

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the April 3, 2017, Meeting
1300 Broadway, Room 1C, 9:00 a.m.
Denver, Colorado

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

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 9:00 a.m.
2. The Commission invited public comments and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the March 6, 2017, meeting.
4. Mr. Ioannides provided the staff report.
5. By unanimous consent, Advisory Opinion 17-03 was tabled and Advisory Opinion 17-04 was taken up.
6. Upon motion duly seconded, the Commission unanimously adopted Advisory Opinion 17-04.
7. Advisory Opinion-17-03 was taken from the table.
8. At 9:57 a.m., upon motion duly seconded, the Commission voted unanimously to enter Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning Advisory Opinion 17-03 for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

9. The Commission met in Executive Session from 9:57 a.m. to 10:03 a.m. concerning Advisory Opinion 17-03.

III. GENERAL BUSINESS

10. The Commission returned to open session at 10:03 a.m.
11. The Commission recessed from 10:31 a.m. to 10:43 a.m.

12. Upon motion duly seconded, the Commission adopted Advisory Opinion 17-03, as amended.
13. The Commission discussed its Draft Position Statement pertaining to the Implementation of Position Statement 16-01 Concerning Home Rule Counties and Municipalities.
 - a. The Commission received public comments concerning the Draft Position Statement.
14. By unanimous consent, the Commission tabled consideration of its Draft Position Statement pertaining to Frivolous Determinations to take up Complaint 16-20.
15. The Commission instructed Mr. Ioannides to conduct an investigation in Complaint 16-20 and authorized Mr. Ioannides to schedule a case management conference, if necessary, prior to the Commission's next meeting.
16. By unanimous consent, the Commission set aside the discussion of its Draft Position Statement pertaining to Frivolous Determinations.
17. The Commission recessed from 12:16 p.m. to 12:30 p.m.
18. At 12:31 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 17-04 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

19. The Commission met in Executive Session from 12:31 p.m. to 12:39 p.m. to discuss Complaint 17-04.

V. GENERAL BUSINESS

20. The Commission returned to open session at 12:39 p.m.
21. At 12:40 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 17-05 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

22. The Commission met in Executive Session from 12:40 p.m. to 12:57 p.m. to discuss Complaint 17-05.

VII. GENERAL BUSINESS

23. The Commission returned to open session at 12:57 p.m.
24. At 12:58 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

17-06 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

25. The Commission met in Executive Session from 12:58 p.m. to 1:00 p.m. to discuss Complaint 17-06.

IX. GENERAL BUSINESS

26. The Commission returned to open session at 1:00 p.m.
27. 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 17-07 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

28. The Commission met in Executive Session from 1:01 p.m. to 1:03 p.m. to discuss Complaint 17-07.

XI. GENERAL BUSINESS

29. The Commission returned to open session at 1:03 p.m.
30. At 1:05 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 17-08 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.
31. Commissioner Smith recused himself.

XII. EXECUTIVE SESSION BUSINESS

32. The Commission met in Executive Session from 1:05 p.m. to 1:18 p.m. to discuss Complaint 17-08.

XIII. GENERAL BUSINESS

33. The Commission returned to open session at 1:18 p.m.
34. At 1:19 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 17-09 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 1:19 p.m. to 1:45 p.m. to discuss Complaint 17-09.

XV. GENERAL BUSINESS

36. The Commission returned to open session at 1:45 p.m.
37. At 1:47 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 17-10 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 1:47 p.m. to 1:55 p.m. to discuss Complaint 17-10.

XVII. GENERAL BUSINESS

39. The Commission returned to open session at 1:55 p.m.
40. At 1:56 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 17-11 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.

XVIII. EXECUTIVE SESSION BUSINESS

41. The Commission met in Executive Session from 1:56 p.m. to 1:57 p.m. to discuss Complaint 17-11.

XIX. GENERAL BUSINESS

42. The Commission returned to open session at 1:57 p.m.
43. 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 17-12 filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.

XX. EXECUTIVE SESSION BUSINESS

44. The Commission met in Executive Session from 1:58 p.m. to 1:59 p.m. to discuss Complaint 17-12.

XXI. GENERAL BUSINESS

45. The Commission returned to open session at 1:59 p.m.

46. The Commission recessed from 1:59 p.m. to 2:05 p.m.
47. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-04 as frivolous under Rule 7.G.1., for lack of jurisdiction under Rule 7.G.2., and as untimely under Rule 7.G.3.
48. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-05 as frivolous under Rule 7.G.1., and for lack of jurisdiction under Rule 7.G.2.
49. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-06 as frivolous under Rule 7.G.1.
50. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-07 as frivolous under Rule 7.G.1.
51. Upon motion duly seconded, the Commission unanimously dismissed (Commissioner Smith recused) Complaint 17-08 as frivolous under Rule 7.G.1., and for lack of jurisdiction under Rule 7.G.2.
52. By unanimous consent, the Commission instructed Mr. Ioannides to perform a Rule 7.F. preliminary investigation for Complaint 17-09.
53. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-10 as frivolous under Rule 7.G.1.
54. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-11 as frivolous under Rule 7.G.1.
55. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-12 as frivolous under Rule 7.G.1.
56. The Commission held its annual election of officers. Upon motion duly seconded, the Commission unanimously elected Commissioner Smith to serve as chair and Commissioner Jones to serve as vice-chair.
57. The Commission established the following dates for future meetings: May 5, June 12, and July 10, 2017.
58. Having no further business, the Commission adjourned at 2:52 p.m. The next regular meeting is scheduled for May 5, 2017, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission