

STATE OF COLORADO
SECRETARY OF STATE
1700 BROADWAY #550
DENVER, COLORADO 80290

BEFORE THE SECRETARY OF STATE, COLORADO DEPARTMENT OF STATE,
ADMINISTRATIVE HEARING OFFICER

AHO Case No. 2025 AHO 35 CPF

ED Case Nos. 2025-88, 2025-89, 2025-90, 2025-91

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

CLARK CALLAHAN FOR DCSD, KYRZIAPARKER4DCSD, TONYRYAN4DCSC, and,
KELLY DENZLER FOR DCSD

Respondents.

FIRST AMENDED COMPLAINT

Pursuant to § 1-45-111.7, C.R.S. (2024), the Elections Division of the Secretary of State files this First Amended Complaint against Clark Callahan for DCSD, KyrziaParker4DCSD, TonyRyan4DCSD, and Kelly Denzler for DCSD (collectively, the “Committees” or “Respondents”).

BACKGROUND

1. To provide voters with information about the sources of election-related communications, Colorado law requires entities spending a certain amount on electioneering communications to include in those communications a disclaimer identifying the person who paid for the advertisement. If the person is a non-natural person, the disclaimer must also identify the person’s registered agent.

2. Here, the Committees ran as a slate in the November 2025 election for school board in Douglas County. During that race, the Committees distributed communications, including a text message, that did not include a compliant disclaimer statement.

3. The Committees also misreported certain expenditures as in-kind contributions, even though they had agreed to reimburse the person making those expenditures for their cost.

4. Accordingly, the Elections Division brings this action for appropriate relief.

PARTIES

5. Complainant is the Elections Division (“Division”) of the Colorado Secretary of State.

6. Respondents are:

- a. Clark Callahan for DCSD, a candidate committee registered with the Elections Division, ID # 20255050324.
- b. KyrziaParker4dcsd, a candidate committee registered with the Elections Division, ID # 20255050080.
- c. TonyRyan4DCSD, a candidate committee registered with the Elections Division, ID # 20255049516.
- d. Kelly Denzler for DCSD, a candidate committee registered with the Elections Division, ID # 20255049233.

JURISDICTION AND VENUE

7. The Division has jurisdiction under § 1-45-111.7.

8. The Division files this complaint with a hearing officer consistent with § 1-45-111.7(5)(a)(IV).

9. This complaint is timely filed within thirty days of Division’s November 10, 2025, Notice of Initial Review, Consolidation, and Investigation according to § 1-45-111.7(5)(a)(IV).

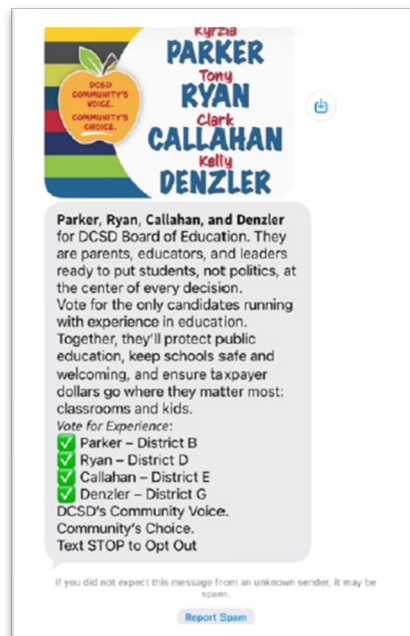
10. Venue is proper before the hearing officer under § 1-45-111.7(5).

ALLEGATIONS

11. The Committees ran as a slate for Douglas County School Board in November 2025. The candidates associated with each Committee, Clark Callahan, Kyrzia Parker, Tony Ryan, and Kelly Denzler each appeared on the November 2025 general election ballot in Douglas County.

12. On October 27, 2025, the Division received four identical campaign finance complaints filed by Elizabeth Wagner against each of the candidates associated with the Committees. The Wagner complaints alleged that the Committees had paid for a text message supporting each of the candidates that did not include a complaint disclaimer.

13. The Wagner complaints included a copy of the text message, which, on information and belief, was sent on or around October 26, 2025.



14. On November 10, 2025, the Division issued a Notice of Initial Review, Consolidation, and Investigation. Because the Wagner complaints arose from a common set of operative facts, the Division consolidated the complaints.

15. The Division made the initial determination that the Wagner complaints were timely filed, alleged campaign finance violations, and alleged sufficient facts to support the alleged violations.

16. The Division also made the determination that the alleged violations were not curable, and so moved the case into an investigation pursuant to section 1-45-111.7(5)(a)(I), C.R.S. (2025).

17. During its investigation, the Division corresponded with the Committees, and sent a Request for Information which the Committees provided extensive documentation and information in response to.

The Text Message

18. According to an invoice reviewed by the Division, the text message referenced in the Wagner complaints cost \$1,247 to send.

19. That invoice was billed to Julie Gooden at DCSD-Support Public Education a small donor committee also known as “Douglas County Parents.” However, on information and belief, the Committees had previously arranged to reimburse DCSD-Support Public Education for the cost of the text message.

In-Kind Contributions

20. During the campaign, the Committees each reported hundreds of dollars of in-kind contributions from Douglas County Parents.

21. For example, on the Committees’ respective September 15, 2025 Reports of Contributions and Expenditures, the Committees reported in-kind contributions from Douglas County Parents of:

- a. \$422.66 for “Yard Signs”
- b. \$119.26 for “Window Clings”
- c. \$.80 for “Website Charges”

22. On information and belief, each of these expenditures was handled in the same way: prior to the expenditure being made, the Committees agreed to reimburse DCSD-Support Public Education k/n/a Douglas County Parents for the cost of the yard signs, window clings, and website charges.

23. Accordingly, these expenditures should have been reported as expenditures by the Committees, instead of in-kind contributions from Douglas County Parents.

Additional Communications

24. During its investigation, the Division reviewed additional communications made by the Committees during the 2025 election cycle.

25. Many of those communications did not include compliant disclaimer statements.

26. Additionally, the slate at times together and the candidate committees at other times individually spent over \$36,000.00 cumulatively to distribute and in some instances boost the viewability of digital ads on social media. Most of these ads were electioneering communications for which a compliant disclaimer statement was required.

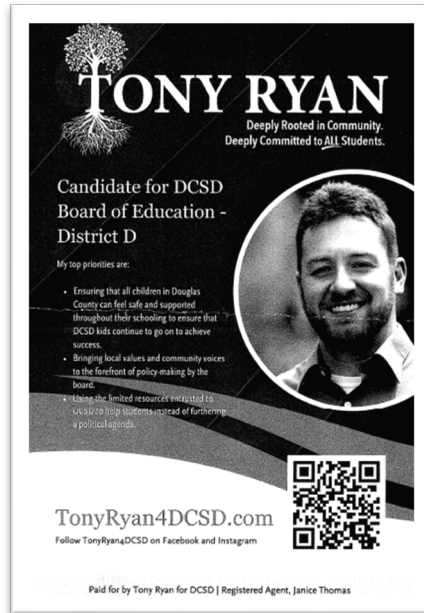
27. The vendors for some digital ads included Meta (Facebook and Instagram) and Google (You Tube and search and display marketing). Based on information and belief, other digital ads were used in programmable display marketing and in video and internet-connected television marketing.

28. On information and belief, many of the digital ads lacked a compliant disclaimer statement.

29. With regards to TonyRyan4DCSD:

- a. TonyRyan4DCSD produced and sent an email with an advertisement to a “campaign kickoff fundraiser.” The disclaimer in the advertisement read: “Paid for by Tony Ryan for DCSD”, rather than the Committee’s name, “TonyRyan4DCSD.”

- b. Similarly, TonyRyan4DCSD produced a flyer or handcard, again with the disclaimer “paid for by Tony Ryan for DCSD,” instead of “TonyRyan4DCSD.”



30. The slate of candidates also collectively paid for certain communications under the moniker “DCSD Community’s Choice.” Many of the materials distributed under “DCSD Community’s Choice” label included compliant disclaimer statements, but some did not.

31. The slate received in-kind contributions from DCSD-Support Public Education k/n/a Douglas County Parents in the form of yard signs. Those yard signs included a compliant disclaimer statement, but the disclaimer was neither “conspicuous” nor “clearly readable” in violation of 8 CCR 1505-6, Rule 22.1.1.



COLORADO CAMPAIGN FINANCE LAW

32. “Any person who expends one thousand dollars or more per calendar year on electioneering communications . . . shall, in accordance with the requirements specified in section 1-45-107.5(5), state in the communication the name of the person making the communication.” § 1-45-108.3(3), C.R.S. (2024).

33. Under 107.5(5), that statement must (I) say that “The communication has been ‘paid for by (full name of the person paying for the communication)’; and (II) identif[y] a natural person who is the registered agent if the person identified in subsection (5)(a)(I) of this section is not a natural person.” § 1-45-107.5(5)(a).

34. Disclaimers required under this section must be “clear and conspicuous,” “clearly readable,” and “printed in text that is no less than 15 percent of the size of the largest font used in the communication, or at least eight-point font.” 8 CCR 1505-6, Rule 22.1.1.

35. An electioneering communication is “any communication broadcasted by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or otherwise distributed that: (I) unambiguously refers to any candidate; and (II) is . . . distributed within thirty days before a primary election or sixty days before a general election; and (III) is . . . distributed to an audience that includes members of the electorate for such public office.” Colo. Const. art. XXVIII, § 2(7)(a).

36. All candidate committees are required to report “their contributions received, . . . expenditures made, and obligations entered into by the committee.” CRS 1-45-108(1)(a)(I). C.R.S.

37. “An immediate reimbursement for committee expenses is not a contribution.” 8 CCR 1505-6, Rule 10.12.3.

CLAIM ONE
FAILURE TO INCLUDE A COMPLIANT DISCLAIMER
(ALL COMMITTEES)
(§ 1-45-108.3(3), C.R.S.)

38. All preceding allegations are incorporated.

39. In 2025, each of the Committees spent more than \$1,000 on electioneering communications.

40. In 2025 the Committees distributed electioneering communications that did not include compliant disclaimers.

41. This includes the text message identified in the Wagner complaints.

42. It also includes yard-signs that were originally reported as in-kind contributions from DCSD-Support Public Education k/n/a Douglas County Parents.

43. It also includes graphics that were distributed as advertisements for the slate of candidates represented by the Committee, and boosted on Facebook, Instagram, and other digital platforms.

44. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

CLAIM TWO
FAILURE TO INCLUDE A COMPLIANT DISCLAIMER
(TONYRYAN4DCSD)
(§ 1-45-108.3(3), C.R.S.)

45. In 2025, TonyRyan4DCSD spent more than \$1,000 on electioneering communications.

46. Some of those communications did not include compliant disclaimer statements.

47. Specifically, some of those statements misidentified the Committee paying for those communications as “Tony Ryan for DCSD” instead of “TonyRyan4DCSD.”

48. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

CLAIM THREE
FAILURE TO ACCURATELY REPORT
CONTRIBUTIONS AND EXPENDITURES
(ALL COMMITTEES)
(§ 1-45-108(1)(a)(I), C.R.S.)

49. In 2025, the Committees agreed to reimburse certain expenditures made by DCSD-Support Public Education k/n/a Douglas County Parents.

50. Because the Committees had agreed to reimburse these expenditures, they were expenditures under Colorado law, not in-kind contributions.

51. However, the Committees reported these expenditures as in-kind contributions from DCSD-Support Public Education k/n/a Douglas County Parents instead of as expenditures.

52. As a result, the Committees’ reports of contributions and expenditures are inaccurate.

53. The Division is entitled to relief under Article XXVIII of the Colorado Constitution and the Fair Campaign Practices Act, § 1-45-101 et seq.

PRAYER FOR RELIEF

WHEREFORE, the Elections Division prays for judgment and relief as follows:

1. Penalties as set out under 8 CCR 1505-6, Rule 23.4.
2. Such other relief as the Hearing Officer may deem appropriate.

Respectfully submitted this 12th day of December, 2025

PHILIP J. WEISER
Attorney General

/s/ Peter G. Baumann

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CERTIFICATE OF SERVICE

This is to certify that I will cause the foregoing to be served this 12th day of December, 2025, by email and/or U.S. mail, addressed as follows:

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Third-party Complainant

/s/ Peter G. Baumann