

DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO Denver City and County Building 1437 Bannock Street, Denver, CO 80202	DATE FILED March 26, 2026 ▲ COURT USE ONLY ▲
Plaintiff: JONATHAN WALTON AMBLER v. Defendants: COLO SECRETARY OF STATE ELECTIONS DIV.	Case Number: 2025CV348 Division: 215
OPINION AND ORDER	

THIS MATTER comes before the Court on the appeal of Plaintiff-Appellant Jonathon Walton Ambler (“Plaintiff”), of the Deputy Secretary of State’s Order of Dismissal of Plaintiff’s campaign finance complaints against the Pueblo County Democratic Party (“PCDP”). The Court, having reviewed the briefs, the record, and the applicable law—and being otherwise fully informed—orders as follows:

INTRODUCTION

Given the convoluted factual issues in this appeal, the Court will begin by clarifying the material facts and assertions in the record.

As detailed herein, Plaintiff brought complaints alleging campaign finance violations against PCDP, a political party committee, and its governing body, the Pueblo County Democratic Central Committee (“the Committee”), a nonprofit corporation. (CR¹ at 33-34). The Committee is composed “of the Officers of the PCDP, its executive committee, and the precinct organizers within Pueblo County.” (CR at 33). Of note, Plaintiff has a background in both Pueblo’s local politics and Colorado campaign finance law—he “was a candidate for State House District 46 three times, in 2018, 2020, and in 2022,” and “was very active in the reporting for [his] campaign” and “monitored [his] opponents reports”; additionally, Plaintiff “served as the Registered Agent for a small scale issue committee” in which he “researched campaign finance laws more deeply than [he] had previously.” (CR at 69-70).

Relevant here, the Committee operates games of chance under its bingo license and, as of 2024, was “licensed to conduct such games within the premise located at 4109 Club Manor Dr. in Pueblo, CO.” (CR at 42-44). The Committee asserts that, based on the guidance of the Secretary of State, it maintains a separate, segregated bank account from PCDP for its bingo income. (CR at 32-33, 39-40). In or around 2011, the Committee used its bingo income to purchase, and then to maintain, a building located at 602 West 9th Street in Pueblo, Colorado (“the Property”). (CR

¹ CR refers to the Certified Record.

at 33-34). It is undisputed that PCDP uses the Property; however, the overall purpose and nature of that use are disputed and central to this matter.

FACTUAL AND PROCEDURAL BACKGROUND

I. Complaint 2024-77

On October 16, 2024, Plaintiff filed the first of two complaints (“Complaint 2024-77”) with the Elections Division of the Secretary of State (“Division”), pursuant to Colorado’s Fair Campaign Practices Act (“FCPA”) § 1-45-111.7(2)(a), C.R.S., alleging violations of Colorado campaign finance laws against PCDP and the Committee. (*See generally* CR 1-17 (“Complaint 2024-77”).)

Specifically, Complaint 2024-77 alleged that PCDP violated campaign finance laws because it never reported alleged expenditures and contributions in TRACER—the system for campaign finance disclosures—related to the Committee’s purchase and upkeep of the Property. (CR at 1-4). Plaintiff argued this was a violation of campaign finance laws because “[i]t is obvious by the use of this facility that the purpose of [the Property] is to benefit the party and candidates of the [PCDP,]” but “there are no records indicating a financial relationship between this building and the [PCDP].” (CR at 3).

On October 29, 2024, the Division issued a Notice of Initial Review and Opportunity to Cure, in which it found that “Complainant’s allegations indicate one or more potential violations of Colorado campaign finance law” and “that one or more of the alleged violations, in this case, may be curable.” (CR at 22-23). On November 13 and 21, 2024, PCDP timely responded to the Division’s requests for information. (CR at 32-37, 81-83). On November 21, 2024, Plaintiff also timely responded to the Division’s requests for information. (CR at 68-73).

II. Complaint 2024-116

On December 23, 2024, Plaintiff filed his second complaint (“Complaint 2024-116”), again alleging violations of campaign finance laws against PCDP based on the Committee’s bingo proceeds. (*See generally* CR at 91-98 (“Complaint 2024-116”).) Complaint 2024-116 alleged that between 2013 and 2024, PCDP failed to report over \$3 million in contributions raised through the Committee’s bingo license and over \$1 million in expenditures from those bingo funds. (CR at 93-94). On January 8, 2025, the Division again issued Notice of Initial Review and Opportunity to Cure, making the same findings listed above. (CR at 100-105). Once again, PCDP and Plaintiff submitted responses to the Division’s requests for information. (CR at 111-112, 115-118).

III. The Deputy Secretary’s Ruling and Plaintiff’s Appeal

On February 28, 2025, the Division consolidated Plaintiff’s complaints on the basis that they stemmed from a common set of operative facts and initiated its investigation to determine whether to file its own complaint with a hearing officer or to file a motion to dismiss. (CR at 130-31). Apparently later the same day, the Division filed a Motion to Dismiss with the Deputy Secretary of State. (*See generally* CR at 133-144 (“Motion to Dismiss”).)

On April 4, 2025, the Deputy Secretary granted the Division’s Motion to Dismiss, concluding that a portion of Plaintiff’s claims were barred as untimely under the statute of limitations and the remaining claims lacked sufficient evidence to find PCDP violated campaign finance law. (*See generally* CR at 301-313 (“Order of Dismissal”)).

On May 7, 2025, Plaintiff appealed the Deputy Secretary’s Order of Dismissal to this Court pursuant to § 24-6-106. Thereafter, the parties timely filed briefs: Plaintiff filed his Opening Brief on September 2, 2025; Defendant filed its Answer Brief on November 3, 2025; and Plaintiff filed his Final Brief on November 25, 2025. In the briefs, Plaintiff and Defendant present starkly contrasting summaries of the record, which consequently required a detailed review by this Court.

STANDARD OF REVIEW

In appeals of agency action, the district court “review[s] the agency’s decision for an abuse of discretion.” *Taheri v. Beall*, 2024 WL 4019096, ¶ 10 (Colo. App. Mar. 21, 2024) (citing *Farmer v. Colo. Parks & Wildlife Comm’n*, 382 P.2d 1263, 1266 (Colo. App. 2016)). “Under this standard of review, [the court] must affirm the agency’s decision unless it was arbitrary and capricious, based on erroneous findings of fact, unsupported by substantial evidence, or otherwise contrary to law.” *Id.*

ANALYSIS

In dismissing Plaintiff’s complaint, the Deputy Secretary ruled that: (1) portions of Plaintiff’s complaint addressing reports prior to April 19, 2024 were untimely and barred under the statute of limitations; and (2) the remaining timely claims in Plaintiff’s complaint—addressing reports from June 4, 2024, June 30, 2024, and July 30, 2024—lacked sufficient evidence to support a violation of campaign finance law. (*See generally* CR at 301-313 (“Order of Dismissal”)). The Court reviews the Order of Dismissal for an abuse of discretion.

I. A Portion of Plaintiff’s Complaint Was Untimely

The Court agrees that Plaintiff’s complaint was largely untimely and affirms the Order of Dismissal to the extent it was based on the statute of limitations.

(a) Arguments

The Order of Dismissal held that “any complaint based on an allegation that [PCDP] failed to report a contribution or expenditure related to the upkeep of the building on a report filed prior to April 19, 2024, is untimely” because this was 180-days before Plaintiff’s first complaint was filed. (CR at 310-11). This holding was based on a finding that Plaintiff “had actual knowledge of the general nature of the alleged violations sufficient to trigger his duty to inquire further on or around October 27, 2022”—the date of a Pueblo Chieftain Article titled “How candidates for Pueblo County office are raising and spending money” (“the Article”). (CR at 309); (*see* CR at 74-77 (copy of the Article)) The Deputy Secretary found Plaintiff “was armed with those

essential facts in October 2022, [such that] the 180-day timeline to file a complaint regarding [PCDP]’s allegedly deficient reports of contributions and expenditures began to run immediately once [PCDP] filed a report.” (CR at 310).

Plaintiff’s Opening Brief largely fails to address the timeliness issue, only arguing that his complaint was timely because the record shows that the essential facts—“ownership, bingo proceeds, separate accounts, non-TRACER reporting, and campaign uses—were established later through investigation and [PCDP]’s responses.” (Opening Brief at 5-6). Plaintiff’s Final Brief further develops the timeliness argument, asserting that the Order of Dismissal misapplied “the statute of limitations under § 1-45-111.7(2)(b) and *Taheri v. Beall*[.]” (Final Brief at 2). Ultimately, Plaintiff’s argument misapprehends the applicable law and fails to recognize or acknowledge his own admissions in the record.

(b) FCPA Statute of Limitations and *Taheri v. Beall*

“A [campaign finance] complaint must be filed no later than one hundred eighty days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation.” § 1-45-111.7(2)(b), C.R.S. “When the statute of limitations begins to run under the discovery rule standard is ‘highly fact- and case-specific.’” *Taheri*, 2024 WL 4019096, ¶ 13 (quoting *McIntyre v. United States*, 367 F.3d 38, 52 (1st Cir. 2004)).

“A claim does not accrue until a person has knowledge of the facts essential to the cause of action — that is, information as would lead a reasonable person to inquire further.” *Id.* ¶ 16 (citation modified). “Thus, under the discovery rule, the statute of limitations is triggered when a person is on notice of the general nature of damage, meaning, in this context, that a complainant has some reason to investigate a possible violation.” *Id.* (citation modified).

Ultimately, “the ‘exercise of reasonable diligence’ standard for purposes of the discovery rule requires that the complaining party act with some promptness where the facts and circumstances would place a reasonable person of common knowledge and experience on notice that a claim against another party might exist.” *Id.* ¶ 19 (citation modified).

(c) Plaintiff Reasonably Knew or Should Have Known of the Alleged Violations in October 2022

The Article Triggered Plaintiff’s Suspicions of PCDP’s Alleged Violations

In Plaintiff’s complaints and responses to the Division’s request for information, he admitted the Article triggered his suspicions that PCDP was committing campaign finance violations. (CR at 2 (“How did you learn of the alleged violation(s)?” Plaintiff answered: “I read an article in the Pueblo Chieftain about the finances of the two major parties in Pueblo County. The numbers cited did not make sense given the relative influence of the two parties.”); CR at 69 (“Reading the [Pueblo Chieftain] article in October of 2022 started my suspicions.”); CR at 98 (“It is interesting to note that the original Pueblo Chieftain article that started my suspicions . . .”).

The Article made Plaintiff aware of inconsistencies between contributions to Pueblo’s Democratic and Republican parties, in that “[w]hile Democratic candidates tend to outraise individual Republicans, the local Republican party has recorded exceedingly more contributions than the Pueblo County Democratic Party.” (CR at 68, 77). Of particular importance to Plaintiff, the Article stated: “Since Jan. 1, the Pueblo County Republican Party has recorded \$53,279 in contributions, but the local Democratic party has raised just \$2,688. This trend has sustained for at least the past decade . . .” (CR at 68, 77).

Although the Article does not expressly mention the Property, Plaintiff’s admissions evidence that he knew PCDP owned and operated the Property when he read the Article. Notably, Plaintiff described how the Article prompted his suspicions about PCDP’s reports given the context that PCDP “has been the dominant political influence for 80+ years” and “owned and operated a headquarters”, while “Republicans rented space for a headquarters” and “never seemed to have the money necessary to compete on a level playing field.” (CR at 68). Consequently, this led Plaintiff to question “how was [the difference in contributions] possible and given the assets of the [PCDP], how did they acquire them with so little funding?” (CR at 68).

Therefore, upon reading the Article, Plaintiff had knowledge of the facts essential to the cause of action—that PCDP owned and maintained the Property, but made no reports of contributions and expenditures related to the Property’s purchase or upkeep—and this information caused him to inquire further, as is evidenced by his subsequent verification of the alleged contributions on TRACER and discussions about his suspicions with local Republican party members. (CR at 71).

