

**BEFORE THE INDEPENDENT ETHICS COMMISSION
STATE OF COLORADO**

CASE NO. 08-01

In the matter of

MIKE COFFMAN

FINAL PREHEARING STATEMENT

Petitioner Colorado Ethics Watch (“Ethics Watch”), by its undersigned counsel, pursuant to Rule 8.D.4 of the Independent Ethics Commission Rules of Procedure, respectfully submits the following prehearing statement.

I. Statement of Claims, Allegations and Issues Before the IEC.

The Complaint is based on two conflicts of interest related to the Elections Division tolerated by Rep. Mike Coffman while he was Secretary of State. First, Rep. Coffman allowed at least one employee in his office to operate a partisan side business without proper authorization and disclosure – a business that was patently incompatible with the official duties of that employee. Secondly, Rep. Coffman failed to disclose a conflict of interest between him and one of the voting system vendors seeking certification from the secretary of state’s office – the only vendor that Secretary Coffman agreed to certify – and made his discretionary certification decision while the conflict existed. The standards of conduct at issue are contained in C.R.S. § 24-50-101(d), 4 CCR § 801 (1-11), C.R.S. §§ 18-8-404 and 405, C.R.S. § 24-50-117, C.R.S. § 1-5-614 and C.R.S. § 1-13-107. The ethical issue is Rep. Coffman’s tolerance of conflicts of interest in the Secretary of State’s office.

II. Witnesses.

Ethics Watch intends to call the following witnesses:

- A. Mike Coffman. Representative Coffman is expected to testify regarding all matters at issue.
- B. Dr. Jerry Kopelman. Dr. Kopelman is expected to testify regarding Rep. Coffman’s knowledge that Dan Kopelman was operating a political consulting business while employed by the Department of State.
- C. Sean Tonner. Mr. Tonner is expected to testify regarding Phase Line Consulting’s relationship with Rep. Coffman and its lobbying work on behalf of Premier Election Solutions.

- D. Abby Thomas, Colorado Department of State. Ms. Thomas is expected to testify regarding her receipt of e-mails from Dan Kopelman for use in connection with setting then-Secretary of State Coffman's schedule.
- E. Any witness called by Coffman.
- F. Any witness necessary for impeachment and/or rebuttal.

Ethics Watch hereby requests that any commissioner of the IEC issue subpoenas to each witness named above to compel their appearance at the hearing pursuant to Colo. Const. art. XXIX, § 5(4). If necessary, hereby requests permission to file a motion for leave to issue subpoenas.

III. Exhibits.

1. Business Records, Colorado Secretary of State: Colorado Secretary of State Business Center's Summary of Political Live Wires
2. Coloradans for Coffman (Secretary of State Committee), Expenditure Detail Reports
3. Dan Kopelman Employment Record, Colorado State Treasurer's Office, October 25, 2006 through November 7, 2006
4. Political Live Wires GOP Campaign help from Dan Kopelman: Dan's Resume
5. E-mail from Brian Anderson of the Secretary of State's Office to info@politicallivewires.com and Abby Thomas regarding a message from Becky Ellis dated 1/17/07
6. Series of e-mails between Dan Kopelman, Abby Thomas, Gil Cisneros and Tory Brown re: Please add to your list, dated January 18 – 22, 2007.
7. Emails from Dan Kopelman to Mike Coffman between January 31, 2007 and May 3, 2007 re: [GOP] Upcoming Events and Info
8. Emails from Dan Kopelman to Abby Thomas between February 14 and May 3, 2007
9. Emails among Mike Coffman, Dan Kopelman, Jacque Ponder and Jonathan Tee re: Can You Help With This?
10. Emails between Dan Kopelman, John Gardner, Brian Anderson and Jacque Ponder dated January 17, 2007 and February 27, 2007.
11. Series of e-mails from Jacque Ponder, Dan Kopelman, and Lael Burge dated 3/1/07 and 2/27/07
12. Series of e-mails between Abby Thomas, Dan Kopelman and others re: Park County Lincoln Day Dinner
13. E-mail from Jonathan Tee to Jonathan Tee regarding the Investigation of Department of State Employees dated 5/9/07 (includes a press release dated 5/9/07)

