

**BEFORE THE SECRETARY OF STATE
STATE OF COLORADO**

CASE NO. OS 20080025

**IN THE MATTER OF THE COMPLAINT FILED BY COLORADO ETHICS
WATCH REGARDING ALLEGED CAMPAIGN AND POLITICAL FINANCE
VIOLATIONS BY SENATE MAJORITY FUND, LLC**

MOTION FOR SUMMARY JUDGMENT

Claimant Colorado Ethics Watch (“Ethics Watch”), by and through undersigned counsel, pursuant to C.R.C.P. 56, respectfully moves the Administrative Law Judge for entry of summary judgment against Respondent, Senate Majority Fund, LLC (“SMF”) on all claims for relief in this case. In support of this motion Ethics Watch states:

1. The undisputed facts show that SMF is a political organization under Colorado law and therefore bound by the disclosure requirements set forth in C.R.S. §§ 1-45-108, 1-45-108.5 and 1-45-109, that SMF spent more than twenty dollars during the May 27, 2008 through July 2, 2008 reporting period to purchase a television advertisement supporting state senate candidate Libby Szabo, that SMF did not disclose this spending in its initial contribution and expenditure report for the May 27, 2008 through July 2, 2008 reporting period, that SMF did disclose this spending in a supplemental report filed August 1, 2008, and that SMF is therefore liable for a fine of \$50 per day for each day the information required to be filed was past due pursuant Colo. Const. Art. XXVIII, § 10(2)(a).

2. As a matter of law, Ethics Watch is entitled to summary judgment in its favor and against SMF on all claims in the complaint. SMF is liable to pay a fine of \$1250 and should be ordered to pay Ethics Watch’s costs pursuant to C.R.S. § 24-4-105(4) and C.R.C.P. 54(d).

3. Pursuant to C.R.C.P. 121, § 1-15(1) and Rule 10.A of the General Rules of Procedure of the Office of Administrative Courts, Ethics Watch is submitting contemporaneously herewith a brief in support of this motion, including exhibits and the Affidavit of Carolyn Petersen.

WHEREFORE, Claimant Colorado Ethics Watch respectfully moves the Court for an order entering summary judgment in its favor and against Respondent, Senate Majority Fund, LLC, and granting such further relief as the Administrative Law Judge may deem proper.

DATED: September 5, 2008.

Luis Toro, # 22093
Colorado Ethics Watch
1630 Welton Street, Suite 415
Denver, CO 80202

Certificate of Service

I hereby certify that on September 5, 2008 a true copy of the foregoing MOTION FOR SUMMARY JUDGMENT was placed in the United States mail, postage prepaid and addressed as follows:

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Luis Toro