Plaintiff Failed to Act with Reasonable Diligence in Reporting His Suspicions

A reasonable person with knowledge that an organization owned and operated a property, while reporting only \$2,000 in contributions, would be on notice something was awry in that organization’s reporting. Although further investigation may have been necessary to determine the details of the violation, as Plaintiff argues, this is not the standard for the statute of limitations—the trigger is when the complainant had sufficient knowledge to prompt “*some reason to investigate a possible violation.*” *Taheri*, 2024 WL 4019096, ¶ 16 (emphasis added). As described above, Plaintiff was on sufficient notice starting with the 2022 Article because he in fact, began investigating his suspicions. Plaintiff admits that, despite his suspicions, “[a]fter the 2022 election, [he] had [his] own campaigns to close down, and needed to move on. Nevertheless, [he] had that article in the back of [his] mind.” (CR at 71). Ultimately, Plaintiff failed to act with reasonable diligence in filing his complaint, as required by the statute and *Taheri*.

Thus, Plaintiff’s claims regarding reports prior to April 19, 2024, are untimely and were properly dismissed.

(II) Dismissal of Plaintiff’s Remaining Claims Was Contrary to Evidence in the Record

The Deputy Secretary dismissed Plaintiff’s remaining claims on the basis that “there is insufficient evidence to support a violation of campaign finance law” because the bingo-raffle

proceeds did not constitute “contributions” or “expenditures.” (CR at 312-13). This finding, while perhaps accurate, is incomplete given the extent of Plaintiff’s complaints. The Court finds that the dismissal of Plaintiff’s remaining claims is contrary to evidence in the record.

(a) Arguments

In holding the record was insufficient to support Plaintiff’s allegations of campaign finance violations, the Deputy Secretary found that PCDP’s bingo-raffle proceeds did not constitute “contributions” because the Committee “segregates its bingo and raffle receipts from its other funds and only uses those funds for the licensed organization as a whole—including the upkeep of the building, voter education, and charitable contributions” and “does not use any of the proceeds obtained under its bingo-raffles license for the benefit of candidates, their committees, or public office holders.” (CR at 312). Further, and without any analysis, the Deputy Secretary, held that “[s]imilarly, the expenses related to the daily operating costs of running the building do not constitute an ‘expenditure’ under Colorado campaign finance law.” (CR at 313).

Plaintiff argues that the dismissal of his remaining claims “rests on assumptions, omissions, and unverified assertions rather than on evidence in the certified record.” (Final Brief at 5; *see also* Opening Brief at 5-6). Specifically, Plaintiff argues that the Order of Dismissal made numerous errors, including: failing to obtain the Committee’s Articles of Incorporation; “treating labels (nonprofit status; segregated bingo account) as dispositive—while ignoring who actually controls and uses the resources at issue”; “fail[ing] to reconcile the bingo-venue mismatch”; asserting that the Committee and PCDP were distinct organizations with segregated bank accounts without evidence in the record supporting these claims; and lastly, failing to address material evidence in the record including financial and ownership documents for the Property and “photographs showing partisan displays and campaign materials in the building.” (Opening Brief at 3-4, 6; Final Brief 6-7).

(b) Legal Standard

“Pursuant to section 24–4–106(7), agency action may be set aside if it was . . . without substantial evidence based upon the record as a whole . . .” *Zamarripa v. Q & T Food Stores, Inc.*, 929 P.2d 1332, 1342–43 (Colo. 1997). Ultimately, “[w]hether the decision is supported by substantial evidence is a question of law.” *Id.* at 1343. “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Johnson v. Dep’t of Safety*, 503 P.3d 918, 922 (Colo. App. 2021) (citation modified).

Defining Contributions and Expenditures Under Campaign Finance Law

Pursuant to campaign finance law, a contribution is defined as:

- (I) The payment, loan, pledge, gift, or advance of money, or guarantee of a loan, made to any candidate committee, issue committee, political committee, small donor committee, or political party;
- (II) Any payment made to a third party for the benefit of any candidate committee, issue committee, political committee, small donor committee, or political party;

(III) The fair market value of any gift or loan of property made to any candidate committee, issue committee, political committee, small donor committee or political party;

(IV) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's nomination, retention, recall, or election.

