

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the August 28, 2017, Meeting
1300 Broadway, Room 1F, 11:00 a.m.
Denver, Colorado

Present: Chairman Matt Smith; Vice-Chairwoman April Jones; Commissioner William Leone; Commissioner Gary Reiff; and Commissioner Jo Ann Sorensen.

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

I. GENERAL BUSINESS

1. Chairman Smith called the meeting to order at 11:07 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the July 24, 2017, meeting, as amended.
4. Mr. Ioannides provided the staff report.
5. The Commission considered Advisory Opinion 17-07 and took no action.
6. The Commission considered Complaint 16-20, Commissioner Leone presiding. The complainant was present and the respondent appeared through counsel. Commissioner Leone instructed Mr. Ioannides to contact the parties to determine: (1) whether the parties could agree to narrowing the draft Notice of Issues for Hearing; and (2) whether any portions of the Report of Investigation can be stipulated.
7. The Commission recessed from 12:44 to 12:56 p.m.
8. The Commission considered Advisory Opinion 17-08. Upon motion duly seconded and, as amended, the Commission voted by majority (4-1) to give oral guidance approving the requestor's attendance at the conference so long as Jefferson County pays 30% of the \$1650 per person cost, under Article XXIX § 3(3)(f), and to approve 20% of the \$1650 per person cost, as coming from a government exchange organization, so that the only portion the County will pay is that portion received from the for-profit entity; and further provided that Jefferson County must pay for any funding later discovered to be from an entity that is not a less-than-five-percent non-profit entity. Staff was instructed to draft a conforming opinion. Commissioner Smith reserved the opportunity to issue a dissenting opinion.
9. The Commission considered Advisory Opinion 17-09.

10. At 2:44 p.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 17-09, for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

11. The Commission met in Executive Session from 2:44 p.m. to 2:49 p.m. concerning Advisory Opinion 17-09.

III. GENERAL BUSINESS

12. The Commission returned to open session at 2:49 p.m.
13. The Commission recessed from 2:50 to 2:58 p.m.
14. The requester moved to withdraw its request for Advisory Opinion 17-09. The Commission granted the motion.
15. At 3:00 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 17-25, 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 3:00 p.m. to 3:08 p.m. concerning Complaint 17-25.

V. GENERAL BUSINESS

17. The Commission returned to open session at 3:08 p.m.
18. At 3:10 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 17-31, 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 3:10 p.m. to 3:14 p.m. concerning Complaint 17-31.

VII. GENERAL BUSINESS

20. The Commission returned to open session at 3:14 p.m.
21. At 3:14 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 17-09,

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

22. The Commission met in Executive Session from 3:14 p.m. to 3:17 p.m. concerning Complaint 17-09.

IX. GENERAL BUSINESS

23. The Commission returned to open session at 3:17 p.m.
24. At 3:18 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 17-27, 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

25. The Commission met in Executive Session from 3:18 p.m. to 3:22 p.m. concerning Complaint 17-27.

XI. GENERAL BUSINESS

26. The Commission returned to open session at 3:22 p.m.
27. At 3:23 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 17-28, 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

28. The Commission met in Executive Session from 3:23 p.m. to 3:33 p.m. concerning Complaint 17-28.

XIII. GENERAL BUSINESS

29. The Commission returned to open session at 3:33 p.m.
30. At 3:34 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 17-29, 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

31. The Commission met in Executive Session from 3:34 p.m. to 3:36 p.m. concerning Complaint 17-29.

XV. GENERAL BUSINESS

32. The Commission returned to open session at 3:36 p.m.
33. At 3:37 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 17-30, 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

34. The Commission met in Executive Session from 3:37 p.m. to 3:41 p.m. concerning Complaint 17-30.

XVII. GENERAL BUSINESS

35. The Commission returned to open session at 3:41 p.m.
36. At 3:42 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 Complaints 17-32 and 17-33, 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

37. The Commission met in Executive Session from 3:42 p.m. to 3:44 p.m. concerning Complaints 17-32 and 17-33.

XIX. GENERAL BUSINESS

38. The Commission returned to open session at 3:44 p.m.
39. The Commission held a hearing on Complaint 16-13, Commissioner Leone presiding. Mr. Ioannides recused himself. Both parties were represented by counsel. Commissioner Leone ordered that the case would be called again on September 28, 2017, after receipt of the respondent's written closing statement.
40. Upon motion duly seconded, the Commission unanimously voted to deem Complaint 17-25 as non-frivolous.
41. Upon motion duly seconded, the Commission unanimously voted to deem Complaint 17-31 as non-frivolous.
42. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-29 as frivolous under IEC Rule 7.G.1. and for lack of jurisdiction under IEC Rule 7.G.2.
43. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-30 as frivolous under IEC Rule 7.G.1.

44. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-32 as frivolous under IEC Rule 7.G.1.
45. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-33 as frivolous under IEC Rule 7.G.1.
46. At 4:19 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 17-34, 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

47. The Commission met in Executive Session from 4:19 p.m. to 4:24 p.m. concerning Complaint 17-34.

XXI. GENERAL BUSINESS

48. The Commission returned to open session at 4:24 p.m.
49. At 4:25 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 17-35, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

XXII. EXECUTIVE SESSION BUSINESS

50. The Commission met in Executive Session from 4:25 p.m. to 4:25 p.m. concerning Complaint 17-35.

XXIII. GENERAL BUSINESS

51. The Commission returned to open session at 4:25 p.m.
52. At 4:26 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 17-36, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

XXIV. EXECUTIVE SESSION BUSINESS

53. The Commission met in Executive Session from 4:26 p.m. to 4:26 p.m. concerning Complaint 17-36.

XXV. GENERAL BUSINESS

54. The Commission returned to open session at 4:26 p.m.
55. At 4:27 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 17-37,

filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

XXVI. EXECUTIVE SESSION BUSINESS

56. The Commission met in Executive Session from 4:27 p.m. to 4:28 p.m. concerning Complaint 17-37.

XXVII. GENERAL BUSINESS

57. The Commission returned to open session at 4:28 p.m.

58. At 4:28 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 17-38, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

XXVIII. EXECUTIVE SESSION BUSINESS

59. The Commission met in Executive Session from 4:28 p.m. to 4:29 p.m. concerning Complaint 17-38.

XXIX. GENERAL BUSINESS

60. The Commission returned to open session at 4:29 p.m.

61. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-34 as frivolous under IEC Rule 7.G.1.

62. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-35 as frivolous under IEC Rule 7.G.1.

63. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-36 as frivolous under IEC Rule 7.G.1.

64. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-37 as frivolous under IEC Rule 7.G.1.

65. Upon motion duly seconded, the Commission unanimously voted to dismiss Complaint 17-38 as frivolous under IEC Rule 7.G.1.

66. The Commission discussed the FY 2019 budget.

67. Having no further business, the Commission adjourned at 4:59 p.m. The next regular meeting is scheduled for September 28, 2017, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission