

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the September 13, 2016, Meeting
1300 Broadway, Room 1E, 9:00 a.m.
Denver, Colorado

Present: Chairman William Leone; Vice-Chairman Bob Bacon; Commissioner April Jones; and Commissioner 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 9:10 a.m.
2. The Commission invited public comments; none were offered.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the August 10, 2016, meeting.
4. Mr. Ioannides provided the staff report. The report included information about electronic Commission packets; outreach to the Office of the Attorney General; efforts to live-stream Commission meetings; and requests for guidance from the Commission.
 - a. By unanimous consent, the Commission instructed the Executive Director not to post on the Commission's website the Report of Investigation for Complaint Nos. 15-31, 15-32, 15-33, and 15-34, inasmuch as the Report of Investigation will be merged with the Commission's final order for those cases.
 - b. By unanimous consent, the Commission instructed the Executive Director to post on the Commission's website the Commission's Code of Conduct Policies and Procedures.
 - c. By unanimous consent, Commissioner Smith was requested to work with the Executive Director in preparing the FY 2018 budget.
 - d. Upon motion duly seconded, the Commission authorized posting the annual report for 2015, subject to the modifications discussed.
5. Mr. Ioannides provided a status update concerning the legislative audit, which included a draft report to the Legislative Audit Committee. The Commission provided feedback concerning the draft report.
6. The Commission recessed from 10:45 a.m. to 11:03 a.m.

7. Upon motion duly seconded, the Commission unanimously appointed Ms. Jo Ann Sorensen as its 5th Commissioner representing local government.
8. The Commission discussed home rule ethics codes and Article XXIX of the Colorado Constitution and the Commission's Draft Position Statement.
9. The Commission acknowledged the requestor's withdrawal of Letter Ruling 16-04.
10. The Commission discussed Complaint Nos. 15-31, 15-32, 15-33, and 15-34. Upon motion duly seconded, the Commission approved the draft opinion, with the amendments discussed, and instructed Mr. Ioannides to issue the order.
11. At 12:21 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning the Update of Commission Policies for purposes of receiving legal advice on specific legal questions.
12. The Commission recessed from 12:21 p.m. to 12:32 p.m.

II. EXECUTIVE SESSION BUSINESS

13. The Commission met in Executive Session from 12:32 p.m. to 12:57 p.m. to discuss the Update of Commission Policies.

III. GENERAL BUSINESS

14. The Commission returned to open session at 12:57 p.m. and immediately recessed until 1:01 p.m.
15. At 1:01 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 15-35 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.
16. Commissioner Smith recused himself from discussion of Complaint 15-35.

IV. EXECUTIVE SESSION BUSINESS

17. The Commission met in Executive Session from 1:01 p.m. to 1:06 p.m. to discuss Complaint 15-35.

V. GENERAL BUSINESS

18. The Commission returned to open session at 1:06 p.m.
19. At 1:07 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaints 16-02 and 16-13 filed with the Commission, which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

20. Mr. Ioannides recused himself from discussion of Complaints 16-02 and 16-13.

VI. EXECUTIVE SESSION BUSINESS

21. The Commission met in Executive Session from 1:07 p.m. to 1:09 p.m. to discuss Complaints 16-02 and 16-13.

VII. GENERAL BUSINESS

22. The Commission returned to open session at 1:09 p.m.

23. At 1:10 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 16-14 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

24. Chairman Leone recused himself from discussion of Complaint 16-14.

VIII. EXECUTIVE SESSION BUSINESS

25. The Commission met in Executive Session from 1:10 p.m. to 1:58 p.m. to discuss Complaint 16-14.

IX. GENERAL BUSINESS

26. The Commission returned to open session at 1:58 p.m.

27. At 1:58 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 16-17 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

28. Commissioner Jones recused herself from discussion of Complaint 16-17.

X. EXECUTIVE SESSION BUSINESS

29. The Commission met in Executive Session from 1:58 p.m. to 2:06 p.m. to discuss Complaint 16-17.

XI. GENERAL BUSINESS

30. The Commission returned to open session at 2:06 p.m.

31. At 2:06 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 16-18 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

XII. EXECUTIVE SESSION BUSINESS

32. The Commission met in Executive Session from 2:06 p.m. to 2:11 p.m. to discuss Complaint 16-18.

XIII. GENERAL BUSINESS

33. The Commission returned to open session at 2:11 p.m.
34. At 2:11 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 16-19 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

XIV. EXECUTIVE SESSION BUSINESS

35. The Commission met in Executive Session from 2:11 p.m. to 2:14 p.m. to discuss Complaint 16-19.

XV. GENERAL BUSINESS

36. The Commission returned to open session at 2:14 p.m.
37. At 2:14 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 16-20 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

XVI. EXECUTIVE SESSION BUSINESS

38. The Commission met in Executive Session from 2:14 p.m. to 2:24 p.m. to discuss Complaint 16-20.

XVII. GENERAL BUSINESS

39. The Commission returned to open session at 2:24 p.m.
40. The Commission recessed from 2:24 p.m. to 3:03 p.m.
41. At 3:05 p.m., upon motion duly seconded, the Commission voted unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 16-21 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.
42. Commissioner Smith recused himself from discussion of Complaint 16-21.

XVIII. EXECUTIVE SESSION BUSINESS

43. The Commission met in Executive Session from 3:05 p.m. to 3:08 p.m. to discuss Complaint 16-21.

XIX. GENERAL BUSINESS

44. The Commission returned to open session at 3:08 p.m.
45. Upon motion duly seconded, the Commission unanimously dismissed Complaint 15-35 as frivolous pursuant to Rule 7.G.1 of 8 *Code of Colorado Regulations* 1510-1 (Commissioner Smith recused).
46. By unanimous consent, Complaints 16-02 and 16-13 were postponed to the next meeting.
47. With Chairman Leone recused and Vice-Chairman Bacon presiding, the Commission postponed consideration of Complaint 16-14 to the next meeting.
48. By unanimous consent, and with Commissioner Jones recused, the Commission postponed Complaint 16-17 to the next meeting.
49. Upon motion duly seconded, the Commission unanimously dismissed Complaint 16-18 as frivolous pursuant to Rule 7.G.1 of 8 *Code of Colorado Regulations* 1510-1.
50. Upon motion duly seconded, the Commission unanimously dismissed Complaint 16-19 as frivolous pursuant to Rule 7.G.1 of 8 *Code of Colorado Regulations* 1510-1.
51. By unanimous consent, the Commission postponed Complaint 16-20 to the next meeting.
52. Upon motion duly seconded, the Commission unanimously dismissed Complaint 16-21 as frivolous pursuant to Rule 7.G.1 of 8 *Code of Colorado Regulations* 1510-1 (Commissioner Smith recused).
53. By unanimous consent, the Commission set a special meeting for 8:30 – 11:30 on October 13, 2016, to consider the Commission's draft position statement regarding home rule ethics codes, subject to the availability of newly appointed Commissioner Sorensen.
54. Having no further business, the Commission adjourned at 3:41 p.m. The next regular meeting is scheduled for Monday, October 17, 2016, at 9:00 a.m., 1300 Broadway, Room 1C.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission