

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Special Meeting on November 8, 2018 noting County Commissioners Steve Wadley, Michael Whiting and Ronnie Maez, County Administrator Peter Jankowski, County Attorney Todd Starr and Tomi Bliss Deputy County Clerk and Recorder present.

Chairman Wadley called the Special Meeting to order at 8:00 a.m.

New Business

A. Discussion Regarding Irregularities in the Clerk and Recorder Election and Possible Lawsuit

County Attorney Todd Starr spoke to the Board about potential irregularities that may have occurred in the election of Kristy Archuleta for the office of County Clerk and Recorder. He was asking the Board to decide whether or not to pursue a declaratory judgment in the event Ms. Archuleta takes office. Attorney Starr was specifically questioning if Kristy Archuleta could be seated as County Clerk when her legal name is Melanie Arzu. Attorney Starr presented paperwork filed with the County Clerk & Recorder's office which may show inconsistencies (Exhibit A). Attorney Starr also advised that he had spoken with the Secretary of State's Office and due to the fact that Ms. Archuleta was unopposed and no one is prejudiced to the decision. The Board does not have an issue in regards to this matter. Attorney Starr was concerned if an individual is seated in a position and attesting documents that someone may challenge those documents. He advised the Commissioners to look toward the future and to protect the County and taxpayers moving forward. Attorney Starr advised that filing the declaratory judgment would be requesting that the courts recognize Ms. Archuleta's acts as official in an event someone attempted to challenge them.

Commissioner Maez stated for clarification that the Party Designation form was designating Melanie Kristy Arzu as the candidate for the office of Clerk & Recorder. She had filled out her name on the Affidavit portion that she wished to run as Kristy Archuleta. This seemed to be the base of the problem.

June Madrid County Clerk and Recorder advised that she only had to qualify the candidate onto the ballot and that each candidate had a right to request the way their name went on the ballot in order for people to recognize them. She advised that the document Attorney Starr felt was misleading was the designation submitted by the Party. Commissioner Whiting stated he believed there was sloppy paperwork involved here and the Board was not attempting to punish any candidate or the Clerk. Attorney Todd Starr reiterated that he did not believe that any misconduct was done in the Election process. However, he also advised that he was contacted by an Elected Official that was concerned about this matter and felt it needed to be addressed publicly.

Ronnie Zaday of 120 Bill's Place and Secretary of the Republican Central Committee questioned why there was a meeting today and asked why this topic was not addressed during the Primary Election.

Betty Diller Archuleta County Treasurer and Public Trustee spoke about her personal experience recording documents incorrectly and the difficulty in correcting those documents after time and would like to see the Board address this situation sooner than later.

November 8, 2018

Deborah Van Gundy 42 Fortune Dr. Vice-Chair of the Republican Party questioned the timing of this Public Meeting as it fell within the ten days that a challenge could be filed.

Natalie Woodruff Archuleta County Assessor wanted to make sure that a declaratory judgment did not nullify the election and she shared her opinion that it was clear that Melanie Arzu and Kristy Archuleta are one in the same.

Attorney Starr answered that a declaratory judgment does not nullify the Election but that it actually endorses an Election. Attorney Starr stated Ms. Madrid originally brought up the issue previously and that he had spoken with Kristy in regards to this topic.

Clerk and Recorder Madrid publically apologized to Ms. Arzu. She felt this was being blown out of proportion after she asked the County Attorney for help regarding the name change for Ms. Arzu.

Rob Keating of 4860 County Road 335 stated the importance of transparency and mentioned the perception of distrust and corruption in the County. As a Candidate himself he believed that violations were made in the Recorder's Office and Election Office and he will be pursuing those issues.

Commissioner Whiting asked Ms. Archuleta if she would like to address the Board and she respectfully declined.

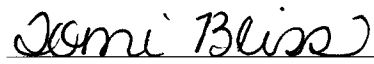
Commissioner Maez questioned the downside of moving forward with a declaratory judgment and if a decision needed to be made today.

Commissioner Whiting advised that he would like a decision made today and does not wish to see any ill fate with Ms. Archuleta or with the Clerk's Office.

Chairman Wadley agreed that a decision should be made today and he stressed that a declaratory judgment was not a negative action.

Commissioner Whiting move to not pursue a declaratory judgment. Commissioner Maez seconded the motion and it carried with Commissioners Whiting and Maez voting "Aye" and Chairman Wadley voting "Nay".

With no further business coming before the Board, the Special Meeting was adjourned at 8:52 a.m.



Tomi Bliss
Deputy County Clerk and Recorder

Approved this 20th day of November, 2018.



Steve Wadley, Chairman



ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS

**CALL TO ORDER THE SPECIAL MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF NOVEMBER 8, 2018 AT 8:00 A.M.**

NEW BUSINESS

**A. Discussion Regarding Irregularities In The Clerk And Recorder Election And
Possible Lawsuit**

The BoCC will discuss some irregularities in the election of Kristy Archuleta for the office of County Clerk & Recorder and will decide whether or not to pursue a declaratory judgment in the event she takes office.

Presenter	Todd Starr
Presenter's Title	County Attorney

ADJOURNMENT OF THE SPECIAL BOCC MEETING

All meetings to be held in the Archuleta County Administration Offices
398 Lewis Street, unless otherwise stated.

All Regular and Special BoCC Meetings are recorded.

County: Archuleta
User Name : Tomi Bliss

Certificate of Registration

Date : 11/06/2018 10:06 AM

Voter ID : 4761097

Voter Information

<u>Voter ID</u>	<u>Last Name</u>	<u>First Name</u>	<u>Middle Name</u>	<u>Suffix</u>	<u>DOB</u>	<u>Gender</u>
4761097	ARZU	MELANIE	KRISTY		[REDACTED]	Female
<u>DL</u>	<u>SSN</u>					
[REDACTED]	[REDACTED]					

Residence Address

610 VISTA BLVD PAGOSA SPRINGS, CO 81147

Mailing Address

PO BOX 1342 PAGOSA SPRINGS, CO 81147 1342 UNITED STATES OF AMERICA

Telephone

Registration Information

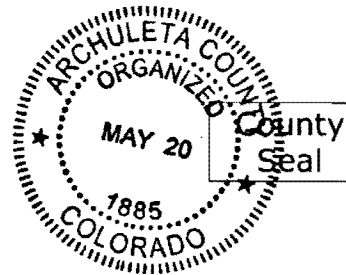
<u>Party</u>	Republican	<u>Status</u>	Active	<u>Reason</u>		
<u>Affiliation Date</u>	05/12/2014	<u>Registration Date</u>	06/17/2005	<u>Precinct</u>	3065904005	<u>Split</u> 75

Pursuant to section 1-2-215, C.R.S.

I, June Madrid, Archuleta County Clerk and Recorder, hereby attest that the foregoing certificate is a true and correct copy of the voter registration record on file in my office as of 11/6/2018.

June Madrid
Archuleta County Clerk and Recorder

By: Tomi Bliss
Deputy Clerk on behalf of Archuleta County Clerk and Recorder



1

2

3

Candidate Acceptance of Designation

Office Use Only:

Complete, sign, and return this form no later than 4 days after adjournment of the assembly. Please type or print legibly.

Office Information

This is an Acceptance of Designation for:

Archuleta County

Title of Office

Clerk and Recorder

District

Qualifications for Office *(You must list the specific qualifications for this office)

1yr Registered elector in County, Citizen of USA, 18 years of age Reg Iyr Rep.

Candidate Information

Full Legal Name

Melanie Kristy Arzu

Name exactly as it will appear on the official ballot

Kristy Archuleta

Residence & Mailing Address

Residence Street Address

6010 Vista Blvd

Apt/Unit

City

Pagosa Springs

State

CO

Zip Code

81147

Mailing Street Address

PO Box 1342

Apt/Unit

City

Pagosa Springs

State

CO

Zip Code

81147

Telephone & E-mail Address

Business Phone #

Extension

Residence Phone #

970-749-4158

E-mail Address

kristyarchuleta2018@gmail.com

Voter Registration Information

Year of Birth

1981

County of Registration

Archuleta

Party Affiliation

Republican

Date of Affiliation

5-12-14

Signature

Applicant's Affirmation

I hereby intend to run for the office stated above and solemnly affirm that I meet all qualifications for the office prescribed by law. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.

Signature of Candidate

Kristy Archuleta

Date of Signing

3-17-18

STATE OF COLORADO

COUNTY OF

Archuleta

Subscribed and sworn to before me this 17th day of

March

20 18 by

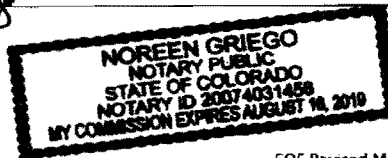
Kristy Archuleta

Signature (and Title) of Notary / Official Administering Oath

Noreen Griego

My Commission Expires

08-16-2019



Print Form

Form 1002

SOS Revised May 7, 2015 Section 1-4-601 & 1-4-1304 C.R.S.

