

For City Clerk's Use Only: Date Filed: 01/27/21 Initials: via email to

7:06 pm

cityclerk@

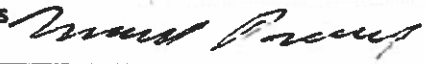
fcgov.com

Return this completed form to:

City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF ELECTION COMPLAINT ALLEGING A VIOLATION OF CITY CAMPAIGN LAWS

Complainant Information: Name, address, telephone number(s), and email address of the complainant (who must be a registered elector). If more than one complainant, please provide the name, address, telephone number(s), email address, and signature of each complainant on the back of this form or on additional sheets.

Name: Michael Pruznick	Complainant's Signature: 
Street Address: 636 Castle Ridge Ct	Zip Code: 80525
Phone #: 970-673-7840	Email: mikepruz@gmail.com

A complaint alleging a violation of City campaign laws, in accordance with Section 7-145, must be filed with the City Clerk no later sixty (60) days after the alleged violation has occurred.

GROUNDS FOR ELECTION COMPLAINT

Name of alleged violator(s): Susan Gutowsky	Date(s) of alleged violation: Ten days after 2020-12-21
Code provision allegedly violated: [2020-01-27 complaint 2 of 2] 7-133(a) -- must file affidavit within 10 days of becoming candidate 7-133(c) -- the penalty for failing to disclose is disqualification	
Description of the offense allegedly committed and the basis for the allegation: See Attached.	
Identification of any relevant documents or other evidence. Please attach copies of documents if available. See Attached.	
Identification of any witnesses or persons with relevant knowledge. Please provide contact information for each witness or person identified, such as phone number, physical address, email address, etc. if available. None.	

****A separate form must be completed for each Complaint****

For City Clerk's Use Only

Date Complaint Forwarded to City Manager and City Attorney: Initials:

ALLEGATIONS:

1) According to the 2020-07-31 ethics complaint, pdf page 80, Gutowsky announced as early as 2020-04-29 with the statement, "as I am preparing to run for re-election!". The ethics board ruled that this was not an announcement, so Gutowsky cannot claim here that such was her announcement and that the 60-day window to file a complaint expired.

2) According to the "COMMITTEE REGISTRATION/TERMINATION FORM" on the City 2021 Election Web Page, Gutowsky announced as late as 2020-12-21.

3) According to the definition of "Public announcement" per 7-132, "Registration of a candidate committee" constitutes a public announcement per the definition of "Candidate" in 7-132. On 2020-12-21, a candidate committee was registered for Gutowsky. The registration may be found null and void due to my 2021-01-27#1 complaint, but until such time the committee registration is registered as evidenced by the UNOFFICIAL CANDADITE section on the City's April 2021 election page.

4) In either 2 or 3 above, there is absolutely no legally compliant CANDIDATE AFFIDAVIT on file for Gutowsky for District 1 for the 2021-04-06 election properly filed within 10 days of the announcement or registration.

5) There is an incomplete CANDIDATE AFFIDAVIT that failed to specify both a district and an election. No one knows from the incomplete CANDIDATE AFFIDAVIT what office/district or election the affidavit is for. It would appear the City Staff assumed due to their personal knowledge and thus the sitting council member received a benefit not afford to strangers. By failing to properly disclose her candidacy for D1/2021 via a completed CANDIDATE AFFIDAVIT within the 10-day window, Gutowsky is disqualified.

6) Additionally, the incomplete CANDIDATE AFFIDAVIT dated 2020-12-21 and the campaign web-site announcement of, "I am seeking a second term as your District 1 City Council both constitute declaration of candidacy in a public place. See (2) under 7-132 definition for public announcement (includes social media) and 7-132 definition of social media (includes website). I found both these documents on websites, one on the City, one on susan-gutowsky.com, the site that now appears on the city election page. Please note that the 2019 committee was terminated on or about 2019-05-07, and as such the existence of both susangutowsky.com (name on 2021 committee registration, created 2020-12-21 per whois output below) and susan-gutowsky.com (active campaign page that susangutowsky.com points to, see curl output below) are further public announcements of her candidacy. susangutowsky.com is registered with GoDaddy, a fee-based service, and thus registration was required prior to buying this service, thus the affidavit was required no later than 10 days after the GoDaddy purchase. There is no affidavit dated 2020-12-31 (ten days after 2020-12-21) or earlier indicating Gutowsky is a candidate for D1/2021. Gutowsky is thus disqualified.

NOTE: Even though the typical browser will block the redirect from susangutowsky.com to susan-gutowsky.com, command line tools such as curl spell out the redirect so that it can be done manually. Thus even though there is a hack or config error causing the security error, which prevents automatic redirect, both command line tools and browsers provide manual overrides. Thus, it is still an announcement that is a public place.

7) All other candidates were able to properly complete the form and Gutowsky did properly complete the form in 2019. There is no excuse for an incumbent who got caught breaking the rules in 2019 and helped write and pass the new rules for 2020 to make such a mistake. Gutowsky is responsible for properly completing the forms and turning them in on time. Her failure to file a proper affidavit on time has given her an unfair

advantage over any other candidates that might declare. In fact, her unfair advantage may have scared off prospective candidates already. The only remedy for this bias, accidental or otherwise, that is fair to all other candidates, is disqualification.

CONCLUSION:

As Gutowsky did not file the proper affidavit for D1/2021, within 10 days of registering her candidate committee and making multiple public announcements and making campaign expenditures, she is disqualified from the election. As the Council Member is clearly checked on the affidavit and clearly stated on her web-site and in the ethics complaint, the disqualification is from D1/2021.

The City must take this complaint seriously and deny leniency that would show support for White Privilege and systemic racism.

I believe Gutowsky could still become a candidate in 2021 for Mayor, but not for any Council Member Seat.

FINAL NOTE:

Anything other than disqualification creates election irregularities that many are complaining about at the national level. It is critical that the City avoid getting caught up in this.

APPLICABLE LAW:

Sec. 7-132. - Definitions.

Candidate shall mean any person who seeks nomination or election to the office of Mayor or Councilmember at any City election. A person is a candidate IF THE PERSON HAS PUBLICLY ANNOUNCED AN INTENTION TO SEEK SUCH ELECTION or has filed nominating petitions for the office of Mayor or Councilmember. Candidate shall also mean any elected official who is the subject of recall proceedings pursuant to Article IX of the Charter.

Public announcement shall mean:

(1) REGISTRATION OF A CANDIDATE COMMITTEE; OR

(2) A statement made by the candidate signifying an interest in, or exploring the possibility of, seeking the office by means of a speech, advertisement or other communication reported or appearing in public media or in any place accessible to the public, including social media, that a reasonable person would expect to become public.

Social media shall mean any electronic medium, including an interactive computer service, application, or data network, that allows users to create, share, and view user-generated content, including but not limited to videos, still photographs, blogs, video blogs, podcasts, instant messages, electronic mail, or internet website profiles.

Sec. 7-133. - Candidate affidavit; disclosure statement; failure to file.

(a) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the City Clerk within ten (10) days, that the candidate is familiar with the provisions of this Article.

(b) Each candidate shall file a financial disclosure statement pursuant to § 2-636 with the City Clerk at the same time as filing an acceptance of nomination.

(c) Failure of any person to file the affidavit or disclosure statement required under this Section shall result in the disqualification of such

person as a candidate for the office being sought.

(d) The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings.

REFERENCES:

```
whois susangutowsky.com
<long output redacted>
Domain Name: susangutowsky.com
Registry Domain ID: 2580123458_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: http://www.godaddy.com
Updated Date: 2020-12-21T20:47:12Z
Creation Date: 2020-12-21T20:47:12Z
Registrar Registration Expiration Date: 2021-12-21T20:47:12Z
```

```
curl -I susangutowsky.com
HTTP/1.1 301 Moved Permanently
Server: nginx/1.16.1
Date: Wed, 27 Jan 2021 05:13:05 GMT
Content-Type: text/html; charset=utf-8 Connection: close
Location: http://www.susan-gutowsky.com
```

From: Susan Gutowsky
To: Delynn Coldiron; Carrie Deogett; Nick Cummings
Subject: Completion of Mandatory Project
Date: Wednesday, April 29, 2020 4:41:25 PM
Attachments: Candidate Guidelines F and Q.docx

Hi Delynn--In keeping with our discussion earlier this month, I have completed the project mandated by the Municipal Court. Personally, I am pleased with the result as it is something I would use if I were contemplating running for municipal public office. In fact, I may read the FAQ again as I am preparing to run for re-election! I think I captured the essential pieces of information that a potential candidate would be seeking. I hope you find it as useful as I think it is. In a separate e-mail, I will send you a series of comments/suggestions regarding items of information that might be altered to make them clearer. These are simply my thoughts and you may use them or not use them as you see fit. I'm not sure who is in charge of making sure that the Court makes note of the completion of my project and takes the necessary steps to "seal the deal." I'll leave it to you to take care of that for me. Thanks, Susan

Rec'd by City Clerk 12-21-2020

COMMITTEE REGISTRATION/TERMINATION FORM

Date of Election April 6th November Other

Type of Committee (check only one)

<input checked="" type="checkbox"/> Candidate Committee	<input type="checkbox"/> Small Scale Issue Committee (Note: if you have not received contributions or made expenditures in an aggregate amount exceeding \$200, no registration is required at this time.)
<input type="checkbox"/> Issue Committee	
<input type="checkbox"/> Political Committee	

Is this an amendment to, or termination of, a previous registration?

No. This is a new registration.

Yes. Reason for amendment: _____

Yes. I wish to terminate the Committee and hereby state that the Committee has received no contributions and made no expenditures since the original registration of the Committee. **(Note: if the Committee received contributions or made expenditures, you must file a final Campaign Finance Report showing a zero balance and mark the form as a termination report.)**

Full Name of Committee (spell out acronyms) Phone No

Susan for City Council (970) 215-6308

Street Address (including city/state/zip) Mailing Address (if different)

1418 Stonehenge Dr.
Fort Collins, Colorado
80525

Email Address Web Site Address

susan.gutowsky@gmail.com <https://www.susan-gutowsky.com>
<https://www.susanautowsky.com>

Purpose or Nature of Interest of the Committee

City Council Campaign

Name and Address of Financial Institution in which contributions are deposited (in a separate account bearing the name of the Committee). Must provide written documentation of such account

First Bank (2315 South College Ave. Fort Collins, Colorado 80525)

Name of Registered Agent for Committee Registered Agent's Phone No

Jonathan Peter Runge (970) 692-3351

Registered Agent's Mailing Address Registered Agent's Email Address

408 Bobolink Ct.
Fort Collins, Colorado 80526 jon_runge@hotmail.com

Acknowledgement and Certification of Candidate and Registered Agent

I hereby acknowledge the foregoing information and certify and attest that all information above is true and complete to the best of my knowledge, after reasonably diligent inquiry. I understand that any intentional misrepresentation of facts may result in denial of a registration and that falsification of statements on and with this attestation may be punishable by law.

Signature of Candidate	Date	Signature of Registered Agent	Date
			12/21/20

Must be filed with City Clerk before accepting or making any contributions. (City Code 57-134)

ALL FIELDS ARE REQUIRED

Rec'd by City Clerk 1-2-2019

CANDIDATE AFFIDAVIT

Office Sought: Mayor OR Councilmember in District 1 Election: April 2019

Candidate Information

Full Legal Name

Susan Yvonne Gutowsky

Name exactly as it should appear on the City's web site

Susan Gutowsky

Residential Address (including city/state/zip)

1418 Stonehenge Dr
Fort Collins, CO 80528

Mailing Address (if different)

Telephone Number (primary)

970-215-6308 (cell)

E-mail Address

susan.gutowsky@gmail.com

Campaign Web Site

www.Susan-gutowsky.com

Certification

Pursuant to Section 7-133 of the Fort Collins City Code, I certify that I am familiar with the provisions of Article V of Chapter 7 of the City Code.

Signature of Candidate

Susan Gutowsky

Date of Signing

1-2-19

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

Before me, Elizabeth Ellison, a notary/officer duly authorized to administer oaths, in and for said State, personally appeared Susan Gutowsky whose name is subscribed to the foregoing Candidate Affidavit, and who affirms that said statements are true and that he/she acknowledges the execution of said instrument to be of his or her own free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and sworn to before me this 2 day of January, 2019.

ELIZABETH ELLISON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164029199
MY COMMISSION EXPIRES JULY 24, 2019

Elizabeth Ellison
Notary Public

Rec'd by City Clerk 12-21-2020

CANDIDATE AFFIDAVIT

Office Sought: Mayor OR Councilmember in District _____ Election: April _____

Candidate Information

Full Legal Name

Susan Yvonne Gutowsky

Name exactly as it should appear on the City's web site

Susan Gutowsky

Residential Address (including city/state/zip) Mailing Address (if different)

1418 Stonehenge Dr
Fort Collins, CO
80525

Telephone Number (primary) E-mail Address

970-215-6308 (cell)

Susan.gutowsky@gmail.com

Campaign Web Site

Susangutowsky.com

Certification

Pursuant to Section 7-133 of the Fort Collins City Code, I certify that I am familiar with the provisions of Article V of Chapter 7 of the City Code.

Signature of Candidate Date of Signing

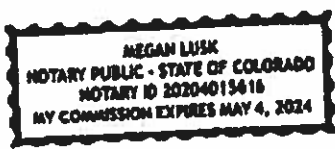
Susan Gutowsky

12-21-2020

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

Before me, Megan Lusk, a notary/officer duly authorized to administer oaths, in and for said State, personally appeared ~~December 21, 2020~~ Susan whose name is subscribed to the foregoing Candidate Affidavit, and who affirms that said Gutowsky statements are true and that he/she acknowledges the execution of said instrument to be of his or her own free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and sworn to before me this 21 day of December, 20 20.



Megan Lusk
Notary Public

12/21/20

5-7-19

CAMPAIGN REPORT

Full Name of Committee:
(as shown on Committee Registration Form)

Susan Gutowsky for City Council

Name of Candidate (or NA):
(If not reflected in Committee name)

Type of Report:

Regularly Scheduled Filing

35 days before election

21 days before election

14 days before election

Friday (noon) before election

35 days after election

70 days after election

Annual filing (start with day after last report)

Amended Filing, replacing prior report dated:

Use due date of report being amended

Termination Report (Termination Reports MUST Have a Monetary Balance of Zero in Line 5 Below)

Reporting Period Covered:

March 28, 2019
date

Through

May 5, 2019
date

(start with day following
end of last report)

(end 2 days before date due)

		Reporting For Current Period
1	Funds on Hand at Beginning of Reporting Period (monetary)	\$ 943.35
2	Total Monetary Contributions (line 10 on Detailed Summary)	\$ 1,710.00
3	Total of Monetary Contributions & Beginning Amount (line 1 + line 2)	\$ 2,653.35
4	Total Monetary Expenditures (line 16 on Detailed Summary)	\$ 2,653.35
5	Funds on Hand at End of Reporting Period (monetary) (line 3 - line 4)	\$ -

I certify to the best of my knowledge and belief this is a true and correct filing. I understand the submission of false, erroneous or incomplete information may be subject to sanctions in accordance with Chapter 7, Article V of the City Code.

Printed Name: Jonathan Runge
Name of Person Completing Form

Title: Treasurer
Campaign Title

Signature: _____

Date: 5/7/2019

Neighborhoods & Community

I am seeking a second term as your District 1 City Council Representative because I am committed to continuing the vital work we do for our community. I have been a strong defender of neighborhood rights and have pushed for policies to protect and enhance Fort Collins' unique character. Our community has faced extraordinary challenges over the past two years, notably the Covid 19 pandemic. I have been a part of managing our response for the past ten months, and I will work hard to facilitate a meaningful recovery where all people in Fort Collins can thrive.

I have lived in Fort Collins for over 40 years. When we moved here, we lived in the south part of town. Now we are called "Midtown." Over the years, I have seen our mid-sized town grow into a vibrant city where everyone seems to want to live. While growth is inevitable, we must manage it wisely. Our past municipal leaders have done an excellent job of forging a plan for our future. It has been my primary focus during my first term to protect the quality of life we currently enjoy in Fort Collins. I will continue to make our neighborhoods are safe, clean, and livable.

District 1 has its unique qualities. Woodward Governor and Budweiser are within our boundaries. We are home to the charming "Tres Colonias" neighborhoods, multiple micro-breweries, and Old Town with its unique shops, restaurants, and bars. Recreational opportunities abound in District 1, with EPIC and the availability of many parks (including the new Sugar Beet Park), trails, and natural areas. And, through it all runs the majestic Poudre River—the jewel of Fort Collins.

We are the district with the most diversity—both cultural and economic. We are the district with the most undeveloped land. I will continue to be vigilant about managing our growth through mindful decision-making while ensuring that our businesses prosper, our environment and our river are protected, and that our residents feel safe in their homes.

Clean air and water, a living wage, access to healthcare and affordable shelter, excellent schools, and a strong economy are essential basic needs. As your Council Representative, my number one priority is to serve your needs. I will continue to listen to you and be a powerful voice for you in our community. Like you, I am proud to call Fort Collins my home.

Councilmember: District 1

Susan Gutowsky

[Candidate Information](#) [Committee Information](#) [Candidate/Committee Filings](#)




Susan Gutowsky

1418 Stonehenge Drive
Fort Collins, CO 80525
970.215.6308
susan.gutowsky@gmail.com

Councilmember: District 1

Susan Gutowsky

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Susan for City Council
1418 Stonehenge Drive
Fort Collins, CO 80525
970.215.6308
susan-gutowsky.com 
susan.gutowsky@gmail.com

Registered Agent:
Jonathan Runge
970.692.3351
jon_runge@hotmail.com

Councilmember: District 1

Susan Gutowsky

[Candidate Information](#) [Committee Information](#) [Candidate/Committee Filings](#)

 [Candidate Affidavit](#)

 [Committee Registration](#)