

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the June 12, 2017, Meeting
1300 Broadway, Room 1E, 9:00 a.m.
Denver, Colorado

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

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

I. GENERAL BUSINESS

1. Chairman Smith called the meeting to order at 9:07 a.m.
2. Upon motion duly seconded, the Commission unanimously approved the minutes of the May 5, 2017, meeting.
3. Mr. Ioannides provided the staff report.
4. The Commission invited public comments. Ms. Peg Perl of Ethics Watch announced her departure from Ethics Watch to begin a new employment opportunity.
5. Mr. Ioannides provided an update on legislation.
6. The Commission considered the draft 2016 Annual Report. Upon motion duly seconded, the Commission unanimously approved the draft and authorized its publication on the Commission's website.
7. The Commission considered the draft MOU between the State Court Administrator and the Independent Ethics Commission. Upon motion duly seconded, the Commission unanimously approved the draft MOU with attendant amendments for presentation to the State Court Administrator.
8. The Commission considered Letter Ruling 17-01. By unanimous consent, Letter Ruling 17-01 will be held in abeyance while Mr. Ioannides seeks additional information regarding the request.
9. Mr. Kyle Dumler provided legal updates pertaining to the *Gessler* appeal and advised the Commission about hearing procedures for Complaint 16-13.
10. Mr. Ioannides provided the Commission with an investigative update regarding Complaint 16-20.

11. At 10:18 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 Complaint 16-20 for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

12. The Commission met in Executive Session from 10:18 a.m. to 10:44 a.m. (taking a recess from 10:18 a.m. to 10:22 a.m.) concerning Complaint 16-20.

III. GENERAL BUSINESS

13. The Commission returned to open session at 10:44 a.m.
14. The Commission held a hearing on Complaint 16-20, with both parties participating.
15. At 11:27 a.m., upon motion duly seconded, the Commission voted unanimously to enter 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.

IV. EXECUTIVE SESSION BUSINESS

16. The Commission met in Executive Session from 11:27 a.m. to 12:04 p.m. concerning Complaint 17-09.

V. GENERAL BUSINESS

17. The Commission returned to open session at 12:04 p.m.
18. At 12:05 p.m., upon motion duly seconded, the Commission voted unanimously to enter Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 17-18 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

19. The Commission met in Executive Session from 12:05 p.m. to 12:12 p.m. concerning Complaint 17-18.

VII. GENERAL BUSINESS

20. The Commission returned to open session at 12:12 p.m.
21. By unanimous consent, the Commission took up Complaint 17-24.
22. At 12:13 p.m., upon motion duly seconded, the Commission voted unanimously to enter Executive Session pursuant to C.R.S. §24-6-402(3)(a)(III) to discuss Complaint 17-24 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

23. The Commission met in Executive Session from 12:13 p.m. to 12:23 p.m. concerning Complaint 17-24.

IX. GENERAL BUSINESS

24. The Commission returned to open session at 12:23 p.m.
25. By unanimous consent the Commission instructed Mr. Ioannides to continue the investigation for Complaint 17-09.
26. Upon motion duly seconded, the Commission unanimously voted to find Complaint 17-18 non-frivolous.
27. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-24 as frivolous under Rule 7.G.1.
28. By unanimous consent, the Commission acknowledged that Complaints 17-19, 17-20, 17-21, 17-22, and 17-23 have been withdrawn.
29. At 12:32 p.m., upon the request of Mr. Ioannides and a motion duly seconded, the Commission voted unanimously, to enter 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

30. The Commission met in Executive Session from 12:32 p.m. to 12:50 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

31. The Commission returned to open session at 12:50 p.m.
32. Upon motion duly seconded, the Commission unanimously voted to authorize the Chair to award the Executive Director merit pay and the salary survey adjustment to the maximum extent allowable.
33. The Commission bid Commissioner Bacon a fond farewell and thanked him for his years of service.
34. Having no further business, the Commission adjourned at 1:02 p.m. The next regular meeting is scheduled for July 24, 2017, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides

Executive Director

Colorado Independent Ethics Commission