Certificate of Designation By Assembly

Office Use Only:

Complete, sign, and return this form to the Colorado Secretary of State no later than 4 days after adjournment of the assembly.

Office & District

Office District

Assembly Information

Name of Political Party County

Location of Assembly Date

Number of Assembly Delegates Present and Voting

Names of all Candidates Receiving Votes by Assembly (Must include the rank order of Votes Received and Percentage)

----- Ballot 1 ----- Ballot 2 -----

Name & Address of Candidate	Votes Received	% of Vote Received	Rank	Votes Received	% of Vote Received	Rank
MELANIE KRISTY ARZU 610 VISTA BLVD, PAGOSA SPRINGS CO 51147	83	100	1			

Assembly Requirements (Please check all boxes that are applicable)

No more than 2 ballots were taken for the office listed on this form.

First Ballot

At least one candidate received 30 percent or more of the votes of all delegates who were present and voted for this office.

No candidate received 30 percent, therefore a second ballot was cast for ALL candidates.

Second Ballot

At least one candidate received 30 percent or more of the votes of all delegates who were present and voted for this office.

No candidate received 30 percent or more of the votes cast, therefore the TWO candidates that received the highest number of votes are designated by the assembly.

Affiliation Requirement

I certify that each of the candidates listed on this form have been affiliated with the political party for the time period required by party rule or by law if the party has no such rule.



Colorado Secretary of State
1700 Broadway, Suite 200
Denver, Colorado 80290
Phone: (303) 894-2200
Fax: (303) 869-4861
Email: ballot.access@sos.state.co.us

Name of Secretary or Chairman:

Name Rhonda A Zaday Phone # 970-946-4495
Address 120 Bills PL Pagosa Springs, CO 81147

Members of the Assembly Vacancy Committee:

Under section 1-4-601(2), C.R.S., assemblies are required to select a vacancy committee to fill vacancies in designation or nomination.

- The assembly did not select vacancy committee members. Any vacancy in designation for the office on this form will be filled per party bylaws.
- The assembly chose the following people as vacancy committee members to fill vacancies in designation for the office on this form.

Name _____ Phone # _____
Address _____

Name _____ Phone # _____
Address _____

Name _____ Phone # _____
Address _____

Name _____ Phone # _____
Address _____

Name _____ Phone # _____
Address _____

Name _____ Phone # _____
Address _____

Name _____ Phone # _____
Address _____

Additional members can be attached.

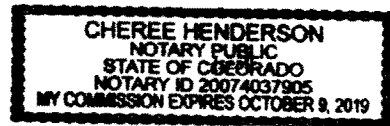
Signature

Affirmation of Secretary or Chairman

I solemnly affirm that the party I represent is qualified to nominate candidates by assembly. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.

Rhonda A Zaday
Signature of Secretary or Chairman

3/20/18
Date of Signing



STATE OF COLORADO
COUNTY OF Archuleta

Subscribed and sworn to before me this 20th day of March, 2018 by Rhonda A Zaday
Day Month Year Printed name of Secretary or Chairman

Signature (and Title) of Notary / Official Administering Oath Cheree Henderson

My Commission Expires: 10-9-2019



Colorado Secretary of State
1700 Broadway, Suite 200
Denver, Colorado 80290
Phone: (303) 894-2200
Fax: (303) 869-4861
Email: ballot.access@sos.state.co.us

Print Form

Colorado Secretary of State
Elections Division
1700 Broadway, Ste. 200
Denver, CO 80290
Ph: (303) 894-2200 x 6383
Fax: (303) 869-4861
www.sos.state.co.us



Space Below For Office Use Only

CANDIDATE AFFIDAVIT

[Art. XXVIII, Sec. 2(2) & 1-45-110(1), C.R.S.]

- State, County, School District, and Special District Candidates file with the Secretary of State
- Municipal Candidates file with the Municipal Clerk

This affidavit certifies that I, **MELANIE ARZU**, a member of the Republican political party/organization (if applicable), am a candidate for the 2018 election, [Art. XXVIII, Sec. 2(2)] for the office of **Clerk & Recorder** County **ARCHULETA**.

I understand that campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 45, Title I of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign and Political Finance.

I further certify that I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Date: 01/02/2018

Physical Address of Candidate: 610 VISTA BLVD
PAGOSA SPRINGS CO 81147

Mailing Address: PO BOX 1342
PAGOSA SPRINGS CO 81147

Business Phone: (970) 749-4158

Residence Phone: (970) 749-4158

FAX:

E-Mail Address: DIMPLEZ_67@HOTMAIL.COM

Web Address: