

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the June 30, 2016, Meeting
1300 Broadway, Room 1F, 9:30 a.m.
Denver, Colorado

Present: William Leone, Chairman; Bob Bacon, Vice-Chairman; April Jones; and Matt Smith.

Also Present: Dino Ioannides, IEC Executive Director; and Kyle Dumler of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Chairman Leone called the meeting to order at 9:35 a.m.
2. The Commission received public comments.
3. The Commission tabled approval of the minutes to receive a staff report concerning the purchase of iPads for the Commission.
4. Mr. Ioannides provided the portion of the staff report pertaining to the purchase of iPads for the Commission.
5. Upon motion duly seconded, the Commission unanimously ratified the actions taken to purchase the iPads, without debate.
6. The Commission took from the table the approval of the minutes. Upon motion duly seconded, the Commission unanimously approved the minutes of the May 2, 2016, meeting, without amendment or debate.
7. The Commission tabled approval of the IEC Handbook and the setting of future meeting dates to hold the setting conference, receive the Report of Investigation, and hold further proceedings for Complaint Numbers 15-31, 15-32, 15-33, and 15-34.
8. By unanimous consent:
 - a. The hearing for Complaint Numbers 15-31, 15-32, 15-33, and 15-34 was set for August 10, 2016, at 11:00 a.m.; and
 - b. The Commission's Executive Director was instructed to serve, by July 1, 2016, both the Report of Investigation and the Notice of Hearing to the parties in Complaint Numbers 15-31, 15-32, 15-33, and 15-34.

9. The Commission took from the table the approval of the IEC Handbook. By motion duly seconded, the Commission unanimously and without debate adopted the IEC handbook, as amended, and instructed the Executive Director to cause 2,500 copies to be printed.
10. The Commission took from the table the setting of future IEC meeting dates and, by unanimous consent, set the following future meetings: July 25, 2016, at 9:00 a.m.; September 8, 2016, at 9:00 a.m.; October 17, 2016, at 9:00 a.m.; November 14, 2016, at 9:00 a.m.; and December 19, 2016, at 9:00 a.m.
11. The Commission recessed at 11:30 a.m. and reconvened at 11:45 a.m.
12. The Commission discussed the applications received for the 5th Commissioner. By unanimous consent, Chairman Leone was authorized to further interview the applicants.
13. At 12:07 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to §§ 24-6-402(3)(a)(II) and §13-90-107(1)(b), C.R.S., concerning home rule ethics codes and Article XXIX of the Colorado Constitution for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

14. The Commission met in Executive Session from 12:07 p.m. to 12:53 p.m. to discuss home rule ethics codes and Article XXIX of the Colorado Constitution.

III. GENERAL BUSINESS

15. The Commission took a brief recess and returned to open session at 12:58 p.m.
16. By unanimous consent, the Commission tabled further discussion on the Draft Position Statement concerning home rule ethics codes and Article XXIX of the Colorado Constitution, to meet with representatives of the Colorado Office of the Attorney General, David Blake, Esq., and Russel Klein, Esq., concerning House Bill 16-1216, IEC legal representation, and related issues.
17. At 2:10 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to §§ 24-6-402(3)(a)(II) and §13-90-107(1)(b), C.R.S., concerning HB16-1216, IEC legal representation, and related issues, for purposes of receiving legal advice on specific legal questions.

IV. EXECUTIVE SESSION BUSINESS

18. The Commission met in Executive Session from 2:10 p.m. to 2:57 p.m. to discuss HB16-1216, IEC legal representation, and related issues.

V. GENERAL BUSINESS

19. The Commission recessed from 2:57 p.m. to 3:08 p.m.

20. The Commission returned to open session at 3:08 p.m. and took from the table the discussion of the Draft Position Statement concerning home rule ethics codes and Article XXIX of the Colorado Constitution.
21. By unanimous consent, the Commission instructed that the Draft Position Statement be placed on the Commission's website to receive public comment.
22. By unanimous consent, the Commission postponed consideration of Advisory Opinion 15-12 and instructed that Advisory Opinion 15-12 (Draft 1) be included in the next agenda packet.
23. The Commission discussed the Grant of Certiorari in *Gessler v. IEC*, 2015SC462.
24. Mr. Ioannides provided the remainder of the staff report, including an update on the legislative audit, the IEC-SCAO MOU, and the upcoming COGEL conference.
25. Chairman Leone having recused himself, Vice-Chairman Bacon presided over the Commission's consideration of Letter Ruling 16-02. Upon motion duly seconded, the Commission unanimously and without debate approved Letter Ruling 16-02, as amended.
26. Chairman Leone resumed chairmanship of the meeting.
27. Upon motion duly seconded, the Commission unanimously approved Advisory Opinion 16-05 without debate.
28. Subsequent to approval of Advisory Opinion 16-05, the requestor of the Advisory Opinion joined the meeting by telephone and the Commission received oral input from the requestor. Upon motion duly seconded the Commission, after debate, unanimously ratified its prior approval of Advisory Opinion 16-05 as drafted.
29. At 4:07 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to §24-6-402(3)(a)(III), C.R.S., to discuss Complaint 16-02, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

VI. EXECUTIVE SESSION BUSINESS

30. Mr. Ioannides recused himself. The Commission met in Executive Session from 4:07 p.m. to 4:43 p.m. to discuss Complaint 16-02.

VII. GENERAL BUSINESS

31. The Commission returned to open session at 4:43 p.m.
32. At 4:44 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to §24-6-402(3)(a)(III), C.R.S., to discuss Complaint 16-13, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

VIII. EXECUTIVE SESSION BUSINESS

33. Mr. Ioannides remained recused. The Commission met in Executive Session from 4:44 p.m. to 4:46 p.m. to discuss Complaint 16-13.

IX. GENERAL BUSINESS

34. The Commission returned to open session at 4:46 p.m.
35. By unanimous consent, the Commission postponed further consideration of complaints 16-02 and 16-13 to its next meeting.
36. The Commission welcomed Ms. Mindy Masias, Chief of Staff of the Colorado Judicial Department to the meeting. Ms. Masias provided input regarding the MOU between the State Court Administrator's Office (SCAO) and the IEC.
37. By unanimous consent, Complaints 16-14, 16-15, 16-16, 16-17, and 16-18 were postponed to the next meeting.
38. Upon request of the Commission's employee, Mr. Ioannides, and upon motion duly seconded, the Commission, at 5:06 p.m., voted unanimously to enter into Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(V) and (3)(b)(I) to consider matters that may be subject to negotiations with employees, the appointment or employment of a public official or employee, or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee.

X. EXECUTIVE SESSION BUSINESS

39. The Commission met in Executive Session from 5:06 p.m. to 5:22 p.m. to consider matters that may be subject to negotiations with employees, the appointment or employment of a public official or employee, or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee.

XI. GENERAL BUSINESS

40. The Commission returned to open session at 5:22 p.m.
41. Upon motion duly seconded, the Commission, pursuant to its mid-year review of Mr. Ioannides's performance, unanimously and without debate approved increasing Mr. Ioannides' salary, inclusive of a salary raise and merit increase.
42. Having no further business, the Commission adjourned at 5:27 p.m. The next meeting is scheduled for Monday, July 25, 2016, at 9:00 a.m., 1300 Broadway, Room 1C.

Respectfully Submitted,

Dino Ioannides

Executive Director

Colorado Independent Ethics Commission