14. E-mail from Jonathan Tee to Dan Haley re: Today's policy similar to Leg Council dated 5/17/07
15. Series of e-mails from Abby Thomas and Jerry Kopelman regarding Dan Kopelman dated 5/21/07
16. CORA Request from Colorado Citizens for Ethics in Government to Secretary of State Mike Coffman (May 8, 2007)
17. May 22, 2007 e-mail from Jonathan Tee to Dana Williams and others, re: CCEG CORA Request
18. E-mail correspondence between Chantell Taylor and Jonathan Tee regarding CORA request
19. June 4 and 8, 2007 letters from Jonathan Tee to Chantell Taylor
20. Policy Regarding Department of State Outside Political Activity
21. Excerpts from SOS Employee Handbook dated August 2007.
22. Excerpts from Voter Registration, Help America Vote Act, Department of State, Performance Audit, Office of the State Auditor Staff (November 2007)
23. E-mail from Mike Coffman to Dan Kopelman re: FW: Press Release on Kopelman dated December 1, 2007
24. News Release from Secretary of State Mike Coffman, dated December 3, 2007
25. State of Colorado Department of State's Letter sent by John Gardner to Mr. Vopalensky on 4/7/07 regarding Application for Certification of Voting System
26. Statement of Change filed pursuant to Colorado Revised Statutes for the Entity Diebold Election Systems, Inc. Filed with the Secretary of State on 9/26/07
27. FEC Form 2 for Mike Coffman dated November 5, 2007
28. Phase Line Strategies LLC's website's Leadership Page on Sean Tonner
29. Colorado Secretary of State Contribution Reports for Sean Tonner
30. Coffman for Congress, Inc. Schedule B, Itemized Disbursements, filed with the Federal Election Commission on January 31, 2008
31. Colorado Secretary of State Employer Results for Premier Election Solutions
32. Myung Oak Kim, Lawsuit looms as Coffman tries to quiet election worries, *Rocky Mountain News* (Dec. 18, 2007)
33. John Ingold, Critics question Coffman ties to lobbying firm, *The Denver Post* (Dec. 21, 2007)
34. Department of State internal e-mails regarding Survey of future certification process
35. Letter from Mike Coffman to Don Vopalensky, State Certification Manager of Premier, dated December 17, 2007
36. Letter from Mike Coffman to Steve M. Pearson, Vice President, Certification of ES&S, dated December 17, 2007
37. Letter from Mike Coffman to David Hart, President of Hart dated December 17, 2007

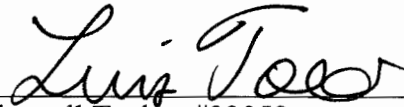
38. Letter from Mike Coffman to Ed Smith, Compliance Manager of Sequoia dated December 17, 2007
39. June 18, 2008 e-mails between Richard Coolidge and Chantell Taylor re: letters to parties
40. Any exhibit necessary for impeachment or rebuttal.

Copies of these documents are being filed with the IEC and e-mailed in pdf format to Coffman's counsel.

Ethics Watch reserves the right to file an amended final prehearing statement in the event the March 6 hearing date is continued or otherwise for good cause.

DATED: February 13, 2009.

COLORADO ETHICS WATCH



Chantell Taylor, #33059

Luis Toro, #22093

ATTORNEYS FOR COMPLAINANT

Certificate of Service

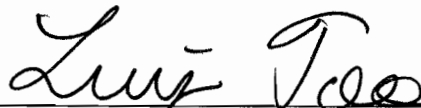
I hereby certify that on February 13, 2009 a true and correct copy of the foregoing was hand delivered to the following:

Jane T. Feldman, Esq.
Colorado Independent Ethics Commission
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Denver, CO 80202

and e-mailed as follows:

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Luis Toro