

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the September 8, 2014 Meeting
1300 Broadway, Room 1F, 9:00 am
Denver, Colorado

Present: Rosemary Marshall; Chair, Matt Smith; Vice-Chair, Bob Bacon, William Leone, and Bill Pinkham.

Also Present: Amy DeVan, IEC Executive Director, Maureen Toomey, IEC Assistant to the Director, and Kyle Dumler and Alison Kyles of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Marshall called the meeting to order at 9:01 a.m.
2. There were no public comments.
3. It was moved, seconded and passed unanimously to approve the minutes of the August 25, 2014 meeting.
4. Staff Report
 - a. Ms. Toomey welcomed Amy DeVan as the new Executive Director.
 - b. Ms. Toomey reported on the high number of complaints, advisory opinion requests and letter ruling requests since June 30, 2014.
 - c. Ms. Toomey mentioned that several organizations have been asking Commissioners to come and speak at their events.
 - d. There have been several new CORA requests.
5. The Commission will meet twice in November: Monday, November 3, 2014 and Thursday, November 20, 2014. There will be no meeting in December.
6. Ms. Kyles explained the Draft Employee Handbook Guide for the IEC based on the Judicial Department's employee rules. The Commissioners discussed it and asked for several changes. A revised version will be reviewed at the next IEC meeting.
7. At 10:08, it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding a potential open meetings lawsuit.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:08 a.m. to 11:42 a.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding a potential open meetings lawsuit.

III. GENERAL BUSINESS

8. The Commission returned to open session at 11:42 a.m.

9. The Commission discussed Letter Ruling 14-01 (Paying and Non-Paying Attendees at an Event). The Requester was present. It was moved, seconded and passed unanimously to approve Letter Ruling 14-01 as revised.

10. The Commission discussed Letter Ruling 14-02 (Subsequent Employment or Contract). The Requester was present to answer questions. The Commission staff will ask the agency involved if it perceives a conflict of interest with the request. The letter ruling will be addressed again at the October 6, 2014 meeting.

11. The Commission discussed Advisory Opinion 14-17 (Acceptance of Conference Expenses Paid for by a Non-Profit Organization). It was moved, seconded and passed unanimously to approve Advisory Opinion 14-17 as revised.

12. The Commission discussed Advisory Opinion 14-18 (Acceptance of a Prize). It was moved, seconded and passed unanimously to approve the advisory opinion.

13. The Commission discussed Position Statement 14-01 (Application of Ethics Code). The Commission decided to table the position statement for now.

14. The Commission discussed amendments to the Memorandum of Understanding ("MOU") as requested by the Judicial Department. The Commission approved the amendments and authorized the Chair to execute the MOU on behalf of the Commission.

15. The Commission discussed the draft Strategic Plan and Budget Analysis. Commissioner Smith presented an updated activities report and updates for the operating expense portion of the budget.

16. At 2:09 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 13-13, 13-14, 14-17, 14-18, 14-19 and 14-20 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:09 p.m. to 3:00 p.m. to discuss Complaints 13-13, 13-14, 14-17, 14-18, 14-19 and 14-20 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

IV. GENERAL BUSINESS

17. The Commission returned to open session at 3:00 p.m.

18. It was moved, seconded and passed 4 to 1 (Commissioner Smith dissenting) to dismiss Complaint 13-13 as frivolous pursuant to IEC Rule 7.G.2.

19. It was moved, seconded and passed 4 to 1 (Commissioner Smith dissenting) to dismiss Complaint 13-14 as frivolous pursuant to IEC Rule 7.G.2.

20. It was moved, seconded and passed unanimously to dismiss Complaint 14-17 as frivolous pursuant to IEC Rule 7.G.1, for lack of jurisdiction pursuant to IEC Rule 7.G.2 and based on the face of the complaint itself pursuant to IEC Rule 7.F.

21. It was moved, seconded and passed unanimously to dismiss Complaint 14-18 as frivolous pursuant to IEC Rule 7.G.1, for lack of jurisdiction pursuant to IEC Rule 7.G.2 and based on the face of the complaint itself pursuant to IEC Rule 7.F.

22. It was moved, seconded and passed 3 to 0 to dismiss Complaint 14-19 as untimely under IEC Rule 7.G.3. (Commissioners Smith and Bacon not participating).

23. It was moved, seconded and passed unanimously to dismiss Complaint 14-20 as frivolous pursuant to IEC Rule 7.G.2.

24. The Commission discussed providing ethics advice on unsolicited topics and standards and procedures for providing informal guidance on ethics topics.

The Commission adjourned at approximately 3:45 p.m. The next meeting is scheduled for October 6, 2014 at 9 a.m., room 1F.

Respectfully Submitted,

Amy C. DeVan
IEC, Executive Director