

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 12 CPF

ED Case No. 2024-88

In the Matter of

ELECTIONS DIVISION OF THE SECRETARY OF STATE,

Complainant,

vs.

YARA FOR COLORADO,

Respondent.

MOTION FOR ENTRY OF DEFAULT JUDGMENT

The Elections Division of the Colorado Department of State moves for an entry of default judgment under Rule 3.6.2 of the Secretary's General Policies and Administration Rules, 8 CCR 1505-3. As good cause, the Division states:

1. On April 17, 2025, the Division initiated this action by filing an Administrative Complaint against Respondent, Yara for Colorado ("the Committee"). The Complaint was served on Yara for Colorado by first class mail to the Committee's address as listed on its registration form with the Elections Division and by emailing a copy to both the Committee's registered agent (MrStolz@yahoo.com) and the candidate's email address as listed on the candidate's registration information (yaraforco@gmail.com). Ex. A (Baumann Decl.) ¶ 3.

2. On April 20, 2025, the Hearing Officer issued a Scheduling Order. The Scheduling Order required the Committee to file an Answer to the Complaint on or before

May 17, 2025. Scheduling Order at 2 (April 20, 2025). The Scheduling Order also set a hearing for August 19, 2025.

3. On April 21, 2025, the Division served its first set of discovery on the Committee. Baumann Decl. ¶ 4.

4. The Committee did not file an Answer on or before May 17, 2025, as ordered by the Hearing Officer. The Committee also did not respond to the Division's discovery requests. Baumann Decl. ¶ 4.

5. While preparing a motion for default judgment, counsel for the Division contacted the candidate, who expressed interest in a settlement.

6. The parties agreed to a settlement in principle, Baumann Decl. ¶ 6, and the Division moved to stay proceedings to enable the parties to execute the Settlement Agreement. Mot. to Stay (July 21, 2025).

7. Over the ensuing months, counsel for the Division repeatedly reached out to the Committee to inquire about the status of the agreement, which remained unsigned. No representative of the Committee responded to this outreach. Baumann Decl. ¶ 9.

8. After repeated efforts to contact the Committee and finalize the agreement, the Division moved to lift the stay. Mot. to Lift Stay and Re-Set Hearing (Dec. 18, 2025).

9. The Hearing Officer ordered the Committee to respond to that Motion and file an Answer to the Complaint by January 2, 2025. The Committee neither responded to the Motion nor Answered the Complaint.

10. A Hearing is currently set in this matter for January 20, 2025. Contemporaneously with this Motion for Entry of Default, the Division is moving to vacate that hearing and all other scheduled deadlines.

11. This Motion is accompanied by an affidavit "establishing that both the notice of the proceeding and the motion for entry of default have been personally served upon the person against whom a default is sought." 8 CCR 1505-3, Rule 3.6.2(b); *see also* Baumann Decl. ¶¶ 3, 11.

12. In its Complaint, the Division alleges that the Committee spent more than \$1,000 on electioneering communications. Compl. ¶¶ 18-19 (April 17, 2025).

13. The Complaint also alleges that after spending more than \$1,000 on electioneering communications, the Committee distributed an electioneering communication—a text message—that did not include any “paid for by” disclaimer statement as required by § 1-45-108.3(3), C.R.S. (2024) and § 1-45-107.5(5)(a), C.R.S. (2024). Compl. ¶¶ 18-21 (April 17, 2025).

14. The Complaint also alleges that the text message identified in the Complaint was “part of [a] \$527.32 expenditure” made by the Committee.

15. During settlement discussions, the Committee represented that it spent \$527.32 on the noncompliant text message. Baumann Decl. ¶ 6.

16. Under the Secretary’s rules, noncompliant communications that are not mitigated prior to the election are subject to a fine “of at least 10 percent of the cost of the communication including cost to broadcast.” 8 CCR 1505-6, Rule 23.4.3(d)(2). If the noncompliance is mitigated before the election, the recommended penalty drops to 5 percent of the cost of the communication. *Id.* Rule 23.4.3(d)(1).

17. Here, the Committee originally told the Division that it had attempted to cure the noncompliant communication by sending “a follow up text to the same list.” Compl. ¶ 23. However, attempts to learn more about that follow-up communication were unsuccessful. Compl. ¶ 24; Baumann Decl. ¶¶ 4, 10. Accordingly, it is unclear when this text message was sent, and whether it constituted a mitigation of the noncompliance prior to the election.

18. Ten percent of \$527.32 is \$52.73. However, the Secretary’s rules provide for consideration of aggravating circumstances. 8 CCR 1505-6, Rule 23.4.5. Here, the Committee’s failure to finalize the agreed-upon settlement agreement merits in favor of an additional penalty. At minimum, the penalty imposed should include interest calculated from the July date at which proceedings were stayed based on the Committee’s agreement in principle to settle the claims alleged against it.

19. Statutory interest is 8% compounded annually. Colo. Rev. Stat. § 5-12-102(1)(b). Here, 8% of \$52.73 is \$4.22. Approximately six-months' worth of interest, therefore, is \$2.11.

20. Accordingly, the Division respectfully requests a penalty of **\$54.84**.

Therefore, the Division respectfully requests that the Hearing Officer enter an Initial Decision imposing a penalty of **\$54.84** against Yara for Colorado.

Respectfully submitted this 9th day of January, 2026.

NATALIE HANLON LEH
Chief Deputy Attorney General

/s/ Peter G. Baumann

PETER G. BAUMANN*
Senior Assistant Attorney General, No 51620
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 6th Floor
Denver, Colorado 80203
Telephone: 720-508-6152
Fax: 720-508-6041
peter.baumann@coag.gov

*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I will cause the foregoing to be served this 9th day of January, 2026, by email and/or U.S. mail, addressed as follows:

Yara for Colorado
C/O Registered Agent Michael Stolz
1738 Foggy Brook Dr.
Fort Collins, CO 80528
MrStolz@yahoo.com; yaraforco@gmail.com
Respondent

Stephen Yurash
713 Milan Terrace Dr.
Fort Collins, CO 80525
syurash@hotmail.com
Third-Party Complainant

/s/ Peter G. Baumann