SUPREME COURT STATE OF COLORADO 2 East 14th Avenue Denver, CO 80203	DATE FILED: May 13, 2014 4:14 PM
Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Setting Board . In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiatives 2013-2014 #85, #86, #87, and #88 ("OIL AND GAS OPERATIONS") **Petitioners:** Mizraim Cordero and Scott Prestidge, v. **Respondents:** Caitlin Leahy and Gregory Diamond and **Title Board:** Suzanne Staiert, Daniel Domenico, and Jason Gelender.	▲ **COURT USE ONLY** ▲ Case Nos. 2014SA116, 2014SA119, 2014SA122 and 2014SA125
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OPENING BRIEF OF THE TITLE BOARD

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with C.A.R. 28(g).

It contains 4,656 words.

The brief complies with C.A.R. 28(k).

It contains under a separate heading (1) a concise statement of the applicable standard of appellate review with citation to authority; and (2) a citation to the precise location in the record (R. , p.), not to an entire document, where the issue was raised and ruled on.

/s/ Sueanna Johnson

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Suzanne Staiert, Daniel Domenico, and Jason Gelender, as members of the Ballot Title Setting Board (the "Title Board"), by and through undersigned counsel, hereby submit their Opening Brief.

STATEMENT OF THE ISSUES

I. The issues presented for review by the Petitioners.

1. Whether Proposed Initiatives 2013-2014 #85 through #87 contain multiple subjects because they propose setback distances for new oil and gas wells in addition to providing that the setbacks are not takings under the Colorado constitution.

2. Whether the titles set by the Title Board for Proposed Initiatives 2013-2014 #85 through #88 are misleading because they fail to inform voters that the setbacks are limited to oil and gas resources belonging to the State of Colorado.

3. Whether the titles set by the Title Board for Proposed Initiatives #85 through #87 are misleading because they fail to inform voters that the measures might bar federal takings claims.

4. Whether the titles set by the Title Board for Proposed Initiatives 2013-2014 #85 through #88 should have used the word "prohibition" instead of "statewide setback."

5. Whether the titles set by the Title Board for Proposed Initiatives 2013-2014 #86 through #88 conflict with the titles set for other measures.

II. The issue presented for review by the Proponents.

6. Whether the titles set by the Title Board for Proposed Initiatives #85 and #87 are misleading and fail to advise the public of the central purpose of the measures because the words "including those using hydraulic fracturing" were omitted.

STATEMENT OF THE CASE

Caitlin Leahy and Gregory Diamond are proponents for Proposed Initiatives 2013-2014 #85 through #88. Mizraim Cordero and Scott Prestidge through counsel objected to the titles set by the Title Board on grounds #85 through #88 contained multiple subjects and the titles were misleading and omitted material information. At the rehearing,

the Title Board found #85 through #88 contained a single subject, but modified the titles in response to two issues raised by the Petitioners. The Proponents objected to the removal of the words "hydraulic fracturing" from the titles. The Petitioners filed this appeal raising single subject and unclear and misleading title arguments. The Proponents filed cross-petitions for #85 and #87 arguing the titles were misleading because of the omitted words.

STATEMENT OF THE FACTS

On March 21, 2014, Proponents Caitlin Leahy and Gregory Diamond ("Proponents") filed Proposed Initiatives 2013-2014 #85 through #88 ("#85," "#86," "#87," "#88" or collectively "Initiatives") with the Colorado Secretary of State. The Title Board held a hearing on April 3, 2014, and after finding a single subject, set titles for the Initiatives.

#85 seeks to amend the Colorado constitution by creating article XXX, which requires that new oil and gas wells must be located at least 1,500 feet from any occupied structure. The measure defines "occupied

structure," and "oil and gas operations," authorizes a homeowner to waive the setback, and states that the setback is not a taking under the Colo. Const., art. II, §§ 14 and 15 for which just compensation is required. An "occupied structure" is defined as any structure or building that requires a certificate of occupancy or is intended for human occupancy, including homes, schools, and hospitals.

#86 and #87 are substantially similar to #85, except that the new oil and gas wells must be located at least 2,000 feet or one-half mile (2,540 feet), respectively, from any occupied structure. Additionally, the measures use the term "oil and gas development" rather than "oil and gas operations," yet the plain language of the definition appears to be the same.

The title set by the Title Board at the April 3rd meeting for #85 stated as follows:

> An amendment to the Colorado constitution concerning a statewide setback requirement for new oil and gas wells, and, in connection therewith, requiring any new oil and gas well, including those using hydraulic fracturing, to be located at least 1,500 feet from the nearest occupied structure; authorizing a homeowner to waive the setback for the homeowner's home; and establishing that the statewide

> setback is not a taking of private property requiring compensation under the Colorado constitution.

The titles set for #86 and #87 were similar in all respects to #85, except the setback requirements of 2,000 feet or one-half mile, respectively, were substituted.

#88 is similar to #86, as it has the same setback distance, but the measure has three differences. First, #88 uses and defines the term "oil and gas operations" similar to #85. Second, the measure allows for any property surface owner to waive the setback requirement, as opposed to just homeowners. And third, the measure excludes language that the setback is not a taking under the Colorado constitution.

At the April 3rd meeting, the Title Board set the title for #88 as follows:

> An amendment to the Colorado constitution concerning a statewide setback requirement for new oil and gas wells, and, in connection therewith, requiring any new oil and gas well, including those using hydraulic fracturing, to be located at least 2,000 feet from the nearest occupied structure; and authorizing property owner to waive the setback for any structure located on the owner's property.

Also at that hearing, counsel for the Proponents represented to the Title Board that they would select only one of the four initiatives to circulate for placement on the November ballot.

On April 10, 2014, Mizraim Cordero and Scott Prestidge ("Petitioners") filed motions for rehearing ("motions") on grounds #85 through #88 contained multiple subjects. Of relevance to this appeal, the Petitioners argued that the Initiatives contained multiple subjects because they deprived property owners of their rights guaranteed under the Colo. Const., art. II, §§ 14 and 15. The motions also argued that the titles set by the Title Board were unclear and misleading.

At the April 16, 2014 rehearing, the Title Board again found that the Initiatives contained a single subject. The Title Board, however, modified the titles in response to two concerns raised by Petitioners: specifically (1) the use of the term "hydraulic fracturing" was a catch-phrase and politically charged term that should be removed; and (2) the titles did not inform voters that the Initiatives were an override to current statewide setback rules. The Proponents objected to the removal of the term "hydraulic fracturing" from the titles, as they

contended this was a central purpose of their measures. Following the rehearing, the title for #85 stated:

> An amendment to the Colorado constitution concerning a statewide setback requirement for new oil and gas wells, and, in connection therewith, *changing existing setback requirements to require* any new oil and gas well be located at least 1,500 feet from the nearest occupied structure; authorizing a homeowner to waive the setback for the homeowner's home; and establishing that the statewide setback is not a taking of private property requiring compensation under the Colorado constitution.

The italics refer to the modified language. The titles for #86 and #87 were substantially similar, except for modification of the setback distances. The title for #88 included the italicized language found in #85, and likewise removed the term "hydraulic fracturing," but was similar in all other respects to its original title.

The Petitioners then filed this appeal on April 23, 2014 raising both single subject and unclear title arguments. The Proponents filed two cross-petitions regarding #85 and #87, in which they argue that removal of the words "hydraulic fracturing" render the titles misleading.

SUMMARY OF THE ARGUMENT

The titles for #85 through #87 contain a single subject – specifically they require statewide setbacks for new oil and gas wells from occupied structures. The provision that the setbacks are not considered takings under the Colo. Const., art. II, §§ 14 and 15 is related to the measures, and does nothing more than set forth the scope of the setbacks.

The titles for #85 through #88 are clear and not misleading. First, the Title Board properly relied on the Proponents' testimony that the use of the possessive in Colorado was not intended to limit application of the setback requirements to just oil and gas resources belonging to Colorado, but rather the measures intended to apply to private and federal mineral interests as well.

Second, the Title Board properly excluded any reference from #85 through #87 that the measures might bar federal takings claims, as the Title Board may not interpret or opine on the legal effects of the measure.

Third, the Title Board has broad discretion in its drafting authority, and it did not abuse that discretion when it decided to use the term "statewide setback" instead of "prohibition" to refer to the required distance of an oil and gas well to an occupied structure. The term "setback" is understandable to voters, and is language found in the measures.

Fourth, the titles for #85 through #88 do conflict with one another, as the material differences between the measures are identified. The Proponents have represented they will only circulate one of the four Initiatives for placement on the ballot. Even assuming, however, that the four Initiatives appear on the ballot, voters would be able to identify and understand the differences between the measures, and if more than one of the measures passed, the one with the greatest number of votes would take effect.

Finally, the removal of the words "hydraulic fracturing" from the titles for #85 through #88 was not improper. Although the term may not necessarily constitute a catch phrase, it may be politically charged language that has the potential to appeal to voters based on emotion

rather than the merits of the measure. Even assuming the term is not a catch phrase, because the measure applies to all oil and gas wells regardless of whether hydraulic fracturing is used, removal of the term does not render the titles misleading or inaccurate.

ARGUMENT

I. Initiatives #85 through #87 contain a single subject.

The Petitioners argue that #85 through #87 contain multiple subjects because the setback distances are distinct from the provision that states the setbacks are not a taking under the Colorado constitution. This argument should fail.

A. The standard of review to determine single subject.

The Title Board may not set title for a ballot initiative that contains more than one subject. Colo. Const., art. V, § 1(5.5); *see also* § 1-40-106.5(1)(a), C.R.S. The single subject requirement prohibits the inclusion of "incongruous subjects in the same measure, especially the practice of putting together in one measure subjects having no

necessary or proper connection." § 1-40-106.5(1)(e)(I), C.R.S.; *see also Kelly v. Tancredo (In re Proposed Ballot Initiative on Parental Rights),* 913 P.2d 1127, 1130-31 (Colo. 1996); *In re Title*, 900 P.2d 104, 113 (Colo. 1995) (stating that "... so long as an initiative encompasses *related* matters it does not violate the single subject requirement of [the] state constitution.") (Scott, J., concurring) (emphasis in original).

A measure contains a single subject if the matters encompassed are "necessarily and properly connected" to each other rather than "disconnected or incongruous." *Kemper v. Hamilton (In re Title, Ballot Title & Submission Clause 2011-2012 #3),* 274 P.3d 562, 565 (Colo. 2012) ("*In re #3*"). Stated differently, if a measure tends to carry out one general purpose, then minor provisions necessary to effectuate that purpose will not violate the single subject rule. *In re Title v. John Fielder,* 12 P.3d 246, 253 (Colo. 2000); *see also Ausfahl v. Caldera (In re Title for 2005-2006 #74),* 136 P.3d 237, 239 (Colo. 2006) (the single subject is not violated unless the text of the measure carries out "two distinct and separate purposes" which are not "dependent upon or connected with each other.") Likewise, the measure contains a single

subject even if it has different effects or it makes policy decisions that are not inevitably interconnected. *Fielder*, 12 P.3d at 254. In order to satisfy the single subject requirement, the Title Board is "vested with considerable discretion in setting the title," and therefore the Supreme Court liberally construes the single-subject requirement. *Title v. Apple*, 920 P.2d 798, 802 (Colo. 1996).

B. The new setback requirements in #85 through #87 are connected to the provision that the requirements are not a taking under the Colorado constitution.

The single subject as represented by the Proponents at the April 3rd hearing was characterized as a setback requirement for all new oil and gas wells from occupied structures. The Proponents stated that the remainder of the measures, including Section 3 that contains the no takings provision, is either purpose, definition, or implementation. The Petitioners, on the other hand, argue that the no takings provision is distinct from the statewide setbacks, as voters could support distance requirements for oil and gas wells, yet expect that if the setbacks were deemed a taking of private property, they would still be subject to just

compensation under the Colorado constitution. The Petitioners' argument should be rejected.

The no takings provision is directly related to the measure. It removes the setback requirements under the measure from the term "taking" as the term is used in Colo. Const. art. II, §§ 14 and 15. It does not relate to or affect any other constitutional provision or state statute. It does nothing more than define the scope of the measure.

This Court rejected a similar challenge in *Smith v. Bogan (In re Title, Ballot Title and Submission Clause and Summary for 1997-98 #112),* 962 P.2d 255 (Colo. 1998). In that case, the measure included a provision "making unconstitutional any state law or regulation that does not treat livestock operations uniformly based upon the similarity in the potential impact on the environment of the livestock operation." *Id.* at 256. Objectors claimed that this provision violated the single subject requirement by invalidating existing laws. The Court rejected this argument. *Id.* Similarly, this Court should reject the Petitioners' argument, and uphold the Title Board's finding of a single subject for #85 through #87.

II. The titles for the Initiatives are fair, clear, and accurate.

The Petitioners raise four arguments to support that the titles for the Initiatives are unclear and misleading. Specifically, they argue: (1) the titles for the Initiatives do not notify voters that the setback requirements are limited to oil and gas resources belonging to the state; (2) the titles for #85 through #87 do not inform voters of the potential barring of federal takings claims; (3) the titles for the Initiatives use the term "statewide setback" instead of the more common word "prohibition;" and (4) the title for #86 through #88 conflict with #85. The Proponents cross-petition with respect to #85 and #87, arguing the titles are misleading because the Title Board removed the words "including those using hydraulic fracturing." The arguments should be rejected and the titles approved.

A. The standard of review with respect to setting a title.

The Title Board's duty in creating a title and submission clause is to summarize the central features of a measure. *In re Petition on Sch. Fin.*, 875 P.2d 207, 210 (Colo. 1994). Not every feature of a measure

must appear in the title. *Fielder,* 12 P.3d at 256. The title should be a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative. § 1-40-102(10), C.R.S.; *see also* § 1-40-106(1)(b), C.R.S. (ballot titles shall be brief, but the Title Board should consider the public confusion that might result with misleading titles).

The Court's limited review "prohibits [it] from addressing the merits of a proposed initiative, and from suggesting how an initiative might be applied." *In re Title, Ballot Title and Submission Clause for Proposed Initiative 2001-02 No. 43,* 46 P.3d 438, 443 (Colo. 2002). The actions of the Title Board are presumptively valid. *In re 1999-2000 #104*, 987 P.2d 249, 254 (Colo. 1999); *see also Tancredo*, 913 P.2d at 1131 (stating that the Supreme Court grants "great deference to the board's broad discretion in the exercise of its drafting authority.")

The title set by the Title Board is reviewed as a whole to determine if it is fair, accurate, and complete. *In re #3,* 274 P.3d at 565. A title will be upheld if the Title Board's language "clearly and concisely reflects the central features of the initiative." *Paredes v. Corry (In re*

Title, Ballot Title, & Submission Clause 2007-2008 # 61, 184 P.3d 747, 752 (Colo. 2008). The Supreme Court will only reverse the Title Board's title if it contains "a material or significant omission, misstatement, or misrepresentation." *In re Title v. Buckley*, 972 P.2d 257, 266 (Colo. 1999); *see also Brown v. Peckman (In re Title)*, 3 P.3d 1210, 1213 (Colo. 2000) (the Supreme Court will reverse the actions of the Title Board in setting the title when the chosen language is "clearly misleading.")

B. The Initiatives are not limited to oil and gas resources belonging to Colorado.

The Petitioners argue that the titles for the Initiatives do not reflect that the setback requirements pertain only to new oil and gas wells in which the resources belong to the State of Colorado. The Petitioners base this argument on the definition of "oil and gas operations" or "oil and gas development" used in the measures in which the possessive form is used to refer to Colorado's oil and gas resources. This arguments should be rejected.

At the rehearing, the Proponents stated that the definition of "oil and gas development" or "oil and gas operations" referred to oil and gas resources located within the Colorado, and was not intended to limit application of the setback requirements to oil and gas resources belonging to private or federal mineral interests. When setting the title, it is appropriate for the Title Board to consider the testimony of the proponents concerning the intent and meaning of the proposal. *See Title v. Swingle*, 877 P.2d 321, 327 (Colo.1994); *see also Hayes v. Ottke (In re Title, Ballot Title, & Submission Clause for Proposed Initiatives 2011-2012 Nos. 67, 68, 69),* 293 P.2d 551, 555 (Colo. 2013) (the Board must give deference to the intent of the proposal as expressed by the proponents balanced with setting titles that avoid public confusion).

The Title Board did not improperly set the titles for the Initiatives, as the Proponents' testimony is consistent with the broad purpose enunciated in Section 1 of the measures. The purpose of the measures state that the effects of oil and gas development or operations impact local communities, and that for the public health, safety, and welfare, statewide setbacks for new oil and gas wells are required so

that such operations are conducted away from occupied structures. Nothing in the plain language limits application of the setback requirements to new oil and gas wells in which the resources must belong to the state.

C. The Title Board properly excluded any reference to federal takings claims.

The Petitioners contend that the titles for #85 through #87 do not inform voters that federal takings claims may be barred. This argument should be rejected.

This Court has consistently held that neither the Court nor the Title Board may interpret a measure or "construe it future legal effects." *In re Title, Ballot Title and Submission Clause for 2007-2008, #57*, 185 P.3d 142, 145 (Colo. 2008). Whether federal takings claims are barred or limited by the measures is subject to interpretation and goes to the legal impact of the measure if passed. *See In re Title, Ballot Title and Submission Clause and Summary for 1999-2000 #255,* 4 P.3d 485, 498 (Colo. 2000) (titles are not "misleading because they do not refer to the Initiative's possible interplay with existing state and federal laws.");

see also In re Branch Banking Initiative, 612 P.2d 96, 99 (Colo. 1980) (upholding Title Board's exclusion from the title that the proposed initiative might conflict with federal banking law).

The Proponents indicated at the initial title setting that inclusion of the words "Colorado constitution" in #85 through #87 was meant to clarify to voters that the new setback requirements may not be considered a taking under Colorado law, but that property owners may nonetheless have applicable federal claims under the U.S. Constitution. Accordingly, it was proper for the Title Board to exclude any reference to any potential effects of federal takings claims.

D. The term "statewide setback" is informative and understandable.

The Petitioners argue that the term "statewide setback" used in the titles for the Initiatives has an "alliterative quality" that is not informative, and the more common word "prohibition" should be used instead. This argument should fail.

The Title Board is granted broad discretion in its drafting authority, and this Court will not reverse unless the words employed

are "clearly misleading." *See Tancredo*, 913 P.2d at 1131. Likewise, the Title Board is not required to draft the best possible title. *See Outcelt v. Schuck*, 961 P.2d 1077, 1082 (Colo. 1998). Here, the titles inform voters that the statewide setback refers to the distance a new oil and gas well must be located from an occupied structure. Voters are familiar with the term setback with respect to zoning ordinances. And the term "statewide setback" comes directly from the Initiatives. As such, the Title Board's use of the term "statewide setback" is not clearly misleading, and should be upheld.

E. The titles for #86 through #88 do not conflict with other titles previously set by the Title Board for similar measures.

The Petitioners argue that the titles for #86 through #88 violate § 1-40-106(3)(b), C.R.S., as they conflict with the title set for #85. The Petitioners argument should be rejected.

The Proponents have represented to the Title Board that they will only select one of the four initiatives for circulation of signatures. The Title Board has accepted these representations in the past based on the

built-in incentives in the system that proponents would not want to incur the additional cost of obtaining signatures for multiple similar measures, as well as risk possible public confusion by having similar measures appear on the ballot. Therefore, this Court should decline to rule on this issue unless more than one initiative is found to be circulated. *See In re Second Initiated Constitutional Amendment*, 613 P.2d 867, 870 (Colo. 1980) (because proponents advised they would not circulate two similar initiatives, the Supreme Court declined to address whether the titles selected conflict, but retained jurisdiction to address conflicting title issues if both were circulated for signatures).

Assuming this Court does rule on this issue, the titles do not conflict. Section 1-40-106(3)(b), C.R.S., states that, "ballot titles . . . shall not conflict with those selected for a petition previously filed for the same election . . ." The Court has construed this language to mean that, "[w]hat is prohibited are conflicting ballot titles which fail to distinguish between overlapping or conflicting proposals." *In re Title,* 873 P.2d 718, 722 (Colo. 1994).

The titles for #85 through #88 set forth the material differences between the four measures. Specifically, the four titles indicate the different setback distances, the waiver for homeowner or property owners, and whether the setbacks are not considered a taking under the Colorado constitution. Even if all four measures were placed on the ballot, there is nothing that prohibits two conflicting amendments to be proposed and even adopted within the same election. *See Petition on Sch. Fin.*, 875 P.2d at 213. Voters will not be confused if all four Initiatives were to appear on the ballot, because the titles lay out the distinctions. And if two or more of the measures were approved by the voters, the one with the most votes would take effect. *See In re Interrogatories Prepounded by Senate Concerning House Bill 1078*, 308, 315 (Colo. 1975) (in the event of conflicting provisions, the measure that receives the greatest number of votes prevails and the other measure does not become law). As such, the titles for #86 through #88 do not conflict with #85.

F. The titles for the Initiatives properly excluded the words "hydraulic fracturing."

The Proponents argue that eliminating the words "hydraulic fracturing" from the titles does not inform the public of a central purpose of the measures and makes them misleading. The Petitioners, on the other hand, requested the removal of the term at the rehearing on grounds it constituted a catch phrase or was a politically charged term.

The use of catch phrases or slogans should be carefully avoided by the Title Board. *Garcia v. Chavez*, 4 P.3d 1094, 1100 (Colo. 2000). Catch phrases "consist of words which form the basis of a slogan for use by those who expect to carry out a campaign for or against an initiated constitutional amendment." *In re Title*, 873 P.2d 733, 741 (Colo. 1994). The Court considers the existence of a catch phrase or slogan in the context of contemporary political debate. *Garcia*, 4 P.3d at 1100. The Court's task "is to recognize terms that provoke political emotion and impede voter understanding, as opposed to those which are merely descriptive of the proposal." *Id.*

In *Garcia*, 4 P.3d at 1100, the Court held that the phrase "as rapidly and effectively as possible" was a catch phrase, because it impermissibly masked the substantive debate about whether English-only immersion was the "most rapid and effective" method to teach non-English speakers. The Court held that the use of those words tips the debate on the issue as submitted to the electorate. *Id.* Even though the measure contained the language found in the title, the Court determined that "the Title Board is not free to include this wording in the titles, if as here, it constitutes a catch phrase." *Id.*

At the rehearing for #85 through #88, the Petitioners pointed to the current Colorado debate surrounding the impacts of hydraulic fracturing on the environment in support of their request for removal. The Petitioners likewise argued that the Proponents put that term "hydraulic fracturing" in their Initiatives precisely because of its emotional appeal. The Proponents countered that they did not want to hide that the Initiatives concern oil and gas operations and development that use hydraulic fracturing methods, as this was a central component of their measures.

The Title Board found that the term may not constitute a catch phrase, but it may be considered politically charged language that should be excluded. The Title Board also reasoned that the setback requirements apply to all new oil and gas wells using hydraulic fracturing, so inclusion of the term was not material and exclusion still made the title accurate. Likewise, the Title Board reasoned that inclusion of the phrase may be misleading, as a voter might want to vote in favor of the measure because it agrees to a setback distance for oil and gas wells using hydraulic fracturing, but not necessarily for all oil and gas operations or development.

The fact that the Proponents acknowledged that including the word "fracking" would be objectionable underscores that hydraulic fracturing – while the technical term – nonetheless has the potential to invoke a pejorative association that may appeal to voters on the basis of emotion rather than further understanding of the measure. *See In re Title,* 875 P.2d 871, 875-76 (Colo. 1994) (the Court reversed the Title Board holding that the terms "open government" and "consumer protection" were catch phrases because it was clear that the terms could

likely be used for slogans). Likewise, even though the words "hydraulic fracturing" is contained in the measure, the Title Board acted properly in excluding them. *See Garcia*, 4 P.3d at 1100. Finally, even assuming that the words "hydraulic fracturing" do not constitute a catch phrase or are not politically charged, the Title Board's action should nonetheless be upheld, because they have broad discretion in their drafting authority, and removal of the words does not make the title "clearly misleading." *See Tancredo*, 913 P.2d at 1131.

CONCLUSION

Based on the foregoing authorities and reasons, this Court should affirm the actions of the Title Board and approve the titles for #85 through #88.

Respectfully submitted this 13th day of May, 2014.

JOHN W. SUTHERS
Attorney General

/s/ *Sueanna P. Johnson*

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CERTIFICATE OF SERVICE

This is to certify that, on this 13th day of May, 2014, I duly served this **OPENING BRIEF OF THE TITLE BOARD** on all parties via ICCES or regular mail, first class postage prepaid, addressed as follows:

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