

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO Court Address: 1437 Bannock Street Denver, Colorado 80202</p>	
<p>Plaintiff: MICHAEL COFFMAN</p> <p>v.</p> <p>Defendants: INDEPENDENT ETHICS COMMISSION and COLORADO ETHICS WATCH</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case Number:2009CV1650</p> <p>Division: 19 Courtroom:</p>
<p>Attorneys for Defendant Colorado Ethics Watch: Chantell Taylor, # 33059 Luis Toro, #22093 Colorado Ethics Watch 1630 Welton Street, Suite 415 Denver, Colorado 80202 Telephone: (303) 626-2100 Fax: (303) 626-2101 E-mail:ctaylor@coloradoforethics.org; ltoro@coloradoforethics.org</p>	<p style="text-align: center;">ANSWER OF DEFENDANT COLORADO ETHICS WATCH</p>

Defendant Colorado Ethics Watch, by its undersigned attorneys, for its answer to the Complaint filed by Plaintiff Michael Coffman, states as follows:

1. Ethics Watch denies the allegations of Paragraph 1 of the Complaint.
2. In response to Paragraph 2 of the Complaint, Ethics Watch does not contest venue.
3. Ethics Watch admits Paragraph 3 of the Complaint.
4. In response to Paragraph 4 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
5. In response to Paragraph 5 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution speaks for itself, and accordingly denies Plaintiff's characterizations of its language.

6. In response to Paragraph 6 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
7. In response to Paragraph 7 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution and the Colorado Supreme Court's decision in *Developmental Pathways v. Ritter*, 178 P.3d 524 (Colo. 2008) speak for themselves, and accordingly denies Plaintiff's characterizations of their language.
8. In response to Paragraph 8 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
9. In response to Paragraph 9 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
10. In response to Paragraph 10 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
11. In response to Paragraph 11 of the Complaint, Ethics Watch admits and avers that Article XXIX of the Colorado Constitution speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
12. In response to Paragraph 12 of the Complaint, Ethics Watch admits and avers that the IEC enacted Rules of Procedure effective September 1, 2008, and that the rules address, among other things, the subjects identified in Paragraph 12 of the Complaint.
13. In response to Paragraph 13 of the Complaint, Ethics Watch admits and avers that IEC Rule 7.D.2 and Developmental Pathways footnote 8 speak for themselves.
14. In response to Paragraph 14 of the Complaint, Ethics Watch admits and avers that IEC Rule 7(E) speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
15. In response to Paragraph 15 of the Complaint, Ethics Watch admits and avers that IEC Rule 7(F) speaks for itself, and accordingly denies Plaintiff's characterizations of its language.
16. In response to Paragraph 16, Ethics Watch admits and avers that the General Assembly enacted C.R.S. § 24-18.5-101, which speaks for itself, in 2007, and further admits that the General Assembly enacted an

appropriation to fund the IEC. Ethics Watch denies the remaining allegations of Paragraph 16.

17. Ethics Watch admits Paragraph 17 of the Complaint.
18. Ethics Watch admits Paragraph 18 of the Complaint.
19. Ethics Watch admits Paragraph 19 of the Complaint.
20. In response to Paragraph 20, Ethics Watch admits that on October 6, 2008, the IEC determined that Ethics Watch's complaint is not frivolous and must therefore proceed to a hearing, and that Commissioner Hopper recused.
21. In response to Paragraph 21 of the Complaint, Ethics Watch admits and avers that it has advised the IEC of Ethics Watch's position that the IEC has failed to perform its duty under Colo. Const. art. XXIX, § 5(3)(c) to conduct an investigation of the allegations of the complaint after the complaint has been determined not to be frivolous. Ethics Watch admits the allegations of Paragraph 21 as they pertain to Coffman.
22. In response to Paragraph 22 of the Complaint, Ethics Watch admits and avers that its complaint speaks for itself, and denies Coffman's characterizations of that document.
23. In response to Paragraph 23 of the Complaint, Ethics Watch admits and avers that its complaint speaks for itself, and denies Coffman's characterizations of that document.
24. In response to Paragraph 24 of the Complaint, Ethics Watch admits and avers that its complaint raises non-frivolous questions regarding ethical issues arising under various standards of conduct applicable to Coffman's conduct as Secretary of State. Ethics Watch denies the remaining allegations of Paragraph 24.
25. In response to Paragraph 25 of the Complaint, Ethics Watch admits and avers that Coffman's response speaks for itself.
26. Ethics Watch admits Paragraph 26 of the Complaint.
27. Ethics Watch admits Paragraph 27 of the Complaint.
28. Ethics Watch admits Paragraph 28 of the Complaint.
29. Ethics Watch admits Paragraph 29 of the Complaint.

30. Ethics Watch admits Paragraph 30 of the Complaint.
31. Ethics Watch admits Paragraph 31 of the Complaint.
32. In response to Paragraph 32 of the Complaint, Ethics Watch admits and avers that Coffman's motion to dismiss speaks for itself, and denies Coffman's characterizations of the document.
33. In response to Paragraph 33 of the Complaint, Ethics Watch admits and avers that Coffman's motion to dismiss speaks for itself, and denies Coffman's characterizations of the document.
34. In response to Paragraph 34 of the Complaint, Ethics Watch admits and avers that Coffman's motion to dismiss speaks for itself, and denies Coffman's characterizations of the document.
35. In response to Paragraph 35 of the Complaint, Ethics Watch admits and avers that Coffman's motion to dismiss speaks for itself, and denies Coffman's characterizations of the document.
36. In response to Paragraph 36 of the Complaint, Ethics Watch admits and avers that Coffman's motion to dismiss speaks for itself, and denies Coffman's characterizations of the document.
37. In response to Paragraph 37 of the Complaint, Ethics Watch admits and avers that Coffman's motion to dismiss speaks for itself, and denies Coffman's characterizations of the document.
38. Ethics Watch admits Paragraph 38 of the Complaint.
39. Ethics Watch denies Paragraph 39 of the Complaint.
40. Ethics Watch admits Paragraph 40 of the Complaint.
41. In response to Paragraph 41, Ethics Watch admits and avers that Coffman filed the complaint herein, which speaks for itself, but denies that Coffman is entitled to the relief requested or any relief.
42. In response to Paragraph 42, Ethics Watch admits and avers that Coffman filed a motion for stay, which speaks for itself, but denies that Coffman is entitled to the relief requested or any relief.

RESPONSE TO CLAIM FOR RELIEF

43. Ethics Watch incorporates its responses to Paragraphs 1 – 42 above.

44. Ethics Watch denies Paragraph 44 of the Complaint.
45. Ethics Watch denies Paragraph 45 of the Complaint.
46. Ethics Watch denies Paragraph 46 of the Complaint.
47. Ethics Watch denies Paragraph 47 of the Complaint.
48. Ethics Watch denies Paragraph 48 of the Complaint.
49. Ethics Watch denies all remaining allegations not specifically admitted.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief could be granted.
2. Coffman has failed to exhaust his administrative remedies.
3. Plaintiff's claim is not ripe for judicial review.
4. The Complaint is barred in whole or in part by waiver, estoppel or the doctrine of unclean hands.
5. Ethics Watch incorporates by reference any affirmative defense asserted by the IEC to the extent it would apply to the Complaint as it pertains to Ethics Watch.

WHEREFORE, Defendant Colorado Ethics Watch respectfully requests that the Court enter an order dismissing Plaintiff's Complaint with prejudice, and granting such further relief as it deems proper.

DATED: February 17, 2009.

COLORADO ETHICS WATCH

Chantell Taylor, # 33059
Luis Toro, # 22093

Address of Defendant-in-intervention:
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