

The uploaded anonymous cover letter and request for evaluation (RFE) of judicial conduct submitted to the Colorado Commission on Judicial Discipline (CCJD) details a pattern of fraudulent conduct involving the Justices of the Colorado Supreme Court, Leadership within the Colorado Judicial Department, Colorado Attorney General Phil Weiser, Leadership within the Attorney General's Office, and within the CCJD itself. A full copy of the RFE and supporting Appendices will be mailed separately due to file size.

If summarized and made relevant to purposes of the Fraud Hotline, there is substantial and reliable evidence that, for years, the Justices of the Colorado Supreme Court, Colorado Attorney General Phil Weiser, and other public officials/employees have conspired to openly engage in a pattern of misusing public funds, public resources, and the authority of their positions to unlawfully conceal evidence of misconduct by judges, attorneys, and public officials/employees. This fraudulent conduct includes a pattern of intimidation, retaliation, and the misuse of public funds (in excess of \$4 million since 2019) to negotiate general waivers / non-disclosure agreements intended to silence victims, whistleblowers, and, even, other public officials. The fraudulent conduct involved also includes a history of withholding material information from the Colorado Office of the State Auditor (OSA) and, otherwise, obstructing the OSA's single statewide audit, its previous fraud hotline investigation, and its 2020 performance audit of the State Court Administrator's Office (SCAO). *See Matter of Nathan B. Coats*, 2023 CO 44, ¶ 6 (violation of Code of Judicial Conduct Canon Rule 2.5 supported public censure of former Chief Justice who with other Justices collectively approved the Masias Contract without notice to either the OSA or the SCAO's Financial Services Division (FSD) and despite personal knowledge of April 15, 2019 anonymous fraud report).

More specifically, the record includes evidence of various false claims that include but are not limited to: 1) the Masias Contract, 2) the Masias Separation Agreement, 3) the David Kribs Voluntary Separation Incentive (VSI) Agreement, 4) the Jane Hood Separation Agreement, 5) a separation agreement with an unidentified Judicial Department employee who was retaliated against for internally reporting former Denver Presiding Juvenile Court Judge D. Brett Woods's habitual intemperance, 6) the Justices knowingly allowing former 18th Judicial District Court Judge John Scipione to retain an over \$189,530 windfall attributable to his judicial misconduct and bad faith litigation tactics, 7) a series of general waivers and non-disclosure agreements negotiated by the Attorney General's Office (in excess of \$4 million since 2019), and 8) the Justices of the Colorado Supreme Court misusing approximately \$350,000 of public funds to contract for "independent" investigations of their own conduct (as otherwise prohibited by Canon Rule 2.9 of the Colorado Code of Judicial Conduct). The Justices have further misused an unquantified amount of public funds and have co-opted other judges and the State Commission on Judicial Performance to make public statements/endorsements and cover up the Justices' own probable judicial misconduct through the Court's statewide "listening tours" and "Workplace Culture Initiative." As an indication of scope, for Fiscal Year 2024-25, the Justices sought a recurring annual appropriation of over \$1.2 million to implement their ethically dubious initiative. As also part of their FY 2024-25 budget request for the Judicial Department, the Justices resurrected the "leadership training program" at issue in the Masias Controversy with a requested initial appropriation of \$500,000, increasing to \$700,000 in FY 2025-26. As before, this request creates appearances of impropriety in violation of the Colorado Code of Judicial Conduct as well as the Judicial Department's internal Code of Conduct. Additionally, the Justices have misused their access to SCAO employees, Supreme Court staff, the Attorney General's

Office, and the SCAO's internal Legal Counsel as a means of defending against and covering up allegations of the Justices' own judicial misconduct and violations of the law. The Justices' fraud includes abusing their authority: 1) to prevent the OSA from previously making immediate, full, and timely referrals to law enforcement at all levels and 2) to prevent the OSA from publishing its complete prior Fraud Hotline Investigation Report and supporting evidence related to the Masias Controversy without redaction. The retaliatory actions of the Justices, the Attorney General, and their accomplices support causes of action and present a basis for individual liability under 31 U.S.C. §3730(h) and § 24-31-1204, C.R.S. as well as various criminal laws, if enforced equally.

Although § 2-3-110.5(3)(a)(II), (III), C.R.S. contemplates the reporting of fraud to the Colorado Attorney General's Office's False Claims Unit and the reporting of fraud committed by public employees to the employees' respective agencies, the wrongdoers involved in this fraudulent conduct and the historic obstruction of the OSA's functions include the Justices of the Colorado Supreme Court, Colorado Attorney General Phil Weiser, and their subordinates. Moreover, the Justices and Attorney General Weiser are personally responsible for causing the statute of limitations to partially expire as to the OSA's prior referrals of suspected fraud to law enforcement for criminal prosecution. Even though the statutes of limitations for civil violations under the False Claims Acts have not yet expired, Attorney General Weiser has further failed to pursue any enforcement through his False Claims Unit or to perform his preliminary obligations to diligently investigate fraud under § 24-31-1204(1)(a), C.R.S. The Fraud Hotline statute (§ 2-3-110.5, C.R.S.) and the Colorado False Claims Act (HB 22-1119; codified as Title 24, Art. 31, Part 12, C.R.S.) were not drafted in contemplation of such conflicts of interest. Accordingly, the Legislative Audit Committee should be consulted for possible legislative changes and any referrals/disclosures to law enforcement under § 2-3-110.5(2)(f)(II), (3)(c)(IV), C.R.S. should be directed to conflict-free agencies, such as the U.S. Department of Justice's Public Integrity Unit and its national Civil and Civil Rights Divisions or local prosecutors (excluding the Colorado Attorney General's Office and the 2nd Judicial District Attorney's Office). Because the State of Colorado, the Colorado Department of Law, and the Colorado Judicial Department are all recipients of federal funds, the fraud involved here impacts the U.S. Treasury. Accordingly, in addition to probable violations of Colorado law, these circumstances also implicate federal criminal offenses and civil violations.

Ultimately, the circumstances described here and in the uploaded RFE present repeated incidents of conduct that meet the definition of "fraud" stated in § 2-3-110.5(1)(d), C.R.S., which provides, in relevant part:

"Fraud" means occupational fraud or the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization's resources or assets.

Beyond this anonymous fraud report, this complainant/reporter intends to separately seek further direct enforcement through the U.S. Department of Justice and the federal courts.