

COUNTERACTING FRAUDULENT BUSINESS FILINGS IN COLORADO



Colorado
Secretary of State

Christopher Beall

Deputy Secretary of State

SB22-034 (C.R.S. § 7-90-314)

Amended Colorado Corporations & Associations Act to:

- Create a complaint process and remedy for victims of business identity theft.
- Provide public notice about fraudulent businesses.
- Include fraudulent business filings as a deceptive trade practice under Colorado Consumer Protection Act.
- Authorize additional study on future measures to prevent fraudulent filings.

THE TWO MAIN TYPES OF BUSINESS IDENTITY THEFT

1. “Hijacking a business”

Fraudulent use of existing business’s filings

- Fraudsters make unauthorized changes to business information
- Fraudsters target older businesses that are delinquent or have been dissolved.
- Desirability stems from the entity’s length of existence.

2. “Hijacking an address/name”

Fraudulent use of another’s address or identity

- A victim often receives strange mail or packages at their homes.
- A business loan application made in the victim’s name.

THE TWO MAIN TYPES OF BUSINESS IDENTITY THEFT

➔ REMEDIES ←

“Hijacking a business”

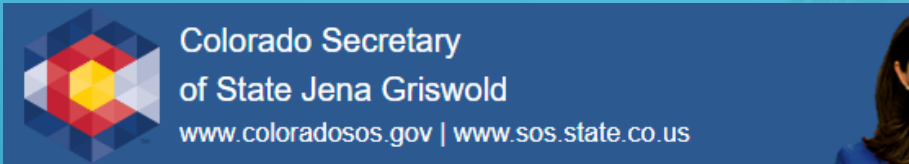
- Redact addresses and names used without authorization from filings.
- Mark each unauthorized filing as unauthorized.
- Mark the entity as a victim of fraudulent or unauthorized acts to provide public notice.

“Hijacking a name/address”

- Redact addresses and names used without authorization from filings.
- Mark the entity itself as being unauthorized or fraudulent to provide public notice.
- Disable filing functionality for the entity to prevent future filings.

THE COMPLAINT PROCESS

1. The customer fills out a complaint form and emails it to our office.



Home Bingo Business Charities Elections Notary

Menu

Complaints About Fraudulent Business

The filing of a complaint is not intended for settling internal disputes between family members, friends/acquaintances, co-workers, competitors or others. Complaints require.

A complaint should only be submitted to our office if one of the following has occurred:

- A new business was created using my information.
 - An address was included in a filing without the written consent of the owner or occupier of the address.
 - My name, without my written consent, was included in a filing as:
 - The registered agent;
 - The individual causing the document to be delivered to the Secretary of State's office for filing.
 - The person incorporating, forming, or organizing a business; or
 - Any other person required under Title 7, C.R.S., to be identified in a document filed in the Secretary of State's office.
 - My existing business record was changed without my written consent or authority to do so.

Forms

Fraudulent Business Filing Complaint

Colorado Secretary of State
Business & Licensing

Phone: 303-894-2200, press 2, then 3
Fax: 303-869-4864

BusinessFraud@coloradosos.gov

Handwritten forms won't be accepted.

Complete this form online, save it, then email it to our office.

The completed form is required to begin an investigation. If the form doesn't provide enough room for your response, put your continued response in a single Word DOC or text file. Add headings to identify the corresponding form section.

Type of violation

I allege that a business filing was made in violation of section 7-90-314(1), C.R.S. as follows:

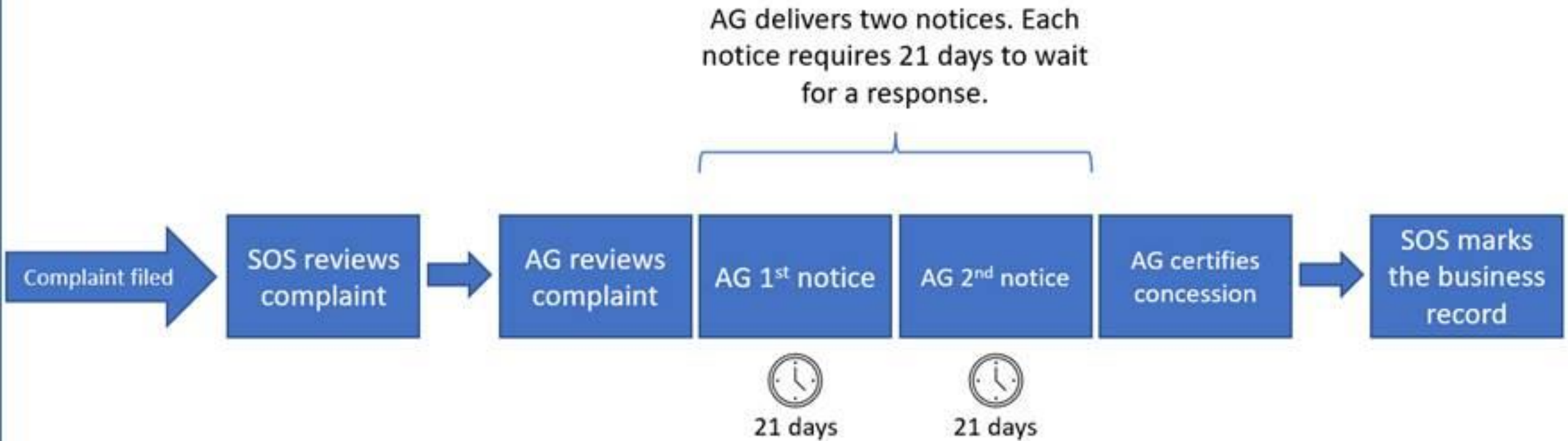
- A new business was created using my information. (Mark all that apply)
- An address was included in a filing without the written consent of the owner or occupier of the address.
- My name, without my written consent, was included in a filing as: (Mark all that apply)
- The registered agent.
- The individual causing the document to be delivered to the Secretary of State's office for filing.
- The person incorporating, forming, or organizing a business; or
- Any other person required to be identified in a document filed in the Secretary of State's office under Title 7, C.R.S.
- My existing business record was changed without my written consent or authority to do so.

THE COMPLAINT PROCESS

2. Our office reviews complaint and either:
 - Rejects,
 - Sends it back to the customer for correction, or
 - Accepts and forwards to A.G.'s office.

3. A.G.'s office issues notices to respondent entity, and
 - If no response, then case is returned to our office for corrective notations on the registry.
 - If respondent entity denies complaint, hearing is held before an ALJ.

THE COMPLAINT PROCESS



THE COMPLAINT PROCESS

➡ The Process of Accepted Complaints ←



EXAMPLES

Citizen complaint for fraudulent use of home address when a new business was created:

Fraudulent Business Filing Complaint

Colorado Secretary of State Phone: 303-894-2200, press 2, then 3
Business & Licensing Fax: 303-869-4864
BusinessFraud@coloradosos.gov

Filed pursuant to §7-90-314 of the Colorado Revised Statutes (C.R.S.)

Complete this form online, save it, then email it to our office. The completed form is required to begin an investigation. If the form doesn't provide enough room for your response, put your continued response in a single Word DOC or text file. Add headings to identify the corresponding form section.

Type of violation

I allege that a business filing was made in violation of section 7-90-314(1), C.R.S. as follows:

A new business was created using my information. (Mark all that apply)

An address was included in a filing without the written consent of the owner or occupier of the address.

My name, without my written consent, was included in a filing as: (Mark all that apply)

- The registered agent.
- The individual causing the document to be delivered to the Secretary of State's office for filing.
- The person incorporating forming, or organizing a business; or
- Any other person required to be identified in a document filed in the Secretary of State's office under Title 7, C.R.S.

