 1.3</b> Jury trials	2	2		2	2
	2	2			
<b>Measure 14.</b> Convictions Obtained	12	8		10	10
	8	10			
<b>Measure 1.5.</b> Restitution Ordered	\$2,500,000	\$2,000,000		\$3,000,000	\$3,000,000
	\$12,921,409	\$12,664,705			
<b>Measure 1.6.</b> Media items published	5	4		15	15
	41	31			

## **D) BACKGROUND INFORMATION: INSURANCE FRAUD UNIT**

The Insurance Fraud Unit is comprised of 7.5 FTE positions which are funded by an industry assessment through the Division of Insurance of the Colorado Department of Regulatory Agencies. The Insurance Fraud Unit provides investigative and prosecutorial resources for combating insurance fraud statewide. The general goals of the Insurance Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential insurance fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators.

The cases handled by the Unit embrace the entire spectrum of insurance fraud, including, but not limited to, insurance agent fraud; claimant fraud; bail bondsman violations; workers compensation fraud; and false claims of casualty and property loss.

## **II) PRIOR YEAR LEGISLATION**

The Insurance Fraud Unit did not sponsor or promote any legislation in FY 2008-2009.

## **III) HOT ISSUES**

Major fraud cases: In the past fiscal year, the unit had one trial. It was held in Grand Junction and involved Camden Fortney, owner of Camden Motors in Grand Junction, who paid bribes to Terry Robinson, an independent adjuster for Colorado Casualty, and to Cathy Cross, an employee of Colorado Casualty. Fortney paid the bribes to encourage Robinson and Cross to make salvage vehicles available for him to purchase without salvage titles. A vehicle is considered "salvage" when the cost to repair the vehicle exceeds its value. These vehicles are deemed to be unsafe to operate. The vehicles may be rebuilt and if they pass inspection they may be safely operated, but their value is significantly less than a non-rebuilt vehicle. Generally financing and insurance cannot be obtained for rebuilt vehicles. The benefit to Fortney of buying salvage vehicles without salvage titles is that he can rebuild and sell the vehicles at a much greater profit than if they had been properly titled. Victims at trial testified that they had no idea how unsafe their vehicles were to drive and it was an emotional case. Fortney was convicted of 16 counts of commercial bribery, 3 counts of theft and 2 counts of conspiracy. He was sentenced to 53 years in the Department of Corrections and a restitution order of \$584,488.64.

In May of 2010, the unit indicted 12 individuals for their involvement in a staged/fictitious auto accident ring. 8 of the defendants were charged with violation of the Colorado's Organized Crime Control Act, a class 2 felony. Most of these individuals were involved (some for at least a decade) in purchasing salvaged cars which were then either allegedly repaired by a company that one of the defendant's owned and then titled in a straw man's name so they could create or claim damage from staged accidents in



order to defraud insurance companies into paying false damages. Many of the cars were used in several staged accidents, but they were always re-titled and insured with a different company for subsequent fraudulent claims. Over 150 accidents were investigated; the Statewide Grand Jury indicted this group for over 30 fraudulent accidents which often involved more than one false claim per accident. More than 20 insurance companies were defrauded by this group. They are all current pending cases in Arapahoe District Court. Several of the defendants have fled to Lebanon and Saudi Arabia.

The unit also indicted four individuals in relation to a prescription fraud ring. A nurse who had lost his license to practice nursing, got a nursing job at a pediatric doctors office and used the clinic's prescription pads to forge controlled substance prescriptions for himself and others. This nurse became the nursing supervisor and he enabled other nurses in the practice to call in fraudulent prescriptions for him and others. The defendant's are all charged in Arapahoe County.

In April of 2010, the unit indicted two people for fraudulent billing and up coding of medical procedures in chiropractic clinic. Patients were recruited by the owner who were then mainly treated by massage only, and the billings were submitted for more expensive chiropractic and medical procedures to several insurance companies, who paid the fraudulent bills. They only licensed medical provider at the clinic (a chiropractor) was indicted. The case was filed in Denver County.

In the past few fiscal years, the Unit has seen an increase in the number of staged accidents of motor vehicles. The Unit has been attempting to coordinate investigation of staged accident rings with the dozens of insurance companies affected. By working with the National Insurance Crime Bureau, the Unit has been attempting to follow patterns of crime that have not been noticed by the individual insurance companies because the losses have been so spread out among different companies.

The Unit received 336 referrals from insurers in FY08, 404 referrals from insurers in FY09 and 839 in FY10. It is assumed that the poor economy has contributed to the significant increase in suspected fraud. The vast majority of these referrals were submitted for reporting purposes only as insufficient evidence existed to prosecute. The Unit's paralegal and investigators meet throughout the year with the insurers' Special Investigation Units to answer questions and give suggestions on presenting claims for prosecution.

IV) WORKLOAD MEASURE:

WORKLOAD INDICATORS

Workload Measures		Actual FY09	Actual FY10	Estimate FY11	Request FY12
<b>Measure 1.1</b> Criminal Investigation Opened	Target	60	60	50	50
	Actual	37	16		
<b>Measure 1.2.</b> Criminal Cases Filed	Target	30	30	30	30
	Actual	16	31		
Measure 1.3 Jury trials	Target	2	2	2	2
	Actual	1	1		
<b>Measure 1.4</b> Convictions Obtained	Target	22	22	22	22
	Actual	17	12		
<b>Measure 1.4</b> Restitution Ordered	Target	450,000	\$450,000	\$450,000	\$450,000
	Actual	\$274,905	\$947,472		
<b>Measure 1.6</b> Publicize convictions obtained	Target	5	5	5	5
	Actual	1	6		

Performance Measures

1. Complex and/or multi-jurisdictional fraud investigations and prosecutions

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud relating to insurance which local jurisdictions would be unable to effectively handle.

Performance Measures		Actual FY09	Actual FY10	Estimate FY11	Request FY12
<b>Measure 1.1</b> Investigate multi- jurisdictional insurance fraud cases in the grand jury, and obtain indictment	Target	4	4	4	4
	Actual	4	3		

where appropriate.					
<b>Measure 1.2.</b> Restitution actually collected pursuant to court order	Target	\$100,000	\$100,000	100,000	100,000
	Actual	\$208,023	\$115,288		

*Strategy:* The Unit receives referrals from numerous sources. Fraud referrals often require substantial investigation, and some investigations take months or years. Many of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons including lack of provable criminal intent, and inconsistencies or vagueness of applicable rules.

The Unit endeavors to be as quick and responsive as possible in receiving referrals, opening investigations, and bringing cases through the court system. When cases are not appropriate for investigation, the Unit occasionally refers them to other agencies or informs the referring entity or person of alternative avenues that may allow their concerns to be addressed.

*Evaluation of Prior Year Performance:* The Unit's indictments were right on track with the estimate and restitution collected was much higher than anticipated.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table. Indicators show that the Unit has the ability to handle both routine cases and the more complex cases that are highly demanding of employee time.

2. Case openings, assignments, and processing

*Objective:* To quickly process referrals once they are received in Unit and, after initial review, continue the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

Performance Measures		Actual FY09	Actual FY10	Estimate FY11	Request FY12
<b>Measure 2.1</b> Assign an investigator and attorney at the time of case opening	Target	60	60	50	50
	Actual	37	16		
<b>Measure 2.2</b> Update case status reports monthly and provide reports to Division of Insurance	Target	12	12	12	12
	Actual	12	12		

*Strategy:* As the Unit's case load has varied in simple to more complex cases, it has become increasingly important for the Unit to promptly assign cases to the respective investigators and attorneys, and to monitor and assess the progress of each case on at least a quarterly basis. Due to the multiple defendant grand jury indictments, more resources were put towards working larger, more complex cases.

*Evaluation of Prior Year Performance:* Assignments and monitoring have proceeded according to the standards set, and this has assisted the Unit in keeping its cases progressing satisfactorily.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing overall Unit caseload.



## **I) BACKGROUND INFORMATION: SECURITIES FRAUD UNIT**

The Securities Fraud Unit is comprised of 5.8 FTE positions, 2.0 of which are funded by an industry assessment through the Division of Securities of the Colorado Department of Regulatory Agencies. The Attorney General's Office has original jurisdiction to both investigate and prosecute crime relating to securities, and the Securities Fraud Unit provides investigative and prosecutorial resources for combating securities fraud statewide. The general goals of the Securities Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential Securities fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators. The Unit also strives to assist and support other agencies in investigating and prosecuting securities fraud violations.

The cases handled by the Unit generally involve the prosecution of individuals who solicit and receive investor money for investment schemes that are not regulated. Often times these schemes target groups of people such as the elderly or church members who either know or know of the person soliciting their money. Many of these cases are "Ponzi" schemes, where earlier investors are paid returns with the contributions of later investors to maintain a façade of success and legitimacy.

## **II) PRIOR YEAR LEGISLATION**

The Securities Fraud Unit did not sponsor or promote any legislation in FY 2009-2010.

## **III) HOT ISSUES**

**Major fraud cases:** In February 2009, Kenneth Berry was charged with ten counts of Securities Fraud, three counts of Theft, and charged as a habitual criminal. The charges, filed in Jefferson County, stem from Berry's defrauding investors who believed they were investing in state-of-the-art biotechnology software secured by U.S. government contracts. Berry never told investors that their money was used to pay his personal expenses, including a mortgage, or that he had been previously convicted of multiple fraud and theft-related felonies. Berry pleaded guilty to one count of Securities Fraud and one count of Theft (both Class-3 felonies) on April 14, 2010. He was sentenced on June 17, 2010 to 20 years in the Department of Corrections - 10 years on each count to be served consecutively. He was ordered to pay more than \$116,000 in restitution to five victims. Berry's co-defendant and wife, Anne Wakeford Berry, pleaded guilty to one count of Securities Fraud and one count of Theft. She was sentenced to five years probation, which includes one year of county jail, and owes restitution joint and severally with Kenneth Berry.

Jason Brooks collected over \$10 million dollars from investors from July 2005 through April 2008. He told investors they were investing in an electronics resale enterprise. He didn't tell them that, in fact, he was using latter investors' money to pay earlier investors

their promised returns, or that he used investor monies for his personal expenses, including real estate, automobiles, jewelry, and approximately \$1.5 million in gambling losses. Brooks was indicted by the State Grand Jury in May 2009 with twenty-three counts of Securities Fraud and one count of Theft (all Class-3 felonies). He pleaded guilty to four counts of Securities Fraud in Weld County in February 2010. On April 18, 2010, Brooks, a first-time offender, was sentenced to 32 years in the Department of Corrections - 8 years on each count to be served consecutively – and restitution of over \$5 million dollars to 55 victims. Donald Carew, Brooks' co-defendant, was indicted on three counts of Securities Fraud. He pleaded guilty to one of those counts in February 2010, and was sentenced to 4 years probation and \$37,550 restitution to two victims.

Mark Polunci solicited at least 6 persons to invest over \$1,300,000 through two real estate companies from January 2005 through August 2006. Investors were promised returns of from ten to twenty percent on their investments, which were to be used to purchase distressed real estate at a discount and then resold, by Polunci, for the large returns. Investors received promissory notes to memorialize their investment. Polunci failed to disclose to investors the actual financial condition of his businesses, a prior bankruptcy, previous lawsuits, or that he used investor funds for personal use and to pay back previous investors. The State Grand Jury indicted Polunci in October 2008, charging him with seven counts of Securities Fraud and one count of Theft (all Class-3 felonies). The case was filed in Douglas County, where he pleaded guilty to one count of Securities Fraud in April 2009. A first-time offender, Polunci was sentenced in August 2009 to seven years in the Department of Corrections and ordered to pay almost \$1.3 million dollars in restitution to the six victims.

Derek Kent, and co-defendant Adam Kelepolo, through Lion Gate Homes, Inc. and Larkspur Railyard Land, LLC., solicited investments in a real estate development from November 2004 through March 2007. Many of the investors were clients of Kent's while he was a licensed stockbroker and financial advisor with AIG. During the course of soliciting and accepting money, both Kent and Kelepolo failed to tell investors that their monies were used to partially satisfy a bank debt that the two had incurred. Investors weren't even aware of the existence of the debt, or that a related lawsuit had been filed against Kent and Kelepolo. Kent also diverted investor funds to pay personal and business expenses. Kelepolo lost over \$95,000 of Lion Gate money in gambling at various Colorado casinos, and he used over \$40,000 of investor money for personal expenses, including his mortgage and household expenses. In May 2009, the State Grand Jury indicted the pair, and the cases were filed in Douglas County. Kent was charged with four counts of Securities Fraud and one count of Theft; Kelepolo was charged with two counts of Securities Fraud and seven counts of Theft (all Class-3 felonies). Kent pleaded guilty to one count of Securities Fraud in December 2009. He was sentenced in February 2010 to five years in the Department of Corrections and more than \$750,000 in restitution to fifty victims. Kent is a first-time offender. Kelepolo, also a first-time offender, pleaded guilty to one count of Securities Fraud in April 2010; sentencing is set for October 14, 2010. A pre-sentence investigation report has recommended Kelepolo serve time in prison.

With the current economic problems and volatility in the stock market, the Unit expects to see more fraud in the non-regulated investment world. When traditional investments fair poorly, both sophisticated and less sophisticated investors often seek investments outside of the traditional, regulated markets, which can easily lead to fraud due to a lack of oversight or regulation.

This Unit is especially in need of a forensic auditor to aid in both the investigation and prosecution of securities fraud. Securities Fraud cases often arise out of millions of dollars being misappropriated and the addition of an auditor would aid the detection and prosecution of these cases. It is anticipated that one third of an auditor's time will be available to the unit in the coming year.

#### **IV) WORKLOAD MEASURE:**

##### **WORKLOAD INDICATORS**

<b>Workload Measures</b>		<b>Actual FY09</b>	<b>Actual FY10</b>	<b>Estimate FY11</b>	<b>Request FY12</b>
<b>Measure 1.1 Criminal Investigations Opened</b>	<b>Target</b>	18	12	12	12
	<b>Actual</b>	9	10		
<b>Measure 1.2. Criminal Cases Filed</b>	<b>Target</b>	12	10	12	12
	<b>Actual</b>	9	8		
<b>Measure 1.3 Jury trials</b>	<b>Target</b>	2	2	2	2
	<b>Actual</b>	2	0		
<b>Measure 14. Convictions Obtained</b>	<b>Target</b>	12	10	10	10
	<b>Actual</b>	8	7		
<b>Measure 1.5. Restitution Ordered</b>	<b>Target</b>	\$2,500,000	\$2,500,000	\$5,000,000	\$5,000,000
	<b>Actual</b>	\$12,921,409	\$8,151,322		
<b>Measure 1.6. Media items published</b>	<b>Target</b>	5	10	15	15
	<b>Actual</b>	41	26		

Statistics kept by the Unit indicate that the workload of the Unit is changing in some degree toward a trend of investigating and prosecuting fewer, but larger, or more significant cases. This trend is most obvious in the "Restitution Ordered" and "Media Items published" measures in the above table.



**PERFORMANCE MEASURES**

**1. Complex and/or multi-jurisdictional fraud investigations and prosecutions**

*Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to securities fraud which local jurisdictions would be unable to effectively handle.*

Performance Measures		Actual FY09	Actual FY10	Estimate FY11	Request FY12
<b>Measure 1.1</b> Investigate multi-jurisdictional Securities fraud cases in the grand jury, and obtain indictment where appropriate.	<b>Target</b>	8	8	8	8
	<b>Actual</b>	6	7		
<b>Measure 1.2.</b> Restitution actually collected pursuant to court order	<b>Target</b>	100,000	\$150,000	\$150,000	\$150,000
	<b>Actual</b>	\$171,549	\$216,708		

*Strategy:* The Unit receives referrals from numerous sources. The Division of Securities refers approximately 50% of the Unit’s cases to our office. Private attorneys, law enforcement and private citizens also refer cases to the Unit. Fraud referrals often require substantial investigation, and most investigations take months or years. Some of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons, including lack of provable criminal intent, inconsistencies or uncooperative victims and witnesses, or statute of limitations problems when cases are brought to our attention years after the criminal behavior.

*Evaluation of Prior Year Performance:* The Unit’s caseload and results were relatively consistent with the prior year. The unit did not have any jury trials during the year, but each case that was resolved involved the defendant pleading guilty to the highest count charged against him or her. The unit’s numbers were fairly similar for the past two years; while the case numbers are low, the sentences and restitution figures reflect the complexity and size of the cases prosecuted. Additionally, Colorado victims across the Front Range are well represented in that cases prosecuted this year involve Weld, Larimer, Denver, Arapahoe, Jefferson, Douglas and El Paso counties.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table. Indicators show that the Unit has the ability to handle the more complex cases that are highly demanding of employee time.

## 2. Case openings, assignments, and processing

*Objective:* To quickly process referrals once they are received in Unit and, after initial review, continue the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

Performance Measures		Actual FY09	Actual FY 10	Estimate FY11	Request FY12
<b>Measure 2.1</b> Assign an investigator and attorney at the time of case opening	<b>Target</b>	20	12	12	12
	<b>Actual</b>	9	13		
<b>Measure 2.2</b> Update case status reports monthly and provide reports to Division of Securities	<b>Target</b>	12	12	12	12
	<b>Actual</b>	12	12		

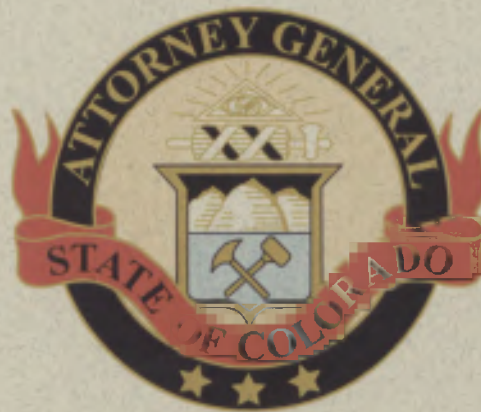
*Strategy:* As the Unit's case load and referrals is often fluctuating, monthly reports are created and sent to the Division of Securities and the Unit meets routinely to discuss ongoing investigations and cases to ensure cases keep moving forward.

*Evaluation of Prior Year Performance:* Assignments and monitoring have proceeded according to the standards set, and this has assisted the Unit in keeping its cases progressing satisfactorily.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table.



**FY 11-12  
Budget  
Schedules 2, 3 and 4  
CJ & A - Special Prosecutions**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**SPECIAL PROSECUTIONS UNIT**

Item	Actual FY 10		Actual FY 11		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>SPECIAL PROSECUTIONS UNIT</b>	1,402,469	12.8	3,081,876	29.1	2,844,966	31.0	3,232,666	31.0	2,905,728	31.0
General Fund	1,161,153		1,676,788		1,578,099		1,765,315		1,446,041	
General Fund Exempt	-		-		-		-		-	
Cash Funds	241,316		240,718		872,706		1,020,381		891,351	
Reappropriated Funds	-		1,164,370		394,161		446,970		568,336	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**SPECIAL PROSECUTIONS UNIT**

<b>I. POSITION DETAIL</b>										
Deputy Attorney General	98,122	0.8	122,652	1.0			122,652	1.0	122,652	1.0
First Assistant Attorney General			211,164	2.0			211,164	2.0	211,164	2.0
Senior Assistant Attorney General	466,951	5.0	734,604	8.0			734,604	8.0	734,604	8.0
Assistant Attorney General II			101,520	1.0			85,020	1.0	85,020	1.0
Criminal Investigator II	407,538	5.0	820,604	10.8			903,836	12.0	903,836	12.0
Criminal Investigator III			88,200	1.0			88,200	1.0	88,200	1.0
Legal Assistant I	43,104	1.0	87,264	2.0			87,264	2.0	87,264	2.0
Legal Assistant II			55,776	1.0			55,776	1.0	55,776	1.0
Program Assistant II										
Program Assistant I	47,616	1.0	47,616	1.0			47,616	1.0	47,616	1.0
Administrative Assistant III			48,352	1.3			72,996	2.0	72,996	2.0
Administrative Assistant II										
<b>TOTAL POSITION DETAIL</b>	<b>1,063,331</b>	<b>12.8</b>	<b>2,317,752</b>	<b>29.1</b>			<b>2,409,128</b>	<b>31.0</b>	<b>2,409,128</b>	<b>31.0</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position) Continuation Salary Subtotal	<b>1,063,331</b>	<b>12.8</b>	<b>2,317,752</b>	<b>29.1</b>			<b>2,409,128</b>	<b>31.0</b>	<b>2,409,128</b>	<b>31.0</b>
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	90,745		225,113				184,298		244,526	
Medicare on Continuation Subtotal	13,842		29,736				34,932		34,932	
Non-Base Building Performance Awards	6,168		-				-		-	
Part-Time/Temporary Salaries										
Contractual Services	7,487		16,595				53,476		53,895	
Furloughs			(26,800)							
Leave	-		23,709							
Overtime			-							
Unemployment Compensation	-									
Other	16,800		8,557							
<b>SUBTOTAL</b>	<b>135,042</b>	<b>12.8</b>	<b>276,911</b>	<b>29.1</b>			<b>272,707</b>	<b>31.0</b>	<b>333,354</b>	<b>31.0</b>
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>	<b>1,198,373</b>		<b>2,594,662</b>				<b>2,681,834</b>		<b>2,742,482</b>	
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	48,021		125,472				121,188			





**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**SPECIAL PROSECUTIONS UNIT**

<b>OPERATING EXPENSES</b>									
1930 Litigation	5,732		5,695				30,623		30,623
2150 Custodial Services			-						
2160 Janitorial Service			-						
2170 Waste Disposal Services	10		123			10		10	
2210 Bldg Maintenance/Repair Svcs			-						
2220 Building Grounds Maintenance			-						
2230 Equipment Contract Maintenance	18		176			20		20	
2231 ADP Equip Maint/Repair Services	620		3,414			700		700	
2232 Software Upgrades	2,301		11,757			1,800		1,800	
2240 Motor Veh Maint/Repair Svcs			-						
2251 Lease Motor Pool Vehicle	4,291		20,667						
2252 Motor Pool Mileage Charge	6,824		14,449			14,521		14,521	
2253 Equipment Rental	95		-			-		-	
2254 Rental of Motor Vehicles			-						
2255 Rental of Buildings	45,637		100,230			-		-	
2258 Parking Fees	5,630		10,945			10,645		10,645	
2559 Parking Fee Reimbursement			-						
2510 In State Travel	261		13			150		150	
2511 In State Common Carrier Fares	1,821		-			-		-	
2512 IS Personal Travel Per Diem	9,427		7,529			7,620		7,620	
2513 IS Personal Vehicle Reimbursement	150		114			150		150	
2520 IS Travel/Non Employee			-						
2521 IS Common Carrier Non Employee			-						
2522 IS Non-Emp - Pers Per Diem			-						
2523 IS/Non-Emp - Pers Veh Reimb			-						
2530 Out of State Travel	179		126			179		179	
2531 OS Common Carrier Fares	1,027		882			980		980	
2532 OS Personal Travel Per Diem	728		2,049			2,150		2,150	
2533 OS Personal Vehicle Reimbursement			-						
2540 OS Travel Non-Employee			-						
2541 OS Non Emp Common Carrier Fares			-						
2542 OS/Non Emp - Pers Per Diem			-						
2550 Out of Country Travel	23		45			-		-	
2551 Out of Country Common Carrier Fares	320		723			750		750	
2552 OC Pers Travel Reimbursement	561		674			561		561	
2610 Advertising	800		-			-		-	



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**SPECIAL PROSECUTIONS UNIT**

4220 Registration Fees	2,509		6,185			6,058		6,058
6140 Buildings and Improves. to Bldg.			-					
6210 Other Capital Equipment			-					
6212 IT Servers - Direct Purchase	666		-					
6213 IT PC SW - Direct Purchase	170		-					
6220 Office Furn & Equip								
<b>Operating Expense Subtotal:</b>	<b>130,629</b>		<b>281,623</b>			<b>163,133</b>		<b>163,133</b>
<b>FY12 DECISION ITEMS DPA NP Printing Statewide Warrants and Mainframe Docs</b>								
<b>Total Funds</b>								114
General Fund								60
Cash Funds								41
Cash Funds Exempt								13
<b>OPERATING EXPENSE TOTAL:</b>	<b>130,629</b>		<b>281,623</b>			<b>163,133</b>		<b>163,247</b>
General Fund	76,307		187,254			100,998		101,058
General Funds Exempt								
Cash Funds	54,322		18,390			55,853		55,894
Reappropriated Funds			75,979			6,282		6,295
<b>Potted Operating Expenses</b>								
### Workers' Compensation						3,965		
Vehicle Leased Expense						23,761		
Capital Complex Lease Space						97,626		
Lease Space						2,742		
IT Asset Maintenance						21,745		
ADP Capital Outlay						-		
Communication Service Payments						4,224		
Building Security						9,422		
CLE Registration Fees						3,750		
<b>Total</b>						<b>167,235</b>		
General Fund						78,302		
Cash Funds						65,344		
Reappropriated Funds						23,589		
<b>ROLLFORWARDS</b>						-		

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

SPECIAL PROSECUTIONS UNIT

								11	Request 12	
								FTE	Funds	FTE
General Fund									-	
Cash Funds									-	
Reappropriated Funds									-	
<b>REFINANCING THE LINE ITEM</b>									-	
General Fund									-	
General Fund Exempt									-	
Cash Funds									-	
Cash Funds Exempt									-	
<b>TOTAL SPECIAL PROSECUTIONS UNIT</b>	<b>1,402,469</b>	<b>12.8</b>	<b>3,081,876</b>	<b>29.1</b>				<b>3,232,666</b>	<b>31.0</b>	<b>2,905,728</b>
General Fund	1,161,153		1,676,788					1,765,315		1,446,041
General Fund Exempt	-		-							
Cash Funds	241,316		240,718					1,020,381		891,351
Reappropriated Funds	-		1,164,370					446,970		568,336
<i>HB 08-1385 Fees Collected by Div of Ins.</i>										
TF							0			
CF							655,547			
RF							(655,547)			
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	1,243,416	12.8	2,905,614	31.0				2,844,966	31.0	2,844,966
PERA adjustment back to 10.15%										60,648
DPA NP Printing Statewide Warrants and Mainframe										114
DI #1 CF 2.0 FTE Securities Cash Fund										-
Salary Survey-Classified										-
PBP - Classified										-
Salary Survey Exempt										-
PBP - Exempt										-
OSPB .2% Base Reduction										-
Supplemental SB09-192	(10,000)									
Supplemental HB 10-1305			(131,198)							
Salary POTS	47,254							-		
Health/Life/Dental	49,838		130,797					121,188		
Short Term Disability	1,209		3,374					3,601		

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**SPECIAL PROSECUTIONS UNIT**

SB 04.257 A.E.D.	14,622		46,223				55,851			
SB 06.235 S.A.E.D.	7,653		28,612				39,824			
Worker's Compensation	2,168		3,882				3,965			
Capital Complex Lease Space	37,498		97,419				97,626			
Lease Space	3,138		3,399				2,742			
Vehicle Lease Allocation	5,543		30,082				23,761			
IT Asset Maintenance	6,658		21,745				21,745			
ADP Capital Outlay Allocation			6,882							
Communication Service Payments	1,478		3,547				4,224			
Building Security			15,506				9,422			
CLE Registration Fees	2,175		4,501				3,750			
Roll Forward from Previous FY							-			
Rollforward to Subsequent FY										
Overexpenditure/(Reversion) - GF	(9,931)		(2,829)							
Lapsed Appropriation Cash Fund	(249)		(67,669)	(1.9)						
Lapsed Appropriation Reappropriated Funds			(18,011)							
<b>TOTAL RECONCILIATION</b>	<b>1,402,470</b>	<b>12.8</b>	<b>3,081,876</b>	<b>29.1</b>			<b>3,232,665</b>	<b>31.0</b>	<b>2,905,728</b>	<b>31.0</b>
<b>DIFFERENCE=</b>										
<b>GRAND TOTAL</b>	<b>1,402,469</b>	<b>12.8</b>	<b>3,081,876</b>	<b>29.1</b>	<b>2,844,966</b>	<b>31.0</b>	<b>3,232,666</b>	<b>31.0</b>	<b>2,905,728</b>	<b>31.0</b>
General Fund	1,161,153		1,676,788		1,578,099		1,765,315		1,446,041	
General Fund Exempt	-		-		-		-		-	
Cash Funds	241,316		240,718		872,706		1,020,381		891,351	
Reappropriated Funds	-		1,164,370		394,161		446,970		568,336	
Federal Funds							-		-	



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

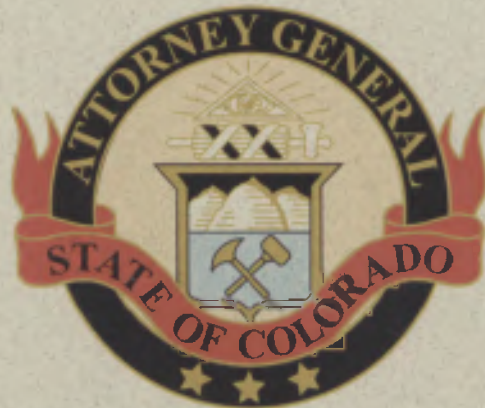
**SPECIAL PROSECUTIONS UNIT**

<b>Schedule 3 Total</b>		1,402,469	3,081,876	2,844,966	3,232,666	2,905,728
General Funds		1,161,153	1,676,788	1,578,099	1,765,315	1,446,041
General Funds Exempt		-	-	-	-	-
Cash Funds		241,316	240,718	872,706	1,020,381	891,351
Reappropriated Funds		-	1,164,370	394,161	446,970	568,336
<b>Cash Funds</b>						
State Compensation Insurance Authority Fund #16Z		241,316	240,718	217,159	253,603	230,371
				655,547	766,778	660,980
<b>Reappropriated Funds</b>		-	1,164,370	394,161	446,970	568,336
Special Prosecution Custodial		-	-	-		
DORA Division of Insurance Cash Fund			735,994	-		-
DORA Division of Securities			428,376	394,161	446,970	568,336





# **Narrative Appellate**



## **D) BACKGROUND INFORMATION: APPELLATE DIVISION**

**Structure:** The Appellate Division consists of a total of 32 employees (28 attorney FTE), and 4 support staff. It is a general fund unit headed by the Deputy Solicitor General. This unit increased to 32.0 FTE from 31.0 through the budget reallocation of the Victim's Assistant Unit FTE and associated dollars to this budget line item for FY 11.

**Primary duties.** The Appellate Division represents the prosecution when defendants challenge their felony convictions before the state appellate courts or the federal courts.

A case is officially "activated" in the Appellate Division when the Division receives an opening brief from the defense, or an order to show cause from the federal district court. In FY 2010, the Division activated 1152 new appeals. These were filed by the State Public Defender (36%), private attorneys (including ADC) (30%), and pro se defendants (34%).

Most of the cases handled by the Appellate Division are in the Colorado Court of Appeals; the remainder are in the Colorado Supreme Court and the federal courts. For each case, an Appellate Division attorney must review the trial court record and the brief filed by the defense, do legal research into the defendant's claims, and file a response. In some cases, the Appellate attorney will be filing the first (or opening) brief rather than a response. In FY 2010, Appellate Division attorneys filed 1054 briefs. On some appeals, the attorney must also argue the case before an appellate court; appellate attorneys did 95 such arguments in FY 2010.

In order to do the best job possible, appellate and trial prosecutors must keep current on ongoing developments in criminal law and procedure. Division attorneys condense the critical principles embodied in each published case, and classify and incorporate them into a digest that is transmitted weekly to the division's attorneys and to the Offices of the State's District Attorneys. This digest is available to state prosecutors through a web site posting that is updated monthly.

**Critical issues.** For the most part, the Division responds to appeals that are brought on behalf of convicted criminals and therefore cannot control the size of its caseload. It must provide effective and ethical representation in every case and handle whatever issues are presented in as timely a manner as possible. At times, however, it must take the offensive and seek certiorari review in the Supreme Court when (1) the court of appeals issues an opinion that appears to be contrary to established law and/or would have an adverse impact on law enforcement; or (2) conflicting decisions from the court of appeals emphasize the need for clarification in particular areas of the law.

The outcome of any given case may significantly affect how law enforcement authorities conduct searches and arrests; influence criminal trials and sentencing hearings throughout the state; or impact the state's Department of Corrections, and probation, parole, and county Community Corrections programs. As such, each case must be given thorough and careful attention.

**II) PRIOR YEAR LEGISLATION:**

None

**III) HOT ISSUES:**

Appellate’s biggest challenge has always been how to keep pace with an unpredictable incoming caseload, while also trying to make inroads into the existing pending caseload. The state appellate courts (and particularly the Court of Appeals) have traditionally recognized the difficulties posed by our workload and have been generous in granting extra time to file our briefs. However, the Court of Appeals is catching up on its caseload thanks to the addition of more judges, and has indicated that it wants to reduce the amount of time it takes for cases to pass through the appellate system. As such, Appellate will be required to do an even more delicate balancing act between processing appeals quickly while giving those appeals the attention they deserve. It is expected that the case load will continue to increase: the many judges added by the legislature at the trial court level will likely generate more criminal trials, and in turn more appeals. We can expect to see continuing pressure by the Courts for a faster turnaround on our appeals.

**IV) WORKLOAD MEASURE:**

Work on these appeals involves additional activities that vary by case, including monitoring case files; writing and responding to motions; conducting legal research; filing supplemental pleadings such as petitions for rehearing and petitions for certiorari; and preparing for and orally arguing the merits of the appeal before an appellate court(s). Oral arguments involve significant prep time, so an increase in arguments will directly impact brief production.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Request
Incoming cases		1240	1152	1350	1500
Oral arguments		138	95	150	160

**CORE OBJECTIVES AND PERFORMANCE MEASURES**

Objective: Produce quality briefs appropriately tailored to the seriousness of the offense/appellate challenge while maintaining or improving success rate. As a

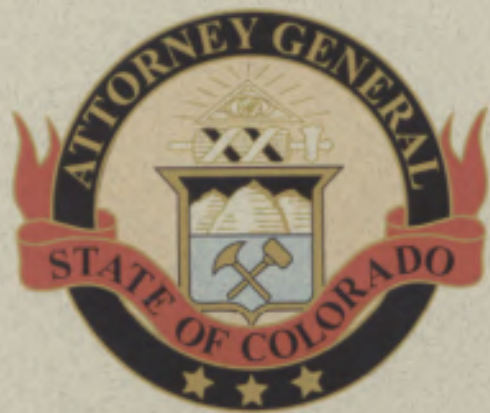
performance measure, the most quantifiable indicator may be “Cases Resolved,” which reflects the number of briefs filed plus the cases decided by the Court of Appeals via its expedited docket (which issues opinions in simple cases without the need for an AG response) or otherwise resolved.

Performance Measure	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Request
Briefs filed	1029	1054	1060	1125
Cases resolved (i.e. total of briefs filed and cases decided via expedited docket or otherwise resolved)	1116	1216	1175	1200
Percentage of cases with a successful outcome on appeal	90%	93%	90%	90%



# Narrative

# Victims Assistance



## **I) BACKGROUND INFORMATION: VICTIM ASSISTANCE UNIT.**

Under Colo. Const. Art. II, § 16a and Colo. Rev. Stat. §§ 24-4.1-302, *et seq.*, victims of certain crime have the right to be informed of and present for each critical stage of the criminal justice process. To this end, law enforcement agencies are required to provide certain services to all victims of crime against persons. The Department of Law Victim Services is provided by 1 FTE, the Victim Services Coordinator. The Victim Services Coordinator carries out these duties for both the (Criminal) Appellate Division and the trial prosecutions within the Criminal Justice Section in the Attorney General's office. The Coordinator helps over 1200 victims each year. These duties entail providing status information, explanations, court accompaniment, referral, and liaison services to crime victims in Appellate, Special Prosecutions, Medicaid fraud, and, occasionally, capital cases. Also, under Sec. 18-3-417, when there is a disciplinary case involving a licensed professional who is accused of a sex offense, the Victim Services Coordinator advises the victim of the alleged offense of their right to pursue criminal and civil action and provides the victim with information about the Colorado Victim Rights Act.

The Coordinator provides status information, explanations, court accompaniment, referral, and liaison services to the victim as his or her case progresses through the "critical stages" of the criminal justice process. Depending on whether the case is an appellate or trial-level proceeding, the critical stages and nature of additional services vary. These services are non-duplicative of any other services in the state. The VSC enables crime victims and their families to keep informed about the legal events in their cases.

## **II) PRIOR YEAR LEGISLATION**

The Victim Assistance Unit did not sponsor or promote any legislation in FY 2009-2010.

## **III) HOT ISSUES**

### **People v. Nathan Dunlap**

In 1996, an El Paso County jury sentenced Nathan Dunlap to death for the 1993 execution murders of four employees--three of whom were teenagers--of an Aurora Chuck E Cheese's children's restaurant.

During the years between the 1996 conviction and death sentence and this fiscal year, the Attorney General's office has prosecuted the appeals of multiple state level appeals, in the Court of Appeals and the Colorado Supreme Court. There have been motions before the Federal Court and the U.S. Supreme Court.

The Victim Services Coordinator has kept 17 family members informed of the legal events on appeal, and has communicated with Arapahoe County District Court when the motions are at the District Court.

Most recently, Assistant Attorney General Paul Koehler filed our answer to order to show cause in federal district court on December 28, 2009.

People v. Gilberto Cruz

This is a brutal crime of first degree murder in Jefferson County. The victim called the defendant and told him that she was breaking up with him. The defendant got his sawed-off shot gun, found three rounds and put them in his pocket, and drove to the victim's home. She opened her front door to him, he pulled out the shotgun and loaded a shell. The victim ran out the front door, and the defendant ran after her. The shell fell out of the gun, and he reloaded it. He tried to fire the gun but the safety was still on, and the shell fell out of the gun again. The victim ran to a neighbor's door, yelling for help. The defendant took another shell from his pocket, loaded the gun again, and shot the victim in the back of the head. The Court of Appeals affirmed the conviction in February 2010. The Victim Services Coordinator has stayed in close communications with the victim's mother and father and with the victim advocate in Jefferson County who assisted the family during the murder trial.

People v. Allen Bergerud

This is a case involving the ambush and murders of two young people in Weld County. The defendant was angered when his girlfriend left him because of his abusive behavior, and she started a relationship with another young man. The defendant called his ex-girlfriend one April evening and told her that her horses had escaped from their pasture and were running loose. The defendant waited in the field for the couple, wearing dark clothing and carrying a loaded pistol, two extra loaded ammunition magazines, and two boxes of ammunition. He shot the unarmed male victim seven times, killing him. He gave his cellphone to the female victim and told her to call 911. She hid in the dark in the field until she thought the defendant had left, and then went to try to help her boyfriend. Over the cellphone, the emergency operator could hear the defendant curse at the victim. As the police arrived, the defendant shot the female victim four times, killing her. The conviction was overturned on direct appeal. In its decision, the Court of Appeals concluded that the defendant's constitutional right to counsel was violated by requiring him to choose between having counsel or an innocence defense. Based on this conclusion, the Court of Appeals directed Weld County District Court to hold a new trial. In October of 2009, the Colorado Supreme Court granted the Attorney General's motion for certiorari. Oral argument was held in November 2009. The opinion of the Colorado Supreme Court was issued in January 2010, remanding the case to Weld County. Weld County District Court determined that the defendant's rights were not violated and the murder convictions stand. The Victim Services Coordinator is in contact with family members of both of the murdered victims providing information and services through a lengthy and complicated appellate process.



**IV) WORKLOAD MEASURE:**

Objective: To provide statutorily mandated services to all crime victims whose cases will open on appeal in the Appellate Division or are litigated by the special prosecutions, Medicaid Fraud and as determined, the Capital Crimes Unit of the Criminal Justice Section.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
To provide service to all victims of violent crime whose cases will open on appeal or prosecuted within the Attorney General's Office this year.	Target	1250	1250	1250	1250
	Actual	1250	1300		

Objective: To play an active role in the statewide coordination of victim services.

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Participate on a number of ongoing statewide victim services boards, task forces, and committees.	Target	6	6	6	6
	Actual	7	7	6	

**VICTIMS ASSISTANCE CORE OBJECTIVES AND PERFORMANCE MEASURES**

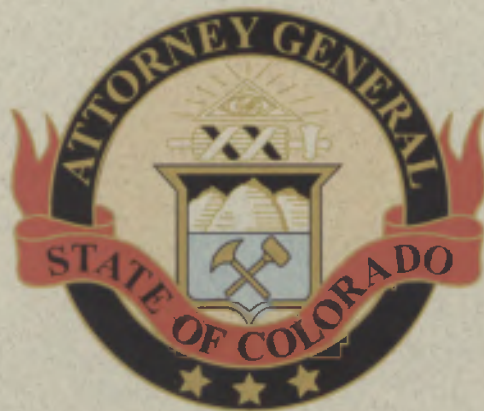
Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Phone calls received, answered, or initiated to victims concerning events in cases	Target	600	600	700	700
	Actual	700	700		

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Mailed substantive notifications to victims concerning critical stages in their cases.	Target	1,250	1,250	1,300	1,300
	Actual	1,350	1,300		

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Accompany victims to oral arguments to the Court of Appeals and the Colorado Supreme Court	Target	24	24	24	24
	Actual	24	24		

**Similar or Cooperating Programs:** The Victim Services Coordinator works cooperatively with the Victim Assistance Coordinators in all of the District Courts in Colorado, with Victim Compensation, with the Victim Advocates in the Departments of Correction, Probation, Parole, and with community-based victim programs throughout the state.

