

PLAN-Boulder and former Planning Board member again lodges complaint against Open Boulder

By John Bear

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Editor's note: This article has been edited to clarify that John Spitzer also is a member of the board of PLAN-Boulder County, which this election is supporting a slate of candidates competing against those endorsed by Open Boulder.

A former member of the Boulder Planning Board and member of PLAN-Boulder County has accused citizens group Open Boulder of failing to report campaign contributions and failure to properly identify itself on two political flyers.

John Spitzer provided a copy of a violations/complaint form to the Daily Camera dated Oct. 18. It could not be independently confirmed on Wednesday evening whether the complaint had officially been filed with the city.

Open Boulder spokesman Andy Schultheiss said he had not seen the complaint or been notified of it by the Boulder City Clerk and declined to comment. Schultheiss said he is no longer executive director of the organization but still involved with it.

In the complaint, Spitzer alleges that Open Boulder ran an advertisement in the Daily Camera and placed stickers on the paper twice at a total cost of \$3,300 and that the group has spent \$18,300 in total.

Spitzer wrote that the group sent out a flyer to "all voters in Boulder, at a cost of at least \$10,000," and the flyer states that it is paid for by Open Boulder but does not reference the "Open Boulder Unofficial Candidate Committee."

"A similar flyer supporting candidates was distributed on doorsteps over the weekend — at an estimated cost of \$5,000," he wrote. "Open Boulder to date has only reported \$2,862 in contributions to their Unofficial (Candidate) Committee."

The flyer, which is addressed to Spitzer's residence, endorses Eric Budd, Council Member Jan Burton, Jill Grano, Mark McIntyre and Bill Rigler for Boulder City Council.

At the end of his complaint, Spitzer poses the question, "Where is all this money coming from? What are the possible remedies and penalties, (especially) since this is an ongoing election, and the majority of voters are elected to vote in the next couple of days."

In an addendum to his complaint, Spitzer says that Open Boulder has a paid staff that may be receiving about \$100,000 or more per year.

"I have reason to believe that this staff has spent substantial time on the election of candidates," he wrote. "A significant portion of their remuneration should consequently be reported to the 'Open Boulder' Independent Candidate Committee."

[Spitzer lodged a complaint against Open Boulder in 2016](#) alleging that the group didn't properly format a petition to place an item on the ballot to limit the number of terms a City Council member could serve. The city clerk declined to invalidate the petitions and the ballot measure passed.

Reached by phone on Wednesday evening, Spitzer said that he had filed the petition with the city clerk and city attorney, and he wants to see the matter addressed quickly, because the election is only a few weeks away.

"It seems so unfair for a small group of wealthy individuals to buy the election and indirectly the city itself," he said. "This is about ordinary citizens against the big developers in town."

Spitzer's partner is Crystal Gray, a former councilwoman and current member of the Planning Board.

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