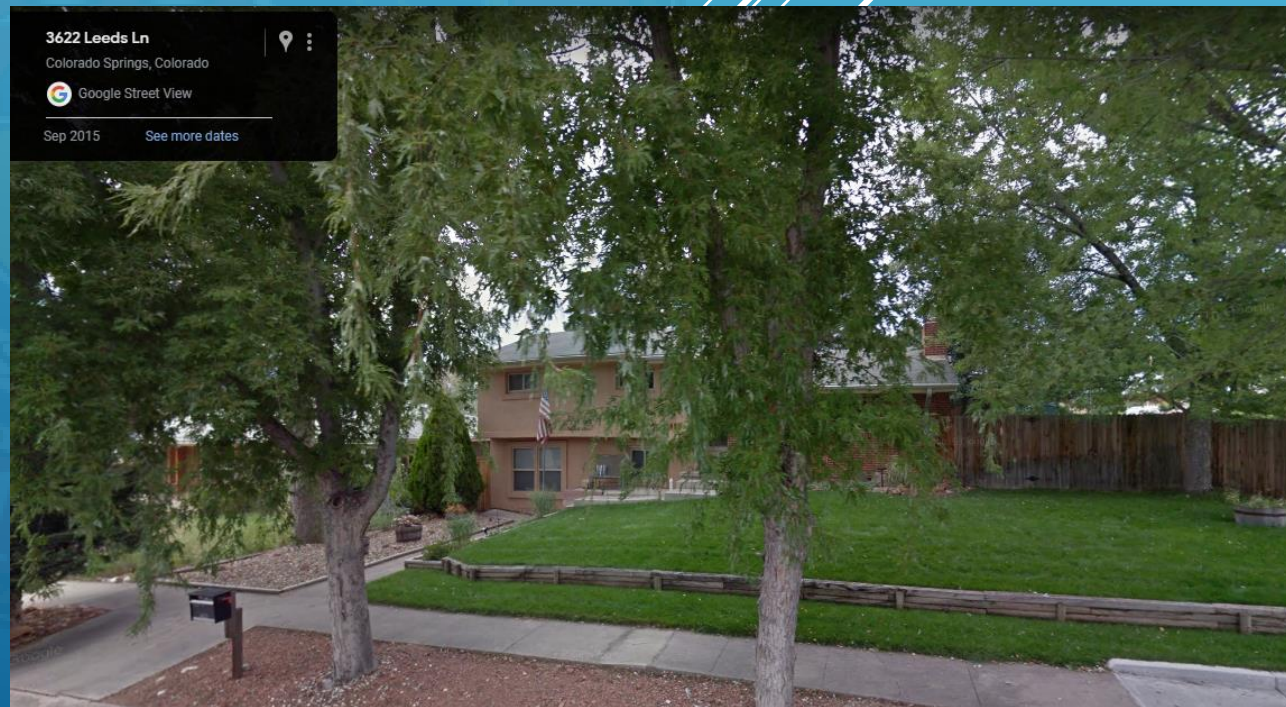
My existing business record was changed without my written consent or authority to do so.

Complainant information

Enter the contact information of the person making this complaint.

Name

Street address, city, state, ZIP



EXAMPLES

After notice and failure to respond, the entity's record is revised on our website, indicating that the entire entity is deemed fraudulent:

Summary

This entity is unauthorized or fraudulent.

Details			
Name	Web Design Michelle Vasquez LLC		
Status	Noncompliant	Formation date	08/13/2022
ID number	20221783173	Form	Limited Liability Company
Periodic report month	August	Jurisdiction	Colorado
Principal office street address	n/a		
Principal office mailing address	n/a		

[Filing history and documents](#)

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EXAMPLES

The history of filed documents is annotated to reflect the determination of a fraudulent filing:



Colorado
Secretary of State
Jena Griswold

For this Record...
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[Business Information](#)
[Business Search](#)

[FAQs, Glossary and Information](#)

History and Documents

Name: Web Design Michelle Vasquez LLC [Print-friendly version](#)

ID number: 20221783173


Found 3 matching record(s). Viewing page 1 of 1.

#	Event	Date Filed	Date Posted	EffectiveDate	Document #	Comment
1	Articles of Organization	08/13/2022	08/13/2022	08/13/2022 03:48 AM	20221783173	
2	Filing Officer Correction	05/25/2023	05/25/2023	05/25/2023 03:36 PM	20221783173	This entity is unauthorized or fraudulent.
3	Filing Officer Correction	05/26/2023	05/26/2023	05/26/2023 04:23 PM	20221783173	This entity is unauthorized or fraudulent;

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EXAMPLES

The underlying filed documents are also redacted:

 **Colorado
Secretary of State**

Colorado Secretary of State
ID#: 20221783173
Document #: 20221783173
Filed on: 08/13/2022 03:48:55AM
Paid: \$1.00

Articles of Organization for a Limited Liability Company
filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

The domestic entity name of the limited liability company is Web Design Michelle Vasquez LLC

The principal office street address is

The principal office mailing address is

The name of the registered agent is Michelle Vasquez

**INFORMATION
REDACTED**

JN
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EXAMPLES

Citizen complaint that an existing business has been hijacked:



The screenshot shows the C&H Solutions website. The header includes the company logo, navigation links (HOME, SERVICES, OUR PROCESS, OUR TEAM, ABOUT US, CONTACT), and a phone number (970.834.2247). The main content area features a large image of industrial machinery with the text "YOUR LOCAL & DEPENDABLE TURNKEY PRODUCTION FACILITY". Below this is a horizontal menu with icons and labels for various services: C&H FABRICATION, C.SIMPSON FARMS, OIL FIELD SERVICES, C&H MIDSTREAM, C&H LOGISTICS, C&H AGGREGATE, ENGINEERING & DRAFTING, and SPECIALTY SERVICES. The footer contains a "Welcome to C&H Solutions" heading and a paragraph describing the company's history and services.

Business entity and documents involved

Business entity

Entity ID number
(11-digit ID # issued by the Colorado Secretary of State)

Name of entity

Filed documents

At least one document ID # is required. You must list all documents involved.

List up to four document numbers involved below. Documents must have been filed with our office. If more documents are involved, identify them in the description below or in an attachment.

Document ID #	Document ID #	Document ID #	Document ID #
<input type="text" value="20231155152"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Describe the alleged violation.

If more room is needed include it in an attachment.

Statement of Change Changing the Registered Agent Information

On 2/7/2023 @ 1:31 pm our Registered Agent and mailing address was changed from Cliff Simpson, Owner and 43646 CR 45, PO Box 211 Ault CO 80610, to David Maag 305 East B Street, Ault Co 80610

After receiving notification from SOS, I googled Mr. Maag's name, found his name and address listed as David Maag, 305 East B Street, Ault CO 80610.

I called Mr. Maag, I asked if he knew of C&H, he said yes by word of mouth in Ault. I told him of the changes made to our account, he denied any involvement. In closing I stated if he didn't have any involvement he needs to be aware someone is using his name and address in a fraudulent manner. He asked what I was going to do next, told him our IT dept will try to locate the IP address and we were filing fraudulent claim with SOS

EXAMPLES

After notice and failure to respond, the changes to the business' registration were reversed and the history of the registration was annotated to reflect the finding of a fraudulent filing.

History and Documents

Name: C & H Excavation, LLC [Print-friendly version](#)
ID number: 20081432228
[\[<Prev 20\]](#)

1 2

Found 39 matching record(s). Viewing page 2 of 2.