**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Appellate**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**APPELLATE UNIT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>APPELLATE UNIT</b>	2,727,798	28.3	2,888,866	30.7	2,648,687	32.0	3,026,480	32.0	2,703,575	32.0
General Fund	2,727,798		2,635,890		2,450,093		2,827,886		2,627,657	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		252,976		198,594		198,594		75,918	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**APPELLATE UNIT**

<b>I. POSITION DETAIL</b>										
Deputy Attorney General	122,016	1.0	122,016	1.0			122,016	1.0	122,016	1.0
First Assistant Attorney General	300,822	3.1	287,172	3.0			287,172	3.0	287,172	3.0
Senior Assistant Attorney General	316,957	4.0	318,416	4.0			321,516	4.0	321,516	4.0
Assistant Attorney General	1,222,437	17.3	1,318,896	19.8			1,349,751	20.0	1,349,751	20.0
Assistant Attorney General II										
General Prof IV							68,256	1.0	68,256	1.0
Program Assistant I	49,260	1.0	49,260	1.0			49,260	1.0	49,260	1.0
Administrative Assistant II	67,506	2.0	66,274	1.9			68,244	2.0	68,244	2.0
Administrative Assistant I										
<b>TOTAL POSITION DETAIL</b>	<b>2,078,997</b>	<b>28.3</b>	<b>2,162,035</b>	<b>30.7</b>			<b>2,266,215</b>	<b>32.0</b>	<b>2,266,215</b>	<b>32.0</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position)										
Continuation Salary Subtotal	<b>2,078,997</b>	<b>28.3</b>	<b>2,162,035</b>	<b>30.7</b>			<b>2,266,215</b>	<b>32.0</b>	<b>2,266,215</b>	<b>32.0</b>
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	198,011		202,495				173,365		230,021	
Medicare on Continuation Subtotal	32,876		28,619				32,860		32,861	
Non-Base building Performance Award	6,739						-		-	
Furlough			(25,278)							
Part-Time/Temporary Salaries	-		-							
Contractual Services	1,113		10,276				22,212		20,324	
Leave	9,245		-							
Overtime	-		-							
Other	7,675		7,523							
<b>SUBTOTAL</b>	<b>255,658</b>	<b>28.3</b>	<b>223,635</b>	<b>30.7</b>			<b>228,438</b>	<b>32.0</b>	<b>283,206</b>	<b>32.0</b>
<b>(I.C.) PERSONAL SERVICES</b>										
<b>SUBTOTAL= A+B</b>	<b>2,334,655</b>	<b>28.3</b>	<b>2,385,670</b>	<b>30.7</b>			<b>2,494,653</b>	<b>32.0</b>	<b>2,549,421</b>	<b>32.0</b>
Difference										
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	127,890		149,337				160,629			
Salary Survey	[80,097]						-			
Performance Awards	[31,660]						-			

## SCHEDULE 3 - PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Short Term Disability	2,673		3,269			3,229			
SB 04.257 A.E.D.	31,804		44,418			49,852			
SB 06.235 S.A.E.D.	14,424		27,597			36,969			
Other	369								
[ ] Indicates a Non-add									
<b>(I.E) BASE PERSONAL SERVICES TOTAL= C+D</b>	<b>2,511,816</b>	<b>28.3</b>	<b>2,610,291</b>	<b>30.7</b>		<b>2,745,332</b>	<b>32.0</b>	<b>2,549,421</b>	<b>32.0</b>
<b>(I.F.) DIFFERENCE= II-I.E.</b>									
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>									
General Fund									
Cash Funds									
Reappropriated Funds									
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>2,511,816</b>	<b>28.3</b>	<b>2,610,291</b>	<b>30.7</b>		<b>2,745,332</b>	<b>32.0</b>	<b>2,549,421</b>	<b>32.0</b>
General Fund	2,511,816		2,357,315			2,546,738		2,473,503	
Cash Funds									
Reappropriated Funds			252,976			198,594		75,918	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**APPELLATE UNIT**

<b>OPERATING EXPENSES</b>									
1930 Litigation	2,507		1,565				2,525		2,525
2210 Bldg Maintenance/Repair Svcs	317		-				400		400
2220 Building Grounds Maintenance			15,437				1,692		1,692
2230 Bldg Maintenance/Repair Svcs	16		-				16		16
2231 ADP Equip Maint/Repair Services	550		700				550		550
2232 Software Upgrades	2,088		-				-		-
2240 Motor Veh Maint/Repair Svcs			-				-		-
2251 Lease Motor Pool Vehicle			-				-		-
2252 Motor Pool Mileage Charge			-				-		-
2255 Rental of Buildings	68,141		101,587				-		-
2258 Parking Fees			90				-		-
2559 Parking Fee Reimbursement			-				-		-
2510 In State Travel			-				-		-
2512 IS Personal Travel Per Diem	3,927		551				4,200		4,200
2513 IS Personal Vehicle Reimbursement	303		-				303		303
2520 IS Travel/Non Employee			-				-		-
2521 IS Common Carrier Non Employee			-				-		-
2522 IS Non-Emp - Pers Per Diem			-				-		-
2523 IS/Non-Emp - Pers Veh Reimb			-				-		-
2530 Out of State Travel			-				-		-
2531 OS Common Carrier Fares			-				-		-
2532 OS Personal Travel Per Diem	118		-				118		118
2533 OS Personal Vehicle Reimbursement			-				-		-
2550 Out of Country Travel			-				-		-
2552 OC Pers Travel Reimbursement			-				-		-
2630 Telephone	16,338		15,746				16,545		16,545
2631 Comm Svcs from Outside Sources	60		1,635				1,425		1,425
2641 Other ADP Billings - Purchase Services	39,794		62,169				65,289		65,289
2660 Insurance	5,048		3,956				-		-
2680 Contract Printing	12,631		6,607				2,112		2,112
2681 Photocopy Reimbursement			-				-		-
2810 Freight & Storage			-				-		-
2820 Other Purchased Services			256				-		-
2830 Office Moving/Purchased Services			-				-		-
3110 Other Supplies and Materials			-				-		-
3115 DP Supplies	2,226		1,820				2,300		2,300
3116 Purchase/Leased Software	193		-				-		-
3117 Educational	20		-				20		20
3120 Books & Subscriptions	2,553		2,168				2,252		2,252





**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**APPELLATE UNIT**

HB07-1054 Increasing Judges General Fund									-	-
<b>Potted Operating Expenses</b>										
Workers' Compensation							4,092			
Leased Vehicle Expense							-			
Capital Complex Lease Space							100,775			
Lease Space							894			
IT Asset Maintenance							-			
ADP Capital Outlay										
CLE Registration Fees							11,625			
Building Security							9,727			
<b>Total</b>							<b>127,114</b>			
General Fund							127,114			
General Fund Exempt										
Cash Funds										
Reappropriated Funds							-			
<b>FY12 DECISION ITEMS</b>										
<b>FY12- NP DPA Printing of Statewide Warrants and Mainframe Docs</b>									119	
General Fund									119	
Cash Funds										
Cash Funds Exempt										
<b>TOTAL APPELLATE UNIT</b>	<b>2,727,798</b>	<b>28.3</b>	<b>2,888,866</b>	<b>30.7</b>			<b>3,026,480</b>	<b>32.0</b>	<b>2,703,575</b>	<b>32.0</b>
General Fund	2,727,798		2,635,890				2,827,886		2,627,657	
General Fund Exempt							-		-	
Cash Funds							-		-	
Reappropriated Funds			252,976				198,594		75,918	
<b>RECONCILIATION OF FUNDS/REQUEST</b>										
Long Bill Appropriation	2,437,059	30.0	2,583,983	31.0			2,648,687	32.0	2,648,687	
Supplemental SB09-129 (120,000)										
10-1329-Solid Waste User Fees GF to RF (\$41,384)						41,384				
Supplemental HB 10-1305			(228)							
Reverse one time RF (Indirect) to GF (\$82,830)										
DPA NP Printing of Statewide Warrants and Mainframe Docs									120	
PERA back to 10.15% from 7.65%									54,768	
Salary POTS	111,757						-			
Health/Life/Dental	167,462		129,738				160,629			
Short Term Disability	2,598		2,883				3,229			
SB 04.257 A.E.D.	30,480		42,181				49,852			

### SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law						APPELLATE UNIT				
Item	Actual FY 09		Actual FY 10		Estimate FY 11		Estimate FY 12		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SB 06.235 S.A.E.D.	14,601		25,916				36,969			
Worker's Compensation	5,048		4,016				4,092			
Capital Complex Lease Space	86,794		100,690				100,775			
Lease Space	1,022		1,108				894			
Vehicle Lease Allocation							-			
IT Asset Maintenance	7,587						-			
CLE Registration Fees	11,625		11,625				11,625			
Building Security			15,512				9,727			
ADP Capital Outlay Allocation							-			
Rollforward from Previous FY year							-			
Rollforward to Subsequent FY							-			
Overexpenditure/(Reversions) - GF	(28,235)	(1.7)								
Lapsed Appropriation RF			(28,558)	(0.3)						
<b>TOTAL RECONCILIATION</b>	<b>2,727,798</b>	<b>28.3</b>	<b>2,888,866</b>	<b>30.7</b>			<b>3,026,480</b>		<b>2,703,575</b>	
<b>GRAND TOTAL</b>	<b>2,727,798</b>	<b>28.3</b>	<b>2,888,866</b>	<b>30.7</b>	<b>2,648,687</b>	<b>32.0</b>	<b>3,026,480</b>	<b>32.0</b>	<b>2,703,575</b>	<b>32.0</b>
General Fund	<b>2,727,798</b>		<b>2,635,890</b>		<b>2,450,093</b>		<b>2,827,886</b>		<b>2,627,657</b>	
General Fund Exempt							-		-	
Cash Funds							-		-	
Reappropriated Funds			<b>252,976</b>		<b>198,594</b>		<b>198,594</b>		<b>75,918</b>	
Federal Funds							-		-	

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

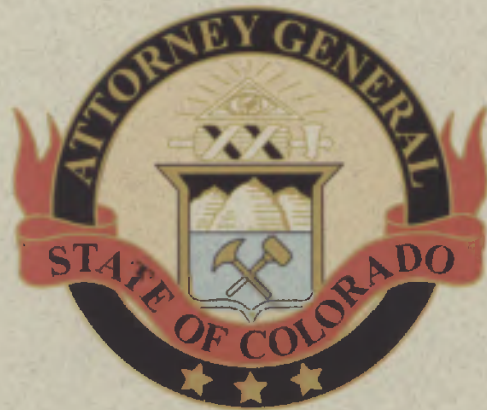
**Department of Law**

**APPELLATE UNIT**

<b>Schedule 3 Total</b>		2,727,798	2,888,866	2,648,687	3,026,480	2,703,575
General Funds		2,727,798	2,635,890	2,450,093	2,827,886	2,627,657
General Funds Exempt		-		-	-	-
Cash Funds		-		-	-	-
Reappropriated Funds		-	252,976	198,594	198,594	75,918
<b>Reappropriated Funds</b>	100					
Indirect Cost Recoveries			252,976	124,214	124,214	-
Victim's Assistance				74,380	74,380	75,918



# Narrative Medicaid Fraud



## **I) BACKGROUND INFORMATION: MEDICAID FRAUD UNIT**

The Medicaid Fraud Control Unit (“MFCU”), authorized for 17 FTE positions, defends the financial integrity of the state’s Medicaid program and the safety of patients in Medicaid-funded facilities. The MFCU investigates and prosecutes fraud by providers against the Medicaid program and patient abuse in Medicaid-funded facilities throughout the state. It also pursues civil recoveries and damages against providers under the Colorado Medicaid False Claims Act, which became law on May 26, 2010. By law, the Unit is separate from and independent of the state agency (Colorado Department of Health Care Policy and Financing, HCPF) that administers Colorado’s Medicaid program. By federal law and State Executive Order D1787, the Unit has statewide investigation and prosecution authority, which occurs with the cooperation and assistance of the 22 local District Attorneys across the state.

The Colorado Medical Assistance Program (Medicaid) provides medical assistance to low income, disabled individuals, and children and families in Colorado, paying roughly \$4 billion each fiscal year to over 10,000 participating Colorado Medicaid providers (such as nursing homes, doctors, psychiatrists, psychologists and mental health therapists, dentists, pharmacies, laboratories, hospitals, clinics and durable medical equipment companies) on behalf of over 700,000 recipients enrolled in the Integrated Care Management (485,000 enrolled), Children’s Basic Health Plan (70,000 enrolled), Medically and Colorado Indigent Care (198,000 enrolled) and the Medical Homes (includes 236,000 Medicaid and Children’s Basic Health Plan children) Programs. Accordingly, Medicaid is one of the two largest items in the current Colorado state budget.

Colorado Medicaid is jointly funded by the federal and state governments at a 50/50 split. The MFCU receives 75% of its funding from the federal government, but in most cases a full 50% of the monies recovered by the Unit are returned to the state. Over the last three years, the MFCU has returned **\$13,038,342.98** in restitution and other recoveries to the Medicaid program in Colorado (**\$3,528,936.52** in 2007-2008; **\$5,312,041.40** in 2008-2009, and **4,149,928.01** in 2009-2010). Recoveries are accomplished through criminal restitution orders, repayment demands against providers, and participation with other state MFCU’s in civil and criminal litigation, termed “global” cases, over alleged fraud against state Medicaid programs nationwide.

A large majority of health care providers deliver reasonable and honest services, and bill appropriately. Fraud, waste and abuse are estimated nationally at **3-10%**, although in 1999 it was estimated in Colorado at **1.8%**. Recognizing that any amount is too much, it is the goal of the MFCU to effectively investigate, prosecute and to recover overpayments. Modern Medicaid fraud is typically a complex, multi-party (and sometimes multistate) white-collar crime which requires sophisticated investigative and prosecution personnel, who are well-trained and experienced in the white-collar crime arena.

## **II) PRIOR YEAR LEGISLATION**

The MFCU contributed substantial information in support of the passage of a new *qui tam* (whistleblower) false claims act that passed on May 26, 2010. This act allocates personnel to the MFCU to pursue civil recoveries against providers, resulting in additional opportunities for monetary recovery. These recoveries may come from state whistleblower cases in court, or simply from the MFCU's expanded power to review, investigate, and prosecute under civil laws.

This past fiscal year saw the passage of Federal legislation that potentially has a major impact on the operations of the MFCU. The Patient Protection and Affordable Care Act (Pub.L. 111-148, signed into law March 23, 2010), in conjunction with the Health Care and Education Reconciliation Act of 2010, will expand Medicaid eligibility, thereby potentially increasing program expenditures. This legislation also focuses a spotlight on elder abuse, neglect, and exploitation through the Elder Justice Act, which is a component of it. As the MFCU is authorized to investigate such abuse, neglect, and exploitation, the increased emphasis by Federal officials regarding these crimes will likely lead to more case referrals to the MFCU.

## **III) HOT ISSUES**

Major fraud cases: In the past fiscal year, the MFCU has continued to prosecute medical supply and equipment cases with significant losses, and more such cases are under investigation.

Growing funding for health care fraud investigation: The federal legislation noted above represents only some of the ways in which both the federal and the State governments are paying increasing attention to the problem of fraud against the government in the health care arena. As fraud-fighting programs grow, the MFCU expects to see further growth in the number of cases referred for criminal investigation. The CMS has predicted that the growth in Medicaid spending will outpace the growth of the economy in the United States in the next decade (CMS Press Release, October 17, 2008).

Global cases: Through their national association, the MFCU's throughout the country have enjoyed considerable success participating in *qui tam* litigation against companies who are alleged to have participated in complex schemes to defraud the state and federal governments under the Medicaid programs. Allegations against the companies, typically pharmaceutical and medical device companies, center around off-label marketing, incorrect price reporting, and kickback practices.

With the passage of the Medicaid False Claims Act, the State of Colorado is being named as a party plaintiff in numerous of these global cases, which will increase the state's activity level via the new MFCU personnel. Once the Act is approved by the HHS/OIG, Colorado will be permitted to keep a greater share of global case recoveries.



Initiatives and directions: The MFCU has begun initiatives to combat certain types of frauds that are prominent in Colorado. These frauds include overbilling in home health and Home and Community Based Services (HCBS), upcoding of services by physicians and other professionals, and expense reporting in nursing home cost reports.

#### **IV) WORKLOAD MEASURE:**

##### **WORKLOAD INDICATORS**

<b>Workload Measures</b>		<b>FY 09 Actual</b>	<b>FY 10 Actual</b>	<b>FY 11 Estimate</b>	<b>FY 12 Request</b>
<b>Measure 1.1 Criminal Investigation Opened</b>	<b>Target</b>	45		45	45
	<b>Actual</b>	35	51		
<b>Measure 1.2. Criminal Investigations Pending</b>	<b>Target</b>	55		55	55
	<b>Actual</b>	71	78		
<b>Measure 1.3. Criminal Cases Filed</b>	<b>Target</b>	12		12	12
	<b>Actual</b>	5	6		
<b>Measure 1.4. Convictions</b>	<b>Target</b>	12		12	12
	<b>Actual</b>	5	6		
<b>Measure 1.8. Total fines / Costs / Restitution Recovered</b>	<b>Target</b>	\$450,000		\$450,000	\$450,000
	<b>Actual</b>	\$5,359,478.45	\$4,149,928.01		
<b>Measure 1.9. Medicaid program exclusions (Providers / years)</b>	<b>Target</b>	12/60		12/60	12/60
	<b>Actual</b>	19/122	8/Pending		
<b>Measure 1.10. Cases closed</b>	<b>Target</b>	45		45	45
	<b>Actual</b>	31	41		
<b>Measure 1.11. Patient Incident Reviews</b>	<b>Target</b>	1,000		1,000	1,000
	<b>Actual</b>	2,774	2,707		
<b>Measure 1.12. Intergovernmental Cooperation (open non-global cases investigated jointly w/other agencies)</b>	<b>Target</b>	22		22	22
	<b>Actual</b>	16	14		

Statistics kept by the MFCU indicate that the workload of the MFCU has increased gradually but steadily over the fiscal years.

A comparatively dramatic increase in the MFCU caseload is anticipated for FY11 with the addition of new personnel.

## PERFORMANCE MEASURES

### 1. Fraud investigations and prosecutions

*Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid plan.*

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
1.1 Open fraud investigations with substantial potential for criminal prosecution.	Benchmark	35		35	0	35		35	
	Actual	73	28	78	5				
1.2 Identify, collect overpayments or refer the matter to appropriate state agency for collection.	Benchmark	\$450,000		\$450,000		\$450,000		\$450,000	
	Actual	\$5,359,478	\$1,830,542	\$4,149,928	<\$1,209,550>				
1.3 To prosecute and convict providers who violate the criminal law by defrauding the Medicaid program.	Benchmark	9		9		9		9	
	Actual	5	3	6	1				
*Probation sentences (years)	Benchmark	10		10		10		10	
	Actual	20.5	15.5	15	<5.5>				
*Jail / prison sentences(days)	Benchmark	180		180		180		180	
	Actual	0	<3,710>	6,570	2,860				
*Useful public service (hours)	Benchmark	800		800		800		800	
	Actual	200	120	144	<56>				

*Strategy: The Unit receives referrals from numerous sources. Fraud referrals often require substantial investigation, and some investigations take months or years. Many of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons including lack of provable criminal intent, and inconsistencies or vagueness of applicable rules.*

The Unit endeavors to be as quick and responsive as possible in receiving referrals, opening investigations, and bringing cases through the court system. When cases are not appropriate for criminal investigation, the Unit refers them promptly for consideration of civil recoveries or refers them to other agencies and/or delivers information or assistance to the referring entity or person to assure that their concerns may be addressed.

*Evaluation of Prior Year Performance:* The MFCU held roughly steady in criminal convictions in FY10.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing Unit. Indicators show that the Unit has the ability to handle both routine cases and those that are highly demanding of employee time.

## 2. Abuse Investigations and Prosecutions

*Objective:* To review complaints alleging abuse of patients in health care facilities receiving payments under the State Medicaid plan and in board and care facilities regardless of funding; and complaints of the misappropriation of patients' private funds in such facilities.

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
2.1 Open abuse investigations with a substantial potential for criminal prosecution or refer to appropriate government agency	Benchmark	10		10		10		10	
	Actual	6	<2>	3	<3>				
2.2 Criminally prosecute and convict those who violate the criminal law, particularly the "Wrongs to At-risk Adults" statute.	Benchmark	3		3		3		3	
	Actual	0	0	0	0				

*Strategy:* The Unit investigates thousands of occurrences of injury, endangerment, and wrongdoing in nursing homes and other facilities. These cases can be investigated and prosecuted by the Unit, but a substantially greater number are tracked through the system as they are prosecuted by other agencies. As with fraud referrals, the Unit endeavors to be as quick and responsive as possible. Abuse cases are coordinated with the local agency and assistance is given as needed. In rare cases, a local agency will not accept an abuse case but the Unit is able to prosecute it independently.

*Evaluation of Prior Year Performance:* The Unit did not independently gain any criminal convictions this year for physical or sexual abuse cases. As mentioned, these cases are typically prosecuted by the local agencies, with the MFCU providing assistance as needed. This year, the Unit reviewed 2,707 allegations of abuse and other incidents in long-term care facilities.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing overall Unit caseload. The indicators do not demonstrate the number of cases for which the Unit provided expert assistance or consultation.

### 3. Case openings, assignments, and processing

*Objective:* Process cases quickly in Unit and, where applicable, in court system by continuing the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

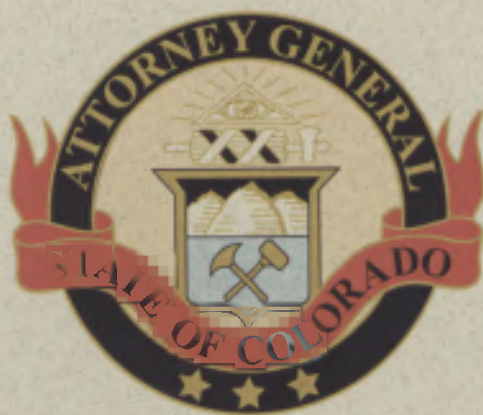
Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
3.1 Assign an investigator and attorney at the time of case opening.	Benchmark	35	35	45	45
	Actual	35	<17>	51	16
3.2 Update case status report monthly and do case review of each case at least quarterly.	Benchmark	12/4	12/4	12/4	12/4
	Actual	12/4	12/4	0	

*Strategy:* As the Unit's case load has increased steadily, it has become increasingly important for the Unit to promptly assign cases to the respective investigators and attorneys, and to monitor and assess the progress of each case on at least a quarterly basis.

*Evaluation of Prior Year Performance:* Assignments and monitoring have proceeded according to the standards set, and this has assisted the Unit in keeping its cases progressing satisfactorily.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing overall Unit caseload.

**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Medicaid Fraud**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**MEDICAID FRAUD GRANT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>MEDICAID FRAUD CONTROL GRANT</b>	1,439,143	13.7	1,453,632	13.9	1,618,187	17.0	1,792,748	17.0	1,616,613	17.0
General Fund	357,880		363,408		404,547		447,801		404,152	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		-		-		-	
Federal Funds	1,081,263		1,090,224		1,213,640		1,344,947		1,212,461	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**MEDICAID FRAUD GRANT**

<b>I. POSITION DETAIL</b>										
First Assistant Attorney General	106,452	1.0	106,452	1.0			106,453	1.0	106,453	1.0
Senior Assistant Attorney General	98,736	1.0	82,730	0.9			98,736	1.0	98,736	1.0
Assistant Attorney General							74,052	1.0	74,052	1.0
Criminal Investigator III	99,036	1.0	99,036	1.0			99,036	1.0	99,036	1.0
Criminal Investigator II	548,481	7.0	549,790	7.0			684,996	9.0	684,996	9.0
Auditor IV/V	71,856	1.0	85,200	1.0			85,200	1.0	85,200	1.0
Program Assistant I	29,225	0.7	41,400	1.0			41,400	1.0	41,400	1.0
Health Professional IV	75,572	1.0	75,072	1.0			75,072	1.0	75,072	1.0
Legal Assistant I	46,681	1.0	42,408	1.0			42,408	1.0	42,408	1.0
<b>TOTAL POSITION DETAIL</b>	<b>1,076,039</b>	<b>13.7</b>	<b>1,082,088</b>	<b>13.9</b>			<b>1,307,353</b>	<b>17.0</b>	<b>1,307,353</b>	<b>17.0</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by position) Continuation Salary Subtotal	<b>1,076,039</b>	<b>13.7</b>	<b>1,082,088</b>	<b>13.9</b>			<b>1,307,353</b>	<b>17.0</b>	<b>1,307,353</b>	<b>17.0</b>
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	107,049		106,290				100,013		132,696	
Medicare on Continuation Subtotal	15,306		15,184				18,957		18,957	
Non-Base building Performance Award	7,086		-				-		-	
Part-Time/Temporary Salaries			-							
Professional Contractual Services	4,736		8,024				53,040		53,040	
Sick Leave Payouts			24,225							
Annual Leave Payouts			6,729							
Leave Payouts	-		-				-		-	
Furloughs			(12,510)							
Overtime			-							
Other	6,906		447				-		-	
<b>SUBTOTAL</b>	<b>141,083</b>	<b>13.7</b>	<b>148,389</b>	<b>13.9</b>			<b>172,009</b>	<b>17.0</b>	<b>204,693</b>	<b>17.0</b>
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>										
	<b>1,217,122</b>	<b>13.7</b>	<b>1,230,477</b>	<b>13.9</b>			<b>1,479,362</b>	<b>17.0</b>	<b>1,512,046</b>	<b>17.0</b>



SCHEDULE 3 - PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>(I.D.) POTS EXPENDITURES</b>									
Health/Life Dental	69,909		67,830				67,022		
Salary Survey	[25,538]						-		
Performance Awards	[15,651]						-		
Short Term Disability	1,396		1,645				1,618		
SB 04.257 A.E.D.	16,809		20,946				25,868		
SB 06.235 S.A.E.D.	1,479		13,093				18,861		
Other									
[ ] Indicates a Non-add									
<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D</b>	<b>1,306,716</b>	<b>13.7</b>	<b>1,333,992</b>	<b>13.9</b>			<b>1,592,731</b>	<b>17.0</b>	<b>1,512,046</b> 17.0
<b>(I.F.) DIFFERENCE- II.-I.E.</b>									
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>									
General Fund									
Cash Funds									
Reappropriated Funds									
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>1,306,716</b>	<b>13.7</b>	<b>1,333,992</b>	<b>13.9</b>			<b>1,592,731</b>	<b>17.0</b>	<b>1,512,046</b> 17.0
General Fund	326,679		333,498				398,183		378,011
Cash Funds									
Reappropriated Funds	-		-						
Federal Funds	980,037		1,000,494				1,194,548		1,134,035

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**MEDICAID FRAUD GRANT**

<b>OPERATING EXPENSES</b>									
1930 Litigation	1,600		1,923				49,364		15,389
2220 Building Grounds Maintenance			220				-		-
2230 Equipment Contract Maintenance	46		123				15		15
2231 ADP Equip Maint/Repair Services	450		422				450		450
2232 Software Upgrades	1,464		6,685				6,565		6,565
2240 Motor Veh Maint/Repair Svcs	12,569		-				-		-
2251 Lease Motor Pool Vehicle			6,227				-		-
2252 Motor Pool Mileage Charge	2,612		2,871				4,858		4,858
2253 Equipment Rental	39,836		-				-		-
2254 Rental of Motor Vehicles			-				-		-
2255 Rental of Buildings			45,689				-		-
2258 Parking Fees	4,740		4,781				5,260		5,260
2559 Parking Fee Reimbursement	4		-				-		-
2510 In State Travel	7		-				-		-
2511 In State Common Carrier Fare			-				-		-
2512 IS Personal Travel Per Diem	3,588		1,289				6,585		6,585
2513 IS Personal Vehicle Reimbursement	77		20				50		50
2520 IS Travel/Non Employee			-				-		-
2522 IS Non-Emp - Pers Per Diem			-				-		-
2523 IS/Non-Emp - Pers Veh Reimb			-				-		-
2530 Out of State Travel	499		151				500		500
2531 OS Common Carrier Fares	1,409		982				1,200		1,200
2532 OS Personal Travel Per Diem	3,675		2,635				3,500		3,500
2533 OS Personal Vehicle Reimbursement			-				-		-
2550 Out of Country Travel			-				-		-
2552 OC Pers Travel Reimbursement			-				-		-
2610 Advertising			-				-		-
2630 Telephone	9,644		9,770				12,450		12,450
2631 Comm Svcs from Outside Sources	2,410		4,687				7,545		7,545
2641 Other ADP Billings - Purchase Services	6,590		3,164				5,000		5,000
2660 Insurance	2,418		1,786				-		-
2680 Contract Printing	2,208		1,540				4,556		4,556
2981 Photocopy Reimbursement			-				-		-
2810 Freight & Storage			-				-		-
2820 Other Purchased Services			51				-		-
2830 Office Moving/Purchased Services			-				-		-

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Fiscal Year 2011			Request FY12		
	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds
3110 Other Supplies and Materials		-		-		-
3112 Automotive Supplies		-		-		-
3113 Clothing & Uniform Allowance		-		-		-
3114 Custodial		-		-		-
3115 DP Supplies	1,242	712		1,242		1,242
3116 Purchase/Leased Software	96	368		96		96
3117 Educational	827	104		827		827
3120 Books & Subscriptions	5,050	4,932		5,125		5,125
3121 Office Supplies	2,791	2,453		3,565		3,565
3122 Microfilming/Photo. Supplies		-		-		-
3123 Postage	895	1,223		1,658		1,658
3124 Printing		-		-		-
3126 Repair & Maintenance/Supplies		-		-		-
3128 Non-Capitalized Equipment	5,561	-		-		-
3131 Non-Capitalized Building Materials		-		-		-
3132 Non-Capitalized Furn/Office Systems		1,110		-		-
3139 Non-Capitalized Fixed Asset Other		-		-		-
3140 Non-Capitalized IT - PC's	442	269		-		-
3141 Non-Capitalized IT - Servers	29	19		-		-
3143 Non-Capitalized IT Other	1,480	271		-		-
3146 Non-Capitalized IT Purch Servers SW	10	-		-		-
3940 Electricity		-		-		-
3950 Gasoline		-		-		-
4100 Other Operating Expenses		-		-		-
4105 Bank Card Fees		-		-		-
4111 Prizes and Awards		-		-		-
4140 Dues & Memberships	14,868	11,348		14,868		14,868
4151 Interest Late Payments		-		-		-
4170 Miscellaneous Fees		-		-		-
4180 Official Functions		-		-		-
4220 Registration Fees	2,905	1,817		3,200		3,200
6140 Buildings and Improves. to Bldg.		-		-		-
6210 Other Capital Equipment		-		-		-
6212 IT Servers Direct Purchase	302	-		-		-
6213 IT PC SW - Direct Purchase	77	-		-		-
<b>Operating Expense Subtotal:</b>	<b>132,427</b>	<b>119,641</b>		<b>138,479</b>		<b>104,504</b>

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**MEDICAID FRAUD GRANT**

<b>OPERATING EXPENSE TOTAL:</b>	<b>132,427</b>		<b>119,641</b>				<b>138,479</b>		<b>104,504</b>	
General Fund	31,201		29,910				34,665		26,125	
Federal Funds	101,226		89,730				103,814		78,379	
<b>Potted Operating Expenses</b>										
Workers' Compensation							1,791			
Leased Vehicle Expense							6,245			
Capital Complex Lease Space							44,089			
Leased Space Allocation							216			
IT Asset Maintenance							1,726			
Communication Service Payments							2,464			
ADP Capital Outlay										
CLE Registration Fees							751			
Building Security							4,256			
<b>Total</b>							<b>61,538</b>			
General Fund							14,953			
Cash Funds										
Reappropriated Funds										
Federal Funds							46,585			
General Funds Exempt							-			
Federal Funds							-			
<b>FY 12 Decision Item: DPA NP Printing Statewide Warrants and Mainframe Docs</b>										
<b>Med Fraud FTE</b>									63	
General Funds									16	
Federal Funds									47	
<b>Fund Remix to get back to 25/75</b>									-	
General Funds									-	
Federal Funds									-	
<b>TOTAL MEDICAID FRAUD</b>	<b>1,439,143</b>	<b>13.7</b>	<b>1,453,632</b>	<b>13.9</b>			<b>1,792,748</b>	<b>17.0</b>	<b>1,616,613</b>	<b>17.0</b>
General Fund	357,880		363,408				447,802		404,152	
General Fund Exempt	-		-				-		-	

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

## Department of Law

## MEDICAID FRAUD GRANT

Item	Appropriation FY11		Appropriation FY12		Approp. FY13		Estimate FY11		Request FY12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Cash Funds	-		-				-		-	
Reappropriated Funds	-		-				-		-	
Federal Funds	1,081,263		1,090,224				1,344,947		1,212,461	
<b>RECONCILIATION OF FUNDS/REQUEST</b>										
Long Bill Appropriation	1,330,808	14.0	1,368,866	14.0			1,341,607	14.0	1,341,607	14.0
Supplemental SB09-192	(80,000)		(39,280)						(28,896)	
SB 10-167 False Claims Act					276,580	3.0	276,580	3.0	276,580	3.0
Out year adjustments to SB 10-167										
PERA adjustment back to 10.15% from 7.65%									27,259	
DPA NP Printing Statewide Warrants and Mainframe Docs									63	
Salary POTS	41,189						-			
Health/Life/Dental	61,505		78,732				67,022			
Short Term Disability	2,437		1,397				1,618			
SB 04.257 A.E.D.	28,473		21,802				25,868			
SB 06.235 S.A.E.D.	9,220		13,626				18,861			
Worker's Compensation	2,418		1,813				1,791			
Leased Space Allocation	247		268				216			
Capital Complex Lease Space	42,464		45,473				44,089			
Vehicle Lease Allocation	12,995		6,245				6,245			
IT Asset Maintenance	2,956		1,726				1,381			
ADP Capital Outlay Allocation										
Communication Service Payments	2,069		2,069				2,464			
CLE Registration Fees	750		751				751			
Building Security			7,005				4,256			
Rollforward from Previous FY										
Rollforward to Subsequent FY										
Overexpenditure/(Reversion) - GF	(4,598)	(0.1)	(14,248)	(0.1)						
Lapsed Appropriation Reappropriated Funds										
Lapsed Appropriation Federal Funds	(13,794)	(0.2)	(42,613)	0.0						
<b>TOTAL RECONCILIATION</b>	<b>1,439,139</b>	<b>13.7</b>	<b>1,453,632</b>	<b>13.9</b>			<b>1,792,749</b>	<b>17.0</b>	<b>1,616,613</b>	<b>17.0</b>
<b>GRAND TOTAL</b>	<b>1,439,143</b>	<b>13.7</b>	<b>1,453,632</b>	<b>13.9</b>	<b>1,618,187</b>	<b>17.0</b>	<b>1,792,748</b>	<b>17.0</b>	<b>1,616,613</b>	<b>17.0</b>
General Fund	357,880		363,408		404,547		447,801		404,152	
General Fund Exempt	-		-				-		-	
Cash Funds	-		-				-		-	
Reappropriated Funds	-		-				-		-	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Federal Funds	1,081,263		1,090,224		1,213,640		1,344,947		1,212,461	
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**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

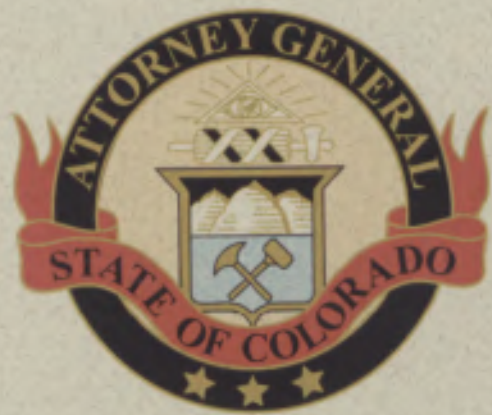
**MEDICAID FRAUD GRANT**

<b>Schedule 3 Total</b>		1,439,143	1,453,632	1,618,187	1,792,748	1,616,613
General Funds		357,880	363,408	404,547	447,801	404,152
General Funds Exempt		-	-	-	-	-
Cash Funds		-	-	-	-	-
Reappropriated Funds		-	-	-	-	-
Federal Funds		1,081,263	1,090,224	1,213,640	1,344,947	1,212,461
<b>Federal Funds</b>						
Medicaid Fraud Federal Funds		1,081,263	1,090,224	1,213,640	1,344,947	1,212,461





# Narrative POST Board



## **D) BACKGROUND INFORMATION: P.O.S.T. UNIT**

**Structure:** The Colorado Peace Officer Standards and Training Board (P.O.S.T.) was established as a result of the enactment of federal legislation requiring equal protection by jurisdictions receiving federal funding (Title VII of the Rehabilitation Act of 1973).

The P.O.S.T. Board is composed of 20 members, of which three are statutory members: the Attorney General (Chairperson); the FBI Special Agent in Charge of the Denver Division of the Federal Bureau of Investigation; and the Executive Director of the Colorado Department of Public Safety. Seventeen members are appointed to 3-year terms by the Governor, and include one local government representative; one member of the general public; 6 active sheriffs; 6 active chiefs of police; and 3 line-level peace officers serving at the rank of sergeant and below.

The P.O.S.T. Staff consists of seven (7) classified staff members.

**Primary Duties:** The P.O.S.T. Board is statutorily responsible for the approval, inspection, and regulation of all basic and reserve peace officer training academy programs: to include the development of the basic and reserve peace officer program curriculums; instructor methodology training programs; skills training programs (arrest control tactics, firearms qualification, and law enforcement driving) and skills instructor programs. The Board's responsibilities also include enforcement of statutes and rules related to peace officer academy enrollment; ensuring peace officer applicants are not convicted criminals; reviewing variance applications; and taking timely revocation action against any certified peace officer convicted of a felony or certain misdemeanors. P.O.S.T. is required to establish the standards for the renewal of expired Colorado peace officer certificates.

P.O.S.T. Staff members work with the four (4) Subject Matter Expert (SME) Committees, which include the Curriculum SME Committee, and three skills disciplines (Firearms, Arrest Control Tactics, and Law Enforcement Driving), to improve training delivery, administer practical examinations to individuals seeking Colorado peace officer certification under reciprocity. Over the years, Colorado P.O.S.T. has joined with its counterparts from other states to develop a reciprocity process for the evaluation for out-of-state peace officer applicants.

P.O.S.T. also participates in the Peace Officer Certification Information System (POCIS), a service provided through the International Association of Law Enforcement Directors and Trainers (IADLEST) and enters revocation data into the National Decertification Index (NDI). P.O.S.T. enters the personal data of individuals whose peace officer authority and peace officer certificates have been revoked by the P.O.S.T. Board. NDI can be accessed by all states and serves as a national clearing house which maintains the names of individuals who have been revoked and/or prohibited to serve as peace officers in other states.

During the 2003 Legislative Session, Senate Bill 03-103 was passed. The legislative intent of SB03-103 was to re-establish a statewide peace officer training program and to enable the P.O.S.T. Board to provide substantial training for certified peace officers. Since implementation, a twenty-five cent fee was collected on motor vehicle registrations and transferred to the P.O.S.T. Board Cash Fund pursuant to § 42-3-

134(32), C.R.S.. These revenues are used to provide funding for peace officer training programs as determined by the P.O.S.T. Board. Early on, P.O.S.T. established 10 training regions, which are based upon the state's 22 judicial districts. Law enforcement agencies within each training region are encouraged to work collaboratively and each region is required to develop training programs through the use of regional law enforcement planning groups and multi-agency collaborative efforts. The regions then annually submit a grant application on behalf of their region to P.O.S.T. Applications are reviewed by the P.O.S.T. Peace Officer Training Project Sub-committee, which then makes grant award recommendations to the P.O.S.T. Board.

The first five years of the P.O.S.T. Peace Officer Training Project were an overwhelming success (over 600,000 hours of training), and the project is still growing in participation. Prior to its implementation, advanced officer training had been in many cases sporadic, inconsistent and driven by the available financial resources of the communities our officer's serve. Now thousands of officers have received training that was previously unavailable prior to the P.O.S.T. grant program. P.O.S.T. had incurred an increase in operating costs, indirect and personnel costs from FY 01 to FY 09. In FY09, P.O.S.T. awarded grants totaled \$720,000. In FY10, without additional revenues, P.O.S.T. awarded grants totaled \$1,579,853.

The Department of Law and the Peace Officer Standards and Training Board (P.O.S.T.) pursued legislation during the 2009 Legislative Session. HB09-1036, was offered to increase the vehicle registration fee (from \$.25/vehicle to \$.60/vehicle) to provide additional training grant funds and pay program costs for the peace officer training board. This was approved. This fee is the Primary Funding Source for the P.O.S.T. Peace Officer Training Project.

The mission and goals of the Board has always been to set priorities to ensure monies are awarded to *assist the smaller and rural agencies* to develop and receive training that they might not be able to afford, but need in order to maintain or improve the proficiencies of their peace officers. The successful passage of HB09-1036 ensures the services it will provide for will have a real and identifiable impact on every county, city, town and neighborhood in the state and is directly related to the public safety of the citizens of Colorado.

**Critical Issues:** Since 2001, fourteen (14) new academies have applied for and have received approval from P.O.S.T. to conduct basic and reserve peace officer training certification programs. This process requires the P.O.S.T. Investigator to accept, review and process the academy applications, course descriptions and schedules, lesson plans, site depiction, and instructor credentials. The investigator forwards all Skills training course and instructor information to each of the Subject Matter Expert (SME) Committees for review and approval. The P.O.S.T. investigator is also responsible for all academy and program inspections, which requires travel to each of the 31 training academies. The P.O.S.T. Investigator and SME Committee members are regularly and routinely required to travel to the numerous academies located in Alamosa, Buena Vista,

Colorado Springs (3), Delta, Durango, Fort Collins, Glenwood Springs, Greeley (2), La Junta, Pueblo (2), Rangely and numerous Denver Metro area locations.

P.O.S.T. Staff electronically maintains the peace officer certification record and data for approximately 14,931+- active peace officers. P.O.S.T. is also responsible for the maintenance of the certification records of many thousands of individuals who were at one time appointed as active peace officers, but who no longer serve as peace officers.

In February 2001, the Colorado Peace Officer Standards and Training Board (P.O.S.T.) and Anti Defamation League (ADL) formed a partnership to develop a training program to specifically address 4<sup>th</sup> Amendment, Ethics and Anti-Bias Training for Colorado peace officers. The P.O.S.T./ADL partnership has produced the very successful "*Anti-Bias Training for Law Enforcement Officers*". This quality program was tailored to the unique culture of law enforcement and developed with input from both officers and citizens. The training has been well received by peace officers and law enforcement agencies throughout the State of Colorado and the communities they serve. Additionally, in 2005 the P.O.S.T. Board adopted an 8-hour Anti-Bias and Ethics Standard for every student attending a P.O.S.T. approved basic peace officer or reserve peace officer training program. The standard ensures that all new officers will receive anti-bias training. As a result, P.O.S.T. and ADL created an academy version of the "*Anti-Bias Training for Law Enforcement Officers*" curriculum and conducted several train-the-trainer sessions for law enforcement academy instructors. This new curriculum provides these instructors with the skills and materials needed to train their academy students in the required anti-bias and ethics standards.

In 2008, P.O.S.T./ADL received state and federal training grants allowing development of a multimedia (internet) training program and full implementation of our successful "*Anti-Bias Training for Law Enforcement Officers*" curriculum. This multimedia program addresses the same core competencies and student outcomes as the in-class program. The program is available in multimedia format to any officer, for use at their convenience and at any computer.

The DNA Bill (HB08-1397) has generated additional training costs for the Peace Officer Standards and Training (POST) Board because the bill requires the board to certify the curriculum regarding the proper techniques, practices, and protocols for peace officers to collect and retain DNA and biological evidence from crime scenes. A contract employee needed in the first year was hired to develop, certify, and implement the training course and to provide training seminars for instructors at the 27 law enforcement training academies located throughout the state. Persons who enrolled in a training academy on or after March 1, 2009 receive the training required within HB08-1397. The statutory requirement of August 1, 2009, was accomplished on December 5, 2008.

1. P.O.S.T. has developed a specialized a "*P.O.S.T. DNA Internet Training Course*" (similar to P.O.S.T.'s "*Anti-Bias Training for Law Enforcement Officers*" *Internet Program*) and certification program that concentrates on the proper techniques, practices, and protocols for evidence collection and retention with emphasis on evidence that may contain biological or DNA evidence. The program has allowed

access to Colorado Peace Officers certified by the P.O.S.T. Board, with a launch date of September 1, 2009. Tuition costs for the peace officers accessing the internet training will be absorbed by P.O.S.T. from within the Peace Officer Training Project, beginning on September 1, 2009, ending June 30, 2011.

## **II) HOT ISSUES:**

P.O.S.T.'s responsibility for the certification and training of Colorado Peace Officers is a critical link between federal agencies, state agencies, and local government agencies. P.O.S.T. will continue to review the educational requirements and certification needs of Colorado peace officers, including Continuing Law Enforcement Educational (CLEE) requirements and issues. A recent P.O.S.T. survey of Colorado law enforcement leaders established the need for P.O.S.T. supported *Continuing Law Enforcement Education standards*.

## **III) WORKLOAD MEASURE:**

At its periodic meetings, the P.O.S.T. Board considers appealed variance requests and may hold hearings of appealed suspension, revocation, or denial rulings made by the P.O.S.T. Director.

The Board also reviews applications for program approval. Additionally, the P.O.S.T. Board conducts Rule Making Hearings to modify or implement P.O.S.T. Rules as a result of changes made during the legislative session, at the request of Staff, or to coincide with case law.

Staff also reviews the certification records of peace officers from bordering states applying for Colorado peace officer certification or involved in temporary assignment to law enforcement agencies in Colorado (see § 29-1-206, C.R.S.).

The Staff conducts over 90 certification exams each year at the twenty-eight basic training academy sites. Within that testing process, the P.O.S.T. Staff members regularly travel to the academies in Alamosa, Buena Vista, Colorado Springs (3 academies), Craig, Delta, Durango, Glenwood Springs, Grand Junction, Greeley, La Junta, Pueblo, Rangely, and at numerous Denver Metro locations.

### **Recent Legislative Actions Affecting P.O.S.T. Workload**

- During the 1995 Legislative Session, the Colorado Legislature extended P.O.S.T. Board responsibilities for the development of training curriculum and the certification of all inspectors of vehicle identification numbers (VIN inspector training).
- In 1997, the legislature passed legislation extending the P.O.S.T. Board's responsibility for the office of elected county sheriff. The legislative requirements include basic peace officer certification and specific training requirements. Each

newly elected sheriff must attend a P.O.S.T. approved 80-hour training academy, as approved by P.O.S.T., prior to entering the elected office and all active sheriffs must attend 20-hours of annual training.

- During the 1999 Legislative Session, the legislature passed requirements for the P.O.S.T. Board to develop training objectives and curriculum for Bail Recovery Training programs.
- In 2001, the Colorado Legislature passed **HB01-1114 *Concerning Profiling in Connection with Traffic Stops***, legislation requiring P.O.S.T. Board certification of a statewide anti bias training curriculum for law enforcement officers and approval (certification) of agency conducted training programs that prevent racial profiling. Since the effective date of this legislation, certified Colorado peace officers have completed Anti Bias training facilitated or approved by P.O.S.T.
- In 2003, the Colorado Legislature enacted four Bills having a direct workload impact on the P.O.S.T. Board and Staff. **SB03-103 *Concerning Peace Officer Training Programs***, created a cash fund in the state treasury for the awarding of peace officer training grants. The program provides training grant funding for peace officers, particularly for peace officers serving in rural and small law enforcement agencies. **SB03-242 *Concerning P.O.S.T. Board Membership***, added the three (3) previously noted rank and file law enforcement members to the P.O.S.T. Board. **HB03-1266 *Concerning the Recodification of Statutes Related to Peace Officers***, clarified the authority of peace officer groups/positions and causes P.O.S.T. Staff to provide more service and explanation to peace officer applicants and law enforcement agencies. P.O.S.T. Staff must now determine the statutory recognition and category status of all peace officer appointments. **HB03-1352 *Concerning Fingerprint-Based Criminal History Record Checks***, requires the submittal of P.O.S.T. fingerprint cards for all peace officer applicants and requires P.O.S.T. to qualify each student prior to the student's first day of instruction at an approved basic or reserve peace officer academy.
- During the 2004 Legislative Session, **SB04-224 *Concerning the Sunrise Review of Peace Officer Status***, was passed. The Bill requires P.O.S.T. to conduct a sub-committee review and hold a hearing with group/position applicants seeking statutory peace officer authority, provide a report to the P.O.S.T. Board for action and present a final P.O.S.T. Board recommendation to the Senate and House Judiciary Committees.
- During the 2005 Legislative Session, **HB05-1076, *Concerning Peace Officer Certification Granted by the Peace Officer Standards and Training Board***, was passed. The Bill modifies the definitions of peace officers; adds two additional misdemeanors to the list of disqualifying misdemeanors; allows exclusion of individuals released or discharged from the armed forces of the United States under dishonorable conditions; authorizes P.O.S.T. to approve peace officer training

programs; and authorizes P.O.S.T. to grant “Conditional Peace Officer Authority” to any person who successfully completes the required training program.

- During the 2006 Legislative Session, **HB06-1027**, *Concerning Persons Authorized as Peace Officers in Colorado*, was passed. The Bill modifies the definitions of peace officers, and added two additional peace officer positions/groups (Municipal Court Marshals and Public Transit Officer) to the statutes and authorizes P.O.S.T. to approve peace officer certification applicants and grant “Peace Officer Certification” to persons who successfully meet the required training requirements/standards.
- During the 2006 Legislative Session, **HB06-1179**, *Concerning Peace Officers Officer Authority in Colorado for Federal Law Enforcement Officers*, was passed. The Bill modifies the definitions of peace officers; adds Federal Agents from the Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms to the peace officer statutes.
- During the 2006 Legislative Session, **HB06S-1023**, *Concerning the Immediate Implementation of Restrictions on Public Benefits as Defined in Article 8 of the United States Code for Persons Eighteen Years of Age or Older Effective August 1, 2006*, was passed. The Bill requires and authorizes P.O.S.T. to verify the lawful presence of all certification applicants before granting “Peace Officer Certification” to any person who successfully demonstrates meeting the required training requirements.
- During the 2008 Legislative Session, **HB08-1106**, *Concerning Persons Employed by Institutions of Higher Education*, was passed. The Bill modifies the definitions of peace officers; adds additional peace officer positions/groups (Police Officer or Reserve Peace Officers Employed by the institutions of higher education) to the statutes and authorizes P.O.S.T. to approve peace officer certification applicants and grant “Peace Officer Certification” to any person who successfully demonstrates meeting the required training requirements.
- During the 2008 Legislative Session, **HB08-1147** *Concerning a Report Regarding Witness Protection Training*, was passed. The bill requires that any Witness Protection Curriculum developed by the Witness Protection Board shall be provided to the P.O.S.T. Board and shall be distributed and made available to Colorado law enforcement agencies.
- During the 2008 Legislative Session, **HB08-1348**, *Concerning the Authorization of Officers of the Federal Protective Service to act as Peace Officers in Colorado*, was passed. The Bill modifies the definitions of the statute for federal agents/peace officers; adds Federal Protective Service Officers to the statute for Federal Agents from the Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms to the peace officer statute(s).
- During the 2008 Legislative Session, **HB08-1397**, *Concerning the Disposition of Evidence Collected in Criminal Cases*, was passed. The bill requires the preservation



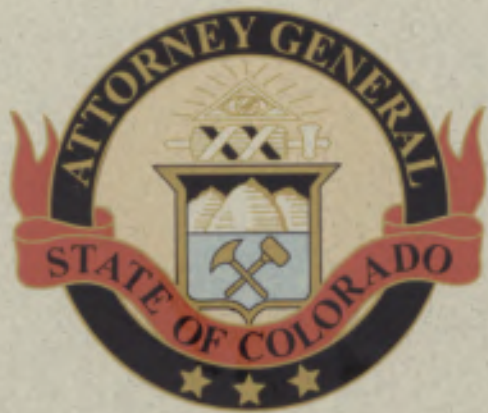
of evidence collected during the investigation of a class 1 felony or a sex crime for indeterminate sentencing that resulted in a sentence for the life of the offender. Creates a process whereby all other evidence may be disposed of after notice to the district attorney and defendant or his or her counsel of record with an opportunity to file an objection with the court. Additionally, the Bill requires that P.O.S.T. create training for new peace officer cadets to receive training at the training academy and to develop a separate training program for existing certified peace officers on proper DNA evidence collection and preservation. P.O.S.T. is also authorized to develop other specialized certification programs that concentrate on the proper techniques, practices and protocols for evidence collection with emphasis on evidence that may contain biological or DNA evidence.

## WORKLOAD INDICATOR

Workload Measure		FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY12 Request
Coordination and delivery of the peace officer certification examination and skills test-outs		1139	853	1075	1075
Inspection of training programs		12	16	12	12
Peace officers certified under reciprocity		72	46	70	70
Annual documentation of training funded by POST and attended by peace officers (SB03-103 / HB09-1036)		123500	189,139	165000 (with new legislation)	200000* (with new legislation)
Peace Officer Revocation Actions		23	23	25	40
DNA and Anti-Bias Internet Training Program(s)Documentation			8,175	5500	8000



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - POST Board**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>POST Board</b>	1,146,558	4.6	2,168,606	6.5	2,681,744	7.0	2,761,952	7.0	2,691,996	7.0
General Fund	57,107		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,089,451		2,168,606		2,681,744		2,761,952		2,691,996	
Reappropriated Funds	-		-		-		-		-	
Federal Funds										



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

<b>I. POSITION DETAIL</b>										
General Professional VI	98,760	1.0	84,697	0.9			98,760	1.0	98,760	1.0
General Professional V	6,625	0.1	69,300	1.0			72,600	1.0	72,600	1.0
Compliance Investigator II	66,876	1.0	66,876	1.0			66,876	1.0	66,876	1.0
Data Specialist	35,226	1.0	36,000	1.0			36,000	1.0	36,000	1.0
Technician III	23,042	0.5							-	
General Profesional II			42,750	0.9			48,000	1.0	48,000	1.0
Program Assistant II	43,920	1.0	38,950	0.8			49,200	1.0	49,200	1.0
Program Assistant I			36,185	0.9			43,200	1.0	43,200	1.0
<b>TOTAL POSITION DETAIL</b>	<b>274,449</b>	<b>4.6</b>	<b>374,758</b>	<b>6.5</b>			<b>414,636</b>	<b>7.0</b>	<b>414,636</b>	<b>7.0</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position) Continuation Salary Subtotal	<b>274,449</b>	<b>4.6</b>	<b>374,758</b>	<b>6.5</b>			<b>414,636</b>	<b>7.0</b>	<b>414,636</b>	<b>7.0</b>
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	35,548		38,409				31,720		42,086	
Medicare on Continuation Subtotal	4,298		5,487				6,012		6,012	
Non-Base building performance Award	4,903						-		-	
Part Time/Temporary Services	15,071		3,541				-		-	
Contractual Services	74,796		49,447				102,858		102,858	
Overtime Payments										
Termination/Retirement Payouts										
Furlough			(4,643)							
Leave Payout	8,154		13,701				-		-	
Sick Leave Payout	1,273		1,657				-		-	
Indirect Cost	4,129						-		-	
<b>SUBTOTAL</b>	<b>148,172</b>		<b>107,599</b>				<b>140,590</b>		<b>150,956</b>	
<b>(I.C.) PERSONAL SERVICES</b>										
<b>SUBTOTAL= A+B</b>	<b>422,621</b>	<b>4.6</b>	<b>482,357</b>	<b>6.5</b>			<b>555,226</b>	<b>7.0</b>	<b>565,592</b>	<b>7.0</b>
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	18,778		31,416				33,176			
Salary Survey	[15,320]									
Performance Awards	[5,543]									
Short Term Disability	349		559				394			



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

<b>OPERATING EXPENSES</b>									
2170 Waste Disposal Services	15	-	-	-	-	-	-	-	-
2230 Equipment Contract Maintenance	865	1,155	-	1,000	-	1,000	-	1,000	-
2231 ADP Equip Maint/Repair Services	778	2,424	-	2,400	-	2,400	-	2,400	-
2232 Software Upgrades	6,042	7,348	-	-	-	-	-	-	-
2240 Motor Veh Maint/Repair Svcs	-	-	-	-	-	-	-	-	-
2250 Misc Rentals	-	-	-	-	-	-	-	-	-
2251 Lease Motor Pool Vehicle	-	792	-	-	-	-	-	-	-
2252 Motor Pool Mileage Charge	-	952	-	1,456	-	1,456	-	1,456	-
2253 Equipment Rental	-	-	-	-	-	-	-	-	-
2254 Rental of Motor Vehicles	-	-	-	-	-	-	-	-	-
2255 Rental of Buildings	18,479	19,887	-	-	-	-	-	-	-
2258 Parking Fees	-	347	-	-	-	-	-	-	-
2259 Parking Fee Reimbursement	367	227	-	400	-	400	-	400	-
2510 In State Travel	-	34	-	-	-	-	-	-	-
2512 IS Personal Travel Per Diem	2,213	3,863	-	3,000	-	3,000	-	3,000	-
2513 IS Personal Vehicle Reimbursement	745	-	-	-	-	-	-	-	-
2514 State Owned Aircraft	-	-	-	-	-	-	-	-	-
2520 IS Travel/Non Employee	-	-	-	-	-	-	-	-	-
2523 IS/Non-Emp - Pers Veh Reimb	-	96	-	-	-	-	-	-	-
2530 Out of State Travel	-	-	-	-	-	-	-	-	-
2531 OS Common Carrier Fares	-	-	-	-	-	-	-	-	-
2532 OS Personal Travel Per Diem	-	-	-	-	-	-	-	-	-
2533 OS Personal Vehicle Reimbursement	-	-	-	-	-	-	-	-	-
2542 OS/Non Employee Pers Per Diem	-	-	-	-	-	-	-	-	-
2550 Out of Country Travel	-	-	-	-	-	-	-	-	-
2552 OC Pers Travel Reimbursement	-	-	-	-	-	-	-	-	-
2630 Telephone	3,040	2,985	-	3,200	-	3,200	-	3,200	-
2631 Comm Svcs from Outside Sources	81	115	-	150	-	150	-	150	-
2641 Other ADP Billings - Purchase Services	62	263	-	215	-	215	-	215	-
2660 Insurance	1,045	766	-	-	-	-	-	-	-
2680 Contract Printing	8,659	5,166	-	8,700	-	8,700	-	8,700	-
2681 Photocopy Reimbursement	-	-	-	-	-	-	-	-	-
2690 Other Pur Services - Legal	2,469	4,663	-	11,532	-	11,532	-	11,532	-
2810 Freight & Storage	-	-	-	-	-	-	-	-	-
2820 Other Purchased Services	-	11	-	-	-	-	-	-	-
2830 Office Moving/Purchased Services	-	-	-	-	-	-	-	-	-



## SCHEDULE 3 - OPERATING PROGRAM DETAIL

## PEACE OFFICERS STANDARDS &amp; TRAINING BOARD

Department of Law

12

FTE

3110 Other Supplies and Materials			-					-	
3112 Automotive Supplies			-					-	
3113 Clothing & Uniform Allowance			-					-	
3114 Custodial			-					-	
3115 DP Supplies	1,339		459			1,400		1,400	
3116 Purchase/Leased Software	754		36			-		-	
3117 Educational	35		60			75		75	
3120 Books & Subscriptions			22					-	
3121 Office Supplies	3,913		4,183			4,000		4,000	
3122 Microfilming/Photo. Supplies	39		27			39		39	
3123 Postage	5,382		4,389			5,500		5,500	
3124 Printing			-					-	
3126 Repair & Maintenance/Supplies			-					-	
3128 Non-Capitalized Equipment			368					-	
3131 Non-Capitalized Building Materials			-					-	
3132 Non-Capitalized Furn/Office Systems			715					-	
3140 Non-Capitalized IT PC's	1,556		1,663			-		-	
3141 Non-Capitalized IT - Servers	104		117			-		-	
3143 Non-Capitalized IT Other	35		126			-		-	
3146 Non-Capitalized IT Purchased Server	34		-			-		-	
3940 Electricity			-					-	
3950 Gasoline			-					-	
4100 Other Operating Expenses			-					-	
4111 Prizes and Awards			-					-	
4140 Dues & Memberships	1,496		1,783			1,800		1,800	
4151 Interest Late Payments			-					-	
4170 Miscellaneous Fees			-					-	
4180 Official Functions	1,220		1,100			-		-	
4220 Registration Fees			1,518					-	
5110 Grants to Cities			-					-	
5120 Grants to Counties			-					-	
5776 State Grant - Interfund	5,500		100,000			100,000		100,000	
5781 Grants to NonGov/Organizations	629,754		1,473,064			1,979,752		1,979,612	
6140 Buildings and Improves. to Bldg.			-					-	
6210 Other Capital Equipment			-					-	
6212 IT PC SW Direct Purchase	1,065		-			1,500		1,500	
6213 IT Servers Direct Purchase	273		-			400		400	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

6220 Office Furn & Equip			-						-
6280 Other Capital Equipment (direct purchase)			-						-
6410 ADP Equipment-Lease Purchase			-						-
7520 Intra Fund Transfer-Other			-						-
<b>Operating Expense Subtotal:</b>	697,358		1,640,722				2,126,519		2,126,379
<b>OPERATING EXPENSE TOTAL:</b>	<b>697,358</b>		<b>1,640,722</b>				<b>2,126,519</b>		<b>2,126,379</b>
General Fund	12,469								-
General Funds Exempt									
Cash Funds	684,889		1,640,722				2,126,519		2,126,379
Reappropriated Funds									
<b>Potted Operating Expenses</b>									
Workers' Compensation							895		
Leased Vehicle Expense							1,676		
Capital Complex Lease Space							22,044		
Leased Space							-		
IT Asset Maintenance							8,550		
ADP Capital Outlay							-		
Building Security							2,128		
<b>Total</b>							<b>35,293</b>		
General Fund							-		
Cash Funds							35,293		
Reappropriated Funds									
<b>ROLLFORWARD</b>									
General Funds Exempt									
Reappropriated Funds									
<b>SPECIAL BILLS</b>									
HB09-1036 Increase Motor Veh Reg. Fees			-				-	0.0	-
General Fund			-				-		-
Cash Funds							-		-
<b>ANNUALIZATION SPECIAL BILLS</b>									
HB09-1036 Increase Motor Veh Reg. Fees							-		-

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

## PEACE OFFICERS STANDARDS &amp; TRAINING BOARD

Department of Law

									12	
									Funds	FTE
General Fund								-	-	
Cash Funds										
<b>FY12 DECISION ITEM REQUEST</b>										
<b>Budget Amend - DPA NP Printing Statewide Warrants and Mainframe Docs</b>								-	26	
General Fund								-	-	
Cash Funds									26	
<b>BA - NP-3 DPA Postage Increase</b>								-		
General Fund								-		
Cash Funds								-		
<b>TOTAL POST BOARD</b>	<b>1,146,558</b>	<b>4.6</b>	<b>2,168,606</b>	<b>6.5</b>	<b>1,246,975</b>	<b>6.0</b>	<b>2,761,952</b>	<b>7.0</b>	<b>2,691,996</b>	<b>7.0</b>
General Fund	57,107						-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	1,089,451		2,168,606		1,246,975		2,761,952		2,691,996	
Reappropriated Funds							-		-	
Federal Funds										
<b>RECONCILIATION OF FUNDS/REQUEST</b>										
Long Bill Appropriation	1,176,732	6.0	1,246,975	6.0			2,681,744	7.0	2,681,744	7.0
Salary Survey-Classified									-	
PBP - Classified									-	
OSPB .2% Base Reduction									-	
PERA change back to 10.15%									10,226	
<i>DPA NP Printing Statewide Warrants and Mainframe Docs</i>									26	
<i>Special Bill - HB08-1397</i>	81,207						-			
<i>Supplemental HB 10-1305</i>			(50,367)							
<i>HB 09-1036 Increase Motor Veh. Reg Fees</i>			1,494,995	1.0						
Salary POTS	20,863						-			
Health/Life/Dental	34,277		17,747				33,176			
Short Term Disability	465		440				394			
SB 04.257 A.E.D.	5,719		7,045				6,561			
SB 06.235 S.A.E.D.	2,681		4,403				4,784			
Workers Compensation	1,045		777				895			
Capital Complex Lease Space	18,479		19,488				22,044			
Leased Space Allocation									1,676	
Vehicle Lease Allocation									2,128	
Building Security			3,002							

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

IT Asset Maintenance	9,728		8,550				8,550			
ADP Capital Outlay Allocation										
Rollforward from Previous FY							-			
Rollforward to Subsequent FY										
Overexpenditure/(Reversion) - GF	(24,100)	(0.2)								
Lapsed Appropriation Cash Fund	(180,537)	(1.2)	(584,449)	(0.5)						
Lapsed Appropriation Cash Fund Exempt										
<b>TOTAL RECONCILIATION</b>	<b>1,146,559</b>	<b>4.6</b>	<b>2,168,606</b>	<b>6.5</b>			<b>2,761,952</b>	<b>7.0</b>	<b>2,691,996</b>	<b>7.0</b>
<b>GRAND TOTAL</b>	<b>1,146,558</b>	<b>4.6</b>	<b>2,168,606</b>	<b>6.5</b>	<b>2,681,744</b>	<b>7.0</b>	<b>2,761,952</b>	<b>7.0</b>	<b>2,691,996</b>	<b>7.0</b>
General Fund	57,107				-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,089,451		2,168,606		2,681,744		2,761,952		2,691,996	
Reappropriated Funds	-		-				-		-	
Federal Funds	-		-						-	



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

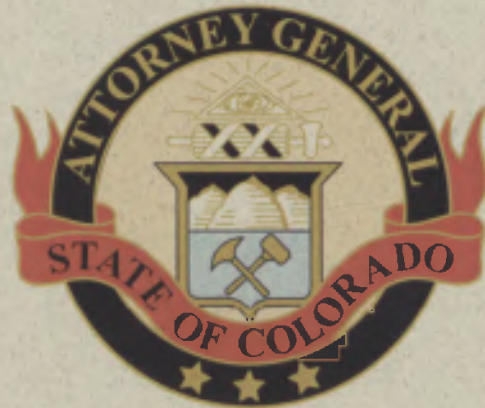
**PEACE OFFICERS STANDARDS & TRAINING BOARD**

<b>Schedule 3 Total</b>		1,146,558	2,168,606	2,681,744	2,761,952	2,691,996
General Funds		57,107	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		1,089,451	2,168,606	2,681,744	2,761,952	2,691,996
Reappropriated Funds		-	-	-	-	-
<b>Cash Funds</b>	296					
POST Board Fund		1,089,451	2,168,606	2,681,744	2,761,952	2,691,996
<b>Reappropriated Funds</b>	296					
POST Board Fund Reserve		-	-	-	-	-



# **Narrative**

# **Safe 2 Tell**





## **I) BACKGROUND INFORMATION: SAFE2TELL UNIT.**

Safe2Tell is a 501c3 not-for-profit organization based on the Colorado Prevention Initiative for School Safety. The state augments these efforts through state resources associated with 1.0 FTE, who serves as the Executive Director. This position was transferred to the Department of Law from the Department of Public Safety, starting in FY 2010-11.

This program is an anonymous reporting system/mechanism for use by Colorado school children, administrators and teachers, parents and others in the community. The Safe2Tell hotline is manned by the Colorado State Patrol Denver Communications Center. Tips are anonymous and cover a wide variety of topics related to the broad goals of protecting student safety both in schools and in their communities.

The executive director manages the hotline and responses to Safe2Tell tips; provides training for students and teachers; speaks to community groups; seeks support of state and local law enforcement and education officials; and generally encourages students to report unsafe, unhealthy behaviors by their peers. Established as a private non-profit organization, Safe2Tell has a volunteer board and employs three other staff who report to the executive director and whose activities further Safe2Tell's mission.

For the first five years of its existence, Safe2Tell operated in conjunction with the Colorado Attorney General's Office. The program grew out of the Columbine tragedy in 1999 and was promoted by the Attorney General and other leaders as the only vehicle dedicated to anonymous reporting of school shooting threats. Follow up is done at the community law enforcement-level and affected schools are made aware of threats or problems that could impact their student body.

## **II) PRIOR YEAR LEGISLATION**

The Safe2Tell Unit did not sponsor or promote any legislation in FY 2009-2010.

## **III) WORKLOAD MEASURES**

Since the 2004-2005 school year, students across Colorado have filed more than 2,700 reports concerning bullying, gangs and other problems through Safe2Tell. These tips and reports have helped local school and law enforcement to intervene and put a halt to problems before they grow and have potentially disastrous consequences.

The work of Safe2Tell and the more than 2,782 tips students provided have resulted in:

- 284 school disciplinary actions
- 67 arrests
- 393 investigations

- 344 counseling referrals
- 282 prevention and intervention plans
- 796 increased monitoring of individuals

## **I) BACKGROUND INFORMATION: SAFE2TELL UNIT.**

Safe2Tell is a 501c3 not-for-profit organization based on the Colorado Prevention Initiative for School Safety. The state augments these efforts through state resources associated with 1.0 FTE, who serves as the Executive Director. This position was transferred to the Department of Law from the Department of Public Safety, starting in FY 2010-11.

This program is an anonymous reporting system/mechanism for use by Colorado school children, administrators and teachers, parents and others in the community. The Safe2Tell hotline is manned by the Colorado State Patrol Denver Communications Center. Tips are anonymous and cover a wide variety of topics related to the broad goals of protecting student safety both in schools and in their communities.

The executive director manages the hotline and responses to Safe2Tell tips; provides training for students and teachers; speaks to community groups; seeks support of state and local law enforcement and education officials; and generally encourages students to report unsafe, unhealthy behaviors by their peers. Established as a private non-profit organization, Safe2Tell has a volunteer board and employs three other staff who report to the executive director and whose activities further Safe2Tell's mission.

For the first five years of its existence, Safe2Tell operated in conjunction with the Colorado Attorney General's Office. The program grew out of the Columbine tragedy in 1999 and was promoted by the Attorney General and other leaders as the only vehicle dedicated to anonymous reporting of school shooting threats. Follow up is done at the community law enforcement-level and affected schools are made aware of threats or problems that could impact their student body.

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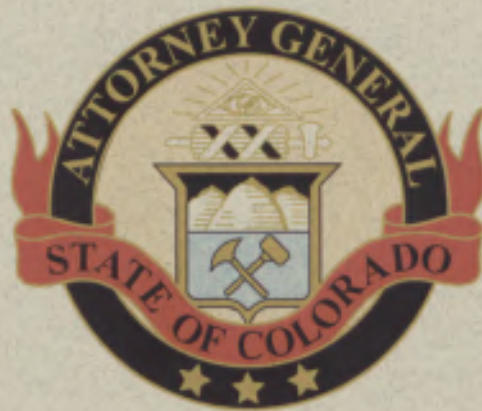
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**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**Safe 2 Tell**



## SCHEDULE 2 - PROGRAM SUMMARY

**Department of Law**

**Safe2Tell**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Safe2Tell	0	0.0	0	0.0	98,351	1.0	113,532	1.0	98,351	1.0
General Fund	-		-		98,351		113,532		98,351	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	0		0		0		-		0	
Federal Funds	-		-		-		-		-	



### SCHEDULE 3 - PROGRAM DETAIL

Department of Law

Safe2Tell

Department of Law											
Safe2Tell											
<b>I. POSITION DETAIL</b>											
General Professional VI								93,384	1.0	93,384	1.0
<b>TOTAL POSITION DETAIL</b>								<b>93,384</b>	<b>1.0</b>	<b>93,384</b>	<b>1.0</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>								<b>93,384</b>	<b>1.0</b>	<b>93,384</b>	<b>1.0</b>
(Permanent FTE by position) Continuation Salary Subtotal											
<b>(I.B.) OTHER PERSONAL SERVICES</b>											
PERA on Continuation Subtotal				-				7,144		9,478	
Medicare on Continuation Subtotal				-				1,354		1,354	
Non-Base Building Performance Awards				-							
Contractual				-							
Furlough Days				-							
Other				-							
<b>SUBTOTAL</b>								<b>8,498</b>		<b>10,833</b>	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>								<b>101,882</b>	<b>1.0</b>	<b>104,217</b>	<b>1.0</b>
<b>(I.D.) POTS EXPENDITURES</b>											
Health/Life Dental				-				3,853			
Salary Survey				-				-			
Performance Awards				-				-			
Short Term Disability				-				145			
SB 04.257 A.E.D.				-				2,241			
SB 06.235 S.A.E.D.				-				1,634			
Other				-							
[ ] Indicates a Non-add											
<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D</b>								<b>109,755</b>	<b>1.0</b>	<b>104,217</b>	<b>1.0</b>
<b>(I.F.) DIFFERENCE= II- I.E.</b>											





**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**Safe2Tell**

<b>OPERATING EXPENSES</b>									
2230 Equipment Maintenance/Repair Srvs				-				-	
2231 ADP Equip Maint/Repair Services				-				-	
2232 Software Upgrades				-				-	
2254 Rental of Motor Vehicles				-					
2255 Rental of Buildings				-					
2258 Parking Fees									
2512 IS Personal Travel Per Diem				-					
2513 IS Personal Vehicle Reimbursement				-					
2532 OS Personal Travel Per Diem				-					
2630 Telephone				-					
2631 Comm Svcs from Outside Sources				-				-	
2641 Other ADP Billings - Purchase Services				-					
2660 Insurance				-					
2680 Contract Printing				-					
3115 Data Processing Supplies				-					
3116 Purchase/Leased Software				-					
3117 Educational				-					
3120 Books & Subscriptions				-					
3121 Office Supplies				-					
3122 Microfilming/Photo. Supplies				-					
3123 Postage				-					
3140 Non-Capitalized IT - PCs				-					
3141 Non-Capitalized IT - Servers				-					
3143 Non-Capitalized IT - Other				-					
3146 Non-Capitalized IT Purchased Server SW				-					
4140 Dues & Memberships				-					
4220 Registration Fees				-					
6212 IT Servers - Direct Purchase				-					
6213 IT PC SW - Direct Purchase				-					
<b>Operating Expense Subtotal:</b>				-				-	-
<b>OPERATING EXPENSE TOTAL:</b>				-				-	-
General Fund									
Reappropriated Funds	0			-				-	-



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**Safe2Tell**

Lapsed Appropriation Federal Funds			-	0.0			113,532	1.0	98,351	1.0
<b>TOTAL RECONCILIATION</b>			-	0.0			113,532	1.0	98,351	1.0
<b>GRAND TOTAL</b>			-	0.0	98,351	1.0	113,532	1.0	98,351	1.0
General Fund			-		98,351		113,532		98,351	
General Fund Exempt			-		-		-		-	
Cash Funds			-		-		-		-	
Reappropriated Funds			-		-		-		-	
Federal Funds							-			



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

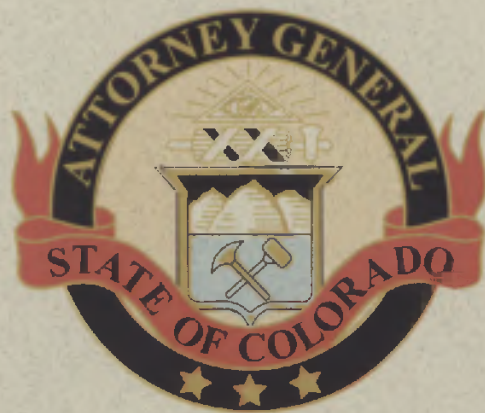
**Department of Law**

**Safe2Tell**

<b>Schedule 3 Total</b>		-	-	98,351	113,532	98,351
General Funds		-	-	98,351	113,532	98,351
General Funds Exempt		-	-	-	-	-
Cash Funds		-	-	-	-	-
Reappropriated Funds		-	-	-	-	-
Federal Funds		-	-	-	-	-
<b>Reappropriated Funds</b>						
Victim Assistance & Law Enforcement Fund		-	-	-	-	-
<b>Federal Funds</b>						
Federal VOCA Grant		-	-		-	-



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Insurance Fraud**





**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**INSURANCE FRAUD**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Insurance Fraud</b>	718,670	7.6	0	0.0			-		-	
General Fund	-		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	-		-				-		-	
Reappropriated Funds	718,670		-				-			



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**INSURANCE FRAUD**

<b>I. POSITION DETAIL</b>										
Deputy Attorney General	12,265	0.1								
Senior Assistant Attorney General	179,676	2.0								
Assistant Attorney General II										
Criminal Investigator II	256,994	3.6								
Administrative Assistant III	37,728	1.0								
Legal Assistant I	44,160	1.0								
<b>TOTAL POSITION DETAIL</b>	<b>530,823</b>	<b>7.6</b>						0	0.0	-
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position)										
Continuation Salary Subtotal	<b>530,823</b>	<b>7.6</b>		0	0.0			0	0.0	
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	40,894							-		-
Medicare on Continuation Subtotal	5,999							-		-
Non-Base building Performance Award	2,093							-		-
Part-Time/Temporary Salaries										
Purchased Services- Professional	4,616							-		-
Termination/Retirement Payouts	-									
Other:	11,469									
<b>SUBTOTAL</b>	<b>65,072</b>							-		-
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>										
Reappropriated Funds	<b>595,895</b>	<b>7.6</b>		-	0.0			-	0.0	-
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	35,064							-		
Salary Survey	[16,071]									
Performance Awards	[7,862]									
Short Term Disability	690							-		
SB 04.257 A.E.D.	8,244							-		
SB 06.235 S.A.E.D.	3,863							-		
Other	613									

[ ] Indicates a Non-add



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**INSURANCE FRAUD**

<b>OPERATING EXPENSES</b>										
1930 - Litigation	1,150									
2170 - Waste Disposal Services	19									
2230 - Equipment Contract Maintenance	37									
2231 - ADP Equip Maint/Repair Services	445									
2232 - Software Upgrades	4,660									
2251 - Lease Motor Pool Vehicle	5,650									
2240 - Motor Veh Maint/Repair Svcs										
2251 - Rental/Lease Motor Pool Veh										
2252 - Motor Pool Mileage Charge	4,585									
2253 - Equipment Rental	12									
2255 - Rental of Buildings	23,406									
2258 - Parking Fees	2,375									
2510 - In State Travel										
2512 - IS Personal Travel Per Diem	1,294									
2513 - IS Personal Vehicle Reimbursement										
2522 - IS/Non-Empl-Pers Per Diem										
2530 - Out of State Travel	50									
2531 - OS Common Carrier Fares	139									
2532 - OS Personal Travel Per Diem	590									
2551 - Out of Country Travel	370									
2630 - Telephone	2,068									
2631 - Comm Svcs from Outside Sources	2,738									
2641 - Other ADP Billings - Purchase Services	5,739									
2660 - Insurance	1,325									
2680 - Contract Printing	1,287									
2820 - Other Purchased Services										
3115 - DP Supplies	312									
3116 - Purchase/Leased Software	445									
3117 - Educational	453									
3120 - Books & Subscriptions	3,102									
3121 - Office Supplies	710									
3123 - Postage	386									
3128 - Non-Capitalized Equipment	2,200									
3131 - Non-Capitalized Building										
3132 - Non-Capitalized IT	99									
3140 - Non-Cap IT-PCs	2,223									



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**INSURANCE FRAUD**

Health/Life/Dental	42,973								
Short Term Disability	696								
SB 04.257 A.E.D.	8,570								
SB 06.235 S.A.E.D.	4,018								
Worker's Compensation	1,325								
Capital Complex Leased Space Allocation	23,406								
Vehicle Lease Allocation	5,446								
IT Asset Maintenance	12,322								
Communication Service Payments	1,182								
ADP Capital Outlay Allocation									
CLE Registration Fees	788								
Building Security									
Rollforward to Subsequent FY									
Rollforward from Previous FY									
Overexpenditure/(Reversion) - GF									
Lapsed Appropriation Reappropriated Funds	(25,963)	(0.3)			0.0				
<b>TOTAL RECONCILIATION</b>	<b>718,670</b>	<b>7.3</b>					-		
<b>GRAND TOTAL</b>	<b>718,670</b>	<b>7.6</b>	-		<b>0.0</b>		-		-
General Fund			-				-		-
General Fund Exempt	-		-				-		-
Cash Funds	-		-				-		-
Reappropriated Funds	<b>718,670</b>		-				-		-
Federal Funds									





**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

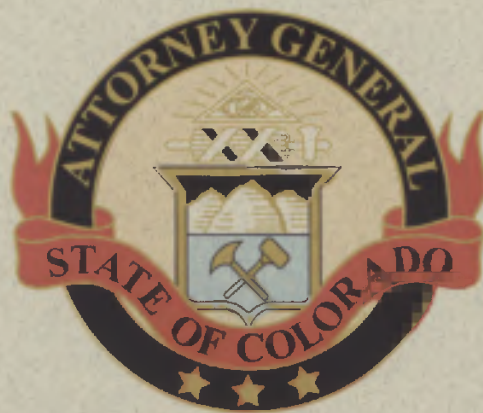
**Department of Law**

**INSURANCE FRAUD**

<b>Schedule 3 Total</b>		718,670	-		-	-
General Funds		-	-		-	-
General Funds Exempt		-	-		-	-
Cash Funds		-	-		-	-
Reappropriated Funds		718,670	-		-	-
<b>Reappropriated Funds</b>						
DORA, Division of Insurance CF		718,670	-		-	-



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Securities Fraud**



## SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

SECURITIES FRAUD

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>SECURITIES FRAUD</b>	541,099	5.1	0	0.0			-	0.0	-	0.0
General Fund	134,001		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	-		-				-		-	
Reappropriated Funds	407,098		-				-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**SECURITIES FRAUD**

<b>I. POSITION DETAIL</b>										
Deputy Attorney General	12,265	0.1								
First Assistant Attorney General	109,140	1.0								
Senior Assistant Attorney General	92,556	1.0								
Assistant Attorney General II										
Legal Assistant II	55,776	1.0								
Criminal Investigator II	145,674	2.0								
Administrative Assistant III										
<b>TOTAL POSITION DETAIL</b>	<b>415,411</b>	<b>5.1</b>					0	0.0	0	0.0
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	<b>415,411</b>	<b>5.1</b>	-	0.0			-	0.0	-	0.0
(Permanent FTE by Position)										
Continuation Salary Subtotal										
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	41,168						-		-	
Medicare on Continuation Subtotal	5,856						-		-	
Non-Base building Performance Award	-						-		-	
Part Time/Temporary Salaries										
Contractual Services	3,117									
Leave										
Other:	-						-		-	
<b>SUBTOTAL</b>	<b>50,141</b>		-				-		-	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=</b>										
<b>A+B</b>	<b>465,552</b>	<b>5.1</b>	-	0.0			-	0.0	-	0.0
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	21,505									
Salary Survey	[13,968]									
Performance Awards	[6,694]									
Short Term Disability	538									
SB 04.257 A.E.D.	6,345									
SB 06.235 S.A.E.D.	2,929									
Other	566									
[ ] Indicates a Non-add										

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

SECURITIES FRAUD

<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D C+D</b>	<b>497,435</b>	<b>5.1</b>	<b>-</b>	<b>0.0</b>				<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>
<b>(I.F.) DIFFERENCE= II-I.E.</b>										-	
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>											
General Fund											
Cash Funds											
Reappropriated Funds											
<b>(II.G) PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION</b>											
Previous Year Long Bill										-	
Salary Survey-Classified										-	
PBP - Classified										-	
Salary Survey Exempt										-	
PBP - Exempt										-	
OSPB .2% Base Reduction										-	
SPECIAL BILLS:										-	
Subtotal -										-	
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>497,435</b>	<b>5.1</b>	<b>-</b>	<b>0.0</b>				<b>-</b>		<b>-</b>	
General Fund	114,416							-		-	
Cash Funds											
Reappropriated Funds	383,019							-		-	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**SECURITIES FRAUD**

<b>OPERATING EXPENSES</b>									
1930 - Litigation	641								
2170 - Waste Disposal Services	10								
2230 - Equipment Contract Maintenance	44								
2231 - IT Hardware Maint/Repairs Servs	225								
2232 - Software Upgrades	2,357								
2251 - Lease Motor Pool Vehicle	2,509								
2252 - Motor Pool Mileage Charge	2,395								
2253 - Equipment Rental	12								
2255 - Rental of Buildings	17,038								
2258 - Parking Fees	1,140								
2512 - IS Personal Travel Per Diem	1,168								
2513 - IS Personal Vehicle Reimbursement	-								
2630 - Telephone	2,977								
2631 - Comm Svcs from Outside Sources	1,536								
2641 - Other ADP Billings - Purchase Service	222								
2660 - Insurance	964								
2680 - Contract Printing	291								
2820 - Other Purchased Services	15								
3115 - DP Supplies	166								
3116 - Purchase/Leased Software	232								
3117 - Educational	227								
3120 - Books & Subscriptions	1,211								
3121 - Office Supplies	780								
3123 - Postage	433								
3128 - Non-Capitalized Equipment	1,279								
3131 - Noncapitalized Bldg Mat'l	-								
3132 - Noncapitalized Furn/Office Syst.	-								
3140 - Non-Capitalized IT - Servers	997								
3141 - Noncapitalized IT - Servers	66								
3143 - Non-Capitalized IT - Other	45								
3146 - Noncapitalized IT - Purch Server	22								
4140 - Dues and Memberships	2,173								
4220 - Registration Fees	1,634								
6140 - Buildings and Improves. to Bldg.	-								
6212 - IT Servers - Direct Purchase	683								
6213- IT PC SW- Direct Purchase	175								



SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

SECURITIES FRAUD

		Request FY 11				Request FY 12	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Operating Expense Subtotal:</b>	43,665		-			-	
<b>OPERATING EXPENSE TOTAL:</b>	<b>43,665</b>		-			-	
General Fund	19,585						
General Funds Exempt							
Cash Funds							
Reappropriated Funds	24,080		-			-	
<b>Potted Operating Expenses</b>							
Workers' Compensation							
Leased Vehicle Expense							
Capital Complex Lease Space							
IT Asset Maintenance							
ADP Capital Outlay							
Communication Service Payments							
CLE Registration Fees							
Building Security							
<b>Total</b>						-	
General Fund							
Reappropriated Funds							
<b>FY 10 DECISION ITEMS</b>							
<b>NP #2 Operating Vehicle Increase</b>							
General Fund							
Cash Funds							
Reappropriated Funds							
<b>Dec Item #1 - Consolidate SP Unit</b>							
General Fund							
Cash Funds							
Reappropriated Funds							
<b>TOTAL SECURITIES FRAUD</b>	<b>541,099</b>	<b>5.1</b>	-	<b>0.0</b>		-	-
General Fund	134,001		-			-	
General Fund Exempt						-	
Cash Funds						-	
Reappropriated Funds	407,098		-			-	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**SECURITIES FRAUD**

<b>RECONCILIATION OF FUNDS</b>									
Long Bill Appropriation	484,293	5.6							
Supplemental SB 09-192	(10,000)								
Salary POTS	20,662								
Health/Life/Dental	26,432								
Short Term Disability	374								
SB 04.257 A.E.D.	6,418								
SB 06.235 S.A.E.D.	3,183								
Worker's Compensation	964								
Capital Complex Lease Space	16,873								
Vehicle Lease Allocation	2,407								
IT Asset Maintenance	6,343								
ADP Capital Outlay Allocation									
Communication Service Payments	591								
CLE Registration Fees	788								
Building Security									
Rollforward to Subsequent FY							-		
Rollforward from Previous FY									
Overexpenditure/(Reversion) - GF									
Lapsed Appropriation Reappropriated Funds	(18,229)	(0.5)							
Lapsed Appropriation Cash Fund	-		-						
<b>TOTAL RECONCILIATION</b>	<b>541,099</b>	<b>5.1</b>	<b>-</b>	<b>0.0</b>			<b>-</b>		
<b>GRAND TOTAL</b>	<b>541,099</b>	<b>5.1</b>	<b>-</b>	<b>0.0</b>			<b>-</b>		<b>-</b>
General Fund	134,001		-				-		-
General Fund Exempt	-		-				-		-
Cash Funds	-		-				-		-
Reappropriated Funds	407,098		-				-		-
Federal Funds									



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

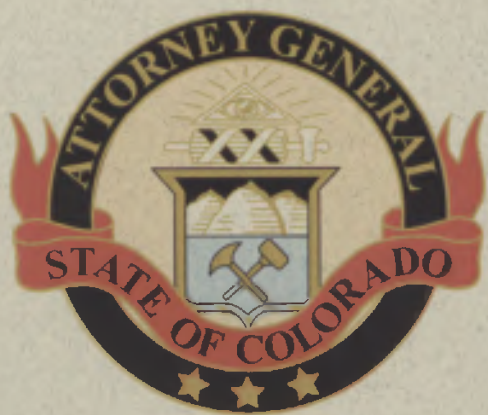
**Department of Law**

**SECURITIES FRAUD**

<b>Schedule 3 Total</b>		541,099	-		-	-
General Funds		134,001	-		-	-
General Funds Exempt		-	-		-	-
Cash Funds		-	-		-	-
Reappropriated Funds		407,098	-		-	-
<b>Reappropriated Funds</b>						
Dept of Reg Agencies, Division of Securities		407,098	-		-	-



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Capital Crimes**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**CAPITAL CRIMES PROSECUTION UNIT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CAPITAL CRIMES PROSECUTION</b>	367,378	3.6	-	0.0			-	0.0	-	0.0
General Fund	367,378		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	-		-				-		-	
Cash Funds Exempt	-		-				-		-	
Federal Funds	-		-				-		-	





**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

**CAPITAL CRIMES PROSECUTION UNIT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>I. POSITION DETAIL</b>										
First Assistant Attorney General										
Senior Assistant Attorney General	165,499	1.6								
Assistant Attorney General II										
Criminal Investigator II	79,648	1.0								
Administrative Assistant III	34,115	0.93								
<b>TOTAL POSITION DETAIL</b>	279,263	3.55					-	0.0	-	0.0
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position)										
Continuation Salary Subtotal	279,263	3.6	-	0.0			-	0.0	-	0.0
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	27,597						-		-	
Medicare on Continuation Subtotal	3,942						-		-	
Non-Base Building Performance Awards	2,243						-		-	
Part-Time/Temporary Salaries										
Contractual Services	88.71						-			
Overtime Pay										
Termination/Retirement Payouts	518.97									
Other	229									
<b>SUBTOTAL</b>	34,619						-		-	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>	313,881	3.6	-	0.0			-	0.0	-	0.0
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life/Dental	17,755						-			
Salary Survey	[9,883]						0			
Performance Awards	[4,901]						0			
Short Term Disability	357						0			
SB 04.257 A.E.D.	4,295						-			
SB 06.235 S.A.E.D.	1,970						-			
Other	0									

[ ] indicates a non-add



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**CAPITAL CRIMES PROSECUTION UNIT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>										
1930 - Litigation										
2150 - Custodial Services										
2160 - Janitorial Service										
2170 - Waste Disposal Services		1								
2210 - Bldg Maintenance/Repair Svcs										
2220 - Building Grounds Maintenance										
2230 - Equip Maint/Repair Svcs		2								
2231 - ADP Equip Maint/Repair Services		29								
2232 - Software Upgrades		298								
2240 - Motor Veh Maint/Repair Svcs										
2251 - Lease Motor Pool Vehicle		552								
2252 - Motor Pool Mileage Charge		1,447								
2253 - Equipment Rental										
2254 - Rental of Motor Vehicles										
2255 - Rental of Buildings		10,724								
2258 - Parking Fees		2,280								
2559 - Parking Fee Reimbursement										
2510 - In State Travel										
2511 - In State Common Carrier Fares										
2512 - IS Personal Travel Per Diem		107								
2513 - IS Personal Vehicle Reimbursement										
2520 - IS Travel/Non Employee										
2523 - IS/Non-Emp - Pers Veh Reimb										
2513 - In State Personal vehicle Reimb.										
2530 - Out of State Travel		28								
2531 - OS Common Carrier Fares		255								
2532 - OS Personal Travel Per Diem		1,004								
2533 - OS Personal Vehicle Reimbursement										
2550 - Out of Country Travel										
2552 - OC Pers Travel Reimbursement										
2630 - Telephone		3,731								
2631 - Comm Svcs from Outside Sources		191								
2641 - Other ADP Billings - Purchase Services		1,549								
2660 - Insurance		673								



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**CAPITAL CRIMES PROSECUTION UNIT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
6213 - IT PC SW Direct Purchase	22									
6220 - Office Furn & Equip										
6224 - Other Furn & Fixtures - Direct Purchase										
<b>Operating Expense Subtotal:</b>	<b>29,117</b>						-		-	
<b>Potted Operating Expenses</b>										
Workers' Compensation							-			
Leased Vehicle Expense							-			
Capital Complex Lease Space							-			
Lease Space							-			
Communication Services							-			
IT Asset Maintenance							-			
ADP Capital Outlay							-			
<b>Total</b>							-			
<b>OPERATING EXPENSE TOTAL:</b>	<b>29,117</b>						-		-	
General Fund	29,117						-		-	
General Funds Exempt										
Cash Funds										
Reappropriated Funds										
<b>DECISION ITEM REQUESTS</b>										
<b>NP #2 Operating Vehicle Increase</b>										
General Fund									-	
<b>FY10 Dec Item #1 - Consolidate SP Unit</b>										0.0
General Fund									-	
Cash Funds							-		-	
<b>Rollforward</b>										
General Funds Exempt							-			
<b>TOTAL CAPITAL CRIMES PROSECUTIONS</b>	<b>367,378</b>	<b>3.6</b>		<b>0.0</b>			-	<b>0.0</b>	-	<b>0.0</b>
General Fund	367,378						-		-	
General Fund Exempt									-	



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

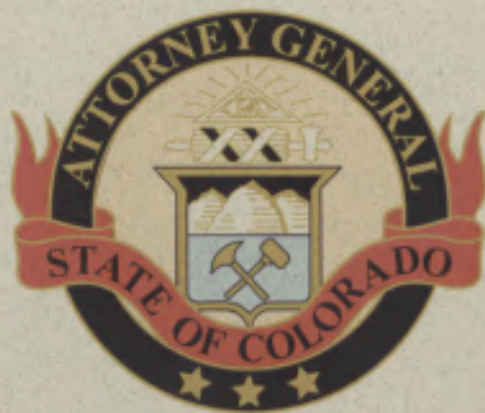
**CAPITAL CRIMES PROSECUTION UNIT**

Revenue Source	Fund Number	Actual	Actual	Approp	Estimate	Request
		FY 2009	FY 2010	FY 2011	FY 2011	FY 2012
<b>Schedule 3 Total</b>		367,378	-		-	-
General Fund		367,378	-		-	-
General Fund Exempt		-			-	-
Cash Funds		-			-	-
Reappropriated Funds		-			-	-
Federal Funds		-			-	-





**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Victims Assistance**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**VICTIMS ASSISTANCE**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>VICTIM'S ASSISTANCE</b>	85,016	1.0	86,846	1.0	0	0.0	-	0.0	-	0.0
General Fund	12,866		330		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	72,150		86,516		0		-		0	
Federal Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**VICTIMS ASSISTANCE**

<b>I. POSITION DETAIL</b>									
General Professional III	68,256	1.0	68,256	1.0					
<b>TOTAL POSITION DETAIL</b>	68,256	1.0	68,256	1.0					
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	68,256	1.0	68,256	1.0		-	0.0	-	0.0
(Permanent FTE by position) Continuation Salary Subtotal									
<b>(I.B.) OTHER PERSONAL SERVICES</b>									
PERA on Continuation Subtotal	7,351		5,942			-		-	
Medicare on Continuation Subtotal	1,050		878			-		-	
Non-Base Building Performance Awards			-						
Furlough			(788)						
Contractual	20		331						
Other			360						
<b>SUBTOTAL</b>	8,421		6,724			-		-	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>	76,677	1.0	74,980	1.0		-	0.0	-	0.0
<b>(I.D.) POTS EXPENDITURES</b>									
Health/Life Dental	4,390		4,559						
Salary Survey	[2,960]								
Performance Awards	[1,056]								
Short Term Disability	96		96						
SB 04.257 A.E.D.	1,148		1,324						
SB 06.235 S.A.E.D.	530		829						
Other	92								
[ ] Indicates a Non-add									
<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D</b>	82,932	1.0	81,789	1.0		-	0.0	-	0.0
<b>(I.F.) DIFFERENCE= II- I.E.</b>									



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**VICTIMS ASSISTANCE**

**OPERATING EXPENSES**

2220 Building Grounds Maintenance			-						
2230 Equipment Maintenance/Repair Svcs	1		-				-		
2231 ADP Equip Maint/Repair Services	7		-				-		
2232 Software Upgrades	75		-				-		
2240 Motor Veh Maint/Repair Svcs			-						
2251 Lease Motor Pool Vehicle			-						
2252 Motor Pool Mileage Charge			-						
2253 Equipment Rental			-						
2254 Rental of Motor Vehicles			-						
2255 Rental of Buildings			3,248						
2258 Parking Fees			3						
2559 Parking Fee Reimbursement			-						
2510 In State Travel			-						
2512 IS Personal Travel Per Diem			-						
2513 IS Personal Vehicle Reimbursement			45						
2520 IS Travel/Non Employee			-						
2523 IS/Non-Emp - Pers Veh Reimb			-						
2530 Out of State Travel			-						
2531 OS Common Carrier Fares			-						
2532 OS Personal Travel Per Diem	84		28						
2533 OS Personal Vehicle Reimbursement			-						
2550 Out of Country Travel			-						
2552 OC Pers Travel Reimbursement			-						
2630 Telephone	500		85						
2631 Comm Svcs from Outside Sources	300		-						
2641 Other ADP Billings - Purchase Services	10		-						
2660 Insurance	168		127						
2680 Contract Printing	296		172						
2681 Photocopy Reimbursement			-						
2810 Freight & Storage			-						
2820 Other Purchased Services			-						
2830 Office Moving/Purchased Services			-						
3110 Other Supplies and Materials			-						
3112 Automotive Supplies			-						
3114 Custodial			-						



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**VICTIMS ASSISTANCE**

ADP Capital Outlay										
Building Security										
<b>Total</b>							-			
General Fund							-			
General Fund										
Reappropriated Funds										
<b>Projected Shortfall</b>										
Reappropriated Funds										
<b>TOTAL VICTIMS ASSISTANCE</b>	<b>85,016</b>	<b>1.0</b>	<b>86,846</b>	<b>1.0</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>
General Fund	12,866		330				-		-	
Reappropriated Funds	72,150		86,516				-		-	
Federal Funds									-	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	72,149	1.0	76,086	1.0						
Federal Grant										
Classified Salary POTS	4,016		-							
Health/Life/Dental	4,449		4,672							
Short Term Disability			89							
SB 04.257 A.E.D.	1,090		1,342							
SB 06.235 S.A.E.D.			825							
Capital Complex Lease Space	2,893		3,248							
Workers Compensation	168		132							
Vehicle Lease Allocation										
IT Asset Maintenance	252									
ADP Capital Outlay Allocation										
Building Security			4,500							
Rollforward from Previous FY year										
Restriction										
Overexpenditure/(Reversion) - GF										
Lapsed Appropriation Reappropriated Funds			(4,048)							
Lapsed Appropriation Federal Funds										
<b>TOTAL RECONCILIATION</b>	<b>85,017</b>	<b>1.0</b>	<b>86,846</b>	<b>1.0</b>			<b>-</b>	<b>0.0</b>		



### SCHEDULE 3 - OPERATING PROGRAM DETAIL

**Department of Law**
**VICTIMS ASSISTANCE**

	Actual FY 10		Actual FY 10		Estimate FY 11		Request FY 12			
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE		
<b>GRAND TOTAL</b>	<b>85,016</b>	<b>1.0</b>	<b>86,846</b>	<b>1.0</b>	-	0.0	-	0.0	-	0.0
General Fund	12,866		330		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	72,150		86,516		-		-		-	
Federal Funds	-		-		-		-		-	

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**VICTIMS ASSISTANCE**

<b>Schedule 3 Total</b>		85,016	86,846	-	-	-
General Funds		12,866	330	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		-	-	-	-	-
Reappropriated Funds		72,150	86,516	-	-	-
Federal Funds		-	-	-	-	-
<b>Reappropriated Funds</b>						
Victim Assistance & Law Enforcement Fund		72,150	86,516	-	-	-
<b>Federal Funds</b>						
Federal VOCA Grant		-	-		-	-

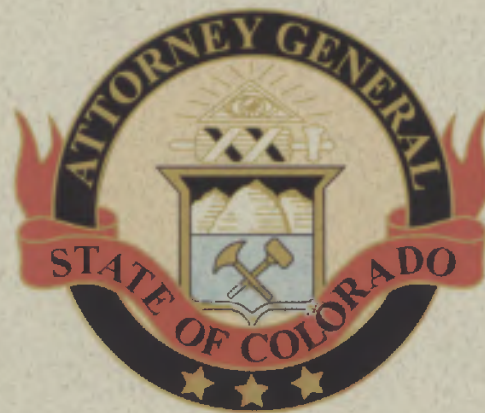


**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**CJ & A - Indirect Cost Assessment**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Criminal Justice &amp; Appellate Indirect</b>	<b>247,395</b>		<b>328,276</b>		<b>375,994</b>		<b>375,994</b>		<b>375,994</b>	
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	106,744		77,430		205,732		205,732		205,732	
Reappropriated Funds	140,651		138,920		46,113		46,113		46,113	
Federal Funds			111,926		124,149		124,149		124,149	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Criminal Justice &amp; Appellate Indirect</b>	<b>247,395</b>		<b>328,276</b>		<b>375,994</b>		<b>375,994</b>		<b>375,994</b>	
General Fund							-		-	
General Fund Exempt							-		-	
Cash Funds	106,744		77,430		205,732		205,732		205,732	
Reappropriated Funds	140,651		138,920		46,113		46,113		46,113	
Federal Funds			111,926		124,149		124,149		124,149	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation Supplemental	247,395		374,591							
Rollforward from Previous FY										
Rollforward to Subsequent FY										
Lapsed Appropriation Cash Funds			(28,001)							
Lapsed Appropriation Federal Funds	-		(18,313)							
Lapsed Appropriation Reappropriated Funds			(1)							
<b>TOTAL RECONCILIATION</b>	<b>247,395</b>		<b>328,276</b>							



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

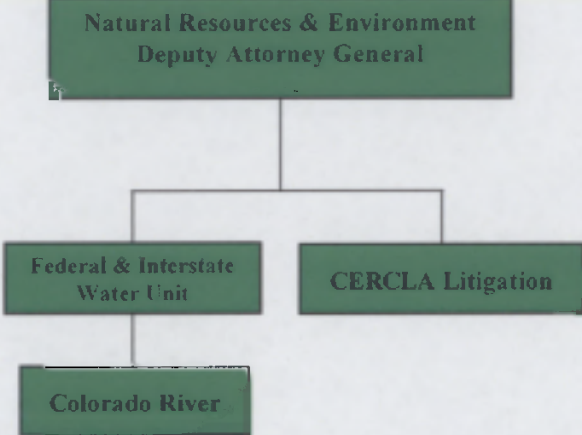
**INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE**

<b>Schedule 3 Total</b>		247,395	328,276	375,994	375,994	375,994
General Funds		-	-	-	-	-
General Funds Exempt			-	-	-	
Cash Funds		85,875	77,430	205,732	205,732	205,732
Reappropriated Funds		137,398	138,920	46,113	46,113	46,113
Federal Funds		-	111,926	124,149	124,149	124,149
<b>Cash Funds</b>		<b>85,875</b>	<b>77,430</b>	<b>205,732</b>	<b>205,732</b>	<b>205,732</b>
State Compensation Insurance Authority		30,669	3,008	29,559	29,559	29,559
POST Board Cash Fund		55,206	74,422	82,766	82,766	82,766
Insurance Fraud Cash Fund				93,407	93,407	93,407
<b>Reappropriated Funds</b>		<b>137,398</b>	<b>138,920</b>	<b>46,113</b>	<b>46,113</b>	<b>46,113</b>
DORA Division of Insurance Cash Fund		93,234	94,268			-
DORA Division of Securities		44,164	44,652	46,113	46,113	46,113
<b>Federal Funds</b>						
Medicaid Federal Grant		-	111,926	124,149	124,149	124,149





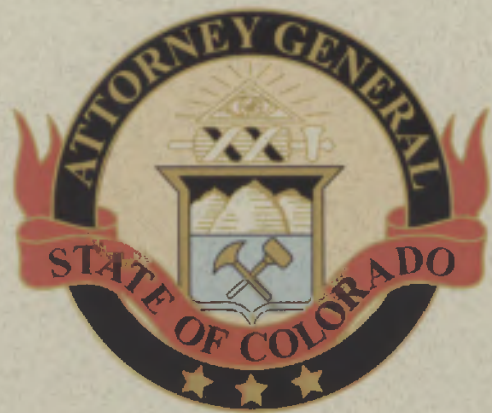
# Natural Resources & Environment



# **Narratives**

# **Natural Resources &**

# **Water Rights**



## **D) BACKGROUND INFORMATION: NATURAL RESOURCES AND ENVIRONMENT UNIT (Non-Legal Services to State Agencies).**

### **Introduction to the Natural Resources and Environment Section**

The Natural Resources and Environment Section currently has 37 lawyers, 9 legal assistants, and 4 support staff. These dedicated employees protect and defend the interests of the State and its citizens in all areas of natural resources law and environmental law. The Section is made up of seven units that represent and advise state agencies and boards that regulate and oversee the development, use and conservation of Colorado's natural resources and the quality of Colorado's environment.

### **Federal and Interstate Water Unit**

This Unit protects the State's interests in the waters of interstate rivers, with respect to both interstate water allocation and federal environmental requirements, including the Endangered Species Act. The Unit also works with state water users to protect the state's interests in the timely and reasonable resolution of federal claims for water rights, including reserved water rights and claims for instream flows.

### **Defense of the Colorado River Compact**

This Unit provides legal counsel and representation to the Department of Natural Resources ("DNR"), the Colorado Water Conservation Board, and the State Engineer on issues pertaining to the Colorado River and the Colorado River Compacts. The Unit's major tasks include researching issues relevant to potential litigation, preparing a litigation database of the voluminous documents relevant to the Colorado River, and assisting the State Engineer in preparing rules for any in-state curtailment of water rights resulting from a Colorado River Compact call. These activities also prepare the State of Colorado to fully participate in ongoing negotiations with the other Colorado River basin states that are signatories to the Colorado River Compact various Federal agencies and the Republic of Mexico. We are proposing that this Unit be combined with the Federal and Interstate Water Unit as the work of these two units is very interrelated and it will be more effective and efficient to have one unit.

### **CERCLA Litigation Unit**

This Unit handles the legal work for ten seriously contaminated sites – known as Superfund sites – most of which are being cleaned up under consent decrees by those who contaminated them. The Unit works to recover the state's costs for overseeing these cleanups from the responsible parties to the greatest extent possible. The Unit works with CDPHE to ensure cleanup work progresses at these sites as required.

In addition, the Unit recovers Natural Resources Damages (sometimes called NRDs) on behalf of the State's Natural Resource Trustees to compensate for injuries caused by

hazardous substances to the State's natural resources. The Trustees are the Directors of CDPHE & DNR, and the Attorney General. The Unit serves the Trustees by assisting with the identification of injuries and negotiating or litigating to recover damages. Once recovered, the Unit assists the Trustees in determining how to allocate the NRDs funds to restore or replace the injured natural resources such as ground water, wildlife habitat, and fish populations.

## **II) PRIOR YEAR LEGISLATION**

None

## **III) HOT ISSUES**

### **Interstate Waters**

The Federal and Interstate Unit and Colorado River Unit continue to provide the necessary highly specialized consul to state agencies and leaders. During FY 2010, the Unit began work on promulgating rules and regulations to better administer the Rio Grande River and Arkansas River Compacts, continued to work with the Republican River Water Conservation District to assure Compact compliance, continued to collect and code thousands of documents related to the Colorado River Compact t, including representing the State in Arbitration hearings and negotiations regarding the Colorado's proposed Compact Compliance Pipeline and worked with State agencies and state and federal elected officials to protect Colorado's water and water users through negotiation, litigation and legislation.

### **California Gulch Settlement**

Over FY 2011, the CERCLA Litigation Unit will continue to assist CDPHE in overseeing cleanup of various Operable Units at the Cal Gulch site. Once engineering and institutional controls are in place, much of the site will be eligible for delisting from the National Priorities List of hazardous sites. The natural resources damages settlement also made \$10.5 million from Resurrection/ Newmont and \$10 million from Asarco available for natural resources damages. Natural resource projects will need to be identified for funding by a committee that includes the State Natural Resource Trustees.

### **Rocky Mountain Arsenal Natural Resources Damages Settlement**

The Natural Resources Trustees, in cooperation with local entities, will solicit and select suitable projects funded by the \$34 million recovered from litigation against Shell Oil and the United States Army.

### **Natural Resources Damages Claim at Lowry Landfill CERCLA Site**

The CERCLA Litigation Unit will finalize settlement with the City and County of Denver, Waste Management, Inc., and generator responsible parties regarding a claim for damages to State groundwater at Lowry Landfill. Some of the damages are pre-allocated for a sewer hook-up fund, but most will be allocated through a traditional request for proposal process, to be approved by the Trustees with assistance from the Unit and colleagues at CDPHE & DNR.

### **ASARCO Bankruptcy**

Asarco declared bankruptcy due to environmental liabilities in August 2005. The State filed a claim at 6 sites for approx \$127 million. The largest site, California Gulch, has been settled. The Unit successfully represented the State in the bankruptcy proceedings. The Unit will now assist in oversight of \$16 million and \$4 million in remediation funding recovered for two larger ASARCO contaminated sites in Colorado, as well as approximately \$5.8 million in natural resources damages allocations at other sites, and \$1,2 million for past and future costs at these sites.

### **Remediation of Idarado Mine Tailings on Telluride Valley Floor**

The Town of Telluride annexed and condemned the Valley Floor property with title transferring to the Town in 2008. The State is now working with the Town and Idarado to improve the remedy set forth in the Consent Decree. The parties are currently working on a proposed access agreement required for the Valley Floor remediation. In addition, the State anticipates that an environmental covenant will be placed on the remediated portions of the Valley Floor to ensure the protection of human health and the environment.

### **Coordinated Implementation of Central City/Clear Creek Superfund Remedy With CDOT Highway 119 Rebuilding**

This CERCLA Remedial Project will collect mine tunnel and contaminated discharges, place them into a pipe (in CDOT's right-of-way), transport the waters to a newly constructed water treatment plant also located on CDOT property, and discharge treated water into North Clear Creek. Interagency coordination and joint contracting will result in substantial cleanup cost savings as the Agencies simultaneously address major capital projects.

## **IV) WORKLOAD MEASURES**

### **Federal and Interstate Water Unit**

The primary purpose of the Federal and Interstate Water Unit is to defend the rights and interests of the State of Colorado and its water users against claims made by federal agencies or other States. The Unit handles all matters regarding water right claims made by federal agencies, including federal reserved rights, as well as providing advice planning and litigation related to Colorado's Compacts, interstate decrees and any other

interstate agreements relating to the water resources of the State. Attorneys within the Unit have developed the very specific knowledge to provide legal assistance within this very specialized area of law and policy.

The major litigation currently within the Unit involves the Rio Grande Compact, the Arkansas Compact and the Republican River Compact. The Unit continues to provide counsel for the ongoing disputes between Kansas and Colorado involving the Arkansas River. The Unit provides legal advice regarding disputes under the Decree and how Colorado's water resources development can continue under the terms of that Decree. Specifically, Unit attorneys are involved in drafting rules to address the potential adverse affects of increased irrigation efficiency on Compact compliance and are involved in several cases in the Division 2 water court with compact implications.

In the Rio Grande, Unit attorneys continue to work with the State Engineer and affected water users to develop rules to address well impacts on surface water supplies and Colorado's Compact obligation. As part of that effort, Unit attorneys are defending the State Engineer's approval of Subdistrict No. 1 of the Rio Grande Water Conservation District that addresses these issues as well as working with the State Engineer and a Special Advisory Committee to promulgate Rules and Regulations to address conjunctive management and establish criteria for the beginning and end of the irrigation season for water division no. 3. Unit attorneys continue to monitor developments related to both the Rio Grande Compact and the Costilla Creek Compact, not only with regards to actual water flow, but also other environmental or endangered species matters that may adversely impact Colorado's ability to meet its compact obligations.

Unit attorneys continue to work with state leaders to address Colorado's compliance with the Republican River Compact, including a proposed Compact Compliance Pipeline, while providing counsel on disputes between Kansas and Nebraska to assure that any position taken by either of those states does not adversely impact Colorado's ability to meet its compact obligations, including continuing efforts to have the Republican River Compact Administration approve Colorado's proposed Compact Compliance Pipeline and successfully defending Colorado's interests against Kansas and Nebraska in the recently concluded arbitration. Additionally, unit attorneys will monitor Kansas' claims against Nebraska in the United States Supreme Court and defend Colorado's interests as required in that continuation of *Kansas v. Nebraska and Colorado*, No. 126, Original.

Finally, Unit attorneys continue to provide legal counsel to the State Engineer and the CWCB in diverse matters with federal or interstate implications including the continuing development and operation of the Animas-La Plata project, evaluation of potential federal reserved water right claims as part of new Wild and Scenic River designation as well as numerous smaller water court cases throughout the State.

Continually increasing demands for scarce water, both within and without the State, ensure that the Unit's workload remains heavy. As the Unit attorneys take over more of Arkansas Compact matters from outside counsel, that workload will also increase.

Downstream states will continue to covet Colorado's compact entitlements and monitor Colorado's actions closely, seeking an advantage for their water users.

### **Colorado River Unit**

The Colorado River Unit focuses on interstate issues regarding the Colorado River, including actions by other states that may impact Colorado's rights under the Colorado River Compact and the Upper Basin Compact.

The Unit attorneys provide counsel on the operation of the Colorado River and its storage and other water projects under the Colorado River and Upper Colorado River Compacts. The Unit provides legal advice on interstate negotiations, agreements, legislation and litigation. These actions include monitoring implementation of interim surplus criteria for the lower Colorado River basin, including California's compliance with its 4.4 Plan, monitoring and joining proposals or litigation that may affect operation of Glen Canyon or Hoover Dam, assist in analyzing the effects of drought on Colorado River water supplies and assist Department of Natural Resources in evaluating Colorado's options to respond to Colorado River shortages, monitoring the effects of disputes within California on California's 4.4 Plan, continuing to participate in talks with the Department of Interior to finalize the Environmental Impact Statement and Record of Decision on implementing Lower Basin shortages and coordinating Colorado River reservoir operations under low reservoir conditions, monitor implementation of interim surplus criteria for the lower Colorado River basin participate in negotiations with the Republic of Mexico regarding storage in United States' reservoirs, and monitoring and providing advice to Department of Natural Resources regarding plans for developing Colorado's apportionment under the Compacts, including proposed projects to import a portion of Colorado's allocated supply direct from the Green River in Wyoming.

Additionally, the Unit is charged with the long term task of collecting documents and organizing an electronic database for those documents that relate to the development, implementation or interpretation of the Colorado River Compact or the Upper Basin Compact. This includes working with and monitoring outside vendors for the collection, scanning and organization of millions of documents. This work is in anticipation of litigation regarding these Compacts. Because this collection and organization is so time consuming, it must be accomplished well in advance of any actual litigation or disagreement and will have to be continually maintained so as to be an up to date and valuable tool for Colorado to protect its entitlement and its water users.

### **CERCLA Litigation Unit**

The CERCLA Litigation Unit provides legal advice to the three Natural Resources Trustees regarding damages claims, and coordinates HMWMD staff, consultants, expert witnesses, and stakeholders in a timely fashion. The Unit also prepares litigation plans and budgets. Three recently-settled natural resources damages (NRDs) cases will require significant legal support as stakeholder groups in the Alamosa River drainage basin, north Metro area and Lake County seek to have potential restoration projects funded from

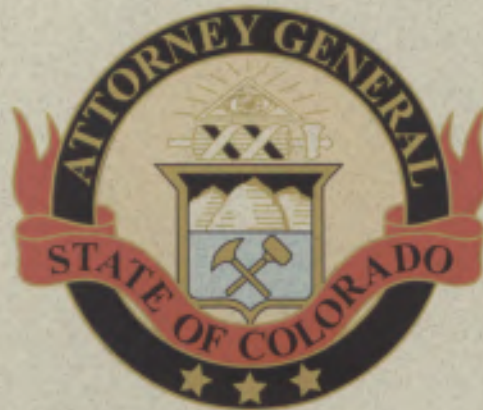
settlement monies. Similar NRDs restoration efforts are on-going at previously settled case sites. The HMWMD has begun a program to identify other possible NRDs claims at contaminant-release sites. The Unit is on the verge of settling one of these recently identified NRDs sites, the Lowry Landfill.



# **FY11-12 Reconciliation of Request**

## **Water and Natural Resources**

- A. Fed & Interstate Water Unit**
- B. Def of Colorado River**
- C. Def of Republican River**
- D. Consultant Expense**
- E. CERCLA**
- F. CERCLA Contracts**
- G. NR Damage Claims at RMA**



**DEPARTMENT OF LAW**

**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(4) Water and Natural Resources**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) Federal and Interstate Water Unit</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$516,519	5.5	\$516,519	\$0	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$516,519</b>	<b>5.5</b>	<b>\$516,519</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
PERA adjustment back to 10.15% from 7.65% (Accommodating for HB 10-1376)	\$10,353	0.0	\$10,353	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$526,872</b>	<b>5.5</b>	<b>\$526,872</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
DPA NP Printing Statewide Warrants and Mainframe Docs	\$20	0.0	\$20			
<b>FY 2011-12 November 1 Request</b>	<b>\$526,892</b>	<b>5.5</b>	<b>\$526,892</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(B) Defense of the Colorado River Basin Compact</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$333,017	3.0	\$0	\$333,017	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$333,017</b>	<b>3.0</b>	<b>\$0</b>	<b>\$333,017</b>	<b>\$0</b>	<b>\$0</b>
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
PERA adjustment back to 10.15% from 7.65% (Accommodating for HB 10-1376)	\$6,983	0.0	\$0	\$6,983	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$340,000</b>	<b>3.0</b>	<b>\$0</b>	<b>\$340,000</b>	<b>\$0</b>	<b>\$0</b>
DPA NP Printing Statewide Warrants and Mainframe Docs	\$11			\$11		
<b>FY 2011-12 November 1 Request</b>	<b>\$340,011</b>	<b>3.0</b>	<b>\$0</b>	<b>\$340,011</b>	<b>\$0</b>	<b>\$0</b>
<b>(C) Defense of the Republican River Compact</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$110,000	0.0	\$0	\$110,000	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$110,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>
	\$0	0.0	\$0	\$0	\$0	\$0
	\$0	0.0	\$0	\$0	\$0	\$0

## DEPARTMENT OF LAW

## FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST

## (4) Water and Natural Resources

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$110,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$110,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>
<b>(D) Consultant Expenses</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$50,000	0.0	\$0	\$50,000	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$50,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>
	\$0	0.0	\$0	\$0	\$0	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$50,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$50,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$0</b>
<b>(E) Comprehensive Environmental Response, Compensation and Liability Act</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$382,962	3.5	\$357,084	\$0	\$25,878	\$0
HB 10-1329 Solid Waste User Fees	\$0		(\$357,084)	\$0	\$357,084	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$382,962</b>	<b>3.5</b>	<b>\$0</b>	<b>\$0</b>	<b>\$382,962</b>	<b>\$0</b>
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
PERA adjustment back to 10.15% from 7.65% (Accommodating for HB 11-10)	\$8,216	0.0	\$0	\$0	\$8,216	\$0
<b>FY 11-12 Base Request</b>	<b>\$391,178</b>	<b>3.5</b>	<b>\$0</b>	<b>\$0</b>	<b>\$391,178</b>	<b>\$0</b>
DI #3 CERCLA Tipping Fees	\$75,000				\$75,000	
DPA NP Printing Statewide Warrants and Mainframe Docs	\$13				\$13	
<b>FY 2011-12 November 1 Request</b>	<b>\$466,191</b>	<b>3.5</b>	<b>\$0</b>	<b>\$0</b>	<b>\$466,191</b>	<b>\$0</b>
<b>(F) Comprehensive Environmental Response, Compensation and Liability Act Contracts</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$500,000	0.0	\$75,000	\$0	\$425,000	\$0

**DEPARTMENT OF LAW**  
**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(4) Water and Natural Resources**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
HB 10-1329 Solid Waste User Fees	\$0		(\$75,000)	\$0	\$75,000	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$500,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>
DI #3 CERCLA Tipping Fees	(\$75,000)				(\$75,000)	
<b>FY 11-12 Base Request</b>	<b>\$425,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$425,000</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$425,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$425,000</b>	<b>\$0</b>
<b>(G) Natural Resource Damage Claims at Rocky Mountain Arsenal</b>						
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$150,000	0.0	\$0	\$150,000	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$150,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 11-12 Base Request</b>	<b>\$150,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$150,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>
<b>(H) Indirect Cost Assessment</b>						
0	\$0	0.0	\$0	\$0	\$0	\$0
HB 10-1329 Solid Waste User Fees	\$41,384		\$0	\$0	\$41,384	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$41,384</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,384</b>	<b>\$0</b>
<b>FY 11-12 Base Request</b>	<b>\$41,384</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,384</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$41,384</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,384</b>	<b>\$0</b>
<b>(4) Water and Natural Resources</b>						

**DEPARTMENT OF LAW****FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST****(4) Water and Natural Resources**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2010-11 Appropriation(Long Bill plus Special Bills)</b>	<b>\$2,083,882</b>	<b>12.0</b>	<b>\$516,519</b>	<b>\$643,017</b>	<b>\$924,346</b>	<b>\$0</b>
<b>FY 2011-12 Base Request</b>	<b>\$2,034,434</b>	<b>12.0</b>	<b>\$526,872</b>	<b>\$650,000</b>	<b>\$857,562</b>	<b>\$0</b>
<b>FY 2011-12 Supplemental Request</b>						<b>\$0</b>

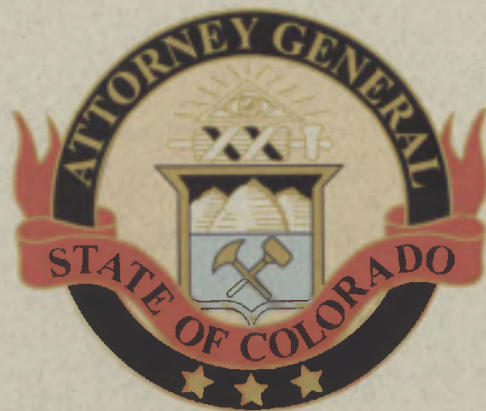
\$2,109,478

**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**NR & WR - Federal & Interstate Water**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**FEDERAL & INTERSTATE WATER UNIT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>FEDERAL &amp; INTERSTATE WATER UNIT</b>	549,737	5.5	539,622	5.5	516,519	5.5	580,733	5.5	526,892	5.5
General Fund	549,737		527,153		516,519		580,733		526,892	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		12,469		-		-		-	
Reappropriated Funds	-		-		-		-		-	





**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**FEDERAL & INTERSTATE WATER UNIT**

<b>I. POSITION DETAIL</b>										
First Assistant Attorney General	99,492	1.0	99,492	1.0			99,492	1.0	99,492	1.0
Assistant Attorney General	247,210	3.5	246,540	3.5			249,036	3.5	249,036	3.5
Assistant Attorney General II	0		-				-		-	0.0
Assistant Attorney General I	0		-				-		-	0.0
Legal Assistant II	65,580	1.0	65,580	1.0			65,580	1.0	65,580	1.0
<b>TOTAL POSITION DETAIL</b>	<b>412,282</b>	<b>5.5</b>	<b>411,612</b>	<b>5.5</b>			<b>414,108</b>	<b>5.5</b>	<b>414,108</b>	<b>5.5</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by position ) Continuation Salary Subtotal	<b>412,282</b>	<b>5.5</b>	<b>411,612</b>	<b>5.5</b>			<b>414,108</b>	<b>5.5</b>	<b>414,108</b>	<b>5.5</b>
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	41,519		38,689				31,679		42,032	
Medicare on Continuation Subtotal	5,884		5,704				6,005		6,005	
Non-Base Building Performance Awards	2,394		-				-		-	
Part-Time/Temporary Salaries			-							
Contractual Services	2,954		2,934				13,353		12,271	
Leave										
Furlough Days			(4,778)							
Other	388		936				930		930	
<b>SUBTOTAL</b>	<b>53,138</b>	<b>5.5</b>	<b>43,484</b>	<b>5.5</b>			<b>51,967</b>	<b>5.5</b>	<b>61,238</b>	<b>5.5</b>
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=</b>										
<b>A+B</b>	<b>465,420</b>	<b>5.5</b>	<b>455,096</b>	<b>5.5</b>			<b>466,075</b>	<b>5.5</b>	<b>475,346</b>	<b>5.5</b>
Difference										
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	24,140		25,159				26,096			
Salary Survey	[15,877]		-				-			
Performance Award	[6,800]		-				-			
Short Term Disability	536		622				655			
SB 04.257 A.E.D.	6,355		8,489				9,152			
SB 06.235 S.A.E.D.	2,873		5,278				6,927			
Other	-		-				-			
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>										
<b>C+D</b>	<b>499,324</b>	<b>5.5</b>	<b>494,643</b>	<b>5.5</b>			<b>508,905</b>	<b>5.5</b>	<b>475,346</b>	<b>5.5</b>



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**FEDERAL & INTERSTATE WATER UNIT**

<b>OPERATING EXPENSES</b>									
1930	Litigation	4,301		4,448				22,927	24,009
2150	2150 - Custodial Services			-					-
2160	2160 - Janitorial Service			-					-
2170	Waste Disposal Services	2		-					-
2210	2210 - Bldg Maintenance/Repair Svcs			-					-
2220	2220 - Building Grounds Maintenance			-					-
2230	Equipment Contract Maintenance	3		-					-
2220	Building Grounds Maintenance			-					-
2231	ADP Equip Maint/Repair Services	39		-			25		25
2232	Software Upgrades	410		-			-		-
2240	2240 - Motor Veh Maint/Repair Svcs			-					-
2251	2251 - Lease Motor Pool Vehicle			-					-
2252	2252 - Motor Pool Mileage Charge			-					-
2253	2253 - Equipment Rental			-					-
2254	2254 - Rental of Motor Vehicles			-					-
2255	Rental of Buildings	13,483		17,864			-		-
2559	2559 - Parking Fee Reimbursement			-					-
2258	Parking Fees			16					-
2510	In State Travel	9		18			50		50
2511	In State Common Carrier Fares	319		341			320		320
2512	IS Personal Travel Per Diem	3,306		3,581			3,620		3,620
2513	IS Personal Vehicle Reimbursement	196		-			-		-
2514	State Owned Aircraft			-					-
2521	2521 - IS Common Carrier Non Employee			-					-
2522	2522 - IS Non-Emp - Pers Per Diem			-					-
2523	2523 - IS/Non-Emp - Pers Veh Reimb			-					-
2530	Out of State Travel	15		-			45		45
2531	OS Common Carrier Fares	158		-			225		225
2532	OS Personal Travel Per Diem	163		128			145		145
2533	2533 - OS Personal Vehicle Reimbursement			-					-
2550	2550 - Out of Country Travel			-					-
2552	2552 - OC Pers Travel Reimbursement			-					-
2630	Telephone	3,845		2,482			2,545		2,545
2631	Comm Svcs from Outside Sources	1		-			-		-
2641	Other ADP Billings - Purchase Services	18,366		10,030			15,652		15,652
2660	Insurance	926		702			-		-



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**FEDERAL & INTERSTATE WATER UNIT**

<b>OPERATING EXPENSE TOTAL:</b>	<b>50,413</b>		<b>44,978</b>			<b>50,444</b>		<b>51,526</b>	
General Fund	50,413		44,978			50,444		51,526	
General Funds Exempt									
<b>Decision Item: DPA NP Printing Statewide Warrants and Mainframe Docs</b>						-		20	
General Fund						-		20	
<b>Potted Operating Expenses</b>									
### Workers' Compensation						703			
Leased Vehicle Expense						-			
Capital Complex Lease Space						17,321			
Lease Space						-			
IT Asset Maintenance						-			
ADP Capital Outlay						-			
CLE Registration Fees						1,688			
Building Security						1,672			
<b>Total</b>						<b>21,384</b>			
General Fund						21,384			
General Fund Exempt									
Cash Funds									
Reappropriated Funds									
<b>TOTAL FED &amp; INTERSTATE WATER UNIT</b>	<b>549,737</b>	<b>5.5</b>	<b>539,622</b>	<b>5.5</b>		<b>580,733</b>	<b>5.5</b>	<b>526,892</b>	<b>5.5</b>
General Fund	549,737		527,153			580,733		526,892	
CF			12,469						
<b>RECONCILIATION OF FUNDS</b>									
Long Bill Appropriation/Request	505,555	5.5	526,872	5.5		516,519	5.5	526,872	5.5
<i>Supplemental HB10-1305</i>			(26,840)						
<i>Supplemental SB09-192</i>	(30,000)								
Salary POTS	22,677					-			
Health/Life/Dental	26,386		25,698			26,096			
Short Term Disability	493		587			655			
SB 04.257 A.E.D.	6,573		8,144			9,152			
SB 06.235 S.A.E.D.	3,131		5,004			6,927			
Worker's Compensation	926		713			703			
Capital Complex Lease Space	15,912		7,866			17,321			
Lease Space						-			



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

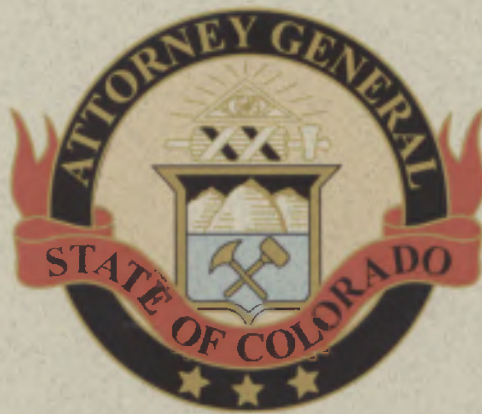
**FEDERAL & INTERSTATE WATER UNIT**

<b>Schedule 3 Total</b>		549,737	539,622	516,519	580,733	526,892
General Funds		549,737	527,153	516,519	580,733	526,892
General Funds Exempt		-	-	-	-	-
Cash Funds		-	12,469	-	-	-
Reappropriated Funds		-	-	-	-	-
<b>Cash Funds</b>						
Fund 13H Attorney Fees		-	12,469		-	-
<b>Reappropriated Funds</b>		-	-			





**FY 11-12 Budget  
Schedules 2,3 and 4  
Defense of the Colorado  
River Compact**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**DEFENSE OF THE COLORADO RIVER COMPACT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>DEFENSE OF THE COLORADO RIVER COMPACT</b>	426,699	3.8	310,888	3.4	333,017	3.0	445,467	3.0	340,011	3.0
General Fund	2,073		-		-		32,247		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	424,626		310,888		333,017		413,220		340,011	
Reappropriated Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**DEFENSE OF THE COLORADO RIVER COMPACT**

<b>I. POSITION DETAIL</b>										
First Assistant Attorney General										
Assistant Attorney General	209,904	3.0	155,904	2.4			145,116	2.0	145,116	2.0
Assistant Attorney General II										
Assistant Attorney General I										
Legal Assistant II	72,827	1.0	63,646	1.0			69,432	1.0	69,432	1.0
<b>TOTAL POSITION DETAIL</b>	<b>282,731</b>	<b>4.0</b>	<b>219,550</b>	<b>3.4</b>			<b>214,548</b>	<b>3.0</b>	<b>214,548</b>	<b>3.0</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position Continuation Salary Subtotal	<b>282,731</b>	<b>4.0</b>	<b>219,550</b>	<b>3.4</b>			<b>214,548</b>	<b>3.0</b>	<b>214,548</b>	<b>3.0</b>
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	28,483		21,414				16,413		21,777	
Medicare on Continuation Subtotal	3,032		2,270				3,111		3,111	
Non-Base Building Performance Awards	-		0				-		-	
Part-Time/Temporary Salaries			0				-		-	
Contractual Services	27,100		23,065				163,584		85,000	
Leave			2,952							
Furlough			(2,476)							
Overtime			0							
Other	827		945							
<b>SUBTOTAL</b>	<b>59,441</b>		<b>48,171</b>				<b>183,108</b>		<b>109,888</b>	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>										
	<b>342,172</b>	<b>4.0</b>	<b>267,721</b>	<b>3.4</b>			<b>397,656</b>	<b>3.0</b>	<b>324,436</b>	<b>3.0</b>
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	10,922		10,375				9,606			
Salary Survey	[10,978]		-				-			
Performance Awards	[2,847]		-				-			
Short Term Disability	368		334				374			
SB 04.257 A.E.D.	4,483		4,656				5,768			
SB 06.235 S.A.E.D.	2,096		2,881				4,700			
Other	-		-							

## SCHEDULE 3 - PROGRAM DETAIL

**Department of Law**
**DEFENSE OF THE COLORADO RIVER COMPACT**

[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D</b>	360,041	4.0	285,968	3.4			418,104	3.0	324,436	3.0
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	360,041	4.0	285,968	3.4			418,104	3.0	324,436	3.0
General Fund							20,448			
Cash Funds	360,041		285,968				397,656		324,436	
Reappropriated Funds							-		-	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**DEFENSE OF THE COLORADO RIVER COMPACT**

<b>OPERATING EXPENSES</b>								
1930 1930 - Litigation			50				4,015	4,015
2150 Custodial Services			0					-
2160 Janitorial Service			0					-
2170 Waste Disposal Services	1		0					-
2210 Bldg Maintenance/Repair Svcs			0					-
2220 Building Grounds Maintenance			0					-
2230 Equipment Contract Maintenance	2		0					-
2231 ADP Equip Maint/Repair Services	29		0					-
2232 Software Upgrades	298		0					-
2240 Motor Veh Maint/Repair Svcs			0					-
2251 Lease Motor Pool Vehicle			0					-
2252 Motor Pool Mileage Charge			0					-
2253 Equipment Rental			0					-
2254 Rental of Motor Vehicles			0					-
2255 Rental of Buildings	8,569		12,990					-
2258 Parking Fees			12					-
2559 Parking Fee Reimbursement	15		0					-
2510 In State Travel	10		0					-
2511 In State Common Carrier Fares	369		0					-
2512 IS Personal Travel Per Diem	518		212			154		154
2513 IS Personal Vehicle Reimbursement	45		0					-
2520 IS Travel/Non Employee			0					-
2522 IS Non-Emp - Pers Per Diem			0					-
2530 Out of State Travel	441		779			675		675
2531 OS Common Carrier Fares	4,964		4,840			5,258		5,258
2532 OS Personal Travel Per Diem	3,376		2,675			2,585		2,585
2533 OS Personal Vehicle Reimbursement			0					-
2550 Out of Country Travel			0					-
2552 OC Pers Travel Reimbursement			0					-
2630 Telephone	1,426		343			350		350
2631 Comm Svcs from Outside Sources	1		37			52		52
2641 Other ADP Billings - Purchase Services	715		345			285		285
2660 Insurance	673		510					-
2680 Contract Printing	3		0					-
3115 DP Supplies	26		0					-
3116 Purchase/Leased Software	28		0					-

### SCHEDULE 3 - OPERATING PROGRAM DETAIL

**Department of Law**
**DEFENSE OF THE COLORADO RIVER COMPACT**

3117 Educational	3	0				-
3120 Books & Subscriptions	908	0				-
3121 Office Supplies	72	0				-
3140 Noncapitalized IT - PCs	126	0				-
3141 Noncapitalized IT - Servers	8	0				-
3143 Non-Capitalized IT Other	3	0				-
3146 Non-Capitalized IT Purchased Server SW	3	0				-
4140 Dues & Memberships	690	679			690	690
4170 Miscellaneous Fees		0				-
4180 Official Functions		0				-
4220 Registration Fees	1,825	1450			1,500	1,500
6212 IT Servers - Direct Purchase	86	0				-
6213 IT PC SW - Direct Purchase	22	0				-
		0.0				
<b>Operating Expense Subtotal:</b>	<b>25,254</b>	<b>24,921</b>			<b>15,564</b>	<b>15,564</b>
<b>OPERATING EXPENSE TOTAL:</b>	<b>25,254</b>	<b>24,921</b>			<b>15,564</b>	<b>15,564</b>
General Fund	2,073	-				
General Funds Exempt						
Cash Funds	23,181	24,921			15,564	15,564
Reappropriated Funds					-	
<b>ROLLFORWARD</b>	<b>41,402</b>	<b>-</b>			<b>-</b>	
Cash Funds	41,402				-	
<b>Allocated Operating POTS</b>						
Workers' Compensation					384	
Leased Vehicle Expense						
Capital Complex Lease Space					9,378	
IT Asset Maintenance					-	
Communication Service Payments					-	
ADP Capital Outlay					-	
CLE Registration Fees					1,125	
Building Security					912	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**DEFENSE OF THE COLORADO RIVER COMPACT**

<b>Total</b>							11,799		-	
General Funds							11,799		-	
Reappropriated Funds							-			
<b>Dec Item DPA NP Printing Statewide Warrants and Mainframe Docs</b>									11	
General Fund									-	
Cash Funds									11	
Cash Funds Exempt										
<b>TOTAL COLORADO RIVER LITIGATION</b>	<b>426,699</b>	<b>3.8</b>	<b>310,888</b>	<b>3.4</b>			<b>445,467</b>	<b>3.0</b>	<b>340,011</b>	<b>3.0</b>
General Fund	2,073		-				32,247		-	
General Fund Exempt									-	
Cash Funds	<b>424,626</b>		310,888				413,220		<b>340,011</b>	
Reappropriated Funds	-		-				-		-	
Federal Funds										
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	545,000	4.0	473,329	4.0			333,017	3.0	333,017	3.0
<i>DPA NP Printing Statewide Warrants and Mainframe Docs</i>									11	
<i>PERA going back to 10.15%</i>									6,983	
Salary POTS	-		-				-			
Health/Life/Dental	-		9,615				9,606			
Short Term Disability	352		387				374			
SB 04.257 A.E.D	-		5,494				5,768			
SB 06.235 S.A.E.D.	-		3,375				4,700			
Worker's Compensation							384			
Capital Complex Lease Space	11,573		12,991				9,378			
Vehicle Lease Allocation							-			
IT Asset Maintenance	721		518				-			
Office Suite Upgrade							-			
Storage Lease Space										
ADP Capital Outlay Allocation										
Communication Service Payments							-			
ALJ Allocation										
CLE Registration Fees	1,125		1,125				1,125			
Building Security			2,000				912			



### SCHEDULE 3 - OPERATING PROGRAM DETAIL

**Department of Law**
**DEFENSE OF THE COLORADO RIVER COMPACT**

Rollforward to Subsequent FY	-		(80,203)				80,203			
Rollforward to Previous FY	50,011						-			
Overexpenditure/(Reversion)	(11,698)									
Lapsed Appropriation Cash Fund	(170,385)		(117,743)	(0.6)						
Lapsed Appropriation Reappropriated Funds		(0.2)								
<b>TOTAL RECONCILIATION</b>	<b>426,699</b>	<b>3.8</b>	<b>310,888</b>	<b>3.4</b>			<b>445,467</b>	<b>3.0</b>	<b>340,011</b>	<b>3.0</b>
<b>GRAND TOTAL</b>	<b>426,699</b>	<b>3.8</b>	<b>310,888</b>	<b>3.4</b>	<b>333,017</b>	<b>3.0</b>	<b>445,467</b>	<b>3.0</b>	<b>340,011</b>	<b>3.0</b>
General Fund	2,073		-				32,247		-	
Cash Funds	424,626		310,888		333,017		413,220		340,011	
Reappropriated Funds	-		-				-		-	

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**DEFENSE OF THE COLORADO RIVER COMPACT**

<b>Schedule 3 Total</b>		426,699	310,888	333,017	445,467	340,011
General Funds		2,073	-	-	32,247	-
General Funds Exempt		-	-	-	-	-
Cash Funds		424,626	310,888	333,017	413,220	340,011
Reappropriated Funds		-	-	-	-	-
<b>Cash Funds</b>						
Water Conservation Board Litigation Fund		424,626	310,888	333,017	413,220	340,011
<b>Reappropriated Funds</b>						
Water Conservation Board Litigation Fund		-	-	-	-	-



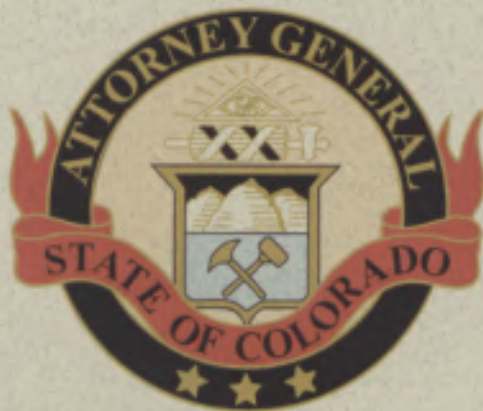
**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**NR & WR - Defense of the Republican**

**River Compact**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**DEFENSE OF THE REPUBLICAN RIVER COMPACT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>DEFENSE OF THE REPUBLICAN RIVER COMPACT</b>	141,218	-	65,190	-	110,000	-	152,756	-	110,000	-
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	141,218		39,043		110,000		110,000		110,000	
Reappropriated Cash Funds	-		26,147		-		42,756		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**DEFENSE OF THE REPUBLICAN RIVER COMPACT**

<b>Personal Services</b>									
Part-Time/Temporary Salaries									
Prof Contractual Services/Litigation	52,997		33,768				150,340		107,584
Purchased Services- Professional									
Termination/Retirement Payouts									
Overtime Wages									
Other:									
Vacancy Savings									
<b>Subtotal:</b>	52,997		33,768				150,340	-	107,584
<b>Total Personal Services Continuation</b>	52,997		33,768				150,340	-	107,584
<b>PERSONAL SERVICES TOTAL</b>	<b>52,997</b>		<b>33,768</b>				<b>150,340</b>	-	<b>107,584</b>
General Fund	-		-						
General Fund Exempt	-		-						
Cash Funds	52,997		33,768				107,584		107,584
Reappropriated Cash Funds							42,756		-





**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**DEFENSE OF THE REPUBLICAN RIVER COMPACT**

**OPERATING EXPENSES**

1930 Litigation	10,156		1,781						
2523 IS/Non-Emp - Pers Veh Reimb			-						
2530 Out of State Travel	44		409			44		44	
2531 OS Common Carrier Fares	741		1,140			741		741	
2532 OS Personal Travel Per Diem	1,347		1,417			1,347		1,347	
2533 OS Personal Vehicle Reimbursement			-						
2550 Out of Country Travel			-						
2552 OC Pers Travel Reimbursement			-						
2630 Telephone	31		372			31		31	
2681 Photocopy Reimbursement	98		-			98		98	
3123 Postage	156		156			156		156	
<b>Operating Expense Subtotal:</b>	<b>12,571</b>		<b>5,275</b>			<b>2,416</b>		<b>2,416</b>	
<b>OPERATING EXPENSE TOTAL:</b>	<b>12,571</b>		<b>5,275</b>			<b>2,416</b>		<b>2,416</b>	
General Fund	-		-			-		-	
General Funds Exempt									
Cash Funds	12,571		5,275			2,416		2,416	
Reappropriated Cash Funds						-		-	
<b>Potted Operating Expenses</b>									
253,289 Workers' Compensation									
Leased Vehicle Expense									
Capital Complex Lease Space									
IT Asset Maintenance									
ADP Capital Outlay									
<b>Total</b>						-			
General Fund									
<b>Rollforward</b>	<b>75,650</b>		<b>26,147</b>			<b>42,756</b>		<b>-</b>	
Cash Funds	75,650					42,756		-	
Reappropriated Cash Funds	-		26,147			-		-	
<b>TOTAL DEFENSE OF THE REPUBLICAN RIVER</b>	<b>141,218</b>	-	<b>65,190</b>	-		<b>152,756</b>	-	<b>110,000</b>	-
General Fund	-		-			-		-	
General Fund Exempt	-		-			-		-	
Cash Funds	141,218		39,043			110,000		110,000	
Reappropriated Cash Funds			26,147			42,756		-	
						-			



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

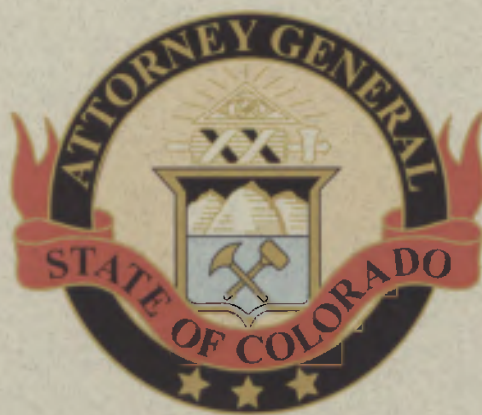
**Department of Law**

**DEFENSE OF THE REPUBLICAN RIVER COMPACT**

<b>Schedule 3 Total</b>		141,218	65,190	110,000	152,756	110,000
General Funds		-	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		141,218	39,043	110,000	110,000	110,000
Reappropriated Cash Funds		-	26,147	-	42,756	-
<b>Cash Fund</b>						
Colorado Water Conservation Board			39,043	110,000	110,000	110,000
<b>Cash Funds Exempt</b>						
Colorado Water Conservation Board		-	26,147	-	42,756	-



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**NR & WR - Consultant Expense**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**CONSULTANT EXPENSE**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CONSULTANT EXPENSE</b>	92,589		82,677		50,000		89,010	-	50,000	-
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	92,589		55,267		50,000		50,000		50,000	
Reappropriated Funds	-		27,411		-		39,010		-	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**CONSULTANT EXPENSE**

Item	Actual FY 09		Actual FY 10		Approp FY 10		Estimate FY 11		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CONSULTANT EXPENSE TOTAL</b>	92,589		82,677		50,000		89,010		50,000	
General Fund	-									
General Fund Exempt										
Cash Funds	92,589		55,267		50,000		50,000		50,000	
Reappropriated Funds			27,411				39,010			
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	50,000		50,000				50,000			
<i>Supplemental</i>	70,000		50,000				-			
Rollforward from Previous FY			27,411				39,010			
Rollforward to Subsequent FY			(39,010)				-			
Overexpenditure/(Reversion)										
Lapsed Appropriation Reappropriated Funds							-			
Lapsed Appropriation Cash Funds	(27,410)		(5,724)							
<b>TOTAL RECONCILIATION</b>	92,590		82,677				89,010			



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

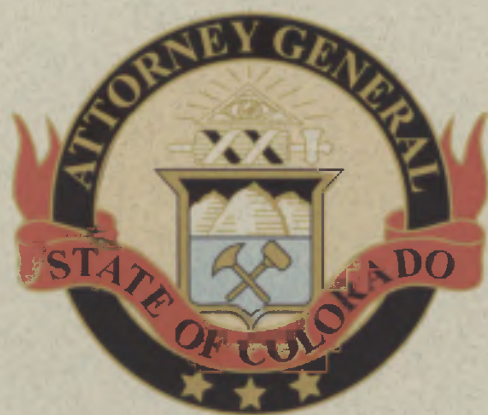
**CONSULTANT EXPENSE**

Item	Actual FY 08	Actual FY 10	Approp FY 14	Estimate FY 11	Request FY 11
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
<b>Schedule 3 Total</b>	92,589	82,677	50,000	89,010	50,000
General Fund				-	-
General Fund Exempt				-	-
Cash Funds		55,267	50,000	50,000	50,000
Reappropriated Funds	-	27,411	-	39,010	-
<b>Cash Funds</b>					
Attorneys Fees and Costs	92,589	14,142	50,000	50,000	50,000
DNR Water Conservation		41,125			
<b>Reappropriated Funds</b>					
Attorneys Fees and Costs		27,411		39,010	-





**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**NR & WR - CERCLA**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CERCLA</b>	460,946	3.9	336,789	3.4	382,962	3.5	421,591	3.5	466,191	3.5
General Fund	439,435		321,766		0		938		-	
General Fund Exempt	4,779		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	16,732		15,023		382,962		420,653		466,191	
Federal Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT**

**I. POSITION DETAIL**

Senior Assistant Attorney General	23,124	0.2	23,124	0.2			23,124	0.2	23,124	0.2
Assistant Attorney General	189,401	2.4	194,489	2.7			200,871	2.8	200,871	2.8
Assistant Attorney General II										
Assistant Attorney General I										
General Professional V	70,803	0.8	47,202	0.5			47,202	0.5	47,202	0.5
Legal Assistant II	37,004	0.6	-							

**TOTAL POSITION DETAIL**

	320,333	3.9	264,815	3.4			271,197	3.5	271,197	3.5
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**(I.A.) CONTINUATION FTE SALARY COSTS**

(Permanent FTE by Position) Continuation Salary Subtotal	320,333	3.9	264,815	3.4			271,197	3.5	271,197	3.5
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**(I.B.) OTHER PERSONAL SERVICES**

PERA on Continuation Subtotal	34,069		25,354				20,747		27,526	
Medicare on Continuation Subtotal	3,134		3,069				3,932		3,932	
Non-Base Building Performance Awards	2,888		-				-		-	
Part-Time/Temporary Salaries										
Furlough			(3,056)							
Contractual Services	5,740		3,711				73,531		75,217	
Annual Leave Payout	18,145		-				-		-	
Overtime	-						-		-	
Vacancy Savings	-						-		-	
Sick Leave	21,930		-				-		-	
Other Employee Benefits	391		666				-		-	

**SUBTOTAL**

	86,298		29,744				98,210		106,676	
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**(I.C.) PERSONAL SERVICES SUBTOTAL=**

<b>A+B</b>	<b>406,630</b>	<b>3.9</b>	<b>294,559</b>	<b>3.4</b>			<b>369,407</b>	<b>3.5</b>	<b>377,873</b>	<b>3.5</b>
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**(I.D.) POTS EXPENDITURES**

Health/Life Dental	16,773		12,392				10,720			
Salary Survey	[15,026]									
Performance Awards	[5,922]									

### SCHEDULE 3 - PROGRAM DETAIL

**Department of Law**

### COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT

Item	Request FY 10		Request FY 11		Request FY 12	
	Funds	FTE	Funds	FTE	Total Funds	FTE
Short Term Disability	413		400			
SB 04.257 A.E.D.	5,195		5,497			
SB 06.235 S.A.E.D.	2,298		3,410			
Other						
[ ] Indicates a Non-add						
<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D</b>	<b>431,310</b>	<b>3.9</b>	<b>316,258</b>	<b>3.4</b>	<b>393,478</b>	<b>3.5</b>
<b>(I.F.) DIFFERENCE- II- I.E.</b>						
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>						
General Fund						
Cash Funds						
Reappropriated Funds						
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>431,310</b>	<b>3.9</b>	<b>316,258</b>	<b>3.4</b>	<b>393,478</b>	<b>3.5</b>
General Fund	397,570		301,235		-	
General Funds Exempt						
Cash Funds						
Reappropriated Funds	33,740		15,023		393,478	
Federal Funds						

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

**Department of Law**

**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT**

<b>OPERATING EXPENSES</b>										
1930 - Litigation	1,713	-	-	-	-	-	6,140	-	-	6,140
2170 Waste Disposal Services	1	-	-	-	-	-	-	-	-	-
2230 IT Hardware Maint/Repair Svcs	3	-	-	-	-	-	-	-	-	-
2231 ADP Equip Maint/Repair Services	34	350	-	-	-	250	-	-	-	-
2232 IT Software Mntc/Upgrade Svcs	358	-	-	-	-	380	-	-	-	380
2255 Rental of Buildings	10,530	11,367	-	-	-	-	-	-	-	-
2258 Parking Fees		10	-	-	-	-	-	-	-	-
2510 In-State Travel	145	-	-	-	-	-	-	-	-	-
2511 In-State Common Carrier Fares	567	-	-	-	-	-	-	-	-	-
2512 IS Personal Travel Per Diem	472	-	-	-	-	-	-	-	-	-
2513 IS Personal Vehicle Reimbursement	18	-	-	-	-	-	-	-	-	-
2530 Out of State Travel	160	20	-	-	-	-	-	-	-	-
2531 OS Common Carrier Fares	553	551	-	-	-	-	-	-	-	-
2532 OS Personal Travel Per Diem	406	305	-	-	-	-	-	-	-	-
2630 Telephone	1,905	1,986	-	-	-	2,200	-	-	-	2,200
2631 Comm Svcs from Outside Sources	1	-	-	-	-	-	-	-	-	-
2641 Other ADP Billings - Purchase Services	972	619	-	-	-	972	-	-	-	972
2660 Insurance	808	447	-	-	-	808	-	-	-	808
2680 Contract Printing	578	127	-	-	-	200	-	-	-	200
2820 Other Purchased Servs	150	-	-	-	-	-	-	-	-	-
3115 DP Supplies	759	839	-	-	-	-	-	-	-	-
3116 Purchase/Leased Software	33	-	-	-	-	33	-	-	-	33
3117 Educational	3	-	-	-	-	-	-	-	-	-
3120 Books & Subscriptions	2,442	1,687	-	-	-	1,000	-	-	-	1,000
3121 Office Supplies	345	-	-	-	-	345	-	-	-	345
3123 Postage	129	44	-	-	-	129	-	-	-	129
3140 Non-Capitalized IT PC's	151	-	-	-	-	-	-	-	-	-
3141 Non-Capitalized IT Servers	10	-	-	-	-	-	-	-	-	-
3143 Non-Capitalized IT - Other	3	791	-	-	-	-	-	-	-	-
3146 Non-Capitalized IT Purchased Server Software	3	-	-	-	-	-	-	-	-	-
4140 Dues & Memberships	756	559	-	-	-	250	-	-	-	250
4180 Official Functions		84	-	-	-	-	-	-	-	-
4220 Registration Fees	718	745	-	-	-	718	-	-	-	718
6212 IT Servers Direct Purchase	104	-	-	-	-	104	-	-	-	104
6213 IT PC SW Direct Purchase	27	-	-	-	-	27	-	-	-	27
<b>Operating Expense Subtotal:</b>	<b>24,859</b>	<b>20,531</b>				<b>13,555</b>				<b>13,305</b>

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

**Department of Law**
**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT**

<b>OPERATING EXPENSE TOTAL:</b>	<b>24,859</b>	<b>20,531</b>			<b>13,555</b>	<b>13,305</b>
General Fund	24,859	20,531			0	0
Cash Funds						
Reappropriated Funds					13,555	13,305
<b>ROLLFORWARD</b>	-	-				
General Fund	-	-				
Reappropriated Funds						
<b>Potted Operating Expenses</b>						
### Workers' Compensation					517	
Leased Vehicle Expense						
Capital Complex Lease Space					11,092	
Lease Space						
IT Asset Maintenance						
ADP Capital Outlay						
CLE Registration Fees					938	
Building Security					2,011	
<b>Total</b>					<b>14,558</b>	
General Fund					-	
Reappropriated Funds					14,558	
<b>Rollforward - Previous Year</b>	4,779	-			-	
General Fund Exempt	4,779				-	
<b>FY012 DECISION ITEM REQUEST</b>						
<b>Dec Item # 3 CERCLA Tipping Fees</b>						75,000
General Fund						
Refinance						75,000
<b>FY 12 DPA NP Statewide Printing Warrants and Mainframe Docs</b>						13
General Fund						-
Cash Funds Exempt						13
<b>LONG BILL APPROPRIATION</b>				382,962		



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT**

GF					357,084					
RF					25,878					
<b>SPECIAL BILLS</b>										
<i>HB 10-1329</i>										
GF					(357,084)		-			
RF					357,084		-			
<b>TOTAL CERCLA</b>	<b>460,946</b>	<b>3.9</b>	<b>336,789</b>	<b>3.4</b>	<b>382,962</b>	<b>3.5</b>	<b>421,591</b>	<b>3.5</b>	<b>466,191</b>	<b>3.5</b>
General Fund	439,435		321,766		-		-			
General Fund Exempt	4,779		-		-		-			
Cash Funds					-					
Reappropriated Funds	16,732		15,023		382,962		421,591		466,191	
Federal Funds										
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	472,021	4.8	391,178	3.5			382,962	3.5	382,962	3.5
<i>Supplemental SB09-192</i>	(70,000)	(0.5)	(77,154)							
HB 10-1329 CF to RF										
PERA back to 10.15% from 7.65%									8,216	
DI #1 CERCLA Tipping Fees									75,000	
DPA NP Statewide Printing Warrants and Mainframe Docs									13	
Salary POTS	20,948						-			
Health/Life/Dental	22,120		19,219				10,720			
Short Term Disability	415		482				406			
SB 04.257 A.E.D.	5,620		6,936				7,486			
SB 06.235 S.A.E.D.	2,709		4,268				5,459			
Worker's Compensation	808		453				517			
Capital Complex Lease Space	8,887		11,368				11,092			
Lease Space							-			
Vehicle Lease Allocation							-			
IT Asset Maintenance	864						-			
Building Security			1,751				2,011			
ADP Capital Outlay Allocation										
CLE Registration Fees	938		938				938			
Rollforward from Previous FY	25,362									
Rollforward to Subsequent FY										

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT									
Overexpenditure/(Reversion)- GF	(18)	(0.1)	(11,795)	(0.1)						
Lapsed Appropriation General Funds Exempt	(20,582)									
Lapsed Appropriation Reappropriated Funds	(9,146)	(0.3)	(10,855)							
<b>TOTAL RECONCILIATION</b>	<b>460,946</b>	<b>3.9</b>	<b>336,789</b>	<b>3.4</b>			<b>421,591</b>	<b>3.5</b>	<b>466,191</b>	<b>3.5</b>
<b>GRAND TOTAL</b>	<b>460,946</b>	<b>3.9</b>	<b>336,789</b>	<b>3.4</b>	<b>382,962</b>	<b>3.5</b>	<b>421,591</b>	<b>3.5</b>	<b>466,191</b>	<b>3.5</b>
General Fund	<b>439,435</b>		<b>321,766</b>		-		<b>938</b>		-	
General Fund Exempt	<b>4,779</b>		-				-		-	
Cash Funds	-		-				-		-	
Reappropriated Funds	<b>16,732</b>		<b>15,023</b>		382,962		<b>420,653</b>		<b>466,191</b>	
Federal Funds	-		-							

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

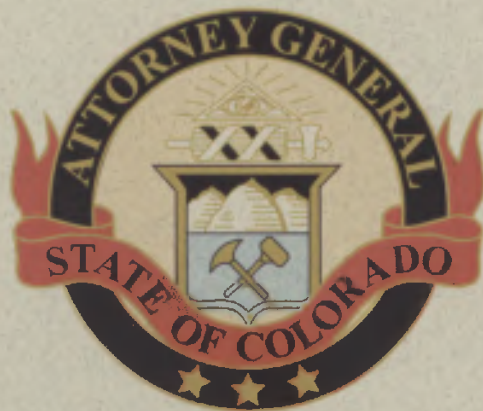
**Department of Law**

**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT**

						Requ FY 20
<b>Schedule 3 Total</b>		460,946	336,789	382,962	421,591	466,191
General Funds		439,435	321,766	-	938	-
General Funds Exempt		4,779	-	-	-	-
Cash Funds		-	-	-	-	-
Reappropriated Funds		16,732	15,023	382,962	420,653	466,191
Federal Funds						
<b>Reappropriated Funds</b>						
Hazardous Substance Response Fund		16,732	15,023	382,962	420,653	466,191



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CERCLA Contracts**



## SCHEDULE 2 - PROGRAM SUMMARY

Department of Law		COMPREHENSIVE ENVIRON RESPONSE COMPEN & LIAB ACT CONTRACTS									
Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
<b>CERCLA CONTRACTS</b>	526,861	-	447,550	-	500,000		500,000	-	425,000	-	
General Fund	17,682		-		-		-		-		
General Fund Exempt	59,179		-		-		-		-		
Cash											
Reappropriated Funds	450,000		447,550		500,000		500,000		425,000		

## SCHEDULE 3 - PROGRAM DETAIL

Department of Law		COMPREHENSIVE ENVIRON RESPONSE COMPEN & LIAB ACT CONTRACTS									
Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
<b>CERCLA CONTRACTS</b>											
1920 - Purchased Services - Professional	467,682		447,550				500,000		425,000		
<b>Rollforward</b>	59,179		-				-		-		
General Fund Exempt	59,179						-				
Reappropriated Funds											
<b>CERCLA CONTRACTS TOTAL</b>	<b>526,861</b>		<b>447,550</b>		<b>500,000</b>		<b>500,000</b>		<b>425,000</b>		
General Fund	17,682		-		75,000		-		-		
General Fund Exempt	59,179						-				
Reappropriated Funds	450,000		447,550		425,000		500,000		425,000		
<b>RECONCILIATION OF FUNDS</b>											
Long Bill Appropriation	600,000		500,000		500,000		500,000		500,000		
Supplemental	(130,000)		20,000								
HB 10-1329 Solid Waste Tipping Fees Ref.											
DI #3 CERCLA Tipping Fees									(75,000)		
Rollforward from previous FY	59,179						0				
Rollforward to Subsequent FY	-		-								
Reversion GF	(2,318)						0				
Reversion RF			(72,450)								
<b>TOTAL RECONCILIATION</b>	<b>526,861</b>		<b>447,550</b>		<b>500,000</b>		<b>500,000</b>		<b>425,000</b>		
GF											
RF			447,550		500,000		500,000		425,000		



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

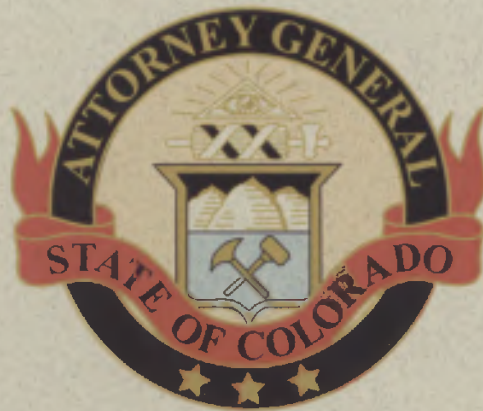
**COMPREHENSIVE ENVIRON RESPONSE COMPEN & LIAB ACT CONTRACTS**

<b>Schedule 3 Total</b>	526,861	447,550	500,000	500,000	425,000
General Fund	17,682	-	75,000	-	-
General Fund Exempt	59,179	-	-	-	-
Reappropriated Funds	450,000	447,550	425,000	500,000	425,000
<b>Cash Funds</b>					
<b>Reappropriated Funds</b>					
Hazardous Substance Response Fund	450,000	447,550	425,000	500,000	425,000





**FY 11-12**  
**Budget**  
**Schedules 2,3 and 4**  
**Natural Resource**  
**Damage Claims at**  
**Rocky MTN Arsenal**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**ROCKY MOUNTAIN ARSENAL**

Item	Actual FY 09		Actual FY 010		Approp FY 11		Estimate FY11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>NATURAL RESOURCE DAMAGE</b>										
<b>CLAIMS AT ROCKY MOUNTAIN ARSENAL</b>	98,909	-	2,420	-	150,000	-	150,000	-	150,000	-
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	98,909		2,420		150,000		150,000		150,000	
Reappropriated Funds	-		-		-		-		-	
Federal Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**ROCKY MOUNTAIN ARSENAL**

<b>I. POSITION DETAIL</b>										
Senior Assistant Attorney General										
Assistant Attorney General I										
Assistant Attorney General II	26,114	0.3	-	0.0			-			
<b>TOTAL POSITION DETAIL</b>	<b>26,114</b>	<b>0.3</b>	<b>-</b>	<b>0.0</b>			<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	<b>26,114</b>	<b>0.3</b>	<b>-</b>	<b>0.0</b>			<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>
(Permanent FTE by position)										
Continuation Salary Subtotal										
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	2,636		-				-		-	
Medicare on Continuation Subtotal	377		-				-		-	
Non-Base Building Performance Awards	-		-				-		-	
Part-Time/Temporary Salaries	-		-				-		-	
Contractual	57,643		-				150,000		150,000	
Other	112		-				-		-	
<b>SUBTOTAL</b>	<b>60,768</b>		<b>-</b>				<b>150,000</b>		<b>150,000</b>	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=</b>										
<b>A+B</b>	<b>86,882</b>	<b>0.3</b>	<b>-</b>	<b>0.0</b>			<b>150,000</b>		<b>150,000</b>	
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	1,483		-				-		-	
Salary Survey	-		-				-		-	
Performance Awards	-		-				-		-	
Short Term Disability	29		-				-		-	
SB 04.257 A.E.D.	364		-				-		-	
SB 06.235 S.A.E.D.	130		-				-		-	
Other	-		-				-		-	
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>										
<b>C+D</b>	<b>88,888</b>	<b>0.3</b>	<b>-</b>	<b>0.0</b>			<b>150,000</b>		<b>150,000</b>	<b>0.0</b>



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ROCKY MOUNTAIN ARSENAL**

**OPERATING EXPENSES**

1930 - Litigation	523								
2170 Waste Disposal Services	5	-							
2230 Equipment Maintenance/Repair Svcs	10	-							
2231 ADP Equip Maint/Repair Services	117	-							
2232 Software Upgrades	1,226	-							
2240 Motor Veh Maint/Repair Svcs		-							
2251 Lease Motor Pool Vehicle		-							
2252 Motor Pool Mileage Charge		-							
2253 Equipment Rental		-							
2254 Rental of Motor Vehicles		-							
2255 Rental of Buildings	6,160	-							
2258 Parking Fees		-							
2559 Parking Fee Reimbursement		-							
2510 In State Travel		-							
2512 IS Personal Travel Per Diem		-							
2513 IS Personal Vehicle Reimbursement		-							
2520 IS Travel/Non Employee		-							
2523 IS/Non-Emp - Pers Veh Reimb		-							
2530 Out of State Travel			247						
2531 OS Common Carrier Fares			566						
2532 OS Personal Travel Per Diem			620						
2533 OS Personal Vehicle Reimbursement			-						
2550 Out of Country Travel			-						
2552 OC Pers Travel Reimbursement			-						
2630 Telephone			-						
2631 Comm Svcs from Outside Sources	2		-						
2641 Other ADP Billings - Purchase Services	86		6						
2660 Insurance	348		-						
2680 Contract Printing	2		-						
3115 Data Processing Supplies	17		-						
3116 Purchase/Leased Software	113		-						
3117 Educational	12		-						
3123 Postage			31						
3140 Non-Capitalized IT- PC's	519		-						
3141 Non-Capitalized IT- Servers	35		-						
3143 Non-Capitalized IT - Other	12		-						
3146 Non-Capitalized IT - Purchased Server SW	11		-						
4140 Dues & Memberships	378		-						
4151 Interest Late Payments			-						
4170 Miscellaneous Fees			-						
4180 Official Functions			-						





**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ROCKY MOUNTAIN ARSENAL**

**RECONCILIATION OF FUNDS**

Long Bill Appropriation	1,212,924	2.4	195,000	0.0			150,000	0.0		
Supplemental										
Salary POTS							-			
Health/Life/Dental	8,899						-			
Short Term Disability							-			
SB 04.257 A.E.D.	2,688						-			
SB 06.235 S.A.E.D.	1,260						-			
Capital Complex Lease Space	6,160						-			
Workers Compensation	348						-			
Vehicle Lease Allocation							-			
IT Asset Maintenance	3,204						-			
ADP Capital Outlay Allocation							-			
CLE Registration Fees	750		750				-			
Rollforward from Previous FY	1,137,000						-			
Rollforward to Subsequent FY										
Restriction										
Overexpenditure/(Reversion) - GF	(356)									
Lapsed Appropriation Cash Funds	(2,273,967)	(2.1)	(193,330)	0.0						
Lapsed Appropriation Federal Funds										
<b>TOTAL RECONCILIATION</b>	<b>98,909</b>	<b>0.3</b>	<b>2,420</b>	<b>0.0</b>			<b>150,000</b>	<b>0.0</b>		
<b>GRAND TOTAL</b>	<b>98,909</b>	<b>0.0</b>	<b>2,420</b>	<b>0.0</b>	<b>150,000</b>	<b>0.0</b>	<b>150,000</b>	<b>0.0</b>	<b>150,000</b>	<b>0.0</b>
General Fund	-		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	<b>98,909</b>		<b>2,420</b>		<b>150,000</b>		<b>150,000</b>		<b>150,000</b>	
Reappropriated Funds	-		-				-		-	
Federal Funds	-		-				-		-	



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

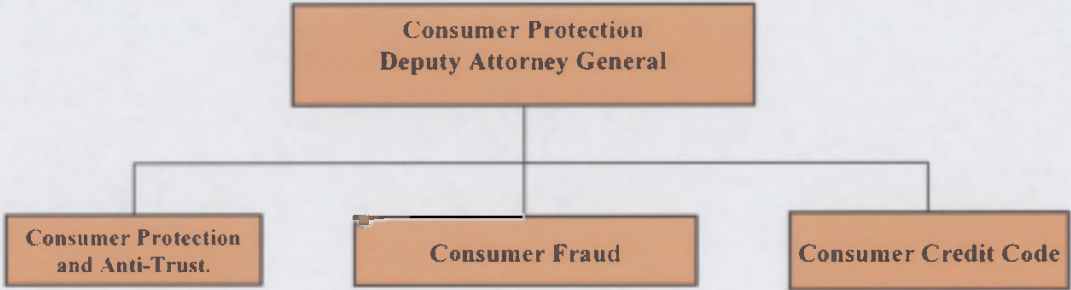
**Department of Law**

**ROCKY MOUNTAIN ARSENAL**

<b>Schedule 3 Total</b>		98,909	2,420	150,000	150,000	150,000
General Funds		-	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		98,909	2,420	150,000	150,000	150,000
Reappropriated Funds		-	-	-	-	-
Federal Funds		-	-	-	-	-
<b>Cash Funds</b>						
CDPHE Hazardous Substance Response Fund		98,909	2,420	150,000	150,000	150,000
<b>Reappropriated Funds</b>						
CDPHE Hazardous Substance Response Fund		-	-	-	-	-

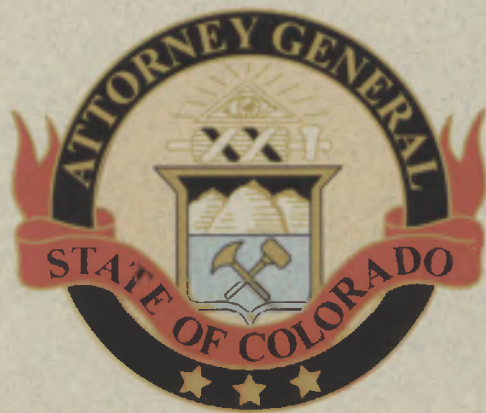


**Consumer Protection**



# Narrative

# Consumer Protection



## **(D) BACKGROUND INFORMATION: CONSUMER PROTECTION UNITS**

There are two units that enforce the provisions of the Colorado Consumer Protection Act (“CCPA”) (§§ 6-1-101, *et seq.*, CRS). The Consumer Fraud Unit handles traditional consumer protection matters such as false advertising, Internet marketing scams and charitable fraud cases.

The Antitrust, Tobacco and Consumer Protection Unit handles the Colorado Antitrust Act (“Antitrust Act”) (§§ 6-4-101, *et seq.*, CRS), several specialized consumer protection statutes, such as the No-Call List Act (§§ 6-1-901, *et seq.*, CRS) and all of the consumer protection laws designed to address mortgage and foreclosure rescue fraud. *See, e.g.*, §§ 12-61-904.5, 12-61-911 and 38-40-105 (governing mortgage originator conduct), § 6-1-717, CRS (governing appraisal fraud) and § 6-1-1100, *et seq.*, CRS (Colorado Foreclosure Protection Act). This unit also enforces the tobacco Master Settlement Agreement and related tobacco laws (§§ 39-28-201, *et seq.*, CRS – Tobacco Escrow Funds Act; and §§ 39-28-301, *et seq.*, CRS – Certified Brands Directory Act). Below is a description of how these units handle their enforcement efforts under their statutory provisions.

### **Consumer Fraud**

Consumer fraud investigations and prosecutions are handled by a variety of attorneys, investigators, and support staff through both Units. While most cases are brought under the Colorado Consumer Protection Act, these Units also bring cases under the Charitable Solicitations Act and the Motor Vehicle Repair Act. In addition to purely local cases, attorneys and staff periodically participate in national or multi-state enforcement activities with their counterparts in the Attorney General Offices of other states and with the Federal Trade Commission.

### **Antitrust**

The Attorney General’s antitrust enforcement efforts are directed at protecting consumers and legitimate competitors from a whole range of anticompetitive conduct, including price fixing, conspiracies to suppress competition and mergers that will unreasonably restrain fair competition. The Antitrust, Tobacco and Consumer Protection Unit has one full-time lawyer who enforces the Colorado Antitrust Act and the federal antitrust laws. This position is funded from the general fund. The Attorney General has exclusive jurisdiction to enforce the civil and criminal provisions of the Colorado Antitrust Act. The Attorney General also participates in merger reviews in conjunction with the FTC where the industry at issue implicates statewide interests of concern in Colorado.

## **Tobacco Settlement Enforcement**

Since the State's settlement of the tobacco litigation against the major domestic tobacco companies in 1998, there has been a need for the Attorney General to monitor compliance with the numerous injunctive terms and payment obligations under the Master Settlement Agreement ("MSA") and the Smokeless Tobacco Master Settlement Agreement ("STMSA"). Under these agreements the companies have agreed to a host of marketing restrictions, including a prohibition on youth marketing. Also under these agreements, the companies pay anywhere from \$80.0 - \$100.0 Million to the State of Colorado each year. The fluctuations in payments depend on various complex adjustments provided for under the MSA which relate to sales volume by the participating companies and market share loss to manufacturers that are not part of the MSA (so called, "nonparticipating manufacturers" or "NPMs").

The Antitrust, Tobacco and Consumer Protection Unit monitors compliance with these injunctive terms and ensures that Colorado's interests are protected under the payment calculation provisions. Colorado is currently engaged in a protracted arbitration under the MSA regarding the amount that the State's payment can be reduced due to NPM sales in 2003. Resolution of this issue will likely influence payment adjustments for subsequent years. This unit also enforces the tobacco related statutes that have been enacted as a result of the MSA. Enforcement of these NPM escrow payment obligations requires this office to work closely with the Department of Revenue.

The Antitrust, Tobacco and Consumer Protection Unit has one full time lawyer who is funded out the tobacco settlement funds.

## **No-Call Enforcement**

The No-Call List Act was enacted in 2002. Since that time over 3.4 Million residential phone numbers have been registered on the no-call list. The no-call list and other procedural aspects of the no-call program are actually administered by the Public Utilities Commission ("PUC"). However, enforcement of violations are handled by one full-time legal assistant and one lawyer within the Antitrust, Tobacco and Consumer Protection Unit. The lawyer splits his time between this work and antitrust enforcement. The legal assistant position is funded through the fees generated by telemarketers who buy the no-call lists each quarter. The attorney position is funded through general funds.

The Attorney General investigates complaints that are reported to the PUC of suspected no-call violations. These investigations involve some detailed work to ensure that the jurisdictional elements of the No-Call List Act are satisfied. They also involve identifying the suspects or telemarketers involved in the violation.



## **Mortgage and Foreclosure Rescue Fraud**

To address the rise in mortgage and foreclosure rescue fraud, the General Assembly passed the Foreclosure Protection Act in 2006 and four mortgage fraud bills in 2007. Also, as part of the 2007 mortgage fraud bills the Antitrust, Tobacco and Consumer Protection Unit was given one lawyer FTE and two investigator FTEs to enforce these new laws and the Foreclosure Protection Act. These three new positions are funded through the licensing fees that are paid by mortgage originators to get licensed with the Division of Real Estate's Mortgage Originator Program. Because addressing mortgage and foreclosure relief fraud are high priorities for the Attorney General, he has added another full-time lawyer and full-time investigator, both of whom are funded through the general fund, to assist in these enforcement efforts.

The mortgage fraud enforcement efforts are focused on ensuring that proper advertising and lending practices are used by mortgage originators when offering loans to Colorado homeowners. These enforcement efforts are also focused on straw buyers or house flippers who use deceptive sales transactions to extract equity out of the homes owned by borrowers in distress.

With the foreclosure crisis there has also been a rise in scams that prey on homeowners seeking to save their homes from foreclosure. The Foreclosure Protection Act affords homeowners certain protections when dealing with these rescue firms. Most notably the rescue firm cannot charge an upfront fee and cannot take a lien on the property unless certain disclosures are made. Most of this unit's enforcement efforts in FY10 have focused on loan modification firms that are operating in violation of the Colorado Foreclosure Protection Act.

### **(ID) PRIOR YEAR LEGISLATION**

A. **HB 10-1133**: Expands the protections of the Foreclosure Protection Act to borrowers who are not yet in foreclosure or even delinquent on their loans. Loan modification firms and foreclosure rescue firms have been able to target their solicitations at borrowers who are struggling to make their payments but are not yet delinquent or in foreclosure. Nevertheless these borrowers are desperate to find help to modify their mortgages. This law becomes effective January 1, 2011. It requires these consultants to comply with the Foreclosure Protection Act any time they advise a homeowner about their mortgage regardless of whether it is in foreclosure or default.

This law also adds some new disclosure requirements related to short sale transactions to ensure that a flipping scheme cannot follow the short sale in order to deprive the lender of equity in the home. These new provisions will be enforced by this unit.

B. SB 10-155: Concerns limitations on the issuance of “gift cards.” A gift card is a prefunded tangible or electronic record of a specific monetary value evidencing an issuer’s agreement to provide goods, services, credit, money, or anything of value. This bill makes it a deceptive trade practice for an issuer to refuse to redeem for cash the remaining value on a gift card if the amount remaining is five dollars or less. It is also a deceptive trade practice for the issuer to sell a gift card that contains a service fee, a dormancy fee, an inactivity fee, a maintenance fee, or any other type of fee. These amendments to the Colorado Consumer Protection Act are enforceable by the attorney general, a district attorney, or by private consumers.

### **III) HOT ISSUES**

#### **Consumer Fraud**

We continue to see a large number of complaints involving Internet sales of consumer goods. Consumers complain about “free” or “trial” offers that actually involve the purchase of more costly goods and confusing or misrepresented refund and return policies.

Charitable fraud cases remain a priority with approximately one fourth of the Consumer Fraud Unit’s attorney and investigator time devoted to to investigations into misuse of charitable donations.

Unit staff continued to work on a number of cases already in litigation, and filed new cases alleging deceptive trade practices against sellers of immigration services, a company collecting for but not installing new roofs, a company offering to find buyers for small businesses, and a company selling debt relief and debt reduction programs.

#### **Antitrust**

During FY10 the Attorney General has continued in his efforts to prevent State losses due to antitrust violations. The Antitrust, Tobacco and Consumer Protection Unit has continued to provide training for state and local purchasing agents to detect signs of possible price fixing when evaluating bids on state contracts. Several of these presentations were made in conjunction with the US Department of Justice, which provided training regard possible signs of fraud in bids or contracts that are financed with money that has been made available under the America’s Recovery and Reinvestment Act of 2009. The Unit participated with the US Department of Justice on two large national merger challenges. One involved a proposed merger of companies providing electronic voting machines to local jurisdictions. The other involved a review of a proposed merger of several large movie theater chains. Both cases resulted in favorable settlements of potential antitrust issues. The Unit has also

been working on a number of local investigations involving potential price-fixing and bid-rigging.

### **Tobacco Enforcement**

During FY10, a significant amount of time continues to be expended on the “non-participating manufacturers” adjustment (“NPM Adjustment”) under the MSA. Under the MSA the tobacco companies who settled the tobacco litigation are able to reduce the amount owed under the MSA if they lost market share as a result of NPM sales and the States failed to diligently enforce their escrow laws against these NPMs. The issue as to whether Colorado and the other States diligently enforced their Tobacco Escrow Laws is currently the subject of arbitration proceedings under the MSA. Because application of this adjustment in Colorado could result in a future offset against Colorado’s settlement payments in excess of \$70 million, significant resources are being dedicated to the pursuit of a positive determination of Colorado’s diligent enforcement. Because members of the Attorney General’s staff will be material witnesses in any diligent enforcement proceedings, outside counsel has been retained to represent the State’s interests. During the past year, an arbitration panel was finally put into place. It is expected that hearings on these claims will begin during FY10. Accordingly a fair amount of time will be spent preparing for these proceedings. Without some other resolution of this NPM Adjustment issue, similar litigation can be expected to consume significant resources in the upcoming years as well. While these proceedings deal with Colorado’s diligent enforcement during 2003, a similar arbitration is likely with regard to 2004.

### **No-Call**

As discussed in the last two years’ reports, enforcement of the no-call list act has changed. Since 2007 the most common complaint concerned robo-calls that were offering extended auto warranties or debt relief services. As of September 1, 2009 the the FTC adopted a rule that outlawed robo-calls. This new rule has led to a decrease in these violations.

Most of our work has been occupied with identifying telemarketers that continue to use calling technology and marketing strategies that are designed to conceal the telemarketer. As these new strategies become more common we anticipate that these larger, long-term investigations will typify the work of the no-call staff. To maximize the staff’s limited resources, they are developing information sharing networks with other state and federal law enforcement agencies. During this past year our office has worked closely with the FTC and other federal law enforcement to investigate violators of the federal no-call list act and the Colorado No-Call List Act.

## **Mortgage and Foreclosure Rescue Fraud**

These cases accounted for most of the work of the Antitrust, Tobacco and Consumer Protection Unit during FY10. Foreclosure rates continue to set records month after month in Colorado. With these high foreclosure rates, loan modification and foreclosure rescue scams are proliferating. Therefore, this unit continues to devote significant resources to combating loan modification and foreclosure rescue fraud. Beginning in late FY09, the Attorney General joined with the FTC, several other State Attorney General Offices and other state regulators to crackdown on loan modification firms that were inundating defaulted borrowers with solicitations representing that the firm can negotiate down their mortgage payments. These firms usually take substantial up-front fees, ranging from \$2,000 - \$3,500. They generally fail to deliver a modification, but they do not refund the fees. During FY10 the Attorney General participated in three sweeps with these federal and state law enforcement offices in order to stop these loan modification firms from preying on distressed borrowers.

The pervasiveness of this problem cannot be addressed through enforcement actions alone. The Attorney General has attempted to create greater public awareness about loan modification and foreclosure rescue fraud. During FY10 the Attorney General's staff has made presentations about these scams to borrowers and the real estate professionals involved in counseling distressed borrowers. Through this outreach the Attorney General hopes to create greater awareness that distressed borrowers should not be paying upfront fees to these loan modification firms.

This is also a nationwide problem. Loan modification firms in other states solicit in Colorado through websites, spam and direct mail. Therefore, in addition to joining in the nationwide sweeps to crackdown on these scams, the Attorney General has worked to get a nationwide rule in place that prohibits these loan modification firms from accepting an upfront fee. The Attorney General co-authored comments with the Illinois Attorney General's Office that urged the FTC to adopt a proposed rule banning loan modification firms from collecting upfront fees. These comments were joined by 38 other states.

## **IV) WORKLOAD MEASURES**

### **Workload Indicators**

Quantifiable workload measures are difficult to formulate for the type of consumer protection work that is done by these two units. This office receives thousands of consumer complaints. As a result this office has always had far more cases than it could possibly handle. In addition, it is impossible to predict how long any particular litigation will last, or the extent that a single lawsuit may have on available Unit resources. Therefore, workload measures cannot adequately reflect either the work or

the effect of the work, of these Units. We are guided more by enforcement priorities than by quantifiable measures, such as complaints filed, population growth or economic conditions. For example, when foreclosures began to rise in Colorado, the Attorney General moved more resources towards addressing mortgage fraud, loan modification scams and foreclosure relief fraud. The Attorney General also sought more resources in conjunction with the mortgage fraud bills that were enacted in order to combat these frauds.

Moreover, quantifiable measures such as consumer complaints filed and population growth have been poor predictors of the consumer protection caseload. For example, no-call complaints continue to decrease each year, yet nearly 3.4 Million phone numbers are registered on the no-call list. However, the advent of new calling technology and more diffused telemarketing strategies have actually increased the investigative burden on the no-call enforcement staff. In a similar vein, homeowners who have been sold risky loans through deceptive trade practices, or lost their homes to fraudulent foreclosure rescue scams seldom file complaints with our office regarding these practices. However, mortgage fraud and foreclosure rescue fraud has accounted for the greatest portion of this unit's work during the past two fiscal years.

Finally, the Attorney General may also undertake public awareness campaigns to prevent the public from falling victim to a scam. Another strategy is to forge coalitions with other law enforcement agencies around the nation. Both of these approaches are being taken in the antitrust realm and with regard to the pervasive problem of loan modification scams that are operating on a nationwide basis. There are no indicators that would allow us to quantify the results of these activities.

For these reasons it is difficult to establish benchmarks for enforcement of these laws. In addition, as a prosecutor it would be inappropriate for the Attorney General to set quotas for the number of cases that he brings on an annual basis. Therefore, this report does not set benchmarks in the reports below.

## CORE OBJECTIVES AND PERFORMANCE MEASURES

### CONSUMER FRAUD

*Objective: Identify and prevent deceptive trade practices in marketplaces affecting Colorado consumers and businesses*

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Investigate and either sue or settle with individuals or entities that are engaged in deceptive trade practices	Benchmark	N/A		N/A				N/A	
	Actual	82		79				N/A	

*Strategy:*

The strategy of both Units continues to be, as it has in the past, to investigate those companies attracting both the largest number and the most discernable pattern of complaints alleging a deceptive trade practice. The consumer intake unit analyzes complaint volume and patterns and regularly communicates to the attorneys within the unit those businesses attracting the most compelling consumer allegations of deceptive advertising and sales practices. The unit also confers with other law enforcement agencies including the FTC, postal service, FBI, and state district attorney's offices to determine what investigations merit the resources of this unit. When investigations confirm the allegations of deceptive trade practices the unit proceeds with prosecution alternatives ranging from voluntary changes to business practices to Formal Assurances of Discontinuance to Complaints for restitution, fines, attorney fees and injunctive relief.

This figure represents investigations and cases that were worked on during FY 09 under the Colorado Consumer Protection Act and Charitable Fraud Act. This figure represents the following actions:

- 30 investigations opened
- 7 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened
- 8 lawsuits filed

## ANTITRUST

*Objective: Preserve competition in marketplaces affecting Colorado consumers and businesses by investigating and resolving conduct that is anticompetitive and unreasonably restricts trade in Colorado.*

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Investigate and either sue or settle with individuals or entities that are engaged in anticompetitive conduct such as price fixing, agreeing to restrain trade or entering into mergers that unreasonably restrict competition	Benchmark	N/A		N/A					
	Actual	9	-40%	7	-22.0%				

### *Strategy:*

The figures reported above represent two separate types of enforcement approaches. First, it reports the number of cases investigated, litigated or brought to resolution through settlement or judgment. They include traditional investigations of anticompetitive conduct, such as price fixing and agreements to restrain competition. They also include reviews of mergers that threatened to reduce competition. Many of these cases and investigations were conducted jointly with other state and federal antitrust enforcement agencies.

Second, the figures represent educational efforts that the Attorney General has undertaken to train state and local purchasing agents to identify possible signs of fraud or bid rigging. Through this approach the Attorney General hopes that raising awareness with these purchasing officials will allow them to detect anticompetitive conduct that causes the State to overpay on a bid.

- 2 lawsuits filed
- 4 investigations opened

**TOBACCO**

*Objective: Ensure that the Master Settlement Agreement continues to protect consumers and fair competition in the tobacco industry by enforcing the anti-youth marketing and honest advertising requirements contained in this agreement and protecting the payments owed to Colorado under this settlement.*

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Participate in MSA proceedings to ensure that proper payments are made under the settlement to Colorado.	Benchmark	N/A		N/A					
	Actual	20	+200%	15	- 25%				

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Diligently enforce the tobacco laws requiring escrow payments by NPMs and certification of compliant brands by all tobacco manufacturers	Benchmark	N/A		N/A					
	Actual	69	- 8%	95	+ 38%				

*Strategy:*

The strategy for tobacco enforcement is to leverage resources by developing coalitions and sharing information with other states in order to enforce the MSA and STMSA. In addition, this unit spends considerable time ensuring that Colorado’s payment stream under the MSA is not reduced. Again, this unit coordinates efforts with other states to ensure that proper payments are made and that companies in violation are brought into compliance.



This unit also undertakes local efforts to ensure that tobacco products entering Colorado are sold in compliance with the Colorado Tobacco Escrow Laws and Certified Brands Directory. Through both these multistate and local enforcement efforts, this unit has been able to protect consumers from deceptive tobacco sales and protect the income stream Colorado receives from the tobacco settlements.

These figures represent the varying discreet multistate and local law enforcement efforts that this unit undertakes in order to achieve these goals.

### No-Call

*Objective: Ensure that residential privacy is protected by actively enforcing the Colorado No-Call List Act.*

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Identify telemarketers who are responsible for the most number of violations and take immediate action to bring them into compliance with the No-Call Act.	Benchmark	N/A		N/A					
	Actual	30	-59%	16	-46%				

*Strategy:*

No-call enforcement continues to change as a result of telemarketers that operate on a nationwide basis and use calling technologies that conceal their location and telephone numbers. During the past year these larger cases have taken more of these enforcement resources. Therefore, the number of such investigations has been decreasing. During this time, however, this office has been working with federal law enforcement agencies to investigate these violators and maximize our collective resources.

## MORTGAGE AND FORECLOSURE RESCUE FRAUD

*Objective: Protect homeownership in Colorado by ensuring honesty in residential mortgage advertising, maintaining fairness in residential mortgage lending practices and preventing exploitation of homeowners in foreclosure.*

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Enforce the mortgage fraud and foreclosure rescue fraud laws in order to protect a borrower from foreclosure or unfair loan terms.	Benchmark	N/A		N/A					
	Actual	49 <sup>1</sup>	N/A (new program in FY08)	71 <sup>2</sup>	+ 45%				

### *Strategy:*

With the foreclosure crisis persisting, the Attorney General has shifted resources to crack down on foreclosure rescue and loan modification fraud. In FY10, the Attorney General joined with the FTC, several other state Attorney General Offices and various other state regulators to quickly identify and respond to loan modification firms that were collecting upfront fees in violation of the Colorado Foreclosure Protection Act. The nature of this work will continue as the foreclosure crisis is predicted to continue in FY11.

<sup>1</sup> This figure represents investigations or cases that were commenced or resolved during FY 09 under the mortgage fraud and foreclosure protection act provisions of the CCPA. This figure represents the following actions:

- 17 investigations opened
- 11 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened
- 2 lawsuits filed; and
- 19 investigations closed with no action

<sup>2</sup> This figure represents investigations or cases that were commenced or resolved during FY 10 under the mortgage fraud and foreclosure protection act provisions of the CCPA. This figure represents the following actions:

- 6 public awareness or advocacy initiatives
- 24 investigations opened
- 15 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened; and
- 1 lawsuit filed and which has not been resolved at the time of this report.
- 31 investigations closed with no action

One phenomenon that the Attorney General has already noticed in this enforcement work is that most of the companies that are still operating in violation of the Foreclosure Protection Act are more difficult to locate. Most are out-of-state, which makes it difficult to investigate them. These investigations and cases therefore are taking more time. In addition to this enforcement action, this office has taken a greater role in raising public awareness about loan modification fraud. The Attorney General's staff has made several presentations to borrowers and various real estate professionals, such as non-profit housing counselors, and realtors, as to the types of loan modification and foreclosure rescue scams that are being perpetrated. This public awareness effort is represented in the form of trainings and participation in FTC rule-making.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Actual		FY 11 Request	
Investigate individuals and entities that are violating various specialized consumer protection provisions of the CCPA.	Benchmark	New program in FY 08	N/A	N/A	N/A	N/A			
	Actual	- same -	N/A	15 <sup>3</sup>	N/A	7 <sup>4</sup>	- 53%		

*Strategy:*

This enforcement activity concerns general consumer fraud that was discovered as a result of investigating actions related to the specialized consumer protection laws identified above. A few of the cases involved Internet fraud and fake lottery scams which were operating outside of the United States. Through this enforcement activity this office has developed relationships with federal law enforcement that will help identify and stop foreign lottery scams and Internet auction scams.

<sup>3</sup> This figure represents investigations or cases that were commenced or resolved during FY 09 under the other specialized consumer protection statutes listed above, *supra* at 1 (with the exception of the tobacco related statutes which are addressed in the Tobacco section above). This figure represents the following actions:

- 4 investigations opened
- 5 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened
- 6 cases close with no action

<sup>4</sup> This figure represents investigations or cases that were commenced or resolved during FY 10 under the other specialized consumer protection statutes listed above, *supra* at 1 (with the exception of the tobacco related statutes which are addressed in the Tobacco section above). This figure represents the following actions:

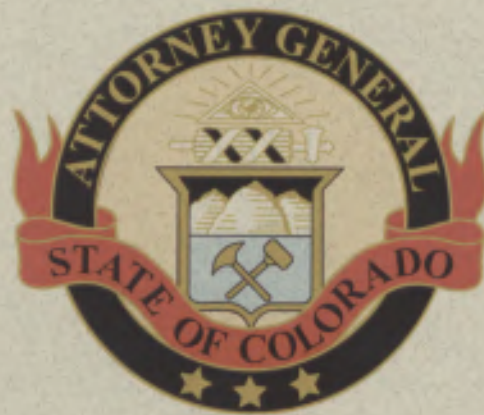
- 3 investigations opened
- 1 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened
- 3 case closed with no action



# **FY11-12 Reconciliation of Request**

## **Consumer Protection**

- A. CP and Anti-Trust**
- B. Collection Agency Board**
- C. Uniform Consumer Credit Code**
- D. CP Indirect Cost Assessment**



**DEPARTMENT OF LAW**

**FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST**

**(5) Consumer Protection**

Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) Consumer Protection and Anti-Trust</b>							
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$1,814,069	21.0	\$907,056	\$0	\$664,957	\$242,056	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$1,814,069</b>	<b>21.0</b>	<b>\$907,056</b>	<b>\$0</b>	<b>\$664,957</b>	<b>\$242,056</b>	<b>\$0</b>
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0	\$0
PERA adjustment back to 10.15% from 7.65% (Accommodating for	\$35,753	0.0	\$21,048	\$0	\$9,931	\$4,774	\$0
<b>FY 11-12 Base Request</b>	<b>\$1,849,822</b>	<b>21.0</b>	<b>\$928,104</b>	<b>\$0</b>	<b>\$674,888</b>	<b>\$246,830</b>	<b>\$0</b>
DPA NP Printing Statewide Warrants and Mainframe Docs	\$78		\$44	\$0	\$23	\$11	
<b>FY 2011-12 November 1 Request</b>	<b>\$1,849,900</b>	<b>21.0</b>	<b>\$928,148</b>	<b>\$0</b>	<b>\$674,911</b>	<b>\$246,841</b>	<b>\$0</b>
<b>(B) Consumer Credit Unit</b>							
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$1,350,707	18.0	\$0	\$0	\$1,350,707	\$0	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$1,350,707</b>	<b>18.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,350,707</b>	<b>\$0</b>	<b>\$0</b>
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0	\$0
PERA adjustment back to 10.15% from 7.65% (Accommodating for HB 1385)	\$27,965	0.0	\$0	\$0	\$27,965	\$0	\$0
<b>FY 11-12 Base Request</b>	<b>\$1,378,672</b>	<b>18.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,378,672</b>	<b>\$0</b>	<b>\$0</b>
DPA NP Printing Statewide Warrants and Mainframe Docs	\$66				\$66		
<b>FY 2011-12 November 1 Request</b>	<b>\$1,378,738</b>	<b>18.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,378,738</b>	<b>\$0</b>	<b>\$0</b>
<b>(D) Indirect Cost Assessment</b>							
FY 2010-11 Long Bill Appropriation (HB 10-1376)	\$307,418	0.0	\$0	\$0	\$271,947	\$35,471	\$0
<b>FY 2010-11 Total Appropriation</b>	<b>\$307,418</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$271,947</b>	<b>\$35,471</b>	<b>\$0</b>

**DEPARTMENT OF LAW****FY 2011-12 RECONCILIATION OF DEPARTMENT REQUEST****(5) Consumer Protection**

Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 11-12 Base Request</b>	<b>\$307,418</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$271,947</b>	<b>\$35,471</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$307,418</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$271,947</b>	<b>\$35,471</b>	<b>\$0</b>
<b>(5) Consumer Protection</b>							
<b>FY 2010-11 Appropriation(Long Bill plus Special Bills)</b>	<b>\$3,472,194</b>	<b>39.0</b>	<b>\$907,056</b>	<b>\$0</b>	<b>\$2,287,611</b>	<b>\$277,527</b>	<b>\$0</b>
<b>FY 2011-12 Base Request</b>	<b>\$3,535,912</b>	<b>39.0</b>	<b>\$928,104</b>	<b>\$0</b>	<b>\$2,325,507</b>	<b>\$282,301</b>	<b>\$0</b>
<b>FY 2011-12 November 1 Request</b>	<b>\$3,536,056</b>	<b>39.0</b>	<b>\$928,148</b>	<b>\$0</b>	<b>\$2,325,596</b>	<b>\$282,312</b>	<b>\$0</b>

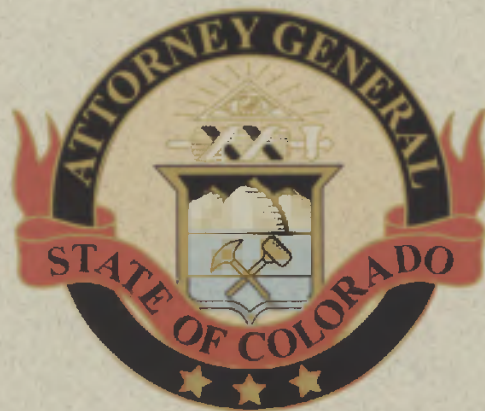
\$3,536,056

**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**CP - Consumer Protection/Anti-trust**





**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**CONSUMER PROTECTION & ANTI-TRUST**

<b>CONS. PROTECT. &amp; ANTI-TRUST</b>	1,938,547	19.1	1,918,183	19.5	1,814,069	21.0	2,078,949	21.0	1,849,900	21.0
General Fund	869,025		973,361		907,056		1,068,910		928,148	
General Fund Exempt	-		-		-		-		-	
Cash Fund	813,536		677,782		664,957		740,198		674,911	
Reappropriated Funds	255,985		267,040		242,056		269,841		246,841	
Federal Funds										



**SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL**

**Department of Law**

**CONSUMER PROTECTION & ANTI-TRUST**

<b>I. POSITION DETAIL</b>										
Deputy Attorney General	124,728	1.0	124,728	1.0			124,728	1.0	124,728	1.0
First Assistant Attorney General	198,573	2.0	200,520	2.0			200,520	2.0	200,520	2.0
Senior Assistant Attorney General										
Assistant Attorney General	482,564	6.5	453,500	6.6			481,507	7.0	481,507	7.0
Assistant Attorney General II										
Assistant Attorney General I										
Attorney I										
Criminal Investigator II	80,134	1.0	81,708	1.0			81,708	1.0	81,708	1.0
Criminal Investigator I	121,740	2.0	121,740	2.0			121,740	2.0	121,740	2.0
Compl Investigator I	56,352	1.0	56,352	1.0			56,352	1.0	56,352	1.0
Legal Assistant II	99,828	2.0	103,944	1.8			114,804	2.0	114,804	2.0
Admin Asst II			10,005	0.3			40,020	1.0	40,020	1.0
General Professional IV	38,007	0.6	69,235	1.0			69,996	1.0	69,996	1.0
General Professional III	55,360	1.0		0.0						
General Professional II			46,069	0.8			55,524	1.0	55,524	1.0
Program Assistant II	42,864	1.0	42,864	1.0			42,864	1.0	42,864	1.0
Program Assistant I	49,176	1.0	49,176	1.0			49,176	1.0	49,176	1.0
<b>TOTAL POSITION DETAIL</b>	<b>1,349,325</b>	<b>19.1</b>	<b>1,359,842</b>	<b>19.5</b>			<b>1,438,939</b>	<b>21.0</b>	<b>1,438,939</b>	<b>21.0</b>



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**CONSUMER PROTECTION & ANTI-TRUST**

<b>(I.A.) CONTINUATION FTE SALARY COST</b>	1,349,325	19.1	1,359,842	19.5			1,438,939	21.0	1,438,939	21.0
(Permanent FTE by position) Continuation Salary Subtotal										
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	20,588		135,560				110,079		146,052	
Medicare on Continuation Subtotal	19,293		18,580				20,865		20,865	
Non-Base building Performance Awards	7,103						-		-	
Part-Time/Temporary Salaries	79,895		41,384				52,889		52,889	
Contractual Services	7,620		11,597				86,994		62,486	
Overtime Pay										
Sick Leave Conversion	139.44									
Termination/Retirement Payouts	7,342		9,702							
Employment Security Payments			1,737							
Furlough Days			(15,892)							
Other Employee Benefits			4,301				2,500		2,500	
Other	123,038									
Special Bills										
<b>SUBTOTAL</b>	265,018		206,968				273,326		284,792	
<b>(I.C.) PERSONAL SERVICE SUBTOTAL= A+B</b>	1,614,343	19.1	1,566,810	19.5			1,712,266	21.0	1,723,731	21.0
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life/Dental	99,053		110,772				109,184			
Salary Act/Merit	[54,451]						-			
Performance Awards	[19,118]						-			
Short Term Disability	1,753		2,035				2,633			
SB 04.257 A.E.D.	22,134		28,715				34,516			
SB 06.235 S.A.E.D.	10,142		17,913				24,288			
Other	1,865									
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL = C+D</b>	1,749,290	19.1	1,726,244	19.5			1,858,599	21.0	1,723,731	21.0
General Fund							961,394		872,277	
General Funds Exempt										
Cash Funds							679,738		638,334	
Reappropriated Funds							217,467		213,120	

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law		CONSUMER PROTECTION & ANTI-TRUST								
		FY 11				FY 12				
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
<b>(I.F.) DIFFERENCE= II-I.E.</b>								-		
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>								0	0.0	
General Fund Cash Funds Reappropriated Funds										
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>		<b>1,749,290</b>	<b>19.1</b>	<b>1,726,244</b>	<b>19.5</b>	<b>1,858,599</b>	<b>21.0</b>	<b>1,723,731</b>	<b>21.0</b>	
General Fund		720,978		833,133		961,394		872,277		
General Fund Exempt		-		-		-		-		
Cash Funds		780,000		645,510		679,738		638,334		
Reappropriated Funds		248,312		247,601		217,467		213,120		
Federal Funds		-		-		-		-		

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**CONSUMER PROTECTION & ANTI-TRUST**

**OPERATING EXPENSES**

1930 1930 - Purchased Services - Litigation	22,249	37,999	45,000	45,000
2170 Waste Disposal Services	25	-	-	-
2230 Equipment Contract Maintenance	48	103	48	48
2231 ADP Equip Maint/Repair Services	2,160	1,942	2,160	2,160
2232 Software Upgrades	6,070	9,525	7,500	7,500
2251 Rental/Lease Motor Pool Veh	4,600	4,684	-	-
2252 Leased Vehicle - Variable	1,353	1,552	1,500	1,500
2253 Rental of Equipment	-	10	-	-
2254 Rental of Motor Vehicles	-	-	-	-
2255 Rental of Building	38,985	55,458	-	-
2258 Parking	2,460	2,620	2,554	2,554
2259 Parking Fee Reimbursement	-	-	-	-
2510 In State Travel	18	11	50	50
2511 IS Common Carrier Fares	-	216	-	-
2512 IS Personal Travel Per Diem	49	236	100	100
2513 IS Pers Vehicle Reimbursement	469	21	-	-
2514 IS State Owned Aircraft	-	-	-	-
2515 State-Owned Vehicle Charge	-	-	-	-
2520 IS Travel Non Employee	-	-	-	-
2522 IS Non Employee Per Diem	-	-	-	-
2530 Out of State Travel	1,019	692	550	550
2531 OS Common Carrier Fares	2,925	3,139	2,985	2,985
2532 OS Personal Travel Per Diem	4,325	4,290	3,858	3,858
2533 OS Pers Vehicle Reimbursement	-	-	-	-
2610 Advertising	-	-	-	-
2611 Public Relations	-	-	-	-
2630 Comm Service Div of Telecom	26,473	16,438	16,550	16,550
2631 Comm Svcs from Outside Sources	2,893	3,230	3,158	3,158
2641 Other ADP Billing	12,521	6,744	6,744	6,744
2660 Insurance	3,415	2,551	-	-
2680 Contract Printing	4,394	2,562	2,625	2,625
2681 Photocopy Reimbursement	-	-	-	-
2710 Purchased Medical Services	-	-	-	-
2810 Freight & Storage	-	-	-	-
2820 Other Purchased Services	482	34	-	-
2830 Office Moving-Pur Services	-	-	-	-
3110 Other Supplies and Materials	-	-	-	-
3112 Automotive Supplies	-	-	-	-
3113 Clothing and Uniform Allowance	-	-	-	-
3114 Custodial	-	-	-	-

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

CONSUMER PROTECTION &amp; ANTI-TRUST

3115 DP Supplies	1,605	2,250	1,800	1,800
3116 Purchased/Leased Software	2,046	302	-	-
3117 Educational	364	288	250	250
3118 Food and Food Service Supplies		-	-	-
3120 Books & Subscriptions	16,165	12,804	13,018	13,018
3121 Office Supplies	3,020	2,370	2,456	2,456
3123 Postage	6,628	5,281	5,385	5,385
3128 Non-Capitalized Equipment	1,220	-	-	-
3131 Noncapitalized Bldg Materials		-	-	-
3132 Non- Cap Office Furn-Off Systems	2,558	2,772	-	-
3140 Non-Capitlized IT - PC's	2,567	2,411	-	-
3141 Non-Capitalized IT Servers	171	170	-	-
3143 Non-Capitalized IT Other	6,008	228	-	-
3146 Non-Capital. IT Purchsd. Server Software	56	-	-	-
3940 Electricity		-	-	-
3950 Gasoline		-	-	-
3970 Natural Gas		-	-	-
4111 Prizes and Awards		-	-	-
4140 Dues & Memberships	3,794	3,691	3,800	3,800
4151 Interest - Late Payments		25	-	-
4170 Miscellaneous Fees		-	-	-
4180 Official Functions		29	-	-
4220 Registration Fees	3,913	5,262	4,000	4,000
4221 Other Educational - W2 RPT		-	-	-
6140 Leasehold Improv - Direct Purch		-	-	-
6210 ADP Equipment		-	-	-
6212 IT Servers Direct Purchase	1,758	-	-	-
6213 IT PC SW- Direct Purchase	450	-	-	-
<b>Operating Expense Subtotal:</b>	<b>189,256</b>	<b>191,939</b>	<b>126,091</b>	<b>126,091</b>
<b>OPERATING EXPENSE SUBTOTAL:</b>	<b>189,256</b>	<b>191,939</b>	<b>126,091</b>	<b>126,091</b>
General Fund	148,047	140,228	55,827	55,827
General Fund Exempt	-	-	-	0
Cash Funds	33,536	32,272	36,554	36,554
Reappropriated Funds	7,673	19,439	33,710	33,710
<b>Potted Operating Expenses</b>				
Workers' Compensation			2,557	
Vehicle Leased Expense			4,683	
Capital Complex Lease Space			62,984	



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law

CONSUMER PROTECTION & ANTI-TRUST

Leased Space							-			
IT Asset Maintenance							12,400			
Communication Service Payments							1,056			
ADP Capital Outlay							-			
CLE Registration Fees							4,499			
Building Security							6,080			
<b>Total</b>							<b>94,259</b>			
General Fund							51,689			
Cash Funds							23,906			
Reappropriated Funds							18,664			
<b>Rollforwards</b>										
Reappropriated Funds							-			
<b>DECISION ITEM REQUESTS:</b>										
<b>Dec Item - DPA NP Printing Statewide Warrants and Mainframe Docs</b>									<b>78</b>	
General Fund									44	
Cash Funds									23	
Reappropriated Funds									11	
									-	
General Fund									-	
Cash Funds									-	
Reappropriated Funds									-	
									-	
General Fund									-	
Cash Funds									-	
Reappropriated Funds									-	
<b>TOTAL CONSUMER PROTECTION</b>	<b>1,938,547</b>	<b>19.1</b>	<b>1,918,183</b>	<b>19.5</b>			<b>2,078,949</b>	<b>21.0</b>	<b>1,849,900</b>	<b>21.0</b>
General Fund	869,025		973,361				1,068,910		928,148	
General Fund Exempt	-		-				-		-	
Cash Funds	813,536		677,782				740,198		674,911	
Reappropriated Funds	255,985		267,040				269,841		246,841	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	1,768,735	20.0	1,819,320	21.0			1,814,069	21.0	1,814,069	21.0
PERA Adjustment back to 10.15%									35,753	
DPA NP Printing of Statewide Warrants and Mainframe Docs									78	

## SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

CONSUMER PROTECTION &amp; ANTI-TRUST

Special Bills										
Supplemental			(117,333)							
SB09-192	(33,495)									
Allocated POTS:										
Salary POTS	73,569						-			
Health/Life/Dental	77,623		114,749				109,184			
Short Term Disability	1,739		1,996				2,633			
SB 04.257 A.E.D.	20,323		27,498				34,516			
SB 06.235 S.A.E.D.	10,164		17,016				24,288			
Worker's Compensation	3,415		2,583				2,557			
Vehicle Lease Payments	4,916		4,878				4,683			
Capital Complex Lease Space	59,447		84,919				62,984			
Lease Space							-			
ADP Capital Outlay							-			
Communication Service Payments	592		592				1,056			
IT Asset Maintenance	15,190		12,400				12,400			
CLE Registration Fees	4,125		4,125				4,499			
Building Security			20,337				6,080			
Year-End Transfer							-			
Rollforward from previous FY							-			
Rollforward to subsequent FY							-			
Overexpenditure/(Reversion) - GF	-		(806)	(1.5)						
Lapsed Appropriation Reappropriated Fund	(13,770)	(0.2)	(2,851)							
Lapsed Appropriation Cash Fund	(54,026)	(0.7)	(71,240)							
<b>TOTAL RECONCILIATION</b>	<b>1,938,547</b>	<b>19.1</b>	<b>1,918,183</b>	<b>19.5</b>			<b>2,078,949</b>	<b>21.0</b>	<b>1,849,900</b>	
<b>TOTALS</b>	<b>1,938,547</b>	<b>19.1</b>	<b>1,918,183</b>	<b>19.5</b>	<b>1,814,069</b>	<b>21.0</b>	<b>2,078,949</b>	<b>21.0</b>	<b>1,849,900</b>	<b>21.0</b>
General Fund	869,025		973,361		907,056		1,068,910		928,148	
General Fund Exempt	-		-		-		-		-	
Cash Funds	813,536		677,782		664,957		740,198		674,911	
Reappropriated Funds	255,985		267,040		242,056		269,841		246,841	

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**CONSUMER PROTECTION & ANTI-TRUST**

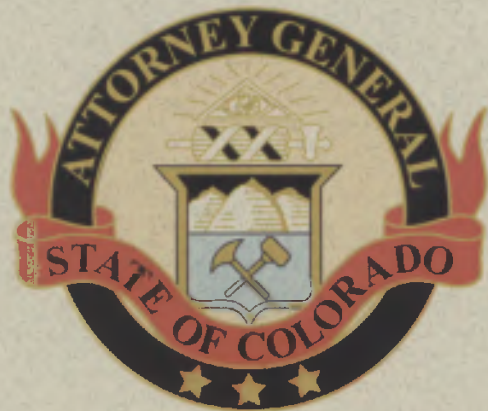
<b>Schedule 3 Total</b>		1,938,547	1,918,183	1,814,069	2,078,949	1,849,900
General Fund		869,025	973,361	907,056	1,068,910	928,148
General Fund Exempt		-	-	-	-	-
Cash Funds		813,536	677,782	664,957	740,198	674,911
Reappropriated Funds		255,985	267,040	242,056	269,841	246,841
Federal Funds		-	-	-	-	-
<b>Cash Funds</b>		813,536	677,782	664,957	740,198	674,888
Dept of Local Affairs (Manufactured Home Fund)		20,784	20,784	20,784	20,784	20,784
No Call Fund Source		30,109	33,136	45,863	45,863	45,863
146 Custodial Fund Balance		612,383	370,233	363,654	422,316	368,646
Tobacco Litigation Defense Account		150,260	118,533	154,656	167,654	158,415
UCCC Custodial		-	135,096	80,000	83,581	81,180
<b>Reappropriated Funds</b>		255,985	267,040	242,743	297,626	246,841
Custodial Fund Balance		-	-	-	-	-
Tobacco Litigation Defense Account		-	-	-	-	-
UCCC Custodial		-	-	-	-	-
Division of Real Estate		255,985	267,040	242,743	297,626	246,841



# **Narrative**

# **Consumer Credit Unit**

**(Formally Collection Agency Board  
and Uniform Consumer Credit Code)**



## **D) BACKGROUND INFORMATION: UNIFORM CONSUMER CREDIT CODE (UCCC)/COLLECTION AGENCY (CAB)**

This Unit enforces six state laws relating to consumer credit and debt collections. It has a combined FTE total of 18.0 with 12.5 in consumer credit and 5.5 in debt collection.

### **Consumer Credit:**

The Consumer Credit unit enforces the Colorado Uniform Consumer Credit Code (UCCC) (consumer lending); Uniform Debt Management Services Act (credit counseling and debt settlement); Credit Services Organization Act (CSOA) (credit repair), and Rental Purchase Agreement Act (CROA) (rent-to-own).

**UCCC:** The UCCC protects the rights of consumers who borrow money, establishes reasonable limits on interest rates and fees, fosters fair competition among lenders, and promotes an adequate supply of credit. The UCCC also includes the Colorado Consumer Equity Protection Act (restricting certain terms in high-cost loans) and Deferred Deposit Loan Act (payday loans). The unit licenses and examines lenders who make high-rate loans – defined as loans with an annual percentage rate of more than 12%, including deferred deposit or “payday” lenders – and as of January 1, 2010 may examiner retailers that extend credit and sales finance companies that collect credit contracts. There is an advisory board – the Council of Advisors on Consumer Credit. The UCCC contains a licensing exemption for residential first mortgage acquisition and refinance loans.

**Debt Management:** Debt management companies act as an intermediary between an individual and his or her creditors to obtain concessions such as reduction of interest, waiver of fees, etc. The law regulates both traditional credit counseling companies that distribute periodic payments to creditors, and debt settlement companies that attempt to negotiate with creditors to settle a debt for a lesser amount. Companies that enter into contracts with Colorado consumers are subject to strict regulation including registration, bonding, insurance requirements, fee limitations, and contract and disclosure requirements. The unit conducts compliance examinations and investigates complaints.

**Credit Repair and Rent-To-Own:** Companies that engage in credit repair contract with consumers to remove old and inaccurate information from credit reports. The law requires written contracts and disclosures and prohibits advance fees. There are no licensing, registration, or compliance examination requirements. The unit investigates complaints. Complaints typically increase during economic downturns. Rent-to-own companies rent goods to consumers with impaired credit and payments are due weekly or monthly. The consumer can continue to make payments and eventually own the items or stop payments and return the items at any time. Fees and costs are typically higher than with retail purchases. There is no licensing or registration. The unit investigates complaints.

## **Debt Collection:**

**Colorado Fair Debt Collection Practices Act:** This unit enforces the Colorado Fair Debt Collection Practices Act (CFDCPA) – the state’s law on consumer debt collection. The law protects businesses that place accounts for collection and protects consumers contacted by collection agencies. This ensures that all collection agencies act in compliance with the law and there is no unfair competition. The unit licenses collection agencies, investigates complaints of unlawful activity, and takes administrative discipline against collection agencies that violate the law. There is no compliance examination requirement. There is an advisory Collection Agency Board.

**Colorado Child Support Collection Consumer Protection Act:** This law specifically governs collection of child support by private collection agencies contracting with custodial parents (not governmental agencies). In addition to incorporating most of the CFDCPA’s provisions, including licensing, the law provides additional protections applicable to child support collection.

## **II) PRIOR YEAR LEGISLATION**

**Consumer Credit:** HB 10-1351 substantially amended the payday lending laws. The law took effect August 11, 2010, extends the loan term from an average of two weeks to six months or more, and establishes a three-tier fee structure consisting of the origination fee from the prior law, 45% interest, and a monthly maintenance fee of up to \$30 per month. HB 10-1400 will, as of November 1, 2010, give the unit jurisdiction over facilitators of refund anticipation loans. The law requires certain disclosures and consumer protections but does not cap fees or require licensing or registration.

**Debt Collection:** HB 10-1222 retained and expanded the in-state office requirement for out of state collection agencies. It requires agencies to accept payments at an in-state office and print that address and its local telephone number on all correspondence. The bill was part of a required sunset review.

The department did not initiate either of these laws.

## **III) HOT ISSUES:**

### **Consumer Credit:**

- New federal legislation on financial reform and establishing a Consumer Financial Protection Bureau may substantially change consumer credit on both the federal and state levels. The CFPB will have broad power to enact laws applicable to lenders, debt management companies, and collection agencies, and will provide state Attorneys General with authority to enforce some of these laws. The CFPB will be established during FY11 and will adopt new regulations over the next few years. Until the agency is staffed and implements rules, it is impossible to determine how it may impact state laws and the unit’s workload.

- A new Federal Trade Commission rule banning advance fees on debt relief services (debt management) will have an impact on the unit. The rule will require these companies to change their business models. The rule does not apply to non-profit companies or to services transacted without telemarketing. Revisions to the uniform model act are expected and may result in amendments to the state law in the 2011 legislative session. In addition, as with any change in the law, the unit expects increased compliance issues by companies that are unaware of or ignore the new rule.
- The economic slowdown will continue in the consumer credit area. There may be more violations of the credit and collection laws involving repossession issues, debt purchasing, and collection practices. The number of licensed lenders is expected to be fairly flat as less new credit is extended. However, examination work continues due to legislative changes from HB 09-1141 establishing periodic compliance examinations of retailers that extend credit and sales finance companies that collect credit contracts.
- Rules to implement HB 10-1351 were adopted on August 31, 2010. Due to the substantial changes in the new law, compliance will likely be an issue for the next year or two. It is possible there will be legal challenges to the rules or additional legislation in the 2011 legislative session. License numbers could be impacted by the new legislation.
- Still pending is significant legal action involving unlicensed internet payday lenders and claims that loans are made by arms of Native American Indian tribes immune from state regulation. The case was argued in January 2010 and a decision is expected during FY11. Another significant case against a licensed lender for unconscionable loans without regard to borrowers' repayment ability was settled during FY10. In addition, a precedent-setting case was filed against a Colorado credit repair company that will determine if itemizing fees for discrete services violates the statutory advance fee ban.

### **Debt Collection:**

- The economic situation has also impacted collection agencies. As the economy slows, accounts assigned for collection increase and so have license numbers. This can result in the filing of more collection lawsuits and increased consumer complaints.
- As noted above, HB 10-1222 continued and expanded the Colorado Fair Debt Collection Practices Act's in-state office requirement. The unit adopted rules implementing the law effective July 30, 2010.



- In July 2010, the Federal Trade Commission issued a report recommending changes to state and federal laws relating to collection litigation and arbitration. It is possible this could result in legislation in 2011.

#### **IV) WORKLOAD MEASURE:**

#### **WORKLOAD INDICATORS**

<b>Consumer Credit</b>					
Workload Measure	Unit	FY 09 Actual	FY10 Actual	FY 11 Estimate	FY12 Request
New Licenses Issued (UCCC)	Number	161	106	110	125
License Total on June 30	Number	1,091	956	960	975
New Registrations Issued (Debt Management)	Number	42	49	35	35
Written Complaints Received (UCCC, CSOA, CROA)	Number	396	513	525	600
Written Complaints Received (Debt Management)	Number	45	62	75	80
Compliance Examinations (UCCC)	Number	610	615	700	725

<b>Debt Collection</b>					
Workload Measure	Unit	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY11 Request
New Licenses Issued	Number	106	155	165	165
License Total on June 30	Number	665	725	750	750
Written Complaints Received	Number	715	996	1,000	1,000

## CORE OBJECTIVES AND PERFORMANCE MEASURES

### CONSUMER CREDIT

*Objective:* Ensure compliance with consumer credit laws.

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Open investigations and file, defend, or settle cases	Benchmark	60		60		100		100	
	Actual	55		107					

*Strategy:* Enforcement actions and investigations come from consumer complaints, information from competitors, from staff detection of violations during compliance examinations, and publicly available advertising and information on the Internet. These actions are very important in the debt management area as it is a relatively new law and in the UCCC area because consumers often are unaware of whether particular fees are legal or if loan payments have been correctly applied.

*Evaluation of Prior Year Performance:* Cases and investigations increased substantially due to a focus on debt management and unlicensed internet payday lenders. This is important to ensure that unlicensed and unregistered entities do not enjoy an unfair advantage by operating outside the boundaries of the law.

*Key Workload Indicators:* Because most cases and investigations arise from consumer complaints, compliance examinations, and searching the Internet, it is difficult to predict these numbers. Debt management cases and investigations should continue to be high as the initial round of compliance examinations is conducted during FY 10 and 11. Enforcement numbers may also increase due to a January 1, 2010 statutory change providing increased compliance examination authority over retail creditors and sales finance companies.

Performance Measure	Outcome	FY 09 Actual		FY 10 Actual		FY 11 Estimate		FY 12 Request	
Require consumer refunds	Benchmark	\$1,500,000	\$1,500,000	\$2,000,000		\$2,000,000		\$2,000,000	
	Actual	\$3,150,768	\$3,150,768	\$2,155,322					

*Strategy:* Refunds result from overcharges, excess charges, and illegal charges discovered from compliance examinations, consumer complaints, and from litigation. Refund numbers may include credits to existing balances on open accounts.

*Evaluation of Prior Year Performance:* Consumer refund amounts were as anticipated. As with prior years, over half of the refunds came from periodic compliance examinations. In addition, UCCC and debt management investigations and litigation resulted in over \$800,000 in refunds. UCCC refunds will likely increase in FY11 due to the changes in the payday lending laws effective August 11, 2010 and the creditor and debt management compliance examinations.

*Key Workload Indicators:* Refund and credit totals are dependent on industry compliance with state law. It generally takes several years for compliance to improve after new laws are adopted. In addition, compliance is slower for the debt management industry as it was unregulated prior to 2008.

*Objective:* Ensure efficient operations to benefit creditors and consumers.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Issue licenses within 15 days or less of approval	Benchmark	6	6	6	6
	Actual	3	2	5	5

*Strategy:* UCCC supervised lender licenses must be issued within 60 days after an application is complete or the applicant is entitled to a hearing. The debt management law requires that registrations be approved or denied within 90 days after completion. UCCC applications may be filed piecemeal but debt management applications must be complete when filed. Regardless of statutory requirements, the goal is to issue a license soon after the application is complete to enable the business to start operations.

*Evaluation of Prior Year Performance:* Unit performance was excellent in this area.

*Key Workload Indicators:* Issuance time is directly related to the completeness and number of applications and other work projects. It is very difficult to predict application numbers in this economic environment. Credit continues to be tight despite a slightly improved economy, likely resulting in little growth in lender licenses. Debt management registrations will likely decrease as some companies close due the new Federal Trade Commission rules on debt relief announced in July 2010 banning advance fees.

## Uniform Consumer Credit Code, Credit Repair, Rent-to-Own

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Investigate and resolve complaints within 60 days or less	Benchmark	45	45	45	55
	Actual	32	34		
Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Investigate and resolve 80% of complaints received during FY	Benchmark	80%	80%	80%	75%
	Actual	91%	92%		

## Debt Management

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Investigate and resolve complaints within 60 days or less	Benchmark	50	50	50	55
	Actual	42	69		
Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Investigate and resolve 80% of complaints received during FY	Benchmark	80%	80%	80%	75%
	Actual	80%	61%		

*Strategy:* The Unit's goal was to resolve consumer complaints within an average of 60 days or less and resolve 80% of complaints received during a fiscal year period. The complaint resolution process includes complaint intake to determine jurisdiction, locating the business, obtaining a response and often additional information, business requests for extensions of time, and staff time to investigate and determine what action to take.

*Evaluation of Prior Year Performance:* Complaint completion time increased but this was due to an increase of 117 written UCCC complaints in FY10 and a focus on debt management complaints. Debt management regulation is only 2½ years old in Colorado and compliance needs improvement. In addition, many debt management complaints are on unregistered companies and resolution involves not only the consumer’s individual concern but all prior unregistered activity. Finally, the sole debt management staff position was vacant for 4½ months during the fiscal year due to time required to file the position after the untimely death of the examiner who held the position.

*Key Workload Indicators:* Completion time depends on the number and complexity of consumer complaints, and whether the business complies with state law. Complaint numbers usually increase during economic downturns with increased delinquencies, defaults, repossessions, foreclosures, and offers to reduce debt or remove bad credit. In addition, complaints against unlicensed lenders, particularly Internet payday lenders, continue to increase. These lenders often refuse to comply with state law and challenge our jurisdiction, requiring legal action. This delays complaint resolution.

**TITLE – DEBT COLLECTION**

*Objective:* Ensure compliance with laws regulating collection agencies.

Performance Measure	Outcome	FY 09 Actual	FY 010 Actual	FY 11 Estimate	FY 12 Request
Open investigations and file, defend, or settle cases	Benchmark	75	50	50	50
	Actual	48	45		

*Strategy:* Enforcement actions and investigations come from consumer or collection agency client complaints, information from competitors, and from staff detection of violations in license renewal applications. Because the statute does not provide for periodic compliance examinations, complaints are the primary method to ensure compliance.

*Evaluation of Prior Year Performance:* The number of enforcement actions during FY10 was similar to the past year. A July 2008 lawsuit against an out-of-state collections law firm and its principals for abusive collection practices was settled in March 2010 with a consent decree banning the defendants from debt collection and requiring them to pay \$200,000 to reimburse costs and attorneys fees. Two administrative discipline cases were litigated against the same collection agency for continued communications with the wrong consumer. The first case resulted in an order for a \$4,000 fine and the second case is pending. In addition, a license application was denied for numerous violations of the

collection laws and because its owner had a conviction for a financial crime. A lawsuit was filed a few months later when the company continued to collect without a license and a temporary restraining order was obtained. The case is pending.

*Key Workload Indicators:* It is difficult to project these numbers as they are based on violations reported by the public. It is also difficult to project whether a collection agency will agree to settle a case or will proceed to litigation (as in the two administrative cases mentioned above).

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Issue cease and desist notices to unlicensed collection agencies	Benchmark	65	65	65	65
	Actual	64	60		

*Strategy:* Cease and desist advisory notices are issued based on information from consumers and competitors and review of lawsuits filed in Colorado courts. Unlicensed collection agencies are generally offered an opportunity to become licensed if they cease collections during that time and pay a penalty for prior unlicensed collections.

*Evaluation of Prior Year Performance:* This number is consistent with past years.

*Key Workload Indicators:* Cease and desist numbers may increase due to the economic downturn and increases in the purchase of charged-off debt by new companies entering the market. It is difficult to project if this will result in an increase in unlicensed collection agencies or more accounts for existing, licensed collection agencies.

*Objective:* Ensure efficient operations to benefit collection agencies and consumers.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Issue licenses within 15 days or less of approval	Benchmark	10	6	6	8
	Actual	2	3		

*Strategy:* There is no statutory time limit for issuing collection agency licenses. Applications include information that may take time to obtain such as a surety bond, background information on officers, trust accounts, etc. Once the application is complete, the goal is to issue the license quickly to enable the collection agency to start operations.

*Evaluation of Prior Year Performance:* Performance has been excellent in this area, especially considering the increase in applications from 100 during FY09 to 155 in FY10.

*Key Workload Indicators:* Issuance time is directly related to numbers of applications. It will increase with larger numbers of applications. However, license issuance days remains well below averages in other states.

Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Investigate and resolve complaints within 60 days or less	Benchmark	55	60	60	65
	Actual	44	44		
Performance Measure	Outcome	FY 09 Actual	FY 10 Actual	FY 11 Estimate	FY 12 Request
Investigate and resolve 80% of complaints received during FY	Benchmark	85%	80%	80%	75%
	Actual	95%	93%		

*Strategy:* The Unit's goals are to resolve consumer complaints within an average of 60 days or less and resolve 80% of written complaints received during a fiscal year. These goals are based on receipt of 1,000 or fewer written complaints. The complaint resolution process includes complaint intake to determine jurisdiction, locating the collection agency, obtaining a response and often additional information, collection agency requests for extensions of time, and staff time to investigate and determine what action to take.

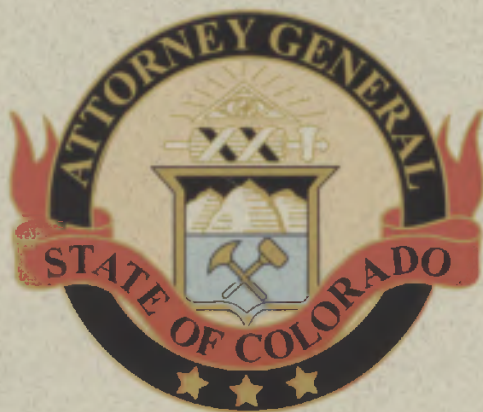
*Evaluation of Prior Year Performance:* Unit performance was excellent, particularly with the growth in written complaints from 715 in FY09 to 996 in FY10. There are several reasons for the increase in complaints – the availability of information on the internet about legal rights, a more user-friendly online complaint form on the Attorney General's web site, and changes to Colorado law in the last few years requiring that collection notices contain more consumer rights information.

*Key Workload Indicators:* Resolution time depends on the number and complexity of consumer complaints, and whether the collection agency complies with state law. If there is continued growth in written consumer complaints, closure goals may need to be adjusted.





**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CP - Consumer Credit Unit**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**Consumer Credit Unit**

<b>CONS. PROTECT. &amp; ANTI-TRUST</b>	-	-	-	-	1,350,707	18.0	1,599,838	18.0	1,378,738	18.0
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Fund	-		-		1,350,707		1,599,838		1,378,738	
Reappropriated Funds	-		-		-		-		-	
Federal Funds										



**SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL**

**Department of Law**

**Consumer Credit Unit**

**I. POSITION DETAIL**

First Assistant Attorney General							161,820	1.5	161,820	1.5
Senior Assistant Attorney General							41,868	0.5	41,868	0.5
Assistant Attorney General							73,008	1.0	73,008	1.0
Financial Credit Examiner IV							89,640	1.0	89,640	1.0
Financial Credit Examiner III							89,244	1.0	89,244	1.0
Financial Credit Examiner II							261,396	4.0	261,396	4.0
Financial Credit Examiner I							105,816	2.0	105,816	2.0
Criminal Investigator I							94,944	2.0	94,944	2.0
Compl Investigator I									-	0.0
Legal Assistant I							42,660	1.0	42,660	1.0
Admin Asst II							33,348	1.0	33,348	1.0
General Professional IV									-	0.0
General Professional III									-	0.0
General Professional II									-	0.0
Program Assistant II									-	0.0
Program Assistant I							146,196	3.0	146,196	3.0
									-	0.0
<b>TOTAL POSITION DETAIL</b>							<b>1,139,940</b>	<b>18.0</b>	<b>1,139,940</b>	<b>18.0</b>



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**Consumer Credit Unit**

<b>(I.A.) CONTINUATION FTE SALARY COST</b>							1,139,940	18.0	1,139,940	18.0
(Permanent FTE by position)										
Continuation Salary Subtotal										
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal			-				87,205		115,704	
Medicare on Continuation Subtotal			-				16,529		16,529	
Non-Base building Performance Awards			-				-		-	
Part-Time/Temporary Salaries			-				-		-	
Contractual Services			-				41,258		18,713	
Overtime Pay			-							
Sick Leave Conversion			-							
Termination/Retirement Payouts			-							
Employment Security Payments			-							
Furlough Days			-							
Other Employee Benefits			-				2,000		2,000	
Other										
Special Bills										
<b>SUBTOTAL</b>			-				146,993		152,946	
<b>(I.C.) PERSONAL SERVICE</b>										
<b>SUBTOTAL= A+B</b>			-	-			1,286,933	18.0	1,292,886	18.0
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life/Dental			-				94,938			
Salary Act/Merit			-				-			
Performance Awards			-				-			
Short Term Disability			-				1,746			
SB 04.257 A.E.D.			-				26,237			
SB 06.235 S.A.E.D.			-				19,131			
Other										
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES</b>										
<b>TOTAL = C+D</b>			-	-			1,409,854	18.0	1,292,886	18.0
General Fund							-		-	
General Funds Exempt										
Cash Funds							1,409,854		1,292,886	
Reappropriated Funds							-		-	

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

Consumer Credit Unit

<b>(I.F.) DIFFERENCE= II-I.E.</b>							-		-	
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>							<b>1,409,854</b>	<b>18.0</b>	<b>1,292,886</b>	<b>18.0</b>
General Fund							-		-	
General Fund Exempt							-		-	
Cash Funds							1,409,854		1,292,886	
Reappropriated Funds							-		-	
Federal Funds							-		-	



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**Consumer Credit Unit**

**OPERATING EXPENSES**

1930 1930 - Purchased Services - Litigation	-	-	-	-	-	2,500	2,500
2170 Waste Disposal Services	-	-	-	-	-	-	-
2230 Equipment Contract Maintenance	-	-	-	-	-	83	83
2231 ADP Equip Maint/Repair Services	-	-	-	-	-	1,404	1,404
2232 Software Upgrades	-	-	-	-	-	12,329	12,329
2251 Rental/Lease Motor Pool Veh	-	-	-	-	-	-	-
2252 Leased Vehicle - Variable	-	-	-	-	-	8,254	8,254
2253 Rental of Equipment	-	-	-	-	-	-	-
2254 Rental of Motor Vehicles	-	-	-	-	-	118	118
2255 Rental of Building	-	-	-	-	-	-	-
2258 Parking	-	-	-	-	-	51	51
2259 Parking Fee Reimbursement	-	-	-	-	-	-	-
2510 In State Travel	-	-	-	-	-	-	-
2511 IS Common Carrier Fares	-	-	-	-	-	-	-
2512 IS Personal Travel Per Diem	-	-	-	-	-	3,883	3,883
2513 IS Pers Vehicle Reimbursement	-	-	-	-	-	-	-
2514 IS State Owned Aircraft	-	-	-	-	-	-	-
2515 State-Owned Vehicle Charge	-	-	-	-	-	-	-
2520 IS Travel Non Employee	-	-	-	-	-	-	-
2522 IS Non Employee Per Diem	-	-	-	-	-	-	-
2530 Out of State Travel	-	-	-	-	-	250	250
2531 OS Common Carrier Fares	-	-	-	-	-	249	249
2532 OS Personal Travel Per Diem	-	-	-	-	-	816	816
2533 OS Pers Vehicle Reimbursement	-	-	-	-	-	-	-
2610 Advertising	-	-	-	-	-	-	-
2611 Public Relations	-	-	-	-	-	-	-
2630 Comm Service Div of Telecom	-	-	-	-	-	12,324	12,324
2631 Comm Svcs from Outside Sources	-	-	-	-	-	1,278	1,278
2641 Other ADP Billing	-	-	-	-	-	3,668	3,668
2660 Insurance	-	-	-	-	-	-	-
2680 Contract Printing	-	-	-	-	-	5,822	5,822
2681 Photocopy Reimbursement	-	-	-	-	-	-	-
2710 Purchased Medical Services	-	-	-	-	-	-	-
2810 Freight & Storage	-	-	-	-	-	-	-
2820 Other Purchased Services	-	-	-	-	-	207	207
2830 Office Moving-Pur Services	-	-	-	-	-	-	-
3110 Other Supplies and Materials	-	-	-	-	-	-	-
3112 Automotive Supplies	-	-	-	-	-	-	-
3113 Clothing and Uniform Allowance	-	-	-	-	-	-	-
3114 Custodial	-	-	-	-	-	-	-

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**Consumer Credit Unit**

Item	Actual FY 09		Actual FY 10		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3115 DP Supplies			-				1,311	1,311
3116 Purchased/Leased Software			-				115	115
3117 Educational			-				-	-
3118 Food and Food Service Supplies			-				-	-
3120 Books & Subscriptions			-				4,887	4,887
3121 Office Supplies			-				4,032	4,032
3123 Postage			-				13,803	13,803
3128 Non-Capitalized Equipment			-				320	320
3131 Noncapitalized Bldg Materials			-				-	-
3132 Non- Cap Office Furn-Off Systems			-				-	-
3140 Non-Capitlized IT - PC's			-				-	-
3141 Non-Capitalized IT Servers			-				-	-
3143 Non-Capitalized IT Other			-				399	399
3146 Non-Capital. IT Purchsd. Server Software			-				-	-
3940 Electricity			-				-	-
3950 Gasoline			-				-	-
3970 Natural Gas			-				-	-
4111 Prizes and Awards			-				-	-
4140 Dues & Memberships			-				4,174	4,174
4151 Interest - Late Payments			-				-	-
4170 Miscellaneous Fees			-				25	25
4180 Official Functions			-				866	866
4220 Registration Fees			-				2,618	2,618
4221 Other Educational - W2 RPT			-				-	-
6140 Leasehold Improv - Direct Purch			-				-	-
6210 ADP Equipment			-				-	-
6212 IT Servers Direct Purchase			-				-	-
6213 IT PC SW- Direct Purchase			-				-	-
<b>Operating Expense Subtotal:</b>			-				85,786	85,786
<b>OPERATING EXPENSE SUBTOTAL:</b>			0				85,786	85,786
General Fund			0				0	0
General Fund Exempt			-				-	0
Cash Funds							85,786	85,786
Reappropriated Funds							0	0
<b>Potted Operating Expenses</b>								
Workers' Compensation							2,301	
Vehicle Leased Expense							10,742	
Capital Complex Lease Space							56,686	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**Consumer Credit Unit**

Leased Space							-			
IT Asset Maintenance							27,123			
Communication Service Payments							-			
ADP Capital Outlay							-			
CLE Registration Fees							1,875			
Building Security							5,472			
<b>Total</b>							<b>104,199</b>			
General Fund							-			
Cash Funds							104,199			
Reappropriated Funds							-			
<b>Rollforwards</b>										
Reappropriated Funds							-			
<b>DECISION ITEM REQUESTS</b>										
<b>Dec Item - DPA NP Printing Statewide Warrants and Mainframe Docs</b>									66	-
General Fund									-	
Cash Funds									66	
Reappropriated Funds									-	
<b>NP #2 Operating Vehicle Increase</b>									-	
General Fund									-	
Cash Funds										
Reappropriated Funds										
<b>NP #3 DPA Central Services Postage Inc</b>									-	
General Fund									-	
Cash Funds										
Reappropriated Funds										
<b>TOTAL CONSUMER PROTECTION</b>			-	0.0			<b>1,599,838</b>	<b>18.0</b>	<b>1,378,738</b>	<b>18.0</b>
General Fund			-				-		-	
General Fund Exempt			-				-		-	
Cash Funds			-				1,599,838		1,378,738	
Reappropriated Funds			-				-		-	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation							1,350,707	21.0	1,350,707	21.0
PERA Adjustment back to 10.15%									27,965	
DPA NP Printing Statewide Warrants and Mainframe Docs									66	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law

Consumer Credit Unit

Item	Actual FY 09		Actual FY 10		Estimate FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<i>Supplemental</i>										
SB09-192										
Allocated POTS:										
Salary POTS							-			
Health/Life/Dental							94,938			
Short Term Disability							1,746			
SB 04.257 A.E.D.							26,237			
SB 06.235 S.A.E.D.							19,131			
Worker's Compensation							2,301			
Vehicle Lease Payments							10,742			
Capital Complex Lease Space							56,686			
Lease Space							2,880			
Communication Service Payments							-			
IT Asset Maintenance							27,123			
CLE Registration Fees							1,875			
Building Security							5,472			
Year-End Transfer										
Rollforward from previous FY							-			
Rollforward to subsequent FY										
Overexpenditure/(Reversion) - GF										
Lapsed Appropriation Reappropriated Fund										
Lapsed Appropriation Cash Fund										
<b>TOTAL RECONCILIATION</b>							1,599,838	21.0	1,378,738	
<b>TOTALS</b>										
General Fund			-	0.0	1,350,707	18.0	1,599,838	18.0	1,378,738	18.0
General Fund Exempt			-		-		-		-	
Cash Funds			-		1,350,707		1,599,838		1,378,738	
Reappropriated Funds			-		-		-		-	

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

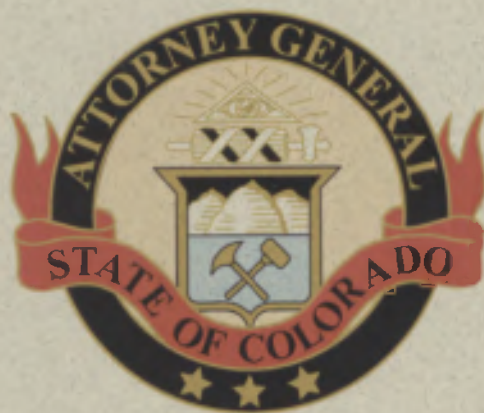
**Department of Law**

**Consumer Credit Unit**

<b>Schedule 3 Total</b>		-	-	1,350,707	1,599,838	1,378,738
General Fund		-	-	-	-	-
General Fund Exempt		-	-	-	-	-
Cash Funds		-	-	1,350,707	1,599,838	1,378,738
Reappropriated Funds		-	-	-	-	-
Federal Funds		-	-	-	-	-
<b>Cash Funds</b>		-	-	1,350,707	1,599,838	1,378,738
Collection Agency Cash Fund		-	-	338,611	415,560	347,140
UCCC Cash Fund		-	-	1,012,096	1,184,278	1,031,598



**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**CP - UCCC**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**UNIFORM CONSUMER CREDIT CODE**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>UNIFORM CONSUMER CREDIT CODE</b>	1,140,772	12.3	1,126,097	11.8	-	0.0	-	0.0	-	0.0
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,140,772		1,126,097		-		-		-	
Reappropriated Funds	-		-		-		-		-	





**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**UNIFORM CONSUMER CREDIT CODE**

**I. POSITION DETAIL**

First Assistant Attorney General	119,952	1.0	119,952	1.0					
Senior Assistant Attorney General	41,868	0.5	41,868	0.5					
Assistant Attorney General	36,444	0.5	34,212	0.4					
Program Assistant I	95,136	2.0	95,136	2.0					
Admin Assistant III									
Financial Credit Examiner IV	89,640	1.0	89,640	1.0					
Financial Credit Examiner III	89,244	1.0	89,244	1.0					
Financial Credit Examiner II	260,009	4.0	261,396	4.0					
Financial Credit Examiner I	105,648	2.0	77,747	1.4					
Legal Assistant I	10,665	0.3	21,330	0.7					

<b>TOTAL POSITION DETAIL</b>	<b>848,606</b>	<b>12.3</b>	<b>830,525</b>	<b>12.0</b>					
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**(I.A.) CONTINUATION FTE SALARY COSTS**

(Permanent FTE by position) Continuation Salary Subtotal	<b>848,606</b>	<b>12.3</b>	<b>830,525</b>	<b>12.0</b>					
			9,975						

**(I.B.) OTHER PERSONAL SERVICES**

PERA on Continuation Subtotal	80,023		81,437						
Medicare on Continuation Subtotal	10,409		9,975						
Non-Base building Performance Awards	5,709								
Part-Time/Temporary Salaries	-		-						
Contractual Services	2,344		5,506						
Leave Payments	-		1,653						
Other Employee Benefits	5,913		3,062						
Furlough			(9,200)						
Subtotal	104,398		92,433						

**Special Bills**

SB07-57 Debt Management	-		-						
Cash Funds	-		-						



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**UNIFORM CONSUMER CREDIT CODE**

Special Bills										
OSPB .2% Base Reduction										
Subtotal:										
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>1,017,570</b>	<b>12.3</b>	<b>1,006,520</b>	<b>12.0</b>						
General Fund										
Cash Funds	1,017,570		1,006,520							
Reappropriated Funds	0		-							



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**UNIFORM CONSUMER CREDIT CODE**

<b>OPERATING EXPENSES</b>									
EALA-Indirect Cost	8,465								
1930 1930 - Litigation	64		682						
2150 Custodial Services			-						
2160 Janitorial Service			-						
2170 Waste Disposal Services	31		-						
2210 Bldg Maintenance/Repair Svcs			-						
2220 Building Grounds Maintenance			-						
2230 Equipment Contract Maintenance	234		58						
2231 ADP Equip Maint/Repair Services	714		987						
2232 Software Upgrades	7,467		8,443						
2240 Motor Veh Maint/Repair Svcs			-						
2251 Lease Motor Pool Vehicle	10,574		10,742						
2252 Motor Pool Mileage Charge	11,870		7,889						
2253 Equipment Rental			-						
2254 Rental of Motor Vehicles			118						
2255 Rental of Buildings	31,619		41,896						
2258 Parking Fees			36						
2259 Parking Fee Reimbursement			-						
2510 In State Travel			-						
2512 IS Personal Travel Per Diem	3,152		3,883						
2513 IS Personal Vehicle Reimbursement	100		-						
2520 IS Travel/Non Employee	19		-						
2521 IS Common Carrier Non Employee			-						
2522 IS Non-Emp - Pers Per Diem	137		-						
2523 IS/Non-Emp - Pers Veh Reimb	261		21						
2530 Out of State Travel			34						
2531 OS Common Carrier Fares	477		249						
2532 OS Personal Travel Per Diem			816						
2533 OS Personal Vehicle Reimbursement			-						
2550 Out of Country Travel			-						
2552 OC Pers Travel Reimbursement			-						
2630 Telephone	11,635		9,558						
2631 Comm Svcs from Outside Sources	1,208		1,070						
2641 Other ADP Billings - Purchase Services	1,545		2,245						
2660 Insurance	2,142		1,570						
2680 Contract Printing	4,616		3,478						
2681 Photocopy Reimbursement			-						



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**UNIFORM CONSUMER CREDIT CODE**

<b>Operating Expense Subtotal:</b>	123,202		119,577						
<b>OPERATING EXPENSE TOTAL:</b>	<b>123,202</b>		<b>119,577</b>						
General Fund									
General Funds Exempt									
Cash Funds	123,202		119,577						
Reappropriated Funds	-		-						
<b>Potted Operating Expenses</b>									
Workers' Compensation									
Leased Vehicle Expense									
Capital Complex Lease Space									
Lease Space									
IT Asset Maintenance									
ADP Capital Outlay									
ALJ Allocation									
Communication Service Payments									
CLE Registration Fees									
Building Security									
<b>Total</b>									
Cash Funds									
Reappropriated Funds									
<b>FY11 DECISION ITEMS</b>									
<b>0 DI-1 Increase Leg Asst .5 FTE</b>									
Cash Funds									
Reappropriated Funds									
<b>0 DI-2 Combine CAB/UCCC unit</b>									
Cash Funds									
Reappropriated Funds									
<b>TOTAL UCCC</b>	<b>1,140,772</b>	<b>12.3</b>	<b>1,126,097</b>	<b>12.0</b>					
General Fund									
Cash Funds	1,140,772		1,126,097						



### SCHEDULE 3 - OPERATING PROGRAM DETAIL

**Department of Law**
**UNIFORM CONSUMER CREDIT CODE**

Item	Actual FY 12		Appropriation FY 12		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reappropriated funds						
Federal Funds						
<b>RECONCILIATION OF FUNDS</b>						
Long Bill Appropriation	972,527	12.3	1,014,033	12.3		
Special Bills SB07-057 Debt Management						
Supplementals	-		(624)			
Salary POTS	43,157					
Health/Life/Dental	32,037		46,313			
Short Term Disability	1,215		1,328			
SB 04.257 A.E.D.	13,485		17,130			
SB 06.235 S.A.E.D.	6,321		10,706			
Worker's Compensation	2,142		1,594			
Capital Complex Lease Space	37,881		39,951			
Lease Space	2,203		2,387			
Vehicle Lease Allocation	10,266		10,574			
IT Asset Maintenance	19,745		19,064			
ADP Capital Outlay Allocation						
Building Security			6,155			
ALJ Allocation						
CLE Registration Fees	750		750			
Rollforward to Subsequent FY						
Overexpenditure/(Reverted Spending Authority)						
Lapsed Appropriation Cash Fund	(956)		(43,264)	(0.3)		
Lapsed Appropriation Cash Fund Exempt						
<b>TOTAL RECONCILIATION</b>	<b>1,140,772</b>	<b>12.3</b>	<b>1,126,097</b>	<b>12.0</b>		
<b>GRAND TOTAL</b>	<b>1,140,772</b>	<b>12.3</b>	<b>1,126,097</b>	<b>12.0</b>	<b>-</b>	<b>0.0</b>
General Fund	-		-		-	
General Fund Exempt	-		-		-	
Cash Funds	<b>1,140,772</b>		<b>1,126,097</b>		-	
Reappropriated Funds	-		-		-	
Federal Funds						

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**UNIFORM CONSUMER CREDIT CODE**

<b>Schedule 3 Total</b>		1,140,772	1,126,097	-	-	-
General Funds		-	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		1,140,772	1,126,097	-	-	-
Reappropriated Funds		-	-	-	-	-
<b>Cash Funds</b>						
Uniform Consumer Credit Code Fund	151	1,140,772	1,126,097	-	-	-
<b>Reappropriated Funds</b>						
Uniform Consumer Credit Code Fund Balance	151	-	-	-	-	-
DOL Custodial Funds						

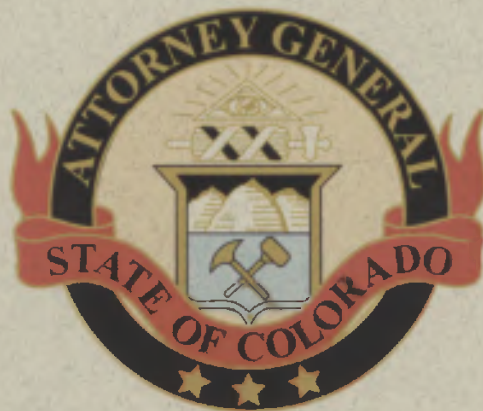


**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**CP - Collection Agency Board**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**COLLECTION AGENCY BOARD**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>COLLECTION AGENCY BOARD</b>	380,881	5.2	386,095	5.3	0	0.0	-	0.0	-	0.0
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	380,881		386,095		-		-		-	
Reappropriated Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**COLLECTION AGENCY BOARD**

<b>I. POSITION DETAIL</b>				
Senior Assistant Attorney General	41868.0	0.5	41,868	0.5
Assistant Attorney General	36444.0	0.5	34,212	0.5
Assistant Attorney General II				
Assistant Attorney General I				
Compliance Investigator I	94,944	2.0	94,944	2.0
Program Assistant I	51,060	1.0	51,060	1.0
Administrative Assistant II	33,348	1.0	33,348	1.0
Legal Assistant I	10,665	0.2	13,331	0.3
<b>TOTAL POSITION DETAIL</b>	<b>268,329</b>	<b>5.2</b>	<b>268,763</b>	<b>5.3</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>				
( Permanent FTE by position) Continuation Salary Subtotal	<b>268,329</b>	<b>5.2</b>	<b>268,763</b>	<b>5.3</b>
<b>(I.B.) OTHER PERSONAL SERVICES</b>				
PERA on Continuation Subtotal	21,202		25,127	
Medicare on Continuation Subtotal	3,615		3,589	
Non-Base building Performance Award	254			
Part-Time/Temporary Salaries	-			
Annual Leave Payments			653	
Contractual Services	975		2,585	
Leave	-		-	
Furlough			(3,097)	
Other	777		1,608	
<b>SUBTOTAL</b>	<b>26,823</b>		<b>30,466</b>	
<b>(I.C.) PERSONAL SERVICES</b>				
<b>SUBTOTAL = A+ B</b>	<b>295,152</b>	<b>5.2</b>	<b>299,229</b>	<b>5.3</b>
<b>(I.D.) POTS EXPENDITURES</b>				
Health/Life Dental	32,153		36,912	
Salary Survey	[12,541]			
Performance Awards	[5,282]			
Short Term Disability	349		406	
SB 04.257 A.E.D.	3,989		4,966	
SB 06.235 S.A.E.D.	1,870		3,113	
Other	4,101			

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**COLLECTION AGENCY BOARD**

12  
FTE

[ ] Indicates a Non-add									
<b>(I.E.) BASE PERSONAL SERVICES TOTAL = C+D</b>	<b>337,614</b>	<b>5.2</b>	<b>344,625</b>	<b>5.3</b>					
General Fund									
Cash Funds									
Reappropriated Funds									
<b>(I.F.) DIFFERENCE- II-I.E.</b>									
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>									
General Fund									
Cash Funds									
Reappropriated Funds									
<b>II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>									
Previous Year Long Bill									
Salary Survey-Classified									
PBP - Classified									
Salary Survey Exempt									
PBP - Exempt									
OSPB .2% Base Reduction									
SPECIAL BILLS:									
Subtotal -									
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>337,614</b>	<b>5.2</b>	<b>344,625</b>	<b>5.3</b>					
General Fund									
Cash Funds	337,614		344,625						
Reappropriated Funds	-		-						



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**COLLECTION AGENCY BOARD**

<b>OPERATING EXPENSES</b>										
EALA-Indirect Cost	3,579		-							
1930 Litigation	1,712		877							
2150 Custodial Services			-							
2160 Janitorial Service			-							
2170 Waste Disposal Services	13		-							
2210 Bldg Maintenance/Repair Svcs			-							
2220 Building Grounds Maintenance			-							
2230 Equipment Contract Maintenance	25		25							
2231 ADP Equip Maint/Repair Services	677		417							
2232 Software Upgrades	3,188		3,886							
2240 Motor Veh Maint/Repair Svcs			-							
2251 Lease Motor Pool Vehicle			-							
2252 Motor Pool Mileage Charge			-							
2253 Equipment Rental			-							
2254 Rental of Motor Vehicles			-							
2255 Rental of Buildings	12,193		17,855							
2258 Parking Fees			15							
2559 Parking Fee Reimbursement			-							
2510 In State Travel			-							
2512 IS Personal Travel Per Diem			-							
2513 IS Personal Vehicle Reimbursement			-							
2520 IS Travel/Non Employee	10		-							
2522 IS Non-Emp - Pers Per Diem	13		20							
2523 IS/Non-Emp - Pers Veh Reimb	345		490							
2530 Out of State Travel			-							
2531 OS Common Carrier Fares			-							
2532 OS Personal Travel Per Diem			-							
2533 OS Personal Vehicle Reimbursement			-							
2550 Out of Country Travel			-							
2552 OC Pers Travel Reimbursement			-							
2630 Telephone	2,230		2,765							
2631 Comm Svcs from Outside Sources	554		208							
2641 Other ADP Billings - Purchase Services	3,085		1,423							
2660 Insurance	906		664							
2680 Contract Printing	2,182		1,892							
2820 Other Purchased Services			11							
2830 Office Moving/Purchased Services			-							



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**COLLECTION AGENCY BOARD**

Capital Complex Lease Space									
IT Asset Maintenance									
Communication Service Payments									
ADP Capital Outlay									
CLE Registration Fees									
Building Security									
<b>Total</b>									
Cash Funds									
Reappropriated Funds									
<b>Refinancing the Line Item</b>									
General Fund									
Cash Funds									
Reappropriated Funds									
<b>FY11 DECISION ITEM REQUEST</b>									
<b>DI-1 Increase .5 FTE Legal Asst II</b>									
Cash Funds									
Cash Funds Exempt									
<b>DI-2 Combine CAB/UCCC unit</b>									
Cash Funds									
Cash Funds Exempt									
<b>TOTAL COLLECTION AGENCY BOARD</b>	<b>380,880</b>	<b>5.2</b>	<b>386,095</b>	<b>5.3</b>					
General Fund	-		-						
General Fund Exempt									
Cash Funds	380,880		386,095						
Reappropriated Funds	-		-						
Federal Funds									
<b>RECONCILIATION OF FUNDS</b>									
Long Bill Appropriation	296,905	5.2	314,425	5.2					
Supplemental			(566)						

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**COLLECTION AGENCY BOARD**

	Request	Exempt Fund							
Health/Life/Dental	32,724		36,439						
Short Term Disability	442		360						
SB 04.257 A.E.D.	4,214		5,335						
SB 06.235 S.A.E.D.	1,976		3,335						
Worker's Compensation	906		674						
Capital Complex Lease Space	16,015		16,891						
IT Asset Maintenance	8,430		8,059						
Storage Lease Space	1,092		1,183						
ADP Capital Outlay Allocation									
CLE Registration & Fees	375		375						
Building Security			2,602						
Rollforward to Subsequent FY									
Overexpenditure/(Reversion)									
Lapsed Appropriation Cash Fund	(21)	0.0	(3,017)	0.1					
Lapsed Appropriation Cash Fund Exempt									
<b>TOTAL RECONCILIATION</b>	<b>380,881</b>	<b>5.2</b>	<b>386,095</b>	<b>5.3</b>					
<b>GRAND TOTAL</b>	<b>380,881</b>	<b>5.2</b>	<b>386,095</b>	<b>5.3</b>	<b>-</b>	<b>0.0</b>			
General Fund	-		-		-				
General Fund Exempt	-		-		-				
Cash Funds	<b>380,881</b>		<b>386,095</b>		-				
Reappropriated Funds	-		-		-				

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**COLLECTION AGENCY BOARD**

<b>Schedule 3 Total</b>		380,881	386,095	-	-	-
General Funds		-	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		380,881	386,095	-	-	-
Reappropriated Funds		-	-	-	-	-
<b>Cash Funds</b>						
Collection Agency Board	150	380,881	386,095	-	-	
Uniform Consumer Credit Code Fund	151					
<b>Reappropriated Funds</b>						
Collection Agency Board Fund Balance	150	380,881		-	-	-
Uniform Consumer Credit Code Fund	151	-	-	-	-	-

