



The Honorable Terrance Carroll  
Speaker of the House of Representatives  
State of Colorado  
200 E. Colfax  
Denver, CO 80203

Re: Complaint against Representative Steve King under House Rule 49

Mr. Speaker:

Colorado Ethics Watch (“Ethics Watch”) is a nonprofit organization dedicated to promoting ethical and transparent government in Colorado. Ethics Watch is filing this Complaint under House Rule 49 because Representative Steve King may have violated ethical standards applicable to members of the House by receiving mileage reimbursement payments from the State of Colorado for travel that was actually paid for or reimbursed by his candidate committee, even though members who submit requests are required to certify that the amounts claimed were not paid from other sources. Specifically, public records show that Rep. King requested and received \$5018.60 in mileage and other travel reimbursements during the 2009 legislative session, while his campaign finance reports show that \$1408.33 of travel-related expenses were paid from his campaign account during the same period. Ethics Watch asks that the House of Representatives to investigate this matter to determine whether Rep. King sought reimbursement from the State for travel expenses paid for from his campaign account, and impose appropriate penalties if it determines that Rep. King’s mileage request certifications were inaccurate.

**Applicable Constitutional Provisions, Statutes and Ethical Principles**

Section 2-2-316 of the Colorado Revised Statutes establishes the policy of the State of Colorado that it is necessary for legislators to visit their districts when the legislature is in adjournment for a period of not more than 72 hours. C.R.S. § 2-2-317(2)(b) provides that legislators who reside outside of the Denver metropolitan area, such as Rep. King, are “entitled to receive travel expenses to any location within such member’s district and back to Denver once each week, pursuant to section 2-2-316.” Article V, Section 6 of the Colorado Constitution authorizes state legislators to “receive the same mileage rate permitted for travel as other state employees.”

According to C.R.S. § 2-2-318, “[e]ach member of the general assembly shall be reimbursed for expenses actually incurred pursuant to sections 2-2-316 and 2-2-317. In auditing any mileage claim of members of the general assembly, the controller is authorized to accept without further substantiating evidence the expense voucher duly

signed by the member if the mileage in such claim does not exceed the authorized rate at which employees of the executive branch are reimbursed.”

In the absence of any requirement for “substantiating evidence,” the reimbursement system depends on the honesty of the member requesting reimbursement. The Colorado Supreme Court, in a case interpreting an earlier version of Colo. Const. art. V, § 6, said “there is a presumption well recognized in the law that legislators will follow the mandate of their oath of office and act only in good faith and with integrity and will therefore seek payment only for such proper amounts as have actually been incurred and will thus abide by the constitutional limitations of Article V, Section 6.” *In re Interrogatories by the Governor as to Senate Bill No. 121*, 429 P.2d 304, 308 (Colo. 1967).

Ethics Watch submits that a legislator may not ethically certify in a mileage expense report that he had not been reimbursed by any other source, and that he actually incurred the expenses, when in fact he was using campaign funds to pay travel expenses.

### Facts

The form used by the General Assembly to request travel expenses during the legislative session includes a certification, signed by the legislator, reading as follows: “I certify that the statements in the above schedule are true and just in all respects; that payment of the amounts claimed herein has not and will not be reimbursed to me from any other sources; that my schedule of travel was performed by me on official State business and not for personal purposes; and that I actually incurred or paid the operating expenses of the motor vehicle for which reimbursement is claimed on a mileage basis.” Legislators residing outside of the Denver metro area routinely request and receive mileage reimbursement for their travels to and from their districts each weekend during the legislative session, as permitted by C.R.S. §§ 2-2-316 – 18.

Ethics Watch became concerned that some legislators might be “double dipping” by collecting mileage reimbursement for travel that was paid for with campaign funds. We reviewed campaign finance reports filed in 2009 by the candidate committees for all members of the House and Senate, searching for items that appeared to represent payments for travel expenses. We identified a number of legislators whose campaign finance reports showed travel expense payments, and then obtained from the Legislative Council copies of those legislators’ per diem and travel reimbursement request documents for 2009. After comparing the legislators’ campaign finance reports with the documents received from Legislative Council, we identified Rep. King as the sole legislator who, based on the evidence, may have received reimbursement from the state for travel that was paid for using campaign funds.

Rep. King’s session travel expense reports for January through May 2009 (attached as **Exhibit 1**) show that Rep. King requested mileage reimbursements totaling \$826.80 for three round trips by car during January in addition to one round trip by air for \$330. The legislative session began on Wednesday, January 7, 2009 meaning that there

were only four weekends in January for which Rep. King could have requested mileage reimbursement under C.R.S. §§ 2-2-316 and 318.

The expenditure report his campaign committee, Friends of Steve King, filed with the Secretary of State for the first quarter of 2009 (attached as **Exhibit 2**), shows the following travel-related expense payments for January 2009:

<b>Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Purpose</b>
1/12	Valero, Grand Junction, CO	20.30	Gas For Campaign Vehicle
1/12	Shiners Lube Center, Grand Junction, CO	61.44	Vehicle Maintenance for Campaign Vehicle
1/13	Shell Oil, Vail, CO	26.42	Gas For Campaign Vehicle

The House Journal for Monday, January 12, 2009 shows that Rep. King was excused from attendance that day. It appears that in addition to billing the taxpayers for mileage reimbursement, Rep. King had his “campaign vehicle” serviced and fueled in Grand Junction on January 12 (or the previous weekend, which could show as a charge on Monday the 12<sup>th</sup>), and refueled in Vail on January 13 (or the previous day if the billing did not post until the 13<sup>th</sup>). Rep. King’s campaign committee may be paying for someone else to use his campaign vehicle to make the same drive he makes from Grand Junction to Denver during the session. It seems more likely, however, that Rep. King fueled and serviced his vehicle in Grand Junction over the weekend, then refueled in Vail on the way to Denver, where he purchased reading glasses with campaign funds at Walgreens on the 13<sup>th</sup>. See **Exhibit 2**. If that is the case, then Rep. King requested mileage reimbursements for a vehicle, the operating expenses of which were not paid by Rep. King but by his campaign committee.

For the four weekends of February 2009, Rep. King also requested a total of \$826.80 in mileage reimbursement from the state for three round trips from Grand Junction to Denver, plus \$320 for a round trip airplane ticket for the weekend of February 13-16. His campaign finance records show the following travel-related expense payments:

<b>Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Purpose</b>
2/3	Valero, Grand Junction, CO	20.01	Gas For Campaign Vehicle
2/9	Valero, Grand Junction, CO	26.50	Gas For Campaign Vehicle

In March, Rep. King billed the state \$1,620.00 for “4.5 trips” (presumably meaning round-trips) in a rental vehicle. His campaign finance reports for March show the following travel-related expense payments:

<b>Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Purpose</b>
3/2	Shriners Lube Center,	85.61	Campaign Vehicle

	Grand Junction, CO		Maintenance
3/9	Phillips, Grand Junction, CO	22.70	Gas For Campaign Vehicle
3/11	Thrifty Car Rental, Grand Junction, CO	230.20	Car Rental During Vehicle Repair
3/11	Thrifty Car Rental, Grand Junction, CO	115.10	Car Rental During Vehicle Repair
3/12	Genessee Country, Golden, CO	29.00	Gas For Campaign Vehicle
3/16	Shell Oil, Idaho Springs, CO	28.05	Gas For Campaign Vehicle
3/16	Valero, Grand Junction, CO	20.30	Gas For Campaign Vehicle
3/23	Valero, Grand Junction, CO	26.55	Gas For Campaign Vehicle
3/25	Thrifty Car Rental, Grand Junction, CO	230.07	Car Rental During Vehicle Repair
3/30	Valero, Grand Junction, CO	27.40	Gas For Campaign Vehicle
3/30	Shrums Automotive, Grand Junction, CO	200.00	Campaign Vehicle Repair

Rep. King's reference to his "campaign vehicle" is revealing. His January and February campaign finance reports state that his campaign was paying gas and maintenance for the "campaign vehicle." In March, when the "campaign vehicle" was being repaired, Rep. King billed the state for a rental vehicle and charged his campaign account for "Car Rental During Vehicle Repair." It also appears that while Rep. King billed the state at a rate of \$360 per week for expenses related to his auto rental (more than the \$260 per trip he was entitled to request for routine travel between Grand Junction and Denver), his campaign account paid for \$575.37 in rental expenses, suggesting a lower rental rate than the one he charged the state, plus \$154.00 for fuel<sup>1</sup>, and \$285.61 for auto repairs.

In April, Rep. King billed the state another \$315 for a round trip in the rental vehicle, plus \$780 for three other round trips between Grand Junction and Denver. His campaign finance report for the second quarter of 2009 (attached as **Exhibit 3**) shows the following travel-related expense payments:

<b>Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Purpose</b>
4/15	Thrifty Car Rental, Grand Junction, CO	214.90	Rental Car
4/27	Chevron, Price, UT	23.78	Gas For Campaign Vehicle

<sup>1</sup> Note that March 16, 23 and 30 are all Mondays, so fuel charges on those dates likely were incurred over the weekend and then billed on the following Monday.

Rep. King's campaign account does not appear to have paid for any travel expenses for the month of May 2009, the last month of the 2009 session.

In total, Rep. King filed requests for \$5018.60 in mileage and travel-related expenses during the period of January-April 2009. Although he certified in each request that the amounts claimed had not and would not be reimbursed from other sources and that he actually incurred motor vehicle operating expenses for which mileage reimbursement was claimed, his campaign reports appear to show that his campaign paid for \$1408.33 for gasoline and vehicle maintenance and repair. In addition, there exists a discrepancy between the amount his campaign paid for vehicle rental and the amount he requested for rental vehicle expenses during March and April 2009. While it is possible that Rep. King was renting two different vehicles at two different rates during that period and billed the state for the costlier rental only, the House should investigate the possibility that Rep. King rented only one vehicle, paid for the rental with campaign funds, and then billed the state for that same rental at a higher rate.

### **Conclusion**

The system in place to pay necessary travel expenses to members depends on the members' honesty when certifying that amounts requested as reimbursement are true and accurate and have not been paid from another source. A House ethics committee investigation of Rep. King's reimbursement requests would be the most appropriate way for the House to insure that the members' trust in each other is not violated.

DATED: January 13, 2010.



Colorado Ethics Watch  
By: Luis Toro, Director  
1630 Welton Street, Suite 415  
Denver, CO 80206  
303-626-2100