#	Event	Date Filed	Date Posted	EffectiveDate	Document # <small>(click to view)</small>	Comment
21	Report	04/25/2016	04/25/2016	04/25/2016 09:23 AM	20161284995	Change of Registered Agent Address / Change of Entity Address
22	Periodic Report due	04/23/2017	04/23/2017	04/23/2017 02:36 AM		Periodic report due by: 07/31/2017
23	Report	04/24/2017	04/24/2017	04/24/2017 08:39 AM	20171308496	Change of Registered Agent Address / Change of Entity Address
24	Periodic Report due	04/23/2018	04/23/2018	04/23/2018 02:29 AM		Periodic report due by: 07/31/2018
25	Report	04/23/2018	04/23/2018	04/23/2018 08:01 AM	20181323875	
26	Report	03/20/2019	03/20/2019	03/20/2019 08:48 AM	20191235979	
27	Periodic Report due	04/23/2020	04/23/2020	04/23/2020 09:35 AM		Periodic report due by: 07/31/2020
28	Report	04/23/2020	04/23/2020	04/23/2020 03:17 PM	20201360103	
29	Periodic Report due	04/23/2021	04/23/2021	04/23/2021 03:17 AM		Periodic report due by: 07/31/2021
30	Report	04/23/2021	04/23/2021	04/23/2021 06:14 AM	20211379962	
31	Periodic Report due	04/23/2022	04/23/2022	04/23/2022 03:18 AM		Periodic report due by: 07/31/2022
32	Report	05/02/2022	05/02/2022	05/02/2022 06:41 AM	20221452044	
33	Statement of Change	02/07/2023	02/07/2023	02/07/2023 01:31 PM	20231155152	Registered agent information changed. Removed agent mailing address;
34	Statement of Correction	02/22/2023	02/22/2023	02/22/2023 06:07 PM	20231192092	Registered agent information corrected;
35	Periodic Report due	04/25/2023	04/25/2023	04/25/2023 08:36 AM		Periodic report due by: 07/31/2023
36	Report	04/26/2023	04/26/2023	04/26/2023 07:14 AM	20231450213	Principal address changed. Change in registered agent information
37	Filing Officer Correction	05/24/2023	05/24/2023	05/24/2023 03:57 PM	20231155152	This document is unauthorized.
38	Filing Officer Correction	06/08/2023	06/08/2023	06/08/2023 10:42 AM	20231155152	This document is unauthorized.
39	Filing Officer Correction	06/08/2023	06/08/2023	06/08/2023 10:52 AM	20231155152	This entity is the victim of fraudulent or unauthorized acts.;

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EXAMPLES

The underlying fraudulent filing is redacted.

E-Filed Colorado Secretary of State
Date and Time: 02/07/2023 01:31 PM
ID Number: 20081432228
Document number: 20231155152
Amount Paid: \$10.00

Document must be filed electronically.
Paper documents are not accepted.
Fees & forms are subject to change.
For more information or to print copies
of filed documents, visit www.coloradosos.gov.

This document is unauthorized.
ABOVE SPACE FOR OFFICE USE ONLY

Statement of Change
Changing the Registered Agent Information
filed pursuant to § 7-90-305.5 and § 7-90-702 of the Colorado Revised Statutes (C.R.S.)

1. The entity ID number and the entity name, or, if the entity does not have an entity name, the true name are

Entity ID number 20081432228
(Colorado Secretary of State ID number)

Entity name or True name C & H Excavation, LLC

2. (If applicable, adopt the following statement by marking the box and enter all changes.)
 The registered agent name has changed.

Such name, as changed, is

Name
(if an individual) _____
(Last) (First) (Middle) (Suffix)

or

(if an entity) _____
(Caution: Do not provide both an individual and an entity name.)

(The following statement is adopted by marking the box.)
 The person appointed as registered agent has consented to being so appointed.

3. (If applicable, adopt the following statement by marking the box and enter all changes.)
 The registered agent address of the registered agent has changed.

Such address, as changed, is

INFORMATION REDACTED

OUR DASHBOARD AND STATISTICS

Weekly View:



OUR DASHBOARD AND STATISTICS

Tracker:

Biz Fraud - Division Dashboard (data as of 10:00AM)

Breakdown of Complaints by Status



Status	Count	Percentage
WAITING ON AG	299	54%
WAITING FOR CUSTO...	104	19%
DONE	75	14%
REJECTED	37	7%
RESOLVED	23	4%
TO DO	13	2%
NO VIOLATION	2	0%
CONFIRMED FRAUD	1	0%
Total	554	

🔄 30 seconds ago

THANK YOU!



Colorado
Secretary of State

Any Questions?