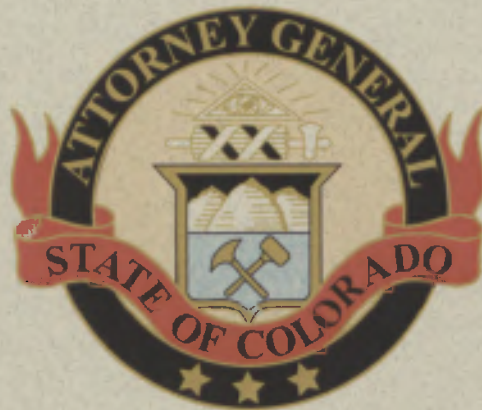


**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**CP - Indirect Cost Assessment**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**INDIRECT COST ASSESSMENT - CONSUMER PROTECTION**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>INDIRECT COST ASSESSMENT</b>	313,952	-	311,188		307,418		307,418	-	307,418	-
General Fund Exempt										
General Fund										
Cash Funds	276,278		273,977		271,947		271,947		271,947	
Reappropriated Funds	37,674		37,211		35,471		35,471		35,471	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**INDIRECT COST ASSESSMENT - CONSUMER PROTECTION**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>INDIRECT COST ASSESSMENT</b>	313,952		311,188		307,418		307,418		307,418	
Cash Funds	276,278		273,977		271,947		271,947		271,947	
Reappropriated Funds	37,674		37,211		35,471		35,471		35,471	
<b>INDIRECT COST ASSESSMENT</b>	313,952		311,188		307,418		307,418		307,418	
Cash Funds	276,278		273,977		271,947		271,947		271,947	
Reappropriated Funds	37,674		37,211		35,471		35,471		35,471	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	320,232		328,698				307,418			
Supplemental Appropriation										
Lapsed Spending Authority CF	(6,280)		(17,510)							
<b>TOTAL RECONCILIATION</b>	313,952		311,188				307,418			





**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**INDIRECT COST ASSESSMENT - CONSUMER PROTECTION**

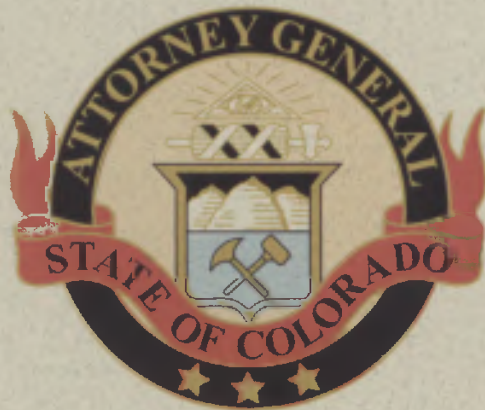
<b>Schedule 3 Total</b>		313,952	311,188	307,418	307,418	307,418
General Funds						
General Funds Exempt						
Cash Funds		276,278	273,977	271,947	271,947	271,947
Reappropriated Funds		37,674	37,211	35,471	35,471	35,471
<b>Cash Funds</b>		<b>276,278</b>	<b>273,977</b>	<b>271,947</b>	<b>271,947</b>	<b>271,947</b>
146 Department Custodials Funds		25,115	40,313	35,471	35,471	35,471
DOLA-Manuf Housing Fund		-	-	-	-	-
No-Call Fund		6,279	-	-	-	-
Tobacco Litigation Defense Fund		12,558	12,404	11,824	11,824	11,824
Collection Agency Board Fund		65,302	64,498	65,031	65,031	65,031
UCCC Custodial Fund		12,558	12,408	11,824	11,824	11,824
Uniform Consumer Credit Code fund		154,466	144,354	147,797	147,797	147,797
<b>Reappropriated Funds</b>		<b>37,674</b>	<b>37,211</b>	<b>35,471</b>	<b>35,471</b>	<b>35,471</b>
Department Custodials Funds		-	-	-	-	-
Collection Agency Board Fund		-	-	-	-	-
Tobacco Litigation Defense Fund		-	-	-	-	-
UCCC Custodial Fund		-	-	-	-	-
UCCC Fund Balance		-	-	-	-	-
Division of Real Estate Cash Fund		37,674	37,211	35,471	35,471	35,471
<b>Federal Funds</b>						



# **FY11-12 Reconciliation of Request**

## **Special Purpose**

- A. District Attorney's Salaries**
- B. Litigation Management Fund**
- C. Statewide HIPPA Legal Services**
- D. Tobacco Litigation**
- E. Lobato Litigation Expenses**
- F. SP-Security for State Services Building**

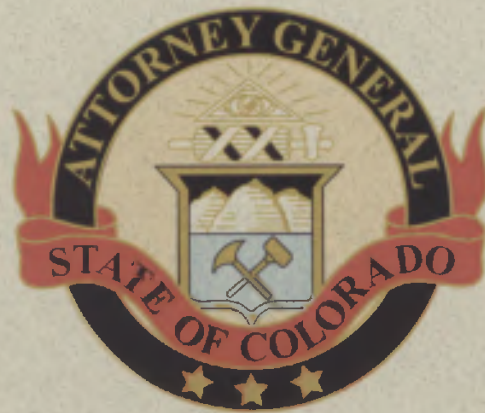


**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**SP - District Attorneys Salaries**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**DISTRICT ATTORNEY'S SALARIES**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>District Attorney Salaries</b>	1,654,605		2,096,027		2,313,828		2,313,828	-	2,534,796	-
General Fund	1,654,605		2,096,027		2,313,828		2,313,828		2,534,796	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

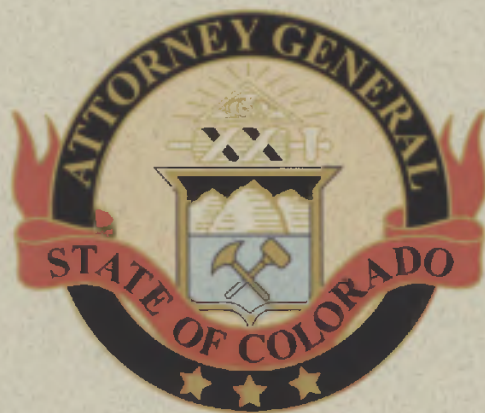
**DISTRICT ATTORNEY'S SALARIES**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>District Attorney Salaries</b>	1,469,598		1,847,999				2,024,000		2,200,000	
PERA/Other Retirement Plans	149,165		187,572				154,836		223,300	
SB 04.257 A.E.D.	24,094		37,136				48,752		61,776	
SB 06.235 S.A.E.D.	11,748		23,320				35,640		49,720	
Unused PERA							50,600			
<b>Subtotal</b>	1,654,605		2,096,027				2,313,828		2,534,796	
<b>TOTAL D.A. SALARIES</b>	1,654,605		2,096,027		2,313,828		2,313,828	-	2,534,796	-
General Fund	1,654,605		2,096,027		2,313,828		2,313,828		2,534,796	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	1,654,605		2,096,078				2,313,828			
Supplemental (SB03-208)										
Pots Transfer							-			
Reversion			(51)							
<b>TOTAL RECONCILIATION</b>	1,654,605		2,096,027				2,313,828			

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law		DISTRICT ATTORNEY'S SALARIES				
Item	Actual FY 09	Actual FY 10	Approp FY 11	Estimate FY 11	Request FY 12	
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	
<b>Schedule 3 Total</b>	1,654,605	2,096,027	2,096,078	2,313,828	2,534,796	
General Fund	1,654,605	2,096,027	2,096,078	2,313,828	2,534,796	

**FY 11-12**  
**Budget**  
**Schedules 2, 3 and 4**  
**SP - Litigation Management Fund**





**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**LITIGATION MANAGEMENT FUND**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Litigation Management Fund</b>	327,006	-	145,258	-	325,000		445,001	-	325,000	-
General Fund	-		-		-		-		-	
General Fund Exempt										
Cash Funds	327,006		145,258		325,000		325,000		325,000	
Reappropriated Funds	-		-		-		120,001		-	



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

**LITIGATION MANAGEMENT FUND**

<b>Litigation Management Fund</b>										
	DOL Transfers to CDOT	38,363								
	DOL Transfers to Capitol Construction (461)	19,181								
1120	SPS Temporary FT Wages			-						
1622	CN PERA	880		-						
1920	Professional Services	152,897		29,000			445,001		325,000	
1962	PERSONAL SVCS- IT - CONSULTING			9,368						
1961	PS IT Software			-						
2150	Custodial Services			-						
2160	Janitorial Service			-						
2170	Waste Disposal Services	196		-						
2210	Bldg Maintenance/Repair Svcs			-						
2220	Building Grounds Maintenance			-						
2230	Equipment Contract Maintenance	373		381						
2231	ADP Equip Maint/Repair Services	4,518		6,471						
2232	Software Upgrades	65,626		70,901						
2630	Telephone			-						
2631	Comm Svcs from Outside Sources	89		-						
2641	Other ADP Billings - Purchase Services			-						
2660	Insurance			-						
2810	Freight & Storage			-						
2820	Other Purchased Services			164						
2830	Office Moving/Purchased Services			-						
3110	Other Supplies and Materials			-						
3112	Automotive Supplies			-						
3114	Custodial			-						
3115	DP Supplies	663		94						
3116	Purchase/Leased Software	4,358		528						
3117	Educational	452		-						
3120	Books & Subscriptions			327						
3121	Office Supplies			-						
3122	Microfilming/Photo. Supplies			-						
3123	Postage			3						
3124	Printing			-						
3126	Repair & Maintenance/Supplies			-						
3128	Non-Capitalized Equipment			-						

**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

**LITIGATION MANAGEMENT FUND**

Item	Amount	Actual FY 10				Estimate FY 11		Request FY 12	
		Total Funds	FTE	Other	FTE	Total Funds	FTE	Total Funds	FTE
3131 Noncap. Building Mat'ls		-							
3140 Non-Capitalized IT - PC's	19,995	24,309							
3141 Non-Capitalized IT - Servers	1,333	1,712							
3143 Non-Capitalized IT - Other	449	1,841							
3146 Non-Capitalized IT - SW	439	-							
4170 Miscellaneous Fees		-							
4180 Official Functions		-							
4220 Registration Fees		158							
6140 Buildings and Improves. to Bldg.		-							
6212 IT Servers - Direct Purchase	13,690	-							
6213 IT PC SW - Direct Purchase	3,503	-							
<b>Expense Subtotal:</b>	<b>327,006</b>	<b>145,258</b>					<b>445,001</b>		<b>325,000</b>
<b>Rollforward</b>							-		
General Funds Exempt							-		
<b>TOTAL Litigation Management Fund</b>	<b>327,006</b>	<b>145,258</b>					<b>445,001</b>	-	<b>325,000</b>
General Fund							-		
General Fund Exempt							-		
Cash Funds	327,006	145,258					325,000		325,000
Reappropriated Funds	-	-					120,001		-
<b>RECONCILIATION OF FUNDS</b>									
Long Bill Appropriation	325,000	325,000					325,000		
Supplemental (1331)	150,000						-		
Excess GF transfers to CDOT	57,544						-		
Rollforward from Previous FY							-		
Rollforward to Subsequent FY		(120,001)					120,001		
Reversion									
Lapsed CFE Spending Authority	(205,538)	(59,741)							
<b>TOTAL RECONCILIATION</b>	<b>327,006</b>	<b>145,258</b>					<b>445,001</b>		
<b>GRAND TOTAL</b>	<b>327,006</b>	<b>145,258</b>			<b>325,000</b>		<b>445,001</b>	-	<b>325,000</b>
General Fund	-	-					-		-
General Fund Exempt	-	-					-		-
Cash Funds	<b>327,006</b>	<b>145,258</b>			<b>325,000</b>		<b>325,000</b>		<b>325,000</b>
Reappropriated Funds	-	-					<b>120,001</b>		-
Federal Funds	-	-					-		-

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

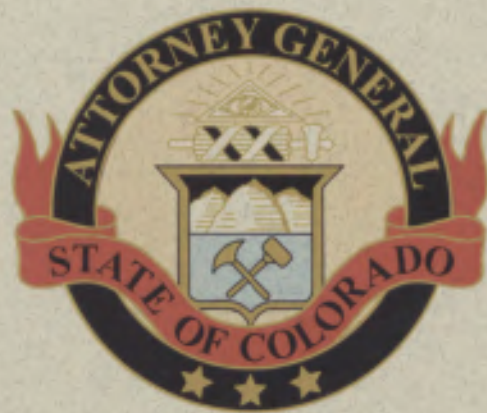
**Department of Law**

**LITIGATION MANAGEMENT FUND**

<b>Schedule 3 Total</b>		327,006	145,258		445,001	325,000
General Funds			-			-
General Funds Exempt			-		-	-
Cash Funds			145,258		325,000	325,000
Reappropriated Funds		-	-		120,001	-
<b>Cash Funds</b>						
Attorney Fees and Costs	13H		0			
LSSA Excess Revenues		-	145,258		325,000	325,000
<b>Reappropriated Funds</b>						
Attorney Fees and Costs	13H	238,577	-			
LSSA Excess Revenues		92,251	-		120,001	-



**FY 11-12**  
**Budget**  
**Schedules 2,3 and 4**  
**Statewide HIPPA**  
**Legal Services**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**STATEWIDE HIPAA LEGAL SERVICES**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Statewide HIPAA Legal Services</b>	17,490		3,538		-		-		-	
General Fund	17,490		3,538		-		-		-	
General Fund Exempt										
Cash										
Reappropriated Funds	-						-		-	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**STATEWIDE HIPAA LEGAL SERVICES**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Statewide HIPAA Legal Services</b>	17,490		3,538		-		-		-	
General Fund	17,490		3,538		-		-		-	
Reappropriated Funds							-		-	
 <b>TOTAL STATEWIDE HIPAA</b>	 17,490		 3,538		 -		 -		 -	
General Fund	17,490		3,538		-		-		-	
Reappropriated Funds							-		-	
 <b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	22,530		7,538				-		-	
Supplemental			(4,000)				-		-	
Rollforward to Subsequent FY										
Reversion	(5,040)						-		-	
<b>TOTAL RECONCILIATION</b>	17,490		3,538				-		-	



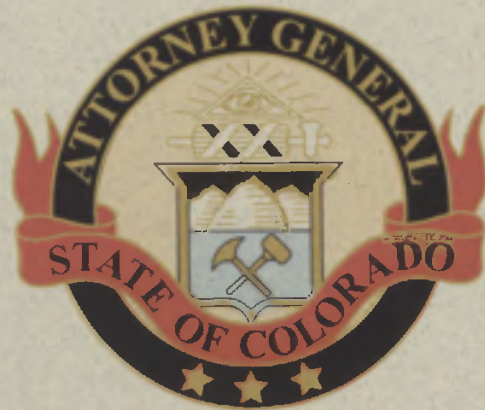
## SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law

STATEWIDE HIPAA LEGAL SERVICES

Item	Actual FY 05	Actual FY 10	Approp FY 11	Estimate FY 11	Request FY 12
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
Schedule 3 Total	17,490	3,538	-	-	-
General Fund	17,490	3,538	-	-	-
Reappropriated Funds	-			-	-

**FY 11-12  
Budget  
Schedule 2,3 and 4  
Tobacco  
Litigation**



## SCHEDULE 2 - PROGRAM SUMMARY

### Department of Law

### TOBACCO LITIGATION

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Tobacco Litigation Fund</b>	372,226	-	535,462	-	750,000		750,000	-	750,000	-
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	372,226		535,462		750,000		750,000		750,000	
Reappropriated Funds	-		-		-		-		-	

## SCHEDULE 3 - PROGRAM DETAIL

### Department of Law

### TOBACCO LITIGATION

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Tobacco Litigation Fund</b>							750,000		750,000	
General Fund							-		-	
General Fund Exempt							-		-	
Reappropriated Funds							750,000		750,000	
<b>Personal Service Codes:</b>										
1920 - Personal Services Professional	263,368		535,462				750,000		750,000	
<b>Personal Service Subtotal:</b>	<b>263,368</b>		<b>535,462</b>				750,000		750,000	
<b>Operating Expenses:</b>										
1930 Litigation			-							
2231 IT Hardware Maint/Repair Svcs	165		-							
2530 - Out-Of-State Travel			-							
2531 - Common Carrier Fares			-							
2532 - Personal Travel Per Diem			-							
2641 - Other DPA Billing - Purch Svcs	3		-							
3121 - Office Supplies	363		-							
3123 - Postage	7		-							
3128 - NonCap Equipment	115		-							
<b>Operating Expenses Subtotal:</b>	<b>653</b>		-				-		-	
<b>Rollforwards</b>	<b>108,205</b>		-				-		-	

## SCHEDULE 3 - PROGRAM DETAIL

## Department of Law

## TOBACCO LITIGATION

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Cash Funds	108,205						-			
Reappropriated Funds	-		-				-			
<b>Long Bill Appropriation</b>	<b>300,000</b>		<b>300,000</b>				-			
General Fund	-		-							
Cash Funds	300,000		300,000				-			
Reappropriated Funds	-		-							
<b>SPECIAL BILLS</b>									-	
<i>SB07-113 Use of Tobacco Lit Fund</i>							-			
General Fund										
Reappropriated Funds										
<b>TOBACCO LITIGATION TOTAL</b>	<b>372,226</b>		<b>535,462</b>		<b>750,000</b>		<b>750,000</b>		<b>750,000</b>	
General Fund									-	
General Fund Exempt							-		-	
Cash Funds	372,226		535,462		750,000		750,000		750,000	
Reappropriated Funds									-	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	300,000		300,000				750,000			
<i>Supplemental</i>			300,000				-		-	
<i>1331 Supplemental for FY07</i>							-			
Rollforward from Previous FY	108,205						-			
Rollforward to Subsequent FY										
Reversion										
Lapsed Appropriation Cash Funds	(35,979)		(64,538)				-			
<b>TOTAL RECONCILIATION</b>	<b>372,226</b>		<b>535,462</b>				<b>750,000</b>			

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

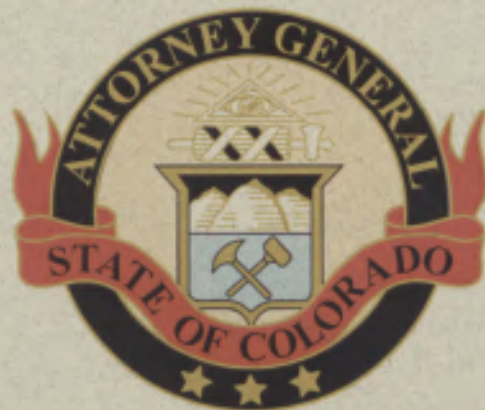
**Department of Law**

**TOBACCO LITIGATION**

<b>Schedule 3 Total</b>	372,226	535,462	750,000	750,000	750,000
General Fund	-	-	-	-	-
General Fund Exempt	-	-	-	-	-
Cash Funds	372,226	535,462	750,000	750,000	750,000
Reappropriated Funds	-	-	-	-	-
<b>Cash Funds</b>					
Tobacco Litigation Defense Account	225,000	535,462	750,000	750,000	750,000
Rollforward from previous year	108,205		-	-	
Excess Revenues from LSSA Line					
<b>Reappropriated Funds</b>					
Tobacco Litigation Defense Account	-			-	-
Excess Revenues from LSSA Line	-			-	-



**FY 11-12**  
**Budget**  
**Schedules 2,3 and 4**  
**Lobato Litigation Expenses**



## SCHEDULE 2 - PROGRAM SUMMARY

**Department of Law**

**LOBATO LITIGATION**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Tobacco Litigation Fund</b>	-	-	-	-	432,500		432,500	-	432,500	-
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		432,500		432,500		432,500	

## SCHEDULE 3 - PROGRAM DETAIL

**Department of Law**

**LOBATO LITIGATION**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Lobato Litigation</b>							-		432,500	
General Fund							-			
General Fund Exempt							-			
Reappropriated Funds							-		432,500	
<b>Personal Service Codes:</b>										
1920 - Personal Services Professional							432,500		432,500	
<b>Personal Service Subtotal:</b>							432,500		432,500	
<b>Operating Expenses:</b>										
1930 Litigation			-							
2231 IT Hardware Maint/Repair Svcs			-							
2530 - Out-Of-State Travel			-							
2531 - Common Carrier Fares			-							
2532 - Personal Travel Per Diem			-							
2641 - Other DPA Billing - Purch Svcs			-							
3121 - Office Supplies			-							
3123 - Postage			-							
3128 - NonCap Equipment			-							
<b>Operating Expenses Subtotal:</b>			-				-		-	
<b>Rollforwards</b>			-				-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**LOBATO LITIGATION**

Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Cash Funds							-			
Reappropriated Funds	-		-				-			
<b>Long Bill Appropriation</b>							-			
General Fund							-			
Cash Funds							-			
Reappropriated Funds	-		-							
<b>SPECIAL BILLS</b>										-
<i>SB07-113 Use of Tobacco Lit Fund</i>							-			
General Fund										
Reappropriated Funds										
<b>TOBACCO LITIGATION TOTAL</b>			-		432,500		432,500		432,500	
General Fund										-
General Fund Exempt							-			-
Cash Funds			-		-					
Reappropriated Funds					432,500		432,500		432,500	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation			-				432,500			
<i>Supplemental</i>			-				-			-
<i>1331 Supplemental for FY07</i>							-			
Rollforward from Previous FY							-			
Rollforward to Subsequent FY										
Reversion										
Lapsed Appropriation Cash Funds			-							
<b>TOTAL RECONCILIATION</b>			-				432,500			

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**LOBATO LITIGATION**

<b>Schedule 3 Total</b>	-	-	432,500	432,500	432,500
General Fund	-	-	-	-	-
General Fund Exempt	-	-	-	-	-
Cash Funds	-	-	-	-	-
Reappropriated Funds	-	-	432,500	432,500	432,500
<b>Reappropriated Funds</b>					
Governor's Office	-		432,500	432,500	432,500
	-			-	

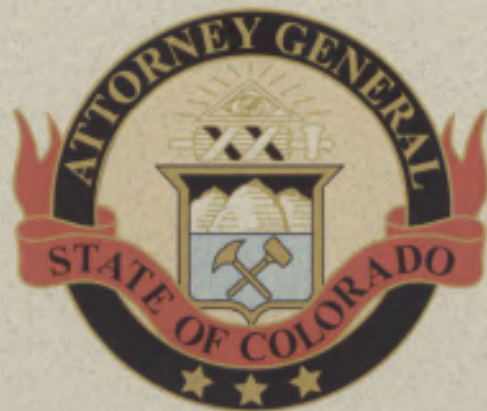


**FY 11-12**

**Budget**

**Schedules 2, 3 and 4**

**SP - Security for State Services Building**



## SCHEDULE 2 - PROGRAM SUMMARY

Department of Law		Security for State Services Building								
Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Security for State Services Building</b>	257,633									
General Fund	79,153									
General Fund Exempt	-									
Cash Funds	21,161									
Reappropriated Funds	150,093									
Federal Funds	7,226									

## SCHEDULE 3 - PROGRAM DETAIL

Department of Law		Security for State Services Building								
Item	Actual FY 09		Actual FY 10		Approp FY 11		Estimate FY 11		Request FY 12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Security for State Services Building</b>										
1920 - Prof Servs - Professional	256,588									
2258 - Parking Fees	1,054									
Subtotal:	257,642									
General Fund										
Cash Funds										
Reappropriated Funds										
Federal Funds										
<b>Total Security for State Services Building</b>	257,633									
General Fund	79,153									
Cash Funds	21,161									
Reappropriated Funds	150,093									
Federal Funds	7,226									



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**Security for State Services Building**

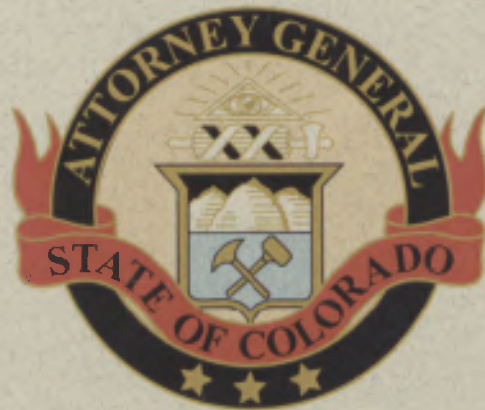
<b>Schedule 3 Total</b>	257,633				-	-
General Fund	79,153				-	-
General Fund Exempt	-				-	-
Cash Funds	21,161				-	-
Reappropriated Funds	150,093				-	-
Federal Funds	7,226				-	-
<b>Cash Funds</b>						
POST Board Cash Funds	-				-	-
State Compensation Insurance Authority					-	-
Collection Agency Board					-	-
CP Custodial Funds	2,064				-	-
No-Call Fund	516				-	-
Tobacco Settlement Defense Account	688				-	-
UCCC Custodial Funds	17,893				-	-
UCCC Cash Funds					-	-
<b>Reappropriated Funds</b>						
Various sources of Reappropriated funds (LSSA)	140,320				-	-
Div. of Securities Fraud	2,478				-	-
Div. of Insurance Fraud	5,230				-	-
Div. of Real Estate	2,065				-	-
<b>Federal Funds</b>						
Medicaid Fraud Control Program	7,226				-	-





# Consumer Protection

## Custodial 146



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

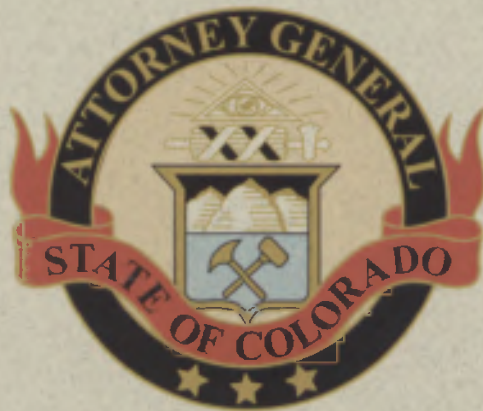
**CP- CUSTODIAL - 146**

<b>PERSONAL SERVICES</b>								
DOL Internal Transfer	464,478		410,546				457,787	465,000
Temporary Services	2,500		2,500					
Medicare			-					
PERA			-					
AED			-					
<b>PERSONAL SERVICES TOTAL</b>	<b>466,978</b>		<b>413,046</b>					
<b>OPERATING EXPENSES</b>								
1920 Professional Services	12,200		500,000					
1930 Purchased Service - Litigation			26					
1962 Personal Services IT Consulting			7,657					
2232 IT Software Upgrad Services			4,050					
2255 Rental of Buildings			9,500					
2513 IS Personal Vehicle Reimbursement			41					
2520 IS Travel/Non Employee	1,081		-					
2523 IS/Non-Emp - Pers Veh Reimb			-					
2530 Out of State Travel	154		227					
2531 OS Common Carrier Fares	1,203		1,741					
2532 OS Personal Travel Per Diem	1,955		4,310					
2533 OS Personal Vehicle Reimbursement			-					
2550 Out of Country Travel			-					
2552 OC Pers Travel Reimbursement			-					
2630 Telephone	6,325		13,532					
2631 Comm Svcs from Outside Sources			-					
2641 Other ADP Billings - Purchase Services			-					
2660 Insurance			-					
2680 Contract Printing	10,844		8,037					
2681 Photocopy Reimbursement			-					
2810 Freight & Storage			-					
2820 Other Purchased Services	113		-					
2830 Office Moving/Purchased Services			-					
3110 Other Supplies and Materials			-					
3112 Automotive Supplies			-					
3114 Custodial			-					
3115 DP Supplies			-					
3116 Purchase/Leased Software			-					



# Special Prosecution

## Custodial 147



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

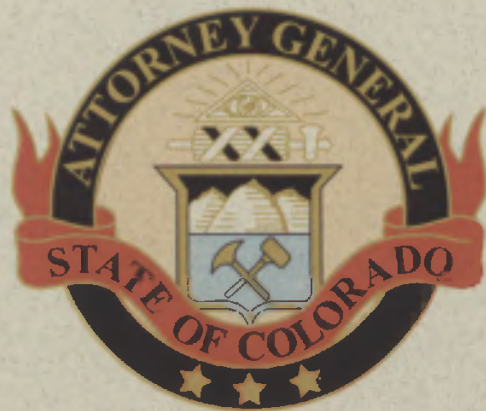
**SPECIAL PROSECUTIONS CUSTODIAL #147**

<b>Special Prosecutions Custodial</b>									
1110 Reg. FT Wages	12000.0		-						
1140 Annual Leave Payments	504.9		-						
1512 Life Insurance	8.9		-						
1513 Disability	7.8		-						
1520 Medicare Contribution	181.3		-						
1522 PERA	1269.3		-						
1524 Amort. Equal Disburmt	225.1		-						
1525 Suppl Amort Equal Disburmt	125.1		-						
1920 PS / Professional	2000.0		2,767						
2540 Out-Of-State Travel/Non-Empl	115.0		-						
2541 OS Non-Empl-Common Carrier	537.7		-						
2542 OS Non-Empl/Pers Per Diem	291.3		-						
3121 Office Supplies	3.0		-						
3122 Photographic Supplies			26						
3131 Non-Capt. Buidling Mat'l									
<b>Expense Subtotal:</b>	<b>17,269</b>		<b>2,793</b>				-		-
<b>Decision Item</b>									
Cash Funds Exempt									
<b>EXPENSE TOTAL:</b>	<b>17,269</b>		<b>2,793</b>				-		-
General Fund									
General Funds Exempt									
Cash Funds									
Cash Funds Exempt	17,269		2,793				-		-
<b>GRAND TOTAL</b>	<b>17,269</b>		<b>2,793</b>				-		-
General Fund	-		-				-		-
General Fund Exempt	-		-				-		-
Cash Funds							-		-
Cash Funds Exempt	17,269		2,793				-		-
Federal Funds							-		-



# Natural Resources

## Custodial 148



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

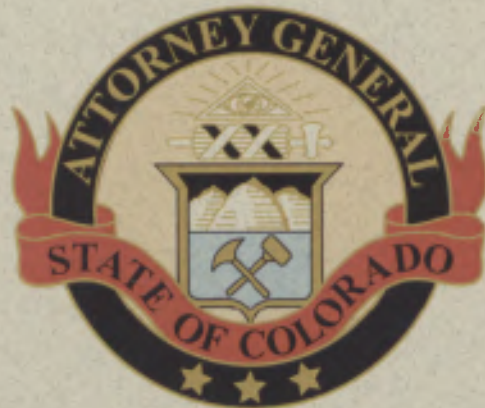
**NATURAL RESOURCES CUSTODIAL FUNDS #148**

<b>Natural Resources Custodial Funds</b>									
1920 - PS / Professional	13,327		1,962				-		
<b>Expense Subtotal:</b>	13,327		1,962				-		-
<b>EXPENSE TOTAL:</b>	<b>13,327</b>		1,962				-		-
General Fund							-		-
General Funds Exempt							-		-
Cash Funds							-		-
Cash Funds Exempt	13,327		1,962				-		-
<b>GRAND TOTAL</b>	13,327		1,962				-		-
General Fund							-		-
General Fund Exempt							-		-
Cash Funds							-		-
Cash Funds Exempt	13,327		1,962				-		-
Federal Funds							-		-





**Uniform Consumer  
Credit Code  
Custodial 16B**



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

**UCCC CUSTODIAL 16B**

DOL Internal Transfer	185,579		147,503			95,405		96,955
1920 Purchased Services - Professional	79,465		26,330					
1930 Litigation	42		-					
1962 Personal Services IT Consultin			10,000					
2150 Custodial Services			-					
2160 Janitorial Service			-					
2170 Waste Disposal Services			-					
2210 Bldg Maintenance/Repair Svcs			-					
2220 Building Grounds Maintenance			687					
2230 Equipment Contract Maintenance			-					
2231 ADP Equip Maint/Repair Services			-					
2232 Software Upgrades			872					
2240 Motor Veh Maint/Repair Svcs			-					
2251 Lease Motor Pool Vehicle			-					
2252 Motor Pool Mileage Charge			-					
2253 Equipment Rental			-					
2254 Rental of Motor Vehicles			-					
2255 Rental of Buildings	8,465		-					
2258 Parking Fees			-					
2559 Parking Fee Reimbursement			-					
2510 In State Travel			-					
2512 IS Personal Travel Per Diem			-					
2513 IS Personal Vehicle Reimbursement	46		67					
2520 IS Travel/Non Employee			-					
2523 IS/Non-Emp - Pers Veh Reimb			-					
2530 Out of State Travel	401		416					
2531 OS Common Carrier Fares	3,025		2,282					
2532 OS Personal Travel Per Diem	3,969		3,629					
2533 OS Personal Vehicle Reimbursement			-					
2550 Out of Country Travel			-					
2552 OC Pers Travel Reimbursement			-					
2630 Telephone			-					
2631 Comm Svcs from Outside Sources			4,585					
2641 Other ADP Billings - Purchase Services	1,545		148					
2660 Insurance			-					
2680 Contract Printing			0					
2681 Photocopy Reimbursement			-					
2810 Freight & Storage			-					

## SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL

## Department of Law

## UCCC CUSTODIAL 16B

Item	DA	EA	Actual FY10		Approp FY11		Estimate FY11		Request FY12	
			Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2820 Other Purchased Services				2,475						
2830 Office Moving/Purchased Services				-						
3110 Other Supplies and Materials				-						
3112 Automotive Supplies				-						
3114 Custodial				-						
3115 DP Supplies				249						
3116 Purchase/Leased Software				-						
3117 Educational				-						
3120 Books & Subscriptions		972		2,467						
3121 Office Supplies				2,227						
3122 3122 - Microfilming/Photo. Supplies				-						
3123 Postage				107						
3124 Printing				-						
3126 Repair & Maintenance/Supplies				-						
3128 Non-Capitalized Equipment				85						
3940 Electricity				-						
3950 Gasoline				-						
3131 Noncap Building Mat's				131,898						
3132 Noncap Office Furn/Off. Syst				35,841						
3140 Noncap IT PC's				26,263						
3143 Noncap IT - Other		2,963		797						
4100 Other Operating Expenses				-						
4140 Dues & Memberships				1,737						
4151 Interest Late Payments				-						
4170 Miscellaneous Fees				-						
4180 Official Functions				-						
4120 Bad Debt Expense				-						
4220 Registration Fees		400		2,216						
6140 6140 - Buildings and Improves. to Bldg.				-						
6210 6210 - Other Capital Equipment				-						
6222 Office Furn & Equip Dir Pur				-						
<b>Expense Subtotal:</b>		286,872		402,881			95,405		96,955	
<b>EXPENSE TOTAL:</b>		<b>286,872</b>		<b>402,881</b>			<b>95,405</b>		<b>96,955</b>	
Cash Funds		287,155		287,155			95,405		96,955	
Reappropriated Funds		-		-			-		-	

**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

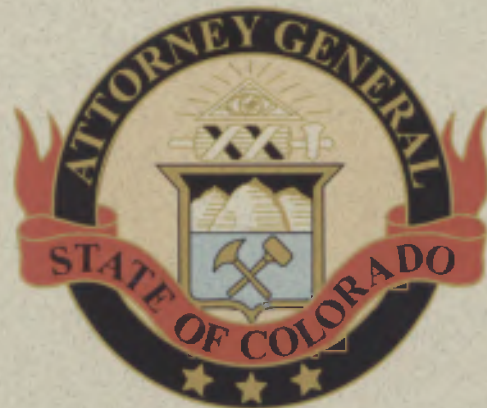
**Department of Law**

**UCCC CUSTODIAL 16B**

<b>TOTAL UCCC CUSTODIAL</b>	286,872		402,881				95,405		96,955
Cash Funds	287,155		287,155				95,405		96,955
Reappropriated Funds	-		-				-		-
<b>GRAND TOTAL</b>	286,872		402,881				95,405		96,955
Cash Funds	287,155		287,155				95,405		96,955
Cash Funds Exempt	-		-				-		-
Federal Funds	-		-				-		-



**Collection Agency  
Board  
Custodial 19A**



SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL

Department of Law

CAB CUSTODIAL 19A

1120 SPS Temp FT Wages			-						
1520 SPS FICA-Medicare Contribution			-						
1522 SPS PERA			-						
1524 SPS PERA-Amort Equal Disburmnt			-						
1920 Prof Serv IT	22		-						
1930 Litigation			-						
2150 Custodial Services			-						
2160 Janitorial Service			-						
2170 Waste Disposal Services			-						
2210 Bldg Maintenance/Repair Svcs			-						
2220 Building Grounds Maintenance			-						
2230 Equipment Contract Maintenance			-						
2231 ADP Equip Maint/Repair Services			-						
2232 Software Upgrades			-						
2240 Motor Veh Maint/Repair Svcs			-						
2251 Lease Motor Pool Vehicle			-						
2252 Motor Pool Mileage Charge			-						
2253 Equipment Rental			-						
2254 Rental of Motor Vehicles			-						
2255 Rental of Buildings	4,914		-						
2258 Parking Fees			-						
2559 Parking Fee Reimbursement			-						
2510 In State Travel				64					
2511 In State Comm Carrier Fares				259					
2512 IS Personal Travel Per Diem				185					
2513 IS Personal Vehicle Reimbursement				73					
2520 IS Travel/Non Employee				-					
2523 IS/Non-Emp - Pers Veh Reimb				-					
2530 Out of State Travel	220			161					
2531 OS Common Carrier Fares	839			817					
2532 OS Personal Travel Per Diem	1,388			1,025					
2533 OS Personal Vehicle Reimbursement				-					
2550 Out of Country Travel				-					
2552 OC Pers Travel Reimbursement				-					
2630 Telephone				-					
2631 Comm Svcs from Outside Sources				-					
2641 Other ADP Billings - Purchase Services	204			-					



SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL

Department of Law

CAB CUSTODIAL 19A

	Actual FY02		Budget FY02		Actual FY02		Budget FY02	
	2001	Total Funds	2001	FTE	FTE	Total Funds	FTE	
2660 Insurance		-						
2680 Contract Printing	4	-						
2681 Photocopy Reimbursement		-						
2810 Freight & Storage		-						
2820 Other Purchased Services		-						
2830 Office Moving/Purchased Services		-						
3110 Other Supplies and Materials		-						
3112 Automotive Supplies		-						
3114 Custodial		-						
3132 Noncap Office Furn/Office Syst		-						
3117 Educational		-						
3121 Office Supplies	20	-						
3122 Microfilming/Photo. Supplies		-						
3124 Printing		-						
3126 Repair & Maintenance/Supplies		-						
3128 Non-Capitalized Equipment		-						
3940 Electricity		-						
3950 Gasoline		-						
4100 Other Operating Expenses		-						
4140 Dues & Memberships		200						
4151 Interest Late Payments		-						
4170 Miscellaneous Fees		-						
4180 Official Functions		-						
4220 Registration Fees	750	169						
5891 Distribution to Individuals		-						
6140 Buildings and Improves. to Bldg.		-						
6210 Other Capital Equipment		-						
6220 Office Furn & Equip		-						
6280 Other Capital Equipment (direct purchase)		-						
6410 ADP Equipment-Lease Purchase		-						
Expense Subtotal:	8,361	2,953				-	-	
<b>EXPENSE TOTAL:</b>	<b>8,361</b>	<b>2,953</b>				-	-	
Cash Funds Exempt	8,361	2,953				-	-	

SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL

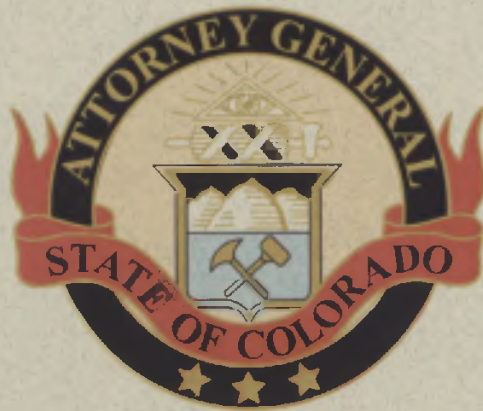
Department of Law

CAB CUSTODIAL 19A

GRAND TOTAL	8,361	2,953				-		-	
General Fund	0	-				-		-	
General Fund Exempt	0	-				-		-	
Cash Funds						-		-	
Reappropriated	8,361	2,953				-		-	
Federal Funds						-		-	



# **Attorneys Fees and Cost Custodial 13H**



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

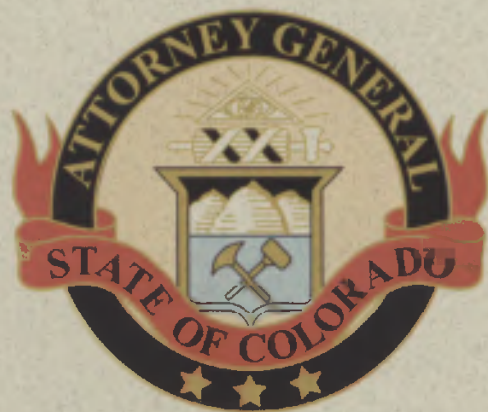
**ATTORNEYS FEES AND COSTS 13H**

<b>Attorney Fees and Costs</b>										
DOL Internal Transfer	94,595		54,021				50,000		50,000	
<b>EXPENSE TOTAL:</b>	<b>94,595</b>		<b>54,021</b>				<b>50,000</b>		<b>50,000</b>	
General Fund							-		-	
General Funds Exempt							-		-	
Cash Funds							-		-	
Cash Funds Exempt	94,595		54,021				50,000		50,000	
<b>TOTAL Attorneys Fees and Costs Custodial</b>	<b>94,595</b>		<b>54,021</b>	-			<b>50,000</b>	-	<b>50,000</b>	-
Cash Funds							-		-	
Cash Funds Exempt	94,595		54,021				50,000		50,000	
<b>GRAND TOTAL</b>	<b>94,595</b>		<b>54,021</b>	-			<b>50,000</b>	-	<b>50,000</b>	-
General Fund	-		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	-		-				-		-	
Cash Funds Exempt	94,595		54,021				50,000		50,000	
Federal Funds										



# POST

# Custodial 14P



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**Department of Law**

**POST CUSTODIAL 14P**

1622 - CN PERA									
1910 - PS Temporary Services									
1920 - Professional Services									
2230 - Equipment Contract Maintenance									
2231 - ADP Equip Maint/Repair Services									
2232 - Software Upgrades	2,950		-						
2630 - Telephone									
3115 - DP Supplies									
3120 - Books & Subscriptions									
3121 - Office Supplies									
3123 - Postage									
3140 - Non-Capitalized IT									
3143 - Non-Capitalized Other									
5140 - Grant Intergovernmental							-		
5781 - Grant to Nongovern/Organization									
5992 - Refunds to Non-Gov/Org.									
<b>Expense Subtotal:</b>	2,950		-				-		-
<b>EXPENSE TOTAL:</b>	<b>2,950</b>		-				-		-
Cash Funds	2,950		-				-		-
Cash Funds Exempt	-		-				-		-
<b>TOTAL POST Custodial</b>	<b>2,950</b>		-				-		-
Cash Funds	2,950		-				-		-
Cash Funds Exempt	-		-				-		-
<b>GRAND TOTAL</b>	<b>2,950</b>		-				-		-
General Fund	-		-				-		-
General Fund Exempt	-		-				-		-
Cash Funds	2,950		-				-		-
Cash Funds Exempt	-		-				-		-
Federal Funds							-		





# **Identity Theft**

# **Financial Fraud**

# **Custodial 19Q**

