

**Anne Landman**  
**671 Moonridge Circle**  
**Grand Junction, CO 81505**  
**Cell 970.216.9842**  
**landman.anne@gmail.com**

January 2, 2022

TO:  
Scott Gessler  
[sgessler@gesslerblue.com](mailto:sgessler@gesslerblue.com)

Dino Ioannides, Executive Director  
Colorado Independent Ethics Commission  
1300 Broadway, Suite 240, Denver, CO 80203  
[iecinfo@state.co.us](mailto:iecinfo@state.co.us) | [\(720\) 625-5697](tel:(720)625-5697) | [iec.colorado.gov](http://iec.colorado.gov)

RE: IEC Ethics Complaint #21-18.

—Please note, underlined words and phrases in this letter are hyperlinked to references.

Dear Mr. Ioannides and Mr. Gessler,

I am asking leave of the IEC to submit this reply to Mr. Gessler's December 16, 2021 response to IEC seeking a stay of my ethics complaint about Mesa County Clerk Tina Peters.

Following are my responses to Mr. Gessler's letter:

In Section 1 of his letter, Mr. Gessler states **“A campaign finance complaint on the same subject of the ethics complaint is pending before the Office of Administrative Courts,”** and he argues that my complaint takes issue with Mr. Lindell giving Ms. Peters personal gifts.

**Answer:** I did not charge that Clerk Peters had accepted personal gifts. In my complaint, I quoted Article XXIX of the Colorado Constitution and charged Clerk Peters with accepting things of value that exceeded the legal limit allowable for elected officials under that article. My assertion was that she did so in her capacity as the elected Clerk of Mesa County.

In all of her interviews and public appearances Clerk Peters has never wavered from saying she performed all of her actions pertaining to “election integrity” — the same actions that brought her the largesse of Mr. Lindell — in her capacity as the Clerk of Mesa County.

To be perfectly clear, my ethics complaint stems directly from Clerk Peters’ status as a local elected governmental official subject to the IEC’s jurisdiction. This is not a personal dispute unrelated to her public service, like a property dispute or a divorce.

Also in Section 1 of his response, Mr. Gessler argues that **“Ms. Peters should not be required [to] bear the cost and burden of simultaneously defending two administrative matters that take diametrically opposite approaches,”** and uses this as a basis for asking you to stay my ethics complaint against her.

**Answer:** It is not unusual for people to be subjected to multiple investigations for essentially the same conduct.

The Secretary of State’s Office has jurisdiction over campaign finance issues, but not ethics violations. The IEC is the reverse. The District Attorney has jurisdiction over criminal conduct, but not civil statutes, so it is not unusual for multiple concurrent investigations of the same person to be ongoing over the same set of facts.

One particular case has already made this point quite clearly:

In February, 2013, Mr. Gessler, then as Colorado Secretary of State, was simultaneously under investigation by both the Denver DA and the IEC, with both ethics and criminal charges pending against him over the same set of questionable expenditures. At that time, Mr. Gessler’s attorney sought an injunction against the IEC’s investigation to try to stop it. Denver District Judge Herbert Stern denied the injunction. Mr. Gessler then appealed Judge Stern’s denial to the Colorado Court of Appeals, and lost. Mr. Gessler then appealed the denial to the Colorado Supreme Court, and lost.

So the acceptability of two separate investigations being conducted on the same person at the same time over the same set of facts was already established in this 2013 case about Mr. Gessler himself.

In Section 2 of his letter, Mr. Gessler states that **“This ethics case also creates the strong possibility that prosecutors will use discovery in this case as part of their efforts to construct a criminal case; indeed, they have already sought to benefit from civil proceedings.”**

**Answer:** The IEC is permitted only limited discovery. There are no depositions, grand jury proceedings, etc., allowed. In contrast, the District Attorney has been investigating Ms. Peters' conduct for several months now, and has participated in the execution of search warrants. Since the IEC has much more limited investigative resources and authority than these other agencies, it is highly unlikely that the IEC will uncover information that is not already known by the DA, AG, or other law enforcement agencies.

In addition, the IEC complaint has already received some press, and we can assume that the DA and Attorney General are aware of this. If these officials had any concerns about these parallel proceedings, they could contact the IEC or me directly, and they have not done so.

Also, in Section 2 of his response, Mr. Gessler treats this ethics complaint as the equivalent of a court case against Tina Peters, for example by citing prior case law and pointing to multi-factor tests that courts have relied upon to make decisions, among other inferences.

**Answer:** This is not a court case. This is an administrative proceeding before a body that has exclusive jurisdiction to hear violations of Article XXIX of the Colorado Constitution.

Also in Section 2, Mr. Gessler says this ethics complaint **"harms Ms. Peters' private interests and creates a great personal burden. She faces the burden and difficulty of defending two administrative actions as well as dealing with both state and federal investigations."**

**Answer:** It has already been established by Mr. Gessler himself that more than one action can be ongoing against a single person at the same time over the same set of facts. In addition, the people of the state of Colorado have a very strong interest in ensuring that their elected officials obey the law, especially with regards to ethics. The IEC was created to advance the public interest in this area, and continuing to pursue this ethics complaint now is more crucial than ever to the public interest, since elected officials and monied interests around the state and the country, like Mike Lindell, have been openly praising Clerk Peters' actions and pressing other clerks around the country to engage in similar activities.

**An additional request re: The issue of Clerk Peters' Legal Defense Fund:**

In this letter I also want to ask leave of the IEC to pursue the issue of Clerk Peters' continued solicitation of donations for her legal defense fund through her website [StandWithTina.org](http://StandWithTina.org), as, according to her own words on the website, "the courageous County Clerk of Mesa County, Colorado" and a "brave public official who stepped forward."

In 2013, Mr. Gessler asked the IEC for advice on establishing a similar legal defense fund and asked if it was possible to have such a fund, what it would look like.

After considering his question, the IEC issued Advisory Opinion 13-01, which established guidelines for the ethical operation of such a fund.

The IEC's guidelines include making donors' names public, making the amounts they donate public, appointing a neutral third party person to administer the fund, having donors provide affidavits about the "nature of his or her family or friendship relationship" with the elected official seeking the funds, stating whether or not donors have business before the elected official's agency, etc.

Clerk Peters is currently operating her legal defense fund *without adhering to any of the guidelines the IEC requires in Advisory Opinion 13-01*. This is another important potential ethical violation I would like the IEC to consider, if allowable.

Thank you for considering my response.

Sincerely,

A handwritten signature in black ink that reads "Anne Landman". The signature is written in a cursive, flowing style.

Anne Landman  
January 2, 2022