

From: [Alberta Bennett](#)
To: [Mike Fitzpatrick](#); [Mike Hardin](#)
Subject: stats for Carla
Date: Tuesday, February 7, 2023 7:29:19 AM
Attachments: [image001.png](#)

Hey Fitz,

Would you pass this information along to Carla for inserting in to the Fraud Working Group document? She mentioned looking at CIM last night but I have this on a spreadsheet so wanted to make it easier for her. The total number and delinquent count are as of February 1. The number of good standing is from Mike's dashboard.

Total business entity records: 3,633,621

Total entities in good standing: 920,083

Total entities delinquent: 813,512



Alberta Bennett

Operations Manager | Business & Licensing Division
Department of State
303.894.2200 x 6202
alberta.bennett@coloradosos.gov
1700 Broadway, Suite 550
Denver, CO 80290
Visit us at ColoradoSOS.gov

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Please take note: the email and web address have changed.

From: [Wertsch, Gregory P](#)
To: [Shannon Kenney](#); [Mike Fitzpatrick](#)
Subject: [EXTERNAL] Fraudulent Business Filings Working Group | 1 add for final report
Date: Tuesday, February 7, 2023 2:10:18 PM

Hi Mike and Shannon,

Would you please pass this on to Carla and the WG as necessary?

Carla,

Please include SB 12-123 as Appendix D in the report. I noticed you included SB 22-034 as App C. I think it would be helpful for the assembly to also be given SB 12-123 since it is mentioned within a proposal.

Thanks,
Greg

Greg Wertsch, Special Agent

Global Trade Investigations

Homeland Security Investigations

5445 DTC Parkway, STE 600,

Greenwood Village, CO 80111

*"Far and away the best prize that life has to offer
is the chance to work hard at work worth doing."*

- Theodore Roosevelt

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This email contains official law enforcement sensitive information that may be exempt from the Freedom of Information Act (5 U.S.C. 552) and is not to be released to anyone without prior approval from the originator.

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - additional requests for final draft inclusion
Date: Tuesday, February 7, 2023 4:08:56 PM
Attachments: [image001.png](#)

Good afternoon,

Please the below as it relates to outreach from board member's Bennett and Wertsch requesting additional information be provided to board member Hoke as she prepares the final recommendations document for the working group's review.

From board member Bennett:

- Would you pass this information along to Carla for inserting in to the Fraud Working Group document? She mentioned looking at CIM last night but I have this on a spreadsheet so wanted to make it easier for her. The total number and delinquent count are as of February 1. The number of good standing is from Mike's dashboard.
- Total business entity records: 3,633,621
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From board member Wertsch:

- Would you please pass this on to Carla and the WG as necessary?
- Please include SB 12-123 as Appendix D in the report. I noticed you included SB 22-034 as App C. I think it would be helpful for the assembly to also be given SB 12-123 since it is mentioned within a proposal.

Please let me or Shannon know if you have any questions.

Warmest,

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
303.894.2200 x 6272

Mike.Fitzpatrick@coloradosos.gov

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From: [Charles Calvin](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] RE: Fraudulent Business Filings Working Group - additional requests for final draft inclusion
Date: Tuesday, February 7, 2023 4:25:20 PM
Attachments: [image001.png](#)

I have no problem with inclusion of this information. As we discussed yesterday, I think the placement of the language about the number of delinquent entities should be at the end of the applicable paragraph, so that it does not detract from the point that any changes are going to affect a lot of people.

Chuck Calvin

Charles D. Calvin
charles.calvin@cdcalvinlaw.com

Calvin Law Firm LLC

1600 Broadway, Suite 1600
Denver, CO 80202-4916
Tel: +1 720.791.3245
Fax: +1 720.613.4380

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Tuesday, February 7, 2023 4:09 PM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: Fraudulent Business Filings Working Group - additional requests for final draft inclusion

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Please let me or Shannon know if you have any questions.

Warmest,

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
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Please take note: the email and web address have changed.

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - additional commentary
Date: Wednesday, February 8, 2023 10:00:39 AM
Attachments: [image001.png](#)

Good morning,

For your review - Please note this comment from member Calvin regarding information delivered to the working group yesterday (that email included entity totals from member Bennett and a request regarding SB12-123 from member Wertsch):

From member Calvin:

-
"I have no problem with inclusion of this information. As we discussed yesterday, I think the placement of the language about the number of delinquent entities should be at the end of the applicable paragraph, so that it does not detract from the point that any changes are going to affect a lot of people."

Please let me or Shannon know if you have any questions.

Warmest,

Mike



Mike Fitzpatrick
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From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - FINAL DRAFT - ACTION REQUIRED
Date: Wednesday, February 8, 2023 4:59:04 PM
Attachments: [DRAFT Working Group Report \(SB 22-034\) CLEAN \(FEB 6 2023 REVISIONS\).docx](#)
[DRAFT Working Group Report \(SB 22-034\) REDLINED \(FEB 6 2023 REVISIONS\).docx](#)
[DRAFT Working Group Report \(SB 22-034\) CLEAN \(FEB 6 2023 REVISIONS\) Appedixes Included.pdf](#)

Good afternoon,

Please find attached three documents for your review:

- Clean version of final draft (Word)
- Red-lined version of final draft (Word)
- Draft final report that incorporates appendices C and D (SB12-123 & SB22-034) (PDF)

If you have any changes, please make those edits, save off as Word versions and deliver them to me and Shannon as promptly as you are able.

If you have no changes, please respond to me and Shannon affirming your acceptance of the final draft as consensually recorded at this past Monday's working group meeting.

The deadline for either response is 12:00PM, Friday, February 10th.

Please let me know immediately if you have any problems opening or navigating to these documents.

Warmest,

Mike & Shannon

From: [Herrick Lidstone](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#); [Herrick Lidstone](#)
Subject: [EXTERNAL] RE: Fraudulent Business Filings Working Group - FINAL DRAFT - ACTION REQUIRED
Date: Wednesday, February 8, 2023 6:32:29 PM
Attachments: [image001.png](#)
[2023-02-08. IIDSTONE DRAFT Working Group Report \(SB 22-034\).docx](#)

Mike and Shannon:

My only comments are minor, and I vote “YES”.

Page 17, 7-90-904(1)(c)(I)(C) – A legal opinion of a Colorado LICENSED Attorney

Page 19, 7-90-1003(2)(i) – same change – a Colorado LICENSED Attorney

Thank you both, and please thank Carla for her great work.

Sincerely yours,
Herrick K. Lidstone, Jr., Attorney at Law
Hklidstone@bfwlaw.com
T: [303.796.2626](tel:303.796.2626)
D: [720.493.3195](tel:720.493.3195)
[6400 S. Fiddler's Green Circle, Suite 1000](#)
[Greenwood Village, CO 80111](#)
<http://www.bfwlaw.com>
<http://www.linkedin.com/in/hlidstone>
<https://ssrn.com/author=802201>
F: [303.796.2777](tel:303.796.2777)



[bfwlaw.com](http://www.bfwlaw.com)
6400 S. Fiddlers Green Circle, Suite 1000
Greenwood Village, Colorado 80111

CONFIDENTIALITY NOTICE: This message, the attachments, and any metadata contained in this email may be confidential and privileged.

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Wednesday, February 8, 2023 4:59 PM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: Fraudulent Business Filings Working Group - FINAL DRAFT - ACTION REQUIRED

Good afternoon,

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Warmest,

Mike & Shannon

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - Edit Request
Date: Thursday, February 9, 2023 10:40:02 AM
Attachments: [image001.png](#)

Good morning,

Please see the comment below from member Lidstone suggesting clarifying language for two passages within the report:

From Mr. Lidstone:

My only comments are minor, and I vote “YES”.

Page 17, 7-90-904(1)(c)(I)(C) – A legal opinion of a Colorado **LICENSED** Attorney

Page 19, 7-90-1003(2)(i) – same change – a Colorado **LICENSED** Attorney

Capitalization, bolding, and underlining added for emphasis

Please let me or Shannon know if you have any questions.

Mike



Mike Fitzpatrick

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From: [Charles Calvin](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] RE: Fraudulent Business Filings Working Group - Edit Request
Date: Thursday, February 9, 2023 10:46:58 AM
Attachments: [image001.png](#)

I concur with Mr. Lidstone's suggestions, and with those changes I vote "Yes" as well.

Chuck Calvin

Charles D. Calvin

charles.calvin@cdcalvinlaw.com

Calvin Law Firm LLC

1600 Broadway, Suite 1600

Denver, CO 80202-4916

Tel: +1 720.791.3245

Fax: +1 720.613.4380

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Thursday, February 9, 2023 10:40 AM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: Fraudulent Business Filings Working Group - Edit Request

Good morning,

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From Mr. Lidstone:

My only comments are minor, and I vote "YES".

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Capitalization, bolding, and underlining added for emphasis

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Mike



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From: [Wertsch, Gregory P](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] Fraudulent Business Filings Working Group - Edit Request - Wertsch
Date: Thursday, February 9, 2023 1:17:12 PM
Attachments: [Garth Jacobson in favor of SB 12-123.pdf](#)

2 small changes – everything else looks good to me!

For addition to the end of Page 5 (Bullet 6 Estimating the effect of the Corporate Transparency Act):

The CTA may have no effect on illicit shell companies formed in Colorado since their filings contain entirely false information and the beneficial owners often reside in foreign countries. Due to this, the CTA may unintentionally increase the number of illicit shells being formed in Colorado since no due diligence is presently done during entity creation to ensure a liable party can be located within the United States.

Removal of 2nd Paragraph of Proposal:

~~“In anticipation of implementing the steps necessary to make the SB 12-123 changes effective, the Secretary of State’s office should consult with commercial registered agents and other business constituencies to determine whether there are any significant objections and whether those objections should be included in an amendment to some or all of the SB 12-123 provisions.”~~

-

Reasoning for Removal: SB 12-123 became law with the strong support of commercial registered agents, the Colorado Secretary of State, and the legislature. It received unanimous consent. Please see attached testimony from Garth Jacobson, Senior Government Relations Attorney, CT Corporation.

Commercial Registered Agents, Corp1 and CT group, have told our working group that they still support SB 12-123 and wish to see it implemented as soon as possible.

The working group has not discussed proposing or suggesting that SB 12-123 be amended or be further reviewed. If the legislature wishes to amend it, they can certainly do so, but I do not think that we should suggest in our proposal that this long standing law should be amended without much further substantive discussion.

If the working group wishes to bring more commercial agents and stakeholders in to get their thoughts prior to finalizing the report, I am open to that although I do not think that is necessary. We are simply proposing that the general assembly fund the law that was signed by the Governor in 2012.

Thanks again Carla, Shannon, and Mike!

Greg

Greg Wertsch, Special Agent

Global Trade Investigations

Homeland Security Investigations

5445 DTC Parkway, STE 600,
Greenwood Village, CO 80111

*"Far and away the best prize that life has to offer
is the chance to work hard at work worth doing."*

- Theodore Roosevelt

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From: [Alberta Bennett](#)
To: [Mike Fitzpatrick](#); [Shannon Kenney](#)
Subject: FW: Fraudulent Business Filings Working Group - FINAL DRAFT - ACTION REQUIRED
Date: Thursday, February 9, 2023 2:37:09 PM
Attachments: [DRAFT Working Group Report \(SB 22-034\) CLEAN \(FEB 6 2023 REVISIONS\).docx](#)
[DRAFT Working Group Report \(SB 22-034\) REDLINED \(FEB 6 2023 REVISIONS\).docx](#)
[DRAFT Working Group Report \(SB 22-034\) CLEAN \(FEB 6 2023 REVISIONS\) Appedixes Included.pdf](#)

Good afternoon,

I found a typo on the bottom of page 6 b. iv. Fraudsters can “hijack” the business by filing **file** a statement ... (the word file should be removed.)

Then I found a couple of areas that I have some clarification:

Page 6 b. iii. PIN is mailed to the entity’s listed principal office mailing address (not the street address).

Page 7 2. b. iii. In addition to signing up for text notifications when forming a new limited liability company, filers now have that option when filing periodic reports(renewals). Periodic reports went live August 3, 2022.

Page 21 d. the perjury statement is also on the online business filing system so this change would need to be made there.

The rest looks good to me.

Alberta

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Wednesday, February 8, 2023 4:59 PM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: Fraudulent Business Filings Working Group - FINAL DRAFT - ACTION REQUIRED

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Please let me know immediately if you have any problems opening or navigating to these documents.

Warmest,

Mike & Shannon

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - additional feedback for review
Date: Thursday, February 9, 2023 3:22:07 PM
Attachments: [image001.png](#)

Good afternoon,

In addition to Mr. Lidstone's commentary provided earlier today, please note the following from members Calvin, Bennett and Wertsch for your review and consideration.

From Mr. Calvin:

I concur with Mr. Lidstone's suggestions, and with those changes I vote "Yes" as well.

From Ms. Bennett:

I found a typo on the bottom of page 6 b. iv. Fraudsters can "hijack" the business by filing **file** a statement ... (the word file should be removed.)

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The rest looks good to me.

From Mr. Wertsch:

2 small changes – everything else looks good to me!

For addition to the end of Page 5 (Bullet 6 Estimating the effect of the Corporate Transparency Act):

The CTA may have no effect on illicit shell companies formed in Colorado since their filings contain entirely false information and the beneficial owners often reside in foreign countries. Due to this, the CTA may unintentionally increase the number of illicit shells being formed in Colorado since no due diligence is presently done during entity creation to ensure a liable party can be located within the United States.

Removal of 2nd Paragraph of Proposal:

~~"In anticipation of implementing the steps necessary to make the SB 12-123 changes effective, the~~

~~Secretary of State's office should consult with commercial registered agents and other business constituencies to determine whether there are any significant objections and whether those objections should be included in an amendment to some or all of the SB 12-123 provisions."~~

-

Reasoning for Removal: SB 12-123 became law with the strong support of commercial registered agents, the Colorado Secretary of State, and the legislature. It received unanimous consent. Please see attached testimony from Garth Jacobson, Senior Government Relations Attorney, CT Corporation.

Commercial Registered Agents, Corp1 and CT group, have told our working group that they still support SB 12-123 and wish to see it implemented as soon as possible.

The working group has not discussed proposing or suggesting that SB 12-123 be amended or be further reviewed. If the legislature wishes to amend it, they can certainly do so, but I do not think that we should suggest in our proposal that this long standing law should be amended without much further substantive discussion.

If the working group wishes to bring more commercial agents and stakeholders in to get their thoughts prior to finalizing the report, I am open to that although I do not think that is necessary. We are simply proposing that the general assembly fund the law that was signed by the Governor in 2012.

Please let me or Shannon know if you have any questions. Please note that Shannon Kenney will not be available tomorrow or Monday. Please ensure that you "reply all" to any correspondence so that I receive your feedback.

Warmest,

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
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From: [Charles Calvin](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] RE: Fraudulent Business Filings Working Group - additional feedback for review
Date: Thursday, February 9, 2023 3:54:10 PM
Attachments: [image001.png](#)

I agree with the technical corrections suggested by Ms. Bennett.

Regarding the changes suggested by Mr. Wertsch:

1. I would suggest that the first addition be revised to read as follows:
The CTA may have no effect on illicit shell companies ~~formed in Colorado since their~~ WHOSE filings contain entirely false information and ~~the~~ WHOSE beneficial owners often reside in foreign countries. Due to this, the CTA may ~~unintendedly~~ UNINTENTIONALLY increase the number of illicit shells being formed in STATES WHICH, LIKE Colorado, DO NOT ATTEMPT TO VERIFY THE ACCURACY OF INFORMATION SUBMITTED ~~since no due diligence is presently done~~ during entity creation to ensure a liable party can be located within the United States.
2. I disagree with the second proposed insertion. The language of SB12-123 is 11 years old and many things have evolved in that time. I am not personally aware of any objections that potential commercial registered agents might have to the language proposed back then, but it will require new legislation to give life to SB12-123. The working group has previously discussed the language in the current draft, and I don't think it does any harm to direct the Secretary to consult with the stakeholders who will be most affected as part of the implementation process.

To avoid any doubt, in my comments to the first proposed addition, text in ~~red and lined through~~ is intended to be deleted, and text in ALL CAPS, DOUBLE-UNDERLINED AND IN BLUE is intended to be added.

Chuck Calvin

Charles D. Calvin
charles.calvin@cdcalvinlaw.com

Calvin Law Firm LLC

1600 Broadway, Suite 1600
Denver, CO 80202-4916
Tel: +1 720.791.3245
Fax: +1 720.613.4380

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Thursday, February 9, 2023 3:22 PM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>

Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>

Subject: Fraudulent Business Filings Working Group - additional feedback for review

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Please let me or Shannon know if you have any questions. Please note that Shannon Kenney will not be available tomorrow or Monday. Please ensure that you “reply all” to any correspondence so that I receive your feedback.

Warmest,

Mike



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From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - attachment for review
Date: Thursday, February 9, 2023 4:33:44 PM
Attachments: [Garth Jacobson in favor of SB 12-123.pdf](#)
[image001.png](#)

Good afternoon,

I inadvertently left an attachment off of my earlier email, provided by Mr. Wertsch in conjunction with his additional comments. Please review and let or Shannon know if you have any questions.

Warmest,

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State

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From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - additional commentary/responses
Date: Thursday, February 9, 2023 4:49:08 PM

Good afternoon,

I noted in an earlier email but wanted to reiterate that for tomorrow and Monday it will be crucial to 'reply all' to Shannon and me on any correspondence as Shannon will be unavailable on those days. Delivering any group content to Shannon individually will result in that content not being distributed/published in a timely fashion. I should note that everyone has been terrific in including us both on correspondence throughout the process – I just want to ensure we get everyone's comments captured and distributed appropriately as we come down the home stretch.

Please note the following responses to prior comments from Mr. Calvin:

From Mr. Calvin:

- I agree with the technical corrections suggested by Ms. Bennett.
- Regarding the changes suggested by Mr. Wertsch:
 1. I would suggest that the first addition be revised to read as follows:

The CTA may have no effect on illicit shell companies ~~formed in Colorado since their~~ WHOSE filings contain entirely false information and ~~the~~ WHOSE beneficial owners often reside in foreign countries. Due to this, the CTA may ~~unintendedly~~ UNINTENTIONALLY increase the number of illicit shells being formed in STATES WHICH, LIKE Colorado, DO NOT ATTEMPT TO VERIFY THE ACCURACY OF INFORMATION SUBMITTED ~~since no due diligence is presently done~~ during entity creation to ensure a liable party can be located within the United States.
 2. I disagree with the second proposed insertion. The language of SB12-123 is 11 years old and many things have evolved in that time. I am not personally aware of any objections that potential commercial registered agents might have to the language proposed back then, but it will require new legislation to give life to SB12-123. The working group has previously discussed the language in the current draft, and I don't think it does any harm to direct the Secretary to consult with the stakeholders who will be most affected as part of the implementation process.
- To avoid any doubt, in my comments to the first proposed addition, text in ~~red and lined through~~ is intended to be deleted, and text in ALL CAPS, DOUBLE-UNDERLINED AND IN BLUE is intended to be added.

*note from Mike Fitzpatrick – I’m adding in Alberta’s and Greg’s recommendations below for easy of viewing in relation to Mr. Calvin’s above response to her input.

(Previously) From Ms. Bennett:

I found a typo on the bottom of page 6 b. iv. Fraudsters can “hijack” the business by filing **file** a statement ... (the word file should be removed.)

Then I found a couple of areas that I have some clarification:

Page 6 b. iii. PIN is mailed to the entity’s listed principal office mailing address (not the street address).

Page 7 2. b. iii. In addition to signing up for text notifications when forming a new limited liability company, filers now have that option when filing periodic reports(renewals). Periodic reports went live August 3, 2022.

Page 21 d. the perjury statement is also on the online business filing system so this change would need to be made there.

(Previously)From Mr. Wertsch:

For addition to the end of Page 5 (Bullet 6 Estimating the effect of the Corporate Transparency Act):

The CTA may have no effect on illicit shell companies formed in Colorado since their filings contain entirely false information and the beneficial owners often reside in foreign countries. Due to this, the CTA may unintentionally increase the number of illicit shells being formed in Colorado since no due diligence is presently done during entity creation to ensure a liable party can be located within the United States.

Removal of 2nd Paragraph of Proposal:

~~“In anticipation of implementing the steps necessary to make the SB 12-123 changes effective, the Secretary of State’s office should consult with commercial registered agents and other business constituencies to determine whether there are any significant objections and whether those objections should be included in an amendment to some or all of the SB 12-123 provisions.”~~

-

Reasoning for Removal: SB 12-123 became law with the strong support of commercial registered agents, the Colorado Secretary of State, and the legislature. It received unanimous consent. Please see attached testimony from Garth Jacobson, Senior Government Relations Attorney, CT Corporation.

Commercial Registered Agents, Corp1 and CT group, have told our working group that they still support SB 12-123 and wish to see it implemented as soon as possible.

The working group has not discussed proposing or suggesting that SB 12-123 be amended or be further reviewed. If the legislature wishes to amend it, they can certainly do so, but I do not think that we should suggest in our proposal that this long standing law should be amended without much

further substantive discussion.

If the working group wishes to bring more commercial agents and stakeholders in to get their thoughts prior to finalizing the report, I am open to that although I do not think that is necessary. We are simply proposing that the general assembly fund the law that was signed by the Governor in 2012.

Please let me know if you have any questions,

Mike

From: [Wertsch, Gregory P](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] RE: Fraudulent Business Filings Working Group - additional commentary/responses
Date: Thursday, February 9, 2023 5:47:24 PM

I concur with Chuck's changes to my paragraph regarding the CTA. Thank you Chuck. No need for a back and forth on that. Please use Chuck's language.

As for Chuck's disagreement about deleting the second paragraph regarding SB 12-123, I then propose that we continue the working group to assuage Chuck's concern that CRAs and other stakeholders may want changes to the law that was already passed and discussed with stakeholders.

The Working Group was stood up to do this work and I feel since the working group is proposing this in our report, we should finish the job and not provide an incomplete product. SOS can still meet with stakeholders after the proposal goes forward if they so choose, but our proposal should not be contingent upon activity that is outside the purview of the group.

Greg Wertsch, Special Agent

Global Trade Investigations

Homeland Security Investigations

5445 DTC Parkway, STE 600,

Greenwood Village, CO 80111

*"Far and away the best prize that life has to offer
is the chance to work hard at work worth doing."*

- Theodore Roosevelt

LAW ENFORCEMENT SENSITIVE / FOR OFFICIAL USE ONLY / THIRD PARTY RULE

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From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Thursday, February 9, 2023 4:49 PM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: Fraudulent Business Filings Working Group - additional commentary/responses

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Please let me know if you have any questions,

Mike

From: [Herrick Lidstone](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#); [Herrick Lidstone](#)
Subject: [EXTERNAL] Re: Fraudulent Business Filings Working Group - additional commentary/responses
Date: Thursday, February 9, 2023 8:36:21 PM

I agree with the technical corrections provided by Ms. Bennett, and believe that they are within Ms. Hoke's authority to fix the wording.

I agree with Mr. Calvin's statement regarding Mr. Wetsch's addition in Mr. Calvin's paragraph 1.

I also agree with Mr. Calvin that the language in paragraph 2 that Mr. Wertsch believes should be deleted should be retained. Things have changed since 2012, and the opportunity to update the law if needed should be retained.

Sincerely yours,

Herrick K. Lidstone, Jr., Attorney at Law
Hklidstone@bflaw.com
T: [303.796.2626](tel:303.796.2626)
D: [720.493.3195](tel:720.493.3195)
[6400 S. Fiddler's Green Circle, Suite 1000](#)
[Greenwood Village, CO 80111](#)
<http://www.bflaw.com>
<http://www.linkedin.com/in/hlidstone>
F: [303.796.2777](tel:303.796.2777)

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On Feb 9, 2023, at 4:49 PM, Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov> wrote:

Good afternoon,

I noted in an earlier email but wanted to reiterate that for tomorrow and Monday it will be crucial to 'reply all' to Shannon and me on any correspondence as Shannon will be unavailable on those days. Delivering any group content to Shannon individually will result in that content not being distributed/published in a timely fashion. I should note that everyone has been terrific in including us both on correspondence throughout the process – I just want to ensure we get everyone's comments captured and distributed appropriately as we come down the home stretch.

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*note from Mike Fitzpatrick – I'm adding in Alberta's and Greg's recommendations below for easy of viewing in relation to Mr. Calvin's above response to her input.

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I found a typo on the bottom of page 6 b. iv. Fraudsters can "hijack" the business by filing **file** a statement ... (the word file should be removed.)

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(Previously)From Mr. Wertsch:

For addition to the end of Page 5 (Bullet 6 Estimating the effect of the Corporate Transparency Act):

The CTA may have no effect on illicit shell companies formed in Colorado since their filings contain entirely false information and the beneficial owners often reside in foreign countries. Due to this, the CTA may unintendedly increase the number of illicit shells being formed in Colorado since no due diligence is presently done during entity creation to ensure a liable party can be located within the United States.

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Please let me know if you have any questions,

Mike

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group (Draft Report- Additional edits)
Date: Friday, February 10, 2023 9:37:54 AM
Attachments: [DRAFT Working Group Report \(SB 22-034\) CDOS edits_02102023_CBeall.docx](#)
[image001.png](#)

Good morning,

Please see the attached redline version of the draft report provided by Deputy Beall for consideration, along with additional comment in reference to prior working group exchanges:

From Convener Beall:

Attached here is a redline draft of the version of the Working Group report that you sent around on Wednesday afternoon. The redlines here reflect scrivener edits that I believe are within Carla's authority under the Working Group's vote authorizing her to make scrivener edits in the draft.

With regard to the call for a vote on the draft, I vote "yes," with a concurrence on the edits proposed by Alberta Bennett and Chuck Calvin. I concur with the revisions of Greg Wertsch's proposed edits that were offered by Chuck Calvin, and hence, I do not agree with Greg's proposed deletion of the second paragraph of ¶ 9.a. on page 21 of the clean draft.

Please let me know if you have any questions.

Mike



Mike Fitzpatrick
Deputy Director, Business & Licensing | Department of State
303.894.2200 x 6272
Mike.Fitzpatrick@coloradosos.gov
1700 Broadway, Suite 550
Denver, CO 80290
Visit us at ColoradoSOS.gov

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Please take note: the email and web address have changed.

From: [Alberta Bennett](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: RE: Fraudulent Business Filings Working Group (Draft Report- Additional edits)
Date: Friday, February 10, 2023 9:52:57 AM
Attachments: [image001.png](#)

Good morning,

I'm in agreement and copying Chris Beall's statement: With regard to the call for a vote on the draft, I vote "yes," with a concurrence on the edits proposed by Alberta Bennett and Chuck Calvin. I concur with the revisions of Greg Wertsch's proposed edits that were offered by Chuck Calvin, and hence, I do not agree with Greg's proposed deletion of ¶ 9.a. on page 21 of the clean draft.

Alberta

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Friday, February 10, 2023 9:38 AM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: Fraudulent Business Filings Working Group (Draft Report- Additional edits)

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Please let me know if you have any questions.

Mike



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From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - additional comments/responses (2/10/23)
Date: Friday, February 10, 2023 10:03:47 AM
Attachments: [image001.png](#)

Good morning,

Please see the following comments from members Wertsch, Lidstone and Bennett as it relates to prior exchanges that have been distributed. Again – for ease of viewing, I’ve attached prior comments that are germane to these most recent submissions.

Please note that following today’s noon deadline for additional review/comment, I’ll be consolidating all email exchanges thus far and converting/publishing to public record..

Please let me know if you have any questions.

From member Wertsch:

I concur with Chuck’s changes to my paragraph regarding the CTA. Thank you Chuck. No need for a back and forth on that. Please use Chuck’s language.

As for Chuck’s disagreement about deleting the second paragraph regarding SB 12-123, I then propose that we continue the working group to assuage Chuck’s concern that CRAs and other stakeholders may want changes to the law that was already passed and discussed with stakeholders.

The Working Group was stood up to do this work and I feel since the working group is proposing this in our report, we should finish the job and not provide an incomplete product. SOS can still meet with stakeholders after the proposal goes forward if they so choose, but our proposal should not be contingent upon activity that is outside the purview of the group.

From member Lidstone:

-

I agree with the technical corrections provided by Ms. Bennett, and believe that they are within Ms. Hoke’s authority to fix the wording.

I agree with Mr. Calvin’s statement regarding Mr. Wertsch’s addition in Mr. Calvin’s paragraph 1.

I also agree with Mr. Calvin that the language in paragraph 2 that Mr. Wertsch believes should be deleted should be retained. Things have changed since 2012, and the opportunity to update the law if needed should be retained.

From member Bennett:

-

I'm in agreement and copying Chris Beall's statement: (emphasis added) With regard to the call for a vote on the draft, I vote "yes," with a concurrence on the edits proposed by Alberta Bennett and Chuck Calvin. I concur with the revisions of Greg Wertsch's proposed edits that were offered by Chuck Calvin, and hence, I do not agree with Greg's proposed deletion of the second paragraph of ¶ 9.a. on page 21 of the clean draft.

-

----- prior commentary for reference -----

(previously) From Mr. Calvin:

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Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
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Denver, CO 80290

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From: [Herrick Lidstone](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] RE: Fraudulent Business Filings Working Group (Draft Report- Additional edits)
Date: Friday, February 10, 2023 10:09:52 AM
Attachments: [image002.png](#)
[image003.png](#)

All:

Some of this repeats earlier comments I made, but I wanted to put my position in a single email.

I concur with the redlines that Deputy Beall included in his draft, which included the term “licensed” at “Colorado licensed attorney” at page 17 in the amendment to 7-90-904(1)(c)(I) (C) and on page 19, same change to 7-90-1003(2)(i).

I also concur with his endorsement of Mr. Calvin’s suggestions and Ms. Bennett’s suggestions.

I also concur with Deputy Beall and Mr. Calvin in not deleting the second paragraph of Section 9(a) on page 21. In his latest comments, Ms. Wertsch suggests that the working group continue in existence to work on SB12-123. While I think that may be a good idea,

- First, I do not believe that there is currently statutory authority to take on a new project;
- More importantly, I do not believe that the correct persons are in the working group to do so. We do not have a single commercial registered agent in the Working Group – a deficiency that I have mentioned before; and
- Finally, continuing the Working Group beyond the existing statutory mandate is unnecessary. Drafting committees are frequently formed to work on legislation, and that is the point of the draft recommendation.

