

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the September 28, 2017, Meeting  
1300 Broadway, Room 1F, 9:00 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 Kyle Dumler of the Colorado Attorney General's Office.

### **I. GENERAL BUSINESS**

1. Chairman Smith called the meeting to order at 9:03 a.m.
2. Commissioner Reiff disclosed that the Mayor of Denver has newly appointed Commissioner Reiff to the Denver Water Board. At Commissioner Reiff's first Denver Water Board meeting, the Board voted on changes to the Board's gift policy; a vote from which Commissioner Reiff recused himself due to his role in the Independent Ethics Commission.
3. The Commission invited public comment and received none.
4. Upon motion duly seconded, the Commission unanimously approved the minutes of the August 28, 2017, meeting.
5. Mr. Ioannides provided the staff report.
6. The Commission called Complaint 16-13, Commissioner Leone presiding. Mr. Ioannides recused himself. Parties and their counsel were present. After deliberation, and upon motion duly seconded, the Commission by majority (4-1) dismissed Complaint 16-13 in its discretion based on the fact that the acts alleged in the complaint occurred prior to the adoption of Position Statement 16-01. Commissioner Smith reserved his opportunity to issue a dissent. A draft written decision will be considered at the next Commission meeting.
7. The Commission called Complaint 16-20, Commissioner Leone presiding. The complainant and respondent's counsel were present. Mr. Ioannides was instructed to re-open the investigation. Mr. Ioannides was instructed to confirm with the parties that a hearing date of November 29-30 was acceptable and, if so, to vacate November 27 and set November 29-30 as the Commission's November meeting. Upon motion duly seconded, the Commission unanimously adopted the Notice of Issues for Hearing as agreed by the parties.

8. The Commission called Complaint 17-18, Commissioner Jones presiding. Upon motion duly seconded, the Commission unanimously instructed Mr. Ioannides, pursuant to IEC Rule 7.J.1., to commence an investigation of Complaint 17-18. Mr. Ioannides will also prepare a draft Notice of Issues for Hearing.
9. The Commission recessed from 10:49 a.m. to 11:00 a.m.
10. The Commission considered Complaints 17-25 and 17-31. Upon motion duly seconded, the Commission unanimously instructed Mr. Ioannides to commence an investigation of the complaints under IEC Rule 7.J.1. Mr. Ioannides will also prepare a draft Notice of Issues for Hearing.
11. The Commission considered Advisory Opinion 17-11. Upon motion duly seconded, the Commission unanimously approved the draft advisory opinion, on the grounds that the travel is being paid by state government.
12. The Commission considered Advisory Opinion 17-10. Mr. Ioannides was instructed to present a redrafted opinion consistent with the Commission's discussion, for consideration at the next Commission meeting.
13. Mr. Dumler introduced Gina Cannan, a new hire for the Office of the Attorney General.
14. The Commission recessed from 11:41 a.m. to 11:46 a.m.
15. At 11:47 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 17-08, for purposes of receiving legal advice on specific legal questions.

## **II. EXECUTIVE SESSION BUSINESS**

16. The Commission met in Executive Session from 11:47 a.m. to 11:57 a.m. concerning Advisory Opinion 17-08.

## **III. GENERAL BUSINESS**

17. The Commission returned to open session at 11:57 a.m.
18. At 11:58 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 17-27, 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 11:58 a.m. to 12:03 p.m. concerning Complaint 17-27.

## **V. GENERAL BUSINESS**

20. The Commission returned to open session at 12:03 p.m.
21. At 12:04 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.
22. Commissioner Leone recused himself from discussion of Complaint 17-28. Commissioner Leone was also excused from the remainder of the meeting.

## **VI. EXECUTIVE SESSION BUSINESS**

23. The Commission met in Executive Session from 12:04 p.m. to 12:11 p.m. concerning Complaint 17-28.

## **VII. GENERAL BUSINESS**

24. The Commission returned to open session at 12:11 p.m.
25. At 12:12 p.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Leone not participating) to enter Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(III) to discuss Complaint 17-39, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.
26. Commissioners Smith and Reiff recused themselves from discussion of Complaint 17-39.

## **VIII. EXECUTIVE SESSION BUSINESS**

27. The Commission met in Executive Session from 12:12 p.m. to 12:15 p.m. concerning Complaint 17-39.

## **IX. GENERAL BUSINESS**

28. The Commission returned to open session at 12:15 p.m.
29. At 12:15 p.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Leone not participating) to enter Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(III) to discuss Complaint 17-40, 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**

30. The Commission met in Executive Session from 12:15 p.m. to 12:18 p.m. concerning Complaint 17-40.

## **XI. GENERAL BUSINESS**

31. The Commission returned to open session at 12:18 p.m.
32. At 12:19 p.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Leone not participating) to enter Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(III) to discuss Complaint 17-41, 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**

33. The Commission met in Executive Session from 12:19 p.m. to 12:21 p.m. concerning Complaint 17-41.

## **XIII. GENERAL BUSINESS**

34. The Commission returned to open session at 12:21 p.m.
35. Upon motion duly seconded, the Commission by majority (Commissioner Leone recused, Commissioner Smith dissenting) found Complaint 17-28 non-frivolous.
36. Upon motion duly seconded, the Commission unanimously (Commissioner Leone not participating) dismissed Complaint 17-40 as frivolous under IEC Rule 7.G.1.
37. Upon motion duly seconded, the Commission unanimously (Commissioner Leone not participating) dismissed Complaint 17-41 as frivolous under IEC Rule 7.G.1.
38. Upon motion duly seconded, the Commission unanimously (Commissioner Leone not participating) adopted Advisory Opinion 17-08 as drafted.
39. At 12:58 p.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Leone not participating) to enter 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.

## **XIV. EXECUTIVE SESSION BUSINESS**

40. The Commission met in Executive Session from 12:58 p.m. to 1:11 p.m. concerning legal updates from the Office of the Attorney General.

## **XV. GENERAL BUSINESS**

41. The Commission returned to open session at 1:11 p.m.
42. By unanimous consent, the Commission delegated authority to the Chairman to finalize the FY19 budget documents with the Executive Director and to provide same to the Judicial Department for presentation to the JBC.

43. Having no further business, the Commission adjourned at 1:18 p.m. The next regular meeting is scheduled for October 30, 2017, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission