

<p>SUPREME COURT OF COLORADO 2 East 14th Ave. Denver, CO 80203</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Original Proceeding Pursuant to Colo. Rev. Stat. § 1-40-107(2) Appeal from the Ballot Title Board</p>	
<p>In the Matter of the Title, Ballot Title, and Submission Clause for Proposed Initiative 2023-2024 #145 (“Establish Qualifications and Registration for Veterinary Professional Associate”)</p> <p>Petitioners: Will French and Diane Matt,</p> <p>v.</p> <p>Respondents: Apryl Steele and Ali Mickelson,</p> <p>and</p> <p>Title Board: Theresa Conley, Christy Chase, and Kurt Morrison</p>	
<p>Attorneys for Petitioners:</p> <p>Mark G. Grueskin, #14621 Nathan Bruggeman, #39621 Recht Kornfeld, P.C. 1600 Stout Street, Suite 1400 Denver, Colorado 80202 303-573-1900 (telephone) 303-446-9400 (facsimile) mark@rklawpc.com; nate@rklawpc.com</p>	<p>Case Number:</p>
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #145 (“ESTABLISH QUALIFICATIONS AND REGISTRATION FOR VETERINARY PROFESSIONAL ASSOCIATE”)</p>	

Will French, a registered elector of Douglas County and the State of Colorado, and Diane Matt, a registered elector of Denver County and the State of Colorado (“Petitioners”), through undersigned counsel, respectfully petition this Court pursuant to C.R.S. § 1-40-107(2), to review the actions of the Title Setting Board with respect to the title, ballot title, and submission clause set for Initiative 2023-2024 #145 (“Establish Qualifications and Registration for Veterinary Professional Associate”).

STATEMENT OF THE CASE

A. Procedural History of Proposed Initiative 2023-2024 #145.

Apryl Steele and Ali Mickelson (hereafter “Proponents”) proposed Initiative 2023-2024 #145 (the “Proposed Initiative”). Review and comment hearings were held before representatives of the Offices of Legislative Council and Legislative Legal Services. Thereafter, Proponents submitted final versions of the Proposed Initiative to the Secretary of State for purposes of submission to the Title Board, of which the Secretary or her designee is a member.

A Title Board hearing was held on February 7, 2024, at which time titles were set for 2023-2024 #145. On February 14, 2024, Petitioners filed a Motion for Rehearing, alleging that Initiative #144 contained multiple subjects, contrary to Colo. Const. art. V, sec. 1(5.5), the Board lacks jurisdiction to set titles, and that

the Title Board set titles which are misleading and incomplete as they do not fairly communicate the true intent and meaning of the measure and will mislead voters. The rehearing was held on February 21, 2024, at which time the Motion for Rehearing was granted only to the extent the Title Board made changes to the title.

B. Jurisdiction

Petitioners are entitled to review before the Colorado Supreme Court pursuant to C.R.S. § 1-40-107(2). Petitioners timely filed the Motion for Rehearing with the Title Board. *See* C.R.S. § 1-40-107(1). Additionally, Petitioners timely filed this Petition for Review within seven days from the date of the hearing on the Motion for Rehearing. C.R.S. § 1-40-107(2).

As required by C.R.S. § 1-40-107(2), attached to this Petition for Review are certified copies of: (1) the draft, amended, and final version of the initiative filed by the Proponents; (2) the original ballot title set for this measure; (3) the Motion for Rehearing filed by the Petitioners; and (4) the ruling on the Motion for Rehearing as reflected by the title and ballot title and submission clause set by the Board. Petitioners believe that the Title Board erred in denying certain aspects of the Motion for Rehearing. The matter is properly before this Court.

GROUND FOR APPEAL

The titles set by the Title Board violate the legal requirements imposed on the Board because the title set by the Board violate the “clear ballot title” requirement by omitting critical elements of the measure and will mislead voters. The following is an advisory list of issues to be addressed in Petitioners’ brief:

1. Whether the Title Board erred in setting titles that are incomplete by failing to explain the accountability measures in the Initiative for a supervising veterinarian or veterinary professional associate who violates their duties.

2. Whether the Title Board erred in setting titles that are incomplete and misleading by omitting from the titles that a veterinary professional associate may only practice veterinary medicine within their education and experience.

3. Whether the Title Board erred in setting titles that are incomplete by failing to explain a supervising veterinarian may only delegate duties and actions to veterinary professional associate that are within the associate’s training and experience.

PRAYER FOR RELIEF

Petitioners respectfully request that, after consideration of the parties’ briefs, this Court determine the titles are legally flawed and direct the Title Board to correct the title to address the deficiencies outlined in Petitioners’ briefs.

Respectfully submitted this 28th day of February, 2024.

s/ Nathan Bruggeman

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CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the **PETITION FOR REVIEW OF FINAL ACTION OF BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #145 (“ESTABLISH QUALIFICATIONS AND REGISTRATION FOR VETERINARY PROFESSIONAL ASSOCIATE”)** was sent electronically via Colorado Courts E-Filing this day, February 28, 2024, to the following:

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