Colo. Const. art. XXVIII, § 2(5)(a)(I-IV). An expenditure “means any purchase, payment, distribution, loan, advance, deposit, or gift of money by any person for the purpose of expressly advocating the election or defeat of a candidate or supporting or opposing a ballot issue or ballot question.” § 2(8)(a).

(c) Dismissal of Plaintiff’s Remaining Claims Was Premature and Improper

The Order of Dismissal Fails to Address Evidence that PCDP Used the Property for Partisan Activities

Although the Property may have been used for some nonpartisan activities, the record also shows that it has been used for the benefit of PCDP, along with issues and candidates PCDP supports. In responding to the Division’s request for information, PCDP alleged the Property is “used only for bona fide organizational expenses of [PCDP] per the laws, rules, and guidance for use of funds raised from Bingo games.” (CR at 51). PCDP further claimed the activities that took place on the Property were: “Bookkeeping for bingo and party activities, hosting training seminars, meeting space for bingo and non-candidate/issue party activities, volunteer appreciation events, fundraising activities for the PCDP, meeting space for other nonprofit organizations, and various civic activities.” (CR at 52). Upon being asked whether the Property was used to support or oppose any candidates or issues, PCDP vaguely indicated that it “made the building available to *various campaigns* throughout the last election cycle for them to meet with volunteers, coordinate activities, store literature, and conduct various other civic activities, *according to the nature of their purpose as an organization.*” (CR at 52) (emphasis added). PCDP failed to fully disclose the nature of these “activities.”

A more appropriate response would have been that the Property serves as PCDP’s self-proclaimed “Pueblo Democrats HQ.” (CR at 253, 256-63). Evidence in the record makes it clear that one of the purposes of the Property was to benefit PCDP and the candidates and issues it supported. (CR at 248-263). In fact, photographs in the record, which the Order of Dismissal failed to address, depict partisan activities being hosted at the Property, including rallies and campaign meetings for democratic candidates. (CR at 248-263). For example, PCDP posted numerous Facebook flyers discussing partisan activities on the Property which supported candidates and issues like: “Join us at . . . Dem HQ to make calls or knock on doors for ‘Mayor Nick’” (CR at 253); “Join us at . . . Dem HQ. We need all our volunteers to reach our goals . . . Help Dems win this election.” (CR at 256); “You are invited to join the Pueblo Dems Campaign Launch for all local candidates . . . Help us phone or canvass.” (CR at 257); “DEM BBQ . . . Stay after to phone or canvass for all local Dem candidates.” (CR at 258); “Help Adam Frisch & local democrats win in 2024 . . . Join us to phone voters . . .” (CR at 262).

Further, in seeking guidance from the Secretary of State regarding the potential use of bingo income to hire someone to maintain the Property, Michael Messervy, the Treasurer of PCDP, stated that “Several years back, *the Pueblo County Democratic Party bought a building for our organization using bingo funds.*” (CR at 59-60). The overlap in leadership, combined with the commingling of the Property as a shared asset between the Committee and PCDP, shows a lack of separation between the entities, which is contrary to the Deputy Secretary’s order.

Although PCDP may host nonpartisan, educational events at the Property, as it alleges, this does not negate that one purpose of the Property is to benefit PCDP, along with its candidates and causes. The Order of Dismissal failed to address any of the evidence that the Property acts as the “Pueblo Democrats HQ” and solely relied on PCDP’s unsubstantiated representations. Thus, the dismissal of Plaintiff’s timely claims is reversed and remanded for further factual investigation and findings.

CONCLUSION

Consistent with the foregoing, the Deputy Secretary’s Order of Dismissal is **AFFIRMED** as to the claims barred by the statute of limitations but is **REVERSED** and **REMANDED** for further proceedings regarding the sufficiency of the timely claims.

DATED AND ORDERED: March 26, 2026.

BY THE COURT:



Judge A. Bruce Jones
Denver District Court