I also concur with Deputy Beall that the language changes are all within Ms. Hoke’s authority.

With that, I again vote YES.

Sincerely yours,
Herrick K. Lidstone, Jr., Attorney at Law
Hklidstone@bfwlaw.com
T: [303.796.2626](tel:303.796.2626)
D: [720.493.3195](tel:720.493.3195)
[6400 S. Fiddler’s Green Circle, Suite 1000](http://www.bfwlaw.com)
[Greenwood Village, CO 80111](http://www.bfwlaw.com)
<http://www.bfwlaw.com>
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<https://ssrn.com/author=802201>
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bfwlaw.com
6400 S. Fiddlers Green Circle, Suite 1000
Greenwood Village, Colorado 80111

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Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
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From: [Charles Calvin](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] RE: Fraudulent Business Filings Working Group (Draft Report- Additional edits)
Date: Friday, February 10, 2023 10:23:00 AM
Attachments: [image001.png](#)

I would vote yes on this draft as it stands. I would also vote yes if it included Greg Wertsch's first suggested addition with the edits I suggested yesterday.

Chuck Calvin

Charles D. Calvin

charles.calvin@cdcalvinlaw.com

Calvin Law Firm LLC

1600 Broadway, Suite 1600

Denver, CO 80202-4916

Tel: +1 720.791.3245

Fax: +1 720.613.4380

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Friday, February 10, 2023 9:38 AM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: Fraudulent Business Filings Working Group (Draft Report- Additional edits)

Good morning,

Please see the attached redline version of the draft report provided by Deputy Beall for consideration, along with additional comment in reference to prior working group exchanges:

[From Convener Beall:](#)

Attached here is a redline draft of the version of the Working Group report that you sent around on Wednesday afternoon. The redlines here reflect scrivener edits that I believe are within Carla's authority under the Working Group's vote authorizing her to make scrivener edits in the draft.

With regard to the call for a vote on the draft, I vote "yes," with a concurrence on the edits proposed by Alberta Bennett and Chuck Calvin. I concur with the revisions of Greg Wertsch's proposed edits that were offered by Chuck Calvin, and hence, I do not agree with Greg's proposed deletion of the second paragraph of ¶ 9.a. on page 21 of the clean draft.

Please let me know if you have any questions.

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
303.894.2200 x 6272

Mike.Fitzpatrick@coloradosos.gov

1700 Broadway, Suite 550

Denver, CO 80290

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Please take note: the email and web address have changed.

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group (additional commentary 2/10/23)
Date: Friday, February 10, 2023 10:59:30 AM
Attachments: [DRAFT Working Group Report \(SB 22-034\) CDOS edits_02102023_CBeall.docx](#)

Good morning,

Please note the below responses from Messrs. Lidstone and Calvin in reference to previously distributed exchanges (attached and/or copied below following the latest input):

From Mr. Lidstone:

Some of this repeats earlier comments I made, but I wanted to put my position in a single email.

I concur with the redlines that Deputy Beall included in his draft, which included the term “licensed” at “Colorado licensed attorney” at page 17 in the amendment to 7-90-904(1)(c)(I)(C) and on page 19, same change to 7-90-1003(2)(i).

I also concur with his endorsement of Mr. Calvin’s suggestions and Ms. Bennett’s suggestions.

I also concur with Deputy Beall and Mr. Calvin in not deleting the second paragraph of Section 9(a) on page 21. In his latest comments, Ms. Wertsch suggests that the working group continue in existence to work on SB12-123. While I think that may be a good idea,

- First, I do not believe that there is currently statutory authority to take on a new project;
- More importantly, I do not believe that the correct persons are in the working group to do so. We do not have a single commercial registered agent in the Working Group – a deficiency that I have mentioned before; and
- Finally, continuing the Working Group beyond the existing statutory mandate is unnecessary. Drafting committees are frequently formed to work on legislation, and that is the point of the draft recommendation.

I also concur with Deputy Beall that the language changes are all within Ms. Hoke’s authority.

With that, I again vote YES.

From Mr. Calvin:

-
I would vote yes on this draft as it stands. I would also vote yes if it included Greg Wertsch’s first suggested addition with the edits I suggested yesterday.

----- PREVIOUSLY DISTRIBUTED COPY -----

(Previously) From member Wertsch:

I concur with Chuck's changes to my paragraph regarding the CTA. Thank you Chuck. No need for a back and forth on that. Please use Chuck's language.

As for Chuck's disagreement about deleting the second paragraph regarding SB 12-123, I then propose that we continue the working group to assuage Chuck's concern that CRAs and other stakeholders may want changes to the law that was already passed and discussed with stakeholders.

The Working Group was stood up to do this work and I feel since the working group is proposing this in our report, we should finish the job and not provide an incomplete product. SOS can still meet with stakeholders after the proposal goes forward if they so choose, but our proposal should not be contingent upon activity that is outside the purview of the group.

(Previously) From member Lidstone:

I agree with the technical corrections provided by Ms. Bennett, and believe that they are within Ms. Hoke's authority to fix the wording.

I agree with Mr. Calvin's statement regarding Mr. Wertsch's addition in Mr. Calvin's paragraph 1.

I also agree with Mr. Calvin that the language in paragraph 2 that Mr. Wertsch believes should be deleted should be retained. Things have changed since 2012, and the opportunity to update the law if needed should be retained.

(Previously) From member Bennett:

I'm in agreement and copying Chris Beall's statement: (emphasis added) With regard to the call for a vote on the draft, I vote "yes," with a concurrence on the edits proposed by Alberta Bennett and Chuck Calvin. I concur with the revisions of Greg Wertsch's proposed edits that were offered by Chuck Calvin, and hence, I do not agree with Greg's proposed deletion of the second paragraph of ¶ 9.a. on page 21 of the clean draft.

(previously) From Mr. Calvin:

- I agree with the technical corrections suggested by Ms. Bennett.
- Regarding the changes suggested by Mr. Wertsch:

1. I would suggest that the first addition be revised to read as follows:

The CTA may have no effect on illicit shell companies ~~formed in Colorado since their~~ WHOSE filings contain entirely false information and ~~the~~ WHOSE beneficial owners often reside in foreign countries. Due to this, the CTA may ~~unintentionally~~ UNINTENTIONALLY increase the number of illicit shells being formed in STATES WHICH, LIKE Colorado, DO NOT ATTEMPT TO VERIFY THE ACCURACY OF INFORMATION SUBMITTED ~~since no due diligence is presently done~~ during entity creation to ensure a liable party can be located within the United States.

2. I disagree with the second proposed insertion. The language of SB12-123 is 11 years old and many things have evolved in that time. I am not personally aware of any objections that potential commercial registered agents might have to the language proposed back then, but it will require new legislation to give life to SB12-123. The working group has previously discussed the language in the current draft, and I don't think it does any harm to direct the Secretary to consult with the stakeholders who will be most affected as part of the implementation process.

- To avoid any doubt, in my comments to the first proposed addition, text in ~~red and lined through~~ is intended to be deleted, and text in ALL CAPS, DOUBLE-UNDERLINED AND IN BLUE is intended to be added.

(Previously) From Ms. Bennett:

I found a typo on the bottom of page 6 b. iv. Fraudsters can “hijack” the business by filing **file** a statement ... (the word file should be removed.)

Then I found a couple of areas that I have some clarification:

Page 6 b. iii. PIN is mailed to the entity's listed principal office mailing address (not the street address).

Page 7 2. b. iii. In addition to signing up for text notifications when forming a new limited liability company, filers now have that option when filing periodic reports(renewals). Periodic reports went live August 3, 2022.

Page 21 d. the perjury statement is also on the online business filing system so this change would need to be made there.

(Previously) From Mr. Wertsch:

For addition to the end of Page 5 (Bullet 6 Estimating the effect of the Corporate Transparency Act):

The CTA may have no effect on illicit shell companies formed in Colorado since their filings contain entirely false information and the beneficial owners often reside in foreign countries. Due to this, the CTA may unintentionally increase the number of illicit shells being formed in Colorado since no due

diligence is presently done during entity creation to ensure a liable party can be located within the United States.

Removal of 2nd Paragraph of Proposal:

~~*"In anticipation of implementing the steps necessary to make the SB 12-123 changes effective, the Secretary of State's office should consult with commercial registered agents and other business constituencies to determine whether there are any significant objections and whether those objections should be included in an amendment to some or all of the SB 12-123 provisions."*~~

Reasoning for Removal: SB 12-123 became law with the strong support of commercial registered agents, the Colorado Secretary of State, and the legislature. It received unanimous consent. Please see attached testimony from Garth Jacobson, Senior Government Relations Attorney, CT Corporation.

Commercial Registered Agents, Corp1 and CT group, have told our working group that they still support SB 12-123 and wish to see it implemented as soon as possible.

The working group has not discussed proposing or suggesting that SB 12-123 be amended or be further reviewed. If the legislature wishes to amend it, they can certainly do so, but I do not think that we should suggest in our proposal that this long standing law should be amended without much further substantive discussion.

If the working group wishes to bring more commercial agents and stakeholders in to get their thoughts prior to finalizing the report, I am open to that although I do not think that is necessary. We are simply proposing that the general assembly fund the law that was signed by the Governor in 2012.

-

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: LAST CALL - Fraudulent Business Filings Working Group - Draft Report Review
Date: Friday, February 10, 2023 11:49:07 AM
Attachments: [image001.png](#)

Good afternoon,

I will be closing the comment period shortly per prior notification. Please consider this a last call for input on the review of Ms. Hoke's draft report.

Warmest,

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
303.894.2200 x 6272
Mike.Fitzpatrick@coloradosos.gov
1700 Broadway, Suite 550
Denver, CO 80290
Visit us at ColoradoSOS.gov

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From: [Charles Calvin](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: [EXTERNAL] RE: LAST CALL - Fraudulent Business Filings Working Group - Draft Report Review
Date: Friday, February 10, 2023 11:51:22 AM
Attachments: [image001.png](#)

Thanks, Mike. No further comments from me.

Chuck Calvin

Charles D. Calvin

charles.calvin@cdcalvinlaw.com

Calvin Law Firm LLC

1600 Broadway, Suite 1600

Denver, CO 80202-4916

Tel: +1 720.791.3245

Fax: +1 720.613.4380

From: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Sent: Friday, February 10, 2023 11:49 AM
To: Mike Fitzpatrick <Mike.Fitzpatrick@coloradosos.gov>
Cc: Shannon Kenney <Shannon.Kenney@coloradosos.gov>
Subject: LAST CALL - Fraudulent Business Filings Working Group - Draft Report Review

Good afternoon,

I will be closing the comment period shortly per prior notification. Please consider this a last call for input on the review of Ms. Hoke's draft report.

Warmest,

Mike



Mike Fitzpatrick

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Mike.Fitzpatrick@coloradosos.gov

1700 Broadway, Suite 550

Denver, CO 80290

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From: [Chris Beall](#)
To: [Mike Fitzpatrick](#)
Cc: [Mike Hardin](#); [Melissa Kessler](#); [Shannon Kenney](#)
Subject: Draft of message to Working Group members
Date: Friday, February 10, 2023 1:15:04 PM
Attachments: [image001.png](#)

Fitz,

Here is a communication that I would appreciate you sending along to all of the Working Group members:

Dear Working Group Members,

After considering all of the correspondence to date on the draft of the Working Group's report, I have concluded that there is not a need for further meetings of the Working Group. As the convener of the body, I believe it is beyond our statutory remit (and beyond our statutory deadline) to engage in further meetings to discuss legislation that was enacted more than a decade ago. To the extent the General Assembly wishes to empower a different group of individuals to consider issues related to SB12-123, the legislature is free to do so in new legislation.

In light of this conclusion, I have asked Mike Fitzpatrick to work with Carla Hoke to finalize the report, incorporating therein all of the various edits that have been agreed upon. I will aim to transmit the final report to the Speaker of the House and the President of the Senate as soon as possible next week, and I will of course include all of the Working Group members in that transmittal.

I want to thank each of you for your commitment and effort in this process. I believe the Working Group's report is a valuable contribution to the General Assembly's deliberations on the issues related to fraudulent business filings. On behalf of the Secretary and myself, please accept my sincere thanks for your work.

Best wishes,

Chris Beall



Christopher P. Beall
Deputy Secretary of State
303.860.6902
Chris.Beall@sos.state.co.us
1700 Broadway, Suite 550
Denver, CO 80290

From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - Message from Deputy Beall, Convener of the Working Group
Date: Friday, February 10, 2023 1:32:01 PM
Attachments: [image001.png](#)

Good afternoon,

On behalf of Deputy Beall, please see the following outreach to the full working group. Please let me know if you have any questions.

Dear Working Group Members,

After considering all of the correspondence to date on the draft of the Working Group's report, I have concluded that there is not a need for further meetings of the Working Group. As the convener of the body, I believe it is beyond our statutory remit (and beyond our statutory deadline) to engage in further meetings to discuss legislation that was enacted more than a decade ago. To the extent the General Assembly wishes to empower a different group of individuals to consider issues related to SB12-123, the legislature is free to do so in new legislation.

In light of this conclusion, I have asked Mike Fitzpatrick to work with Carla Hoke to finalize the report, incorporating therein all of the various edits that have been agreed upon. I will aim to transmit the final report to the Speaker of the House and the President of the Senate as soon as possible next week, and I will of course include all of the Working Group members in that transmittal.

I want to thank each of you for your commitment and effort in this process. I believe the Working Group's report is a valuable contribution to the General Assembly's deliberations on the issues related to fraudulent business filings. On behalf of the Secretary and myself, please accept my sincere thanks for your work.

Best wishes,
Chris Beall



Christopher P. Beall
Deputy Secretary of State
303.860.6902
Chris.Beall@sos.state.co.us
1700 Broadway, Suite 550
Denver, CO 80290

Warmest,

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
303.894.2200 x 6272

Mike.Fitzpatrick@coloradosos.gov

1700 Broadway, Suite 550

Denver, CO 80290

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From: [Carla Hoke](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Final 2/10/2023 Working Group Report
Date: Friday, February 10, 2023 4:30:34 PM
Attachments: [image001.png](#)
[DRAFT Working Group Report \(SB 22-034\) REDLINED \(FEB 10 2023 REVISIONS\).docx](#)
[DRAFT Working Group Report \(SB 22-034\) CLEAN \(FEB 10 2023 REVISIONS\).docx](#)

Good afternoon,

Please see the attached redlined and clean copies of the Report.

The redlined version contains a few comments. (I did resolve a few consistency issues on my own not wishing to circle back again.)

These documents are also in the following file:

[T:\BusinessLicensing\Business\Operations\Reports\Fraudulent Filing Report \(SB 22-034\)\FINAL DRAFTS AND APPENDICES](T:\BusinessLicensing\Business\Operations\Reports\Fraudulent Filing Report (SB 22-034)\FINAL DRAFTS AND APPENDICES)

(I removed the previous "FINAL" Feb 6 2023 versions from that folder.)

Another pair of eyes to do a final review would be great.

Thanks,



Carla Hoke

Legal Analyst/Policy Advisor | Department of State
303.894.2200 x 6222
Carla.Hoke@coloradosos.gov
1700 Broadway, Suite 550
Denver, CO 80290
Visit us at ColoradoSOS.gov

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From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: Fraudulent Business Filings Working Group - FINAL Report (and appendices)
Date: Friday, February 10, 2023 4:47:48 PM
Attachments: [Working Group Report \(SB22-034\) FINAL \(Clean\).pdf](#)
[Working Group Report \(SB22-034\) FINAL \(Redline\).pdf](#)
[APPENDIX C - SB 22-034.pdf](#)
[APPENDIX D - SB 12-123.pdf](#)
[image001.png](#)

Good afternoon,

Please find attached 4 documents: A clean and redline version of the final working group report and copies of SB22-034 and SB12-123 that will be included as appendices (C & D) in the copy of the report that is transmitted to the General Assembly.

Warm regards and on behalf of both Shannon and myself, thank you for all of your hard work during the time that this working group was in session.

Be well and have a terrific weekend.

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State

303.894.2200 x 6272

Mike.Fitzpatrick@coloradosos.gov

1700 Broadway, Suite 550

Denver, CO 80290

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From: [Mike Fitzpatrick](#)
To: [Mike Fitzpatrick](#)
Cc: [Shannon Kenney](#)
Subject: FW: Transmittal of final report of Fraudulent Business Filings Working Group, under CRS 7-90-315(3)
Date: Monday, February 13, 2023 10:03:23 AM
Attachments: [image001.png](#)
[FBF Working Group - Transmittal ltr, 2-10-2023.pdf](#)
[FBF Working Group - Final Report \(SB22-034\).pdf](#)

Good morning,

Please see below for Deputy Beall's formal transmittal of the Working Group's final report to the legislature this past Friday afternoon.

Please let me know if you have any questions.

Mike



Mike Fitzpatrick

Deputy Director, Business & Licensing | Department of State
303.894.2200 x 6272

Mike.Fitzpatrick@coloradosos.gov

1700 Broadway, Suite 550
Denver, CO 80290

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From: Chris Beall <Chris.Beall@coloradosos.gov>
Sent: Friday, February 10, 2023 5:35 PM
To: Julie.Mccluskie.house@coleg.gov; Stephen.Fenberg.senate@coleg.gov
Cc: natalie.castle@coleg.gov; Alex Goddard <Alex.Goddard@coloradosos.gov>; Mike Hardin <Mike.Hardin@coloradosos.gov>
Subject: Transmittal of final report of Fraudulent Business Filings Working Group, under CRS 7-90-315(3)

Dear Speaker McCluskie and President Fenberg,

Please find enclosed here a transmittal letter and the Final Report of the working group created by SB22-034 concerning recommendations for counteracting and preventing fraudulent business filings.

The working papers of the body may be found at the Colorado Secretary of State's website, at <https://www.coloradosos.gov/pubs/business/fraudFilingsGroup.html>.

Best wishes,

Chris Beall



Christopher P. Beall
Deputy Secretary of State
303.860.6902
Chris.Beall@sos.state.co.us
1700 Broadway, Suite 550
Denver, CO 80290