

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the October 30, 2017, Meeting
1300 Broadway, Room 1C, 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 and Gina Cannan of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Chairman Smith called the meeting to order at 9:05 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the September 28, 2017, meeting.
4. Mr. Ioannides provided the staff report.
5. Mr. Ioannides recused himself for the Commission's consideration of Complaint 16-13, Commissioner Leone presiding.
6. At 9:13 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 16-13, for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

7. The Commission met in Executive Session from 9:13 a.m. to 9:24 a.m. concerning Complaint 16-13.

III. GENERAL BUSINESS

8. The Commission returned to open session at 9:24 a.m.
9. Upon motion duly seconded, the Commission voted 4-1 to approve the draft order dismissing Complaint 16-13, with Commissioner Smith dissenting.
10. The Commission considered Complaint 16-20, Commissioner Leone presiding. The complainant appeared *pro se* and the respondent appeared through counsel. Mr. Ioannides provided a case update. By unanimous consent, Commissioner Leone was authorized to issue subpoenas if necessary.

11. The Commission called Complaint 17-18, Commissioner Jones presiding. Respondent appeared through counsel. Mr. Ioannides provided a case update. Upon motion duly seconded, the Commission unanimously authorized issuing subpoenas for Ms. Sheryl Fernandez, Senator Marble, and Extraction Oil & Gas. By unanimous consent, the Commission instructed Mr. Ioannides to set the hearing on the merits for January 8 or 9, after confirmation of availability with the parties. Upon motion duly seconded, the Commission unanimously approved issuance of the draft Notice of Issues for Hearing.
12. The Commission called Complaint 17-28. Commissioner Leone recused himself. Both the complainant and respondent appeared. By unanimous consent, Commissioner Sorensen will serve as the hearing officer for Complaint 17-28.
13. At 10:40 a.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Leone recused) to enter Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning Complaint 17-28, for purposes of receiving legal advice on specific legal questions.

IV. EXECUTIVE SESSION BUSINESS

14. The Commission (Commissioner Leone Recused) met in Executive Session from 10:40 a.m. to 11:08 a.m. concerning Complaint 17-28.

V. GENERAL BUSINESS

15. The Commission returned to open session at 11:08 a.m.
16. The parties in Complaint 17-28 were requested to brief the Commission regarding the applicability to the case of sec. 7 of Colo. Const. Art. XXIX. Parties were afforded 30 days to file briefs and 15 days to file responses. Mr. Ioannides was instructed to invite additional interested persons to file *amicus curiae* briefs, using the same briefing schedule.
17. By unanimous consent, the Commission set the next hearing for Complaint 17-28 on December 21, 2017.
18. The Commission considered Complaints 17-25 and 17-31. By unanimous consent, Commissioner Leone will serve as hearing officer for both cases.
19. The Commissioner considered Advisory Opinion 17-10. Upon motion duly seconded, the Commission unanimously approved the draft opinion, as amended.
20. The Commission considered future meeting dates. The Commission vacated November 30, 2017; and set the following additional dates: either January 8 or 9, February 12, March 5, and April 9, 2018.
21. At 11:34 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 Legal Updates from the Office of the Attorney General, for purposes of receiving legal advice on specific legal questions.

VI. EXECUTIVE SESSION BUSINESS

22. The Commission met in Executive Session from 11:34 a.m. to 12:29 p.m. concerning Legal Updates from the Office of the Attorney General.

VII. GENERAL BUSINESS

23. The Commission returned to open session at 12:29 p.m.
24. At 12:30 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 16-02, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.
25. Mr. Ioannides recused himself.

VIII. EXECUTIVE SESSION BUSINESS

26. The Commission met in Executive Session from 12:30 p.m. to 12:44 p.m. concerning Complaint 16-02.

IX. GENERAL BUSINESS

27. The Commission returned to open session at 12:44 p.m.
28. At 12:45 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 17-13, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.
29. Mr. Ioannides remained recused.

X. EXECUTIVE SESSION BUSINESS

30. The Commission met in Executive Session from 12:45 p.m. to 12:48 p.m. concerning Complaint 17-13.

XI. GENERAL BUSINESS

31. The Commission returned to open session at 12:48 p.m.
32. At 12:49 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 17-14, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.
33. Mr. Ioannides remained recused.

XII. EXECUTIVE SESSION BUSINESS

34. The Commission met in Executive Session from 12:49 p.m. to 12:50 p.m. concerning Complaint 17-14.

XIII. GENERAL BUSINESS

35. The Commission returned to open session at 12:50 p.m.
36. At 12:51 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.

XIV. EXECUTIVE SESSION BUSINESS

37. The Commission met in Executive Session from 12:51 p.m. to 12:58 p.m. concerning Complaint 17-27.

XV. GENERAL BUSINESS

38. The Commission returned to open session at 12:58 p.m.
39. At 12:58 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 17-39, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution.
40. Commissioners Reiff and Smith recused themselves.

XVI. EXECUTIVE SESSION BUSINESS

41. The Commission met in Executive Session from 12:58 p.m. to 1:02 p.m. concerning Complaint 17-39.

XVII. GENERAL BUSINESS

42. The Commission returned to open session at 1:02 p.m.
43. At 1:03 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 17-42, 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

44. The Commission met in Executive Session from 1:03 p.m. to 1:19 p.m. concerning Complaint 17-42.

XIX. GENERAL BUSINESS

45. The Commission returned to open session at 1:19 p.m.
46. At 1:19 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 17-43, 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 1:19 p.m. to 1:26 p.m. concerning Complaint 17-43.

XXI. GENERAL BUSINESS

48. The Commission returned to open session at 1:26 p.m.
49. At 1:27 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 17-44, 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 1:27 p.m. to 1:32 p.m. concerning Complaint 17-44.

XXIII. GENERAL BUSINESS

51. The Commission returned to open session at 1:32 p.m.
52. At 1:33 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 17-45, 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 1:33 p.m. to 1:34 p.m. concerning Complaint 17-45.

XXV. GENERAL BUSINESS

54. The Commission returned to open session at 1:34 p.m.
55. At 1:35 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 17-46, 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 1:35 p.m. to 1:35 p.m. concerning Complaint 17-46.

XXVII. GENERAL BUSINESS

57. The Commission returned to open session at 1:35 p.m.
58. Upon motion duly seconded, the Commission deemed Complaint 16-02 non-frivolous.
59. Upon motion duly seconded, the Commission deemed Complaint 17-13 non-frivolous.
60. Upon motion duly seconded, the Commission deemed Complaint 17-14 non-frivolous.
61. Upon motion duly seconded, the Commission unanimously (Commissioners Reiff and Smith recused) dismissed Complaint 17-39 as frivolous under IEC Rule 7.G.1.
62. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-43 as frivolous under IEC Rule 7.G.1.
63. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-45 as frivolous under IEC Rule 7.G.1.
64. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-46 as frivolous and for lack of jurisdiction under IEC Rules 7.G.1. and 7.G.2.
65. Having no further business, the Commission adjourned at 1:46 p.m. The next regular meeting is scheduled for November 29, 2017, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission