

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the November 15-16, 2016, Meeting  
November 15: 1300 Broadway, Room 1A, 9:00 a.m.  
November 16: 1300 Broadway, Court of Appeals 1<sup>st</sup> Floor Courtroom, 9:00 a.m.  
Denver, Colorado

The Commission, having cancelled the November 15, 2016, portion of this meeting, and having given public notice of same, convened for business on November 16, 2016, as follows.

Present: Chairman William Leone; Vice-Chairman Bob Bacon; Commissioner April Jones; Commissioner Matt Smith; and Commissioner Jo Ann Sorensen.

Also Present: Kyle Dumler of the Colorado Attorney General's Office.

### **I. GENERAL BUSINESS**

1. Chairman Leone called the meeting to order at 9:09 a.m.
2. The Commission invited public comments and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the October 13, 2016, meeting.
4. Upon motion duly seconded, the Commission unanimously approved the minutes of the October 17, 2016, meeting, as amended.
5. Staff report. Mr. Dumler provided the staff report in Mr. Ioannides' absence.
6. The Commission postponed to the end of its meeting consideration of the Draft Position Statement pertaining to Home Rule Ethics Codes and Article XXIX of the Colorado Constitution.
7. At 9:19 a.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 legal updates from the Office of the Attorney General for purposes of receiving legal advice on specific legal questions.

### **II. EXECUTIVE SESSION BUSINESS**

8. The Commission met in Executive Session from 9:19 a.m. to 10:16 a.m. to discuss legal updates from the Office of the Attorney General.

### **III. GENERAL BUSINESS**

9. The Commission returned to open session at 10:16 a.m.

10. The Commission discussed the draft of Advisory Opinion 16-06 and ordered staff to re-draft same with instructions.
11. The Commission recessed from 10:47 a.m. to 10:58 a.m.
12. At 10:59 a.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.

#### **IV. EXECUTIVE SESSION BUSINESS**

13. Chairman Leone having recused himself, the Commission met in Executive Session from 10:59 a.m. to 11:10 a.m. to discuss Complaint 16-14.

#### **V. GENERAL BUSINESS**

14. The Commission returned to open session at 11:10 a.m.
15. With Chairman Leone recused and Vice-Chairman Bacon presiding, and upon motion duly seconded, the Commission unanimously dismissed Complaint 16-14 as frivolous pursuant to Rule 7.G.1 of 8 *Code of Colorado Regulations* 1510-1.
16. At 11:13 a.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.

#### **VI. EXECUTIVE SESSION BUSINESS**

17. The Commission met in Executive Session from 11:13 a.m. to 11:46 a.m. to discuss Complaint 16-20.

#### **VII. GENERAL BUSINESS**

18. The Commission returned to open session at 11:46 a.m.
19. At 11:47 a.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 16-22 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

#### **VIII. EXECUTIVE SESSION BUSINESS**

20. The Commission met in Executive Session from 11:47a.m. to 11:50 a.m. to discuss Complaint 16-22.

#### **IX. GENERAL BUSINESS**

21. The Commission returned to open session at 11:50 a.m.

22. Upon motion duly seconded, the Commission unanimously dismissed Complaint 16-22 as frivolous and for lack of jurisdiction pursuant to Rules 7.G.1 and 7.G.2 of 8 *Code of Colorado Regulations* 1510-1.
23. At 11:52 a.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 16-23 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

#### **X. EXECUTIVE SESSION BUSINESS**

24. The Commission met in Executive Session from 11:52 a.m. to 12:05 p.m. to discuss Complaint 16-23.

#### **XI. GENERAL BUSINESS**

25. The Commission returned to open session at 12:05 p.m.
26. The Commission instructed its Executive Director to gather additional information pertaining to Complaint 16-23.
27. The Commission recessed from 12:06 p.m. to 1:52 p.m.
28. At 1:52 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 16-24 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**

29. Vice-Chairman Bacon having recused himself, the Commission met in Executive Session from 1:52 p.m. to 2:03 p.m. to discuss Complaint 16-24.

#### **XIII. GENERAL BUSINESS**

30. The Commission returned to open session at 2:03 p.m.
31. The Commission instructed the Executive Director to contact the complainant regarding compliance with the Commission's rules.
32. At 2:05 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 16-25 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**

33. The Commission met in Executive Session from 2:05 p.m. to 2:06 p.m. to discuss Complaint 16-25.

## **XV. GENERAL BUSINESS**

34. The Commission returned to open session at 2:06 p.m.
35. Upon motion duly seconded, the Commission unanimously dismissed Complaint 16-25 for lack of jurisdiction pursuant to Rule 7.G.2 of 8 *Code of Colorado Regulations* 1510-1.
36. At 2:07 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 Complaint 16-26 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**

37. The Commission met in Executive Session from 2:07 p.m. to 2:14 p.m. to discuss Complaint 16-26.

## **XVII. GENERAL BUSINESS**

38. The Commission returned to open session at 2:14 p.m.
39. Upon motion duly seconded, the Commission unanimously dismissed Complaint 16-26 as untimely pursuant to Rule 7.G.3 of 8 *Code of Colorado Regulations* 1510-1.
40. The Commission acknowledged that Complaints 16-02, 16-13, and 16-17 are being held in abeyance.
41. The Commission discussed its draft Position Statement pertaining to Home Rule Ethics Codes and Article XXIX of the Colorado Constitution. By unanimous consent, the Commission ordered its Executive Director to edit the draft Position Statement, with instructions.
42. The Commission recessed from 3:58 p.m. to 4:05 p.m.
43. The Commission set future meeting dates as follows: January 23, 2017, at 9:00 a.m.; March 6, 2017, at 9:00 a.m.; and April 3, 2017, at 9:00 a.m.
44. Having no further business, the Commission adjourned at 4:12 p.m. The next regular meeting is scheduled for December 19, 2016, at 9:00 a.m., 1300 Broadway, Room 1C.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission