

Original

<b>COLORADO SUPREME COURT</b> 2 East 14 <sup>th</sup> Ave Denver, Colorado 80203	<b>FILED IN THE SUPREME COURT:</b> <small>DATE FILED: May 29, 2014</small>
ORIGINAL PROCEEDING (C.R.S. 1-40-107(2)) Appeal from Ballot Title Setting Board Ballot Initiative 2012-2014-129; Definition of "Fee"	<b>MAY 29 2014</b> OF THE STATE OF COLORADO Christopher T. Ryan, Clerk
In Re: Title and Ballot Initiative 2012-2014-129; Definition of "Fee"  ANTHONY MILO, Petitioner, v. PETER COULTER and LISA BRUMFIEL , Proponents and Respondents, and Title Board: SUZANNE STAIERT, DANIEL DOMENICO, and JASON GELLENDER.	<b>COURT USE ONLY</b>
Representatives for Proponents/Respondents: Peter Coulter, pro se 151 Summer Street, #465 Morrison, Colorado 80465 303 720-1811 <a href="mailto:Audionly@gmail.com">Audionly@gmail.com</a> and Lisa Brumfiel, pro se 1499 South Jasper Aurora, Colorado 80203 729 275-9730	CASE NO. <b>2014SA135</b>
<b>PROPOSERS RESPONSE BRIEF TO SECRETARY OF STATE TITLE BOARD AND ANTHONY MILO, PETITIONER</b>	

Peter Coulter and Lisa Brumfiel, Proponents and Respondents (hereinafter "Proponents") of Ballot Initiative 2012-2014 #129, Definition of "fee"; respectfully submit their Response Brief to the Secretary of State Title Board and Mr. Anthony Milo, Petitioner/Objector, as follows:

- 1.The Proponents adapt and concur with the opening brief and any response brief of the Title Board as presented by the Colorado Attorney General as though fully written herein.

**RESPONSE TO MR. MILO'S CONTENTION THAT THE  
INITIATIVE CONTAINS MORE THAN ONE SUBJECT.**

- 2.Any Constitutional Ballot Initiative by its very nature affects everyone in the state and because it is part of the Constitution; takes precedent over

every current law and relevant Court findings. Yes, every Ballot Initiative is necessarily broad; but that does not mean it contains more than one subject. Ballot Initiative 129 sets a standard for the definition of "fee" as determined by the United States Supreme Court. That definition was skewed by the Colorado Supreme Court in the 2007 case of Barber v. Ritter. Ballot Initiative 129 contains a very simple single subject that defines the official use of fee in public governmental uses. It does not affect non-public uses of the definition of fee. And while Mr. Milo contends that there is more than one subject, he fails to present any example in the in the Initiative showing such language. Again, just because the effect of the Initiative may be broad is not for the Title Board to decide. Their only concern is that the Initiative contains only one subject so the voter is not confused on what he //she is voting on. The

Board voted unanimously that Ballot Initiative 129 was/is a single subject.

**DID THE TITLE BOARD SET A TITLE**  
**THAT MISLEADS THE VOTER?**

3. Mr. Milo's second argument is that the Board set a title that is misleading because it doesn't set every specific item it would/could possibly affect. As the Proponent has stated earlier; the Title Board set the Title without any input by the Proponents. And they did so by unanimous vote. The Proponents agree with the Title Board that the Initiative presents a clear question to the voter whether the definition of "fee" as presented by Initiative 129; and as defined by the United States Supreme Court should be incorporated into the Colorado Constitution.

**CONCLUSION**

4. As unanimously decided by the Title Board; the Initiative contains a single subject and as exclusively written and unanimously decided by said Board, the Title setting is clear and simple for the voter to decide whether the Initiatives definition of fee should be incorporated into the Colorado Constitution.

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Respectfully submitted this 29<sup>th</sup> day  
of May, 2014,

Lisa Brumfiel,

Peter Coulter.

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**CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ a copy of the above document was served on each of the following:

Name of Person to Whom You are Sending this Document	Party	Address	Manner of Service*
Chip Schoneberger	Atty. For Mr. Milo	360 South Garfield, 6 <sup>th</sup> floor, Denver, 80209	Hand
Colorado Atty. General	Atty. For Title Board	2 East 14 <sup>th</sup> Ave. Denver 80203	Hand

\*Insert one of the following: Hand Delivery, First-Class Mail, Certified Mail, E-Served or Faxed.

/Peter Coulter/