

Before the Colorado Independent Ethics Commission

In re Complaint No. 25-71

**Common Cause Colorado,
Complainant**

vs.

**Lindsey Daugherty,
Respondent.**

ANSWER OF RESPONDENT LINDSEY DAUGHERTY

By and through legal counsel, Recht Kornfeld P.C., Lindsey Daugherty (“Respondent”) hereby files this Answer to the complaint filed by Common Cause Colorado (“CCC”).

INTRODUCTION

This complaint is predicated on one central—but substantively false—statement of fact and, further, is overstated to invent controversy and alleged ethical concerns where none really exists. The crux of the pending complaint rests on a hearsay statement in an email from Andrew Short, Executive Director of One Main Street Colorado (“OMSC”). *See* Complaint at 5. CCC’s allegation is that a group of state legislators, affiliating with one another as “The Colorado Opportunity Caucus” (“Caucus”) to explore significant issues before the General Assembly, “couldn’t pay the \$25,000 cost of their rooms (at a scheduled retreat)—so they asked One Main Street (Colorado) to pay that bill. One Main Street paid for legislators’ rooms as asked, and also appears to have funded other expenses of the legislators’ Summit....” *See* Complaint at 1.

CCC assumes that any funds transferred after the email sent by OMSC’s Executive Director were *necessarily* the ones that were used to pay for the Caucus’s hotel expenses. In a nutshell, CCC confuses correlation with causation. According to the complaint, OMSC made a donation, and the hotel bill was paid. Therefore, the theory goes, OMSC funds *must* have paid the hotel bill.

The problem is that the central tenet of the complaint is simply wrong. The donation cited as the basis for this complaint didn’t “pay for that bill” or any part of the legislators’ room stays or meals. As attested to in an affidavit from the Caucus’ bank (appended to this Answer), when the Caucus received the complained of donation, it already had more than enough money in its bank account to pay for its members’ room and retreat expenses.

Beyond being wrong in making the complaint’s allegations, CCC made no effort whatsoever to discover the actual source of payment for the Caucus’s retreat expenses. No phone

call was placed to Caucus leadership. No email was sent to Caucus staff. CCC undertook no independent investigation of any sort to test whether its objections about a caucus's organizational and educational retreat warranted filing the fifteen (15) ethics complaints now before the Commission. Newspaper articles surfaced, and CCC filed its complaints without conducting a thorough inquiry concerning its allegations.

And CCC knows of this factual gap. Even prior to the filing of this Answer, Complainant's executive director revealed her awareness of the lack of factual basis for a complaint to be heard by this Commission. **"Regardless of the outcome, it was extremely important that this conversation happened and that we discussed what accountability looks like here.... By filing this, we've made a statement, and we hope this will result in more mindfulness going forward on behalf of our elected officials."**¹

To summarize, CCC is aware that its complaint is unlikely to succeed ("Regardless of the outcome"). Moreover, it prioritized a political "statement" over the legal substance that a complaint of this gravity deserves.

The truth is that the Caucus could and did pay the hotel bill without using this OMSC donation. In fact, the amount attributed to OMSC as set forth in the complaint was donated to a local food bank and was never used for any Caucus purpose, let alone for the retreat. Therefore, because the causal link needed to prove an ethical violation is missing, this complaint must be dismissed.

Further, for filing a baseless complaint in order to make a "statement," CCC should reimburse the State of Colorado for legal fees incurred in defense of all named legislators. The salutary effect of an award is that it "will result in more mindfulness going forward on behalf of" prospective complainants in matters such as this one.

¹ "Katie Stewart among lawmakers under investigation over lobbyist gifts," *The Durango Herald*, Dec. 28, 2025 (<https://www.durangoherald.com/articles/rep-katie-stewart-among-lawmakers-under-investigation-over-lobbyist-gifts/>) (emphasis added). Remarkably, this revelation came *after* the Commission had considered these complaints. Before the Commission could do so, CCC released them, despite the Commission's rules' clear requirement that complaints be kept confidential: "all complaints and related records shall be kept confidential unless and until a non-frivolous determination is made." Rule 5.F.

STATEMENT OF FACTS²

1. The Caucus is a legislative body composed of approximately eighteen (18) Democratic legislators currently serving in the Colorado House of Representatives or the Colorado Senate.
2. The Caucus is a non-profit organization registered with the Internal Revenue Service under section 501(c)(4) of the Internal Revenue Code.
3. The Caucus formed to provide educational sessions on pressing public policy challenges facing persons across Colorado and to serve as a forum for exchange of views among legislators seeking to bridge division and identify solutions to those challenges.
4. CCC is a nonprofit organization doing business in the State of Colorado.
5. CCC filed this ethics complaint on November 5, 2025.
6. Before this Commission met to evaluate the complaint, CCC publicized its complaint against Respondent and other Caucus members by announcing them to the public and the press.³
7. CCC has represented that it based its reports off of news coverage. *See, e.g.*, Complaint at 6.
8. CCC never contacted any person in the Caucus to determine whether the news coverage was a complete and accurate representation of how the Caucus conducted its business.
9. Respondent is a member of the Colorado Senate, representing Senate District 19.
10. Respondent is also a member of the Caucus.
11. There are many legislative caucuses that operate within the Colorado legislature. For instance, the Senate Democratic Caucus, the Senate Republican Caucus, the House Democratic Caucus, and the House Republican Caucus are well known caucus entities operating for partisan identification in the General Assembly.

² Because the CCC complaint is based entirely on third-hand reports rather than the actual facts surrounding the event in question, this Statement of Facts is not couched in the typical “admit” or “deny” format as such a response would not accurately portray the matters before this Commission. Further, IEC Rule 5(H) does not require paragraph-by-paragraph admissions and denials, but instead provides that a respondent “may explain, rebut, or provide information, including providing documentation, concerning the facts and allegations in the complaint.”

³ *See* <https://www.commoncause.org/colorado/articles/protecting-colorados-democracy-requires-nonpartisan-watchdogs/>.

12. In addition, there are a variety of issue-oriented caucuses composed of state legislators, including—to name just a few—the Colorado Latino Caucus,⁴ the Black Democratic Legislative Caucus,⁵ the Legislative Rural Caucus,⁶ the Legislative Caucus on Aging,⁷ the Democratic LGBTQ Caucus,⁸ the Nuclear Energy Caucus,⁹ the Joint MENASA and Muslim Caucus,¹⁰ the Colorado Future Caucus,¹¹ and the Colorado Veterans Caucus.¹²
13. “While a legislative caucus is not an official policy-making body of the General Assembly, it is, nonetheless, a ‘de facto’ policy-making body which formulates legislative policy that is of governing importance to the citizens of this state.” *Cole v. State of Colo.*, 647 P.2d 345, 348-49 (Colo. 1983).
14. As part of its mission, the Caucus held an organizational and educational retreat for its members on October 3 and 4, 2025, in Vail, Colorado.
15. As part of the retreat, educational programs were held for one full day for Caucus members on current legislative topics dealing with health care, education, and artificial intelligence.
16. The educational panels were interactive, informative discussions involving not only panel members but the legislators in attendance. Legislators actively participated in these discussions for purposes of developing insights and expertise that would be useful in their future legislative activities. Certain Caucus members also served on or moderated educational panels for the other members and guests who were included in these discussions.
17. Caucus members were responsible for arranging their own transportation to the retreat, and no Caucus member received reimbursement from the Caucus, OMSC, or any other person or entity for transportation costs.

⁴ See <https://colatinocaucus.org/>.

⁵ See <http://blackcaucusco.com/>.

⁶ See <https://www.journal-advocate.com/2025/04/09/colorado-lawmakers-form-rural-legislative-caucus/>.

⁷ See <https://coloradocenterforaging.org/aging-caucus/>.

⁸ See <https://coloradonewsline.com/2023/06/14/colorado-historic-lgbtq-representation/>.

⁹ See <https://tsscolorado.com/for-the-first-time-colorado-legislators-push-forward-a-bill-to-boost-nuclear-energy/>.

¹⁰ See <https://coloradonewsline.com/briefs/colorado-democrats-caucus-muslim-middle-eastern/>.

¹¹ See <https://futurecaucus.org/future-caucus/state-future-caucus-network/colorado/>.

¹² See <https://www.eventbrite.com/e/colorado-veterans-caucus-launch-tickets-1978177693733>.

18. Caucus members stayed at the retreat hotel. The Caucus paid \$19,040.00 for Caucus member rooms.
19. Caucus members' food, drinks, and meeting room rental provided at the hotel for the Friday, October 3 session of the retreat cost \$5,173.40.
20. Caucus members' food, drinks, and meeting room rental for the Saturday, October 4 session of the retreat cost \$5,767.75.
21. The total amount payable for Caucus members' facility fees and overnight parking charges was \$2,690.00.
22. The total amount for Caucus members attending the retreat (all of the above-listed lodging, food, meeting room rental costs, and miscellaneous facility and parking charges) was \$32,671.15.
23. The Caucus paid the hotel for the Caucus members' lodging, room rental fees, parking, and food and drinks. OMSC did not pay the venue for any of the Caucus' members' lodging, room rental fees, food or drinks, parking, or transportation.
24. An officer with the bank used by the Caucus has attested that the Caucus had funds in hand in the amount of \$33,853.48 prior to receipt of the complained of contribution from OMSC. *See* Exhibit A (attached hereto).
25. Those available funds in the Caucus bank account exceeded the amount required to pay for members' attendance at the retreat by \$1,182.33.
26. These available funds were general, unrestricted donations from permitted sources, specifically one non-profit organization and one individual's trust.
27. Additionally, Caucus members pay dues in order to qualify as members and to offset costs incurred for the Caucus's operation including, if needed, any outstanding costs of the retreat.
28. Respondent has paid \$1,020.00 in dues to the Caucus.
29. The Caucus conferred with outside legal counsel before the retreat. Counsel advised that the plans for raising funds for and conducting the retreat met the requirements of Article XXIX of the Colorado Constitution ("Amendment 41").
30. The Caucus conferred with outside legal counsel during the first day of the retreat. Counsel confirmed that the funding for and conduct of the retreat complied with the requirements of Amendment 41.
31. Respondent's understanding is that the Caucus paid for all retreat expenses from Caucus funds.

32. Any allegations in the complaint that are not specifically admitted above are denied.
33. Any statements of law in the complaint are neither admitted or denied, and because the Commission is charged with applying Amendment 41 and CCC has admitted that its purpose for filing the complaint is to make a “statement” about ethical standards, CCC’s comments about the law carry no weight and are not conceded to be correct by this Answer.

RESPONSE TO
CLAIM #1 – “The Resort Hotel Gifts”

34. All previous responses to the CCC complaint are incorporated herein.
35. CCC contends that payments to the hotel were gifts to legislators from OMSC, based on the summarized comment of OMSC’s executive director in a news story.
36. CCC does not explain how a third party would know how or if its donation was used for any purpose including the payment of hotel retreat expenses.
37. As established above, the Caucus had adequate funds on hand to pay for retreat expenses without needing the complained of OMSC donation. Further, the Caucus, not OMSC, paid the members’ retreat expenses.
38. Therefore, this complaint fails as there was no “resort hotel gift” from OMSC.
39. Because this allegation fails, the rest of the complaint is groundless and must be dismissed.¹³

RESPONSE TO
CLAIM #2 – “The Resort Hotel Gifts are within the Scope of the Gift Ban”

40. All previous responses to the CCC complaint are incorporated herein.
41. CCC’s suggestion that Respondent “accepted and received the resort hotel gifts from OMSC,” *see* Complaint at 6, is wrong as a matter of law.
42. In order to “accept” anything, a showing of Respondent’s affirmative assent to the making of a gift would have to be shown. “The verb ‘to accept’ means ‘to receive with consent . . . assent to the receipt of.’” *El Paso Cnty. Dept. of Human Servs. v. Martin*, 160 P.3d 356, 359 (Colo. App. 2007), citing Webster’s Third New International Dictionary 10 (1976).
43. CCC makes no suggestion that Respondent specifically authorized or became aware of a use of the complained of OMSC donation for retreat expenses. CCC could not do so because, as

¹³ Even though the entire complaint is without merit for this reason, Respondent addresses the other two CCC claims so that it is precluded from using this forum to make another “statement” and, in so doing, suggesting that any Caucus member conceded any of CCC’s allegations through silence.

stated above, the complained of OMSC donation was *not* needed for this purpose. As OMSC did not pay for the expenses at issue here, there could be no assent to it (and therefore no “acceptance” of it) by Respondent.

44. In order to “receive” anything, a person must “take possession or delivery of” or “come into possession of” a particular item. *Fabiano v. Armstrong*, 141 P.3d 907, 910 (Colo. 2006), citing Webster’s Third New International Dictionary 1894 (1986). While Respondent had use of a hotel room and meeting room and consumed some food and/or drink during the Caucus retreat, there is no showing that OMSC was the entity that provided it. Just the opposite is true. The Caucus itself provided the lodging and meeting rooms and food and drinks that Respondent received. Thus, there was no gift stemming from the complained of OMSC donation to the Caucus or to any of its members, including Respondent.
45. Because the Caucus paid for Respondent’s retreat expenses and OMSC did not do so, this allegation fails.

RESPONSE TO
CLAIM #3 – “The Resort Hotel Gifts are not within the Scope
of the Narrow Exceptions to the Gift Ban”

46. All previous responses to the CCC complaint are incorporated herein.
47. The retreat expenses at issue were reasonable, as the rates charged for hotel and meeting rooms and parking access represented standard rates offered to the public, and the food provided was based on menu offerings for group meals served to conference and meeting attendees.
48. Because the Caucus paid for its members’ retreat expenses with sources of funds other than the complained of OMSC donation, there is no need to address whether using the complained of donation from OMSC to pay for the members’ retreat expenses would satisfy an exception to the Amendment 41’s gift ban.
49. The applicable exception under these circumstances is that which applies to an “other state or local government” where the official is present at a function to “represent the state or local government.” Colo. Const., art. XXIX, sec. 3(3)(f). Here, the Caucus is a “de facto policy making body” of the General Assembly and thus is part of the state government. *See Cole, supra*, 673 P.2d at 349, 350 (voters could “compel the state, the agent of the people, to act responsibly and account for its actions,” and these required state government duties applied to legislative caucuses) (emphasis added). As such, payments for food and lodging that were made by the Caucus are exempt from Amendment 41’s gift ban.
50. Payments by any “state or local government” entity do not violate the gift ban.
51. Therefore, no violation of Amendment 41 occurred because the Caucus members participated in an educational retreat held to benefit themselves in their roles as lawmakers, and the expenses of the retreat were paid by the Caucus itself from unrestricted funds that were in the

Caucus's bank account, held there prior to the retreat and even prior to receipt of the complained of donation by OMSC.

52. To the best of Respondent's knowledge, information, and belief, the statements set forth in this Answer are true.

WHEREFORE, Respondent hereby requests the Commission to:

- (a) Dismiss with prejudice the CCC complaint against Respondent; and
- (b) Assess CCC for reasonable attorney fees and costs for defense against these groundless allegations. *See Jefferson Cnty. Bd. of Equalization v. Gerganoff*, 241 P.3d 932, 936-37 (Colo. 2010) ("it is reasonable to infer that the Board at least has an implied or incidental discretionary authority to award costs if doing so furthers its duties in holding quasi-judicial hearings"), citing *Hawes v. Colo. Div. of Ins.*, 65 P.3d 1008, 1023 (Colo. 2003) (agency can award fees unless there is express authority prohibiting such award) and C.R.S. § 24-4-105(4) (permitting agency to "take any other action authorized by agency rule consistent with this article or in accordance, to the extent practicable, with the procedure in the district courts").

Respectfully submitted this 8th day of January, 2026.

s/Mark Grueskin
Mark Grueskin, #14621
Nathan Bruggeman, #39621
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 8th day of January 2026, a true and correct copy of the above and foregoing **ANSWER OF RESPONDENT LINDSEY DAUGHTERY** was served on the following via U.S. mail, addressed as follows:

Colorado Common Cause
c/o Scott Moss
1410 Grant St., Ste A202
Denver, CO 80203

Leni Charles

AFFIDAVIT

I, Tatiana Rios, hereby swear or affirm that the following statements are true and correct to the best of my knowledge and belief.

1. My name is Tatiana Rios
2. I am employed by FirstBank, located at Wheat Ridge, and my job title is personal banker.
3. As part of my employment with FirstBank, I have access to the financial records of the bank's clients, including The Opportunity Caucus which has been a client of the bank since July 23, 2025.
4. In my review of the bank's records associated with The Opportunity Caucus, I am aware that The Opportunity Caucus opened this account with a deposit of \$12,000 on July 23, 2025. That deposit was attributable to a check written by One Main Street Colorado.
5. On September 5, 2025, at 2:59a.m/p.m., a wire transfer was made for the benefit of The Opportunity Caucus's account in the amount of \$25,000.00. The source of the wire transfer was not One Main Street Colorado.
6. The funds attributable to the wire transfer referred to in Paragraph 5 above were immediately available for use by The Opportunity Caucus.
7. Accordingly, at that time, The Opportunity Caucus had a total available account balance of \$33,853.48.
8. On September 5, 2025, at 1:30a.m/p.m., a subsequent wire transfer was made for the benefit of The Opportunity Caucus's account in the amount of \$25,000.00. The source of the wire transfer was One Main Street Colorado.

FURTHER AFFIANT SAYETH NOT.


Signature

STATE OF COLORADO)
COUNTY OF Jefferson)
) ss.
)

The foregoing was subscribed and sworn to before me this 30th day of December,
2025, by Tatiana Rios.

NOELY MACIAS GARCIA NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20224046368 MY COMMISSION EXPIRES 12/08/2026
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Signature: 
Printed Name: Noely Macias Garcia
Address: 4300 W 12th Ave, Unit 100, Wheat Ridge, CO 80033
My commission expires: 12/08/2026