

Judith F. Shulman
Administrative Law Judge

The Complaint lacks internal logic. It insists The Elbert County Development Council is a government entity and includes evidence of 501-C-6 status. Equally, there is evidence the BOCC denied ECDC the privilege to use the County's logo.

Further evidence of specious argument can be found in the original complaint page 10 of 10 and request for Summary Judgment page 1 of 26. Ballot issue 1B has been certified to pass by 210 votes or some 4%, unchallengeable by C.R.S.

Yet, the Complainant alleges a \$100.00 contribution made in the name of ECDC was sufficient "... to cause 105 voters to change their vote to carry The Election." And: "Due to the prohibited electioneering by a government council and the material effect it had upon the outcome, The election results for 1B should be set aside."

The Complaint demonstrates an Elbert County Transportation Initiative budget of \$6,050.00. 1.4% of that budget was a \$100.00 contribution: "Charles for ELCO Development Council." See attached copy.

That "Charles" is Charles Holmes Groesbeek, named 11 times in the Complaint. The circumstance of that contribution was a call from ECTI's Agent fearing she had drawn down the account. Charles: "Not to worry; I'll put in \$100.00." It can be observed from the "customer signature" that Charles Holmes Groesbeek started to sign his name. His wife's opposition to "Politicizing" gave him pause. He finished the "customer signature" with "for ELCO Development Council" to preserve domestic tranquility. That \$100.00 was cash from Groesbeek's pocket. If there were a questionable act connected to ECTI's promotion of 1B, that is it.

As for the Complainant's specious assertion that 105 votes of a 210, 4%, margin does not reflect the voice of the people: A certified one vote margin is sufficient.

The history of tax initiatives in Elbert County demonstrates all previous tax questions defeated by margins of 75% or more. A win of 4% represents a "sea change" in the political climate.

May the Court order appropriately upon this specious and frivolous compliant.



9 January 2008

Charles Holmes Groesbeek
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BANK OF CHOICE COLORADO
ELIZABETH, COLORADO

CHECKING DEPOSIT

CURRENCY ▶

①10000

COIN ▶

DATE 10/22/07

CHECKS

SUB TOTAL ▶

CUSTOMER NAME: ELBERT PD Transportation

CUSTOMER SIGNATURE: Charles J. LCO Development Council

SUB TOTAL ▶

100 00

SIGNATURE ONLY IF CASH DEPOSIT FROM CHECKS
DEPOSITS MAY NOT BE AVAILABLE FOR WITHDRAWAL IN THE SAME
BUSINESS DAY AS DEPOSITING ACCOUNT

LESS CASH
RECEIVED ▶

—

ACCOUNT NUMBER

\$

100.00

* 0001210798

⑆555501510⑆

1210798⑆

42

Home

File

Zoom In

Zoom Out

Back

Print

Close

VOLUFORMS DEP STS-E

Case OS 2001 0022
The Director of Elbert County Development
Council responds to Summary Judgement
Request, received 5 January, 08

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This respondent, Charles Holmes Groesbeck, Director of Elbert County Development Council, is not an attorney. The Complaint is made by an individual against a non governmental entity, a 501-C-6, the ECDC.

This respondent accepts "A party can not be represented by a person who is not an attorney." The Court continues to accept The Director's responses. The Director of ECDC has assumed the Plaintiff can not argue the case before the Court and ignore testimony from the individual named 11 times in the Complaint. This and impecunious circumstances require the Director of ECDC to appear to testify as called by the Plaintiff according to precedent of Administrative Court.

The Plaintiff's motion for Summary Judgement introduces a falsehood equal to the claim that ECDC is a government council. That falsehood is the ignorance of and/or deliberate distortion of facts.

It states public monies were awarded ECDC to engage a consultant. The Plaintiff's assertions, data, etal are erroneous. Groesbeck was a principal in all the referenced. It is sufficient to state the consultant costs were some \$60,000.00, not the Plaintiff's \$10,000.00.

The matter of the BOCC being "Trustees" (I don't know the legal term) of private monies designated for economic development requires research back some 20 years.

Should the Court pursue the Complainant's spurious claim of public monies received by ECDC, the BOCC would have to authorize research and audit supervised by the County Attorney. This would be an unbudgeted expense for a County with depressed real estate values and diminished budget. This circumstance would require, at minimum, a 90 day continuation simply to see if the BOCC and/or County Attorney accept any portion of the Plaintiff's assertions as issues about which reasonable minds may disagree.

May the Court order appropriately on this specious and frivolous request for Summary Judgment.

Charles Holmes Groesbeck

9 January 2008

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