

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the November 29, 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, Gina Cannan, and Gina Simonson of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Chairman Smith called the meeting to order at 9:12 a.m.
2. The Commission invited public comment and received same from one member of the public.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the October 30, 2017, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission called Complaint 17-18; Commissioner Jones presiding. The complainant and respondent's counsel were present.
6. At 9:25 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 17-18, for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

7. The Commission met in Executive Session from 9:25 a.m. to 9:53 a.m. concerning Complaint 17-18.

III. GENERAL BUSINESS

8. The Commission returned to open session at 9:53 a.m.
9. The Commission instructed its Executive Director to provide the report of investigation of Complaint 17-18 to the parties by December 11, 2017. The Commission established the following deadlines: December 13, 2017, for motions; December 18, 2017, for responses; December 20, 2017, for stipulated facts. The Commission set the next hearing for December 21, 2017.

10. The Commission called Complaint 16-20 for a hearing on the merits; Commissioner Leone presiding. The complainant, respondent, and respondent's counsel were present. The parties presented evidence and stipulated to the facts contained in the Report of Investigation and the Report of Investigation Supplement.
11. The Commission recessed from 11:32 a.m. to 11:40 a.m.
12. The parties presented additional evidence.
13. At 1:06 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 Complaint 16-20, for purposes of receiving legal advice on specific legal questions.

IV. EXECUTIVE SESSION BUSINESS

14. The Commission recessed from 1:06 p.m. to 1:11 p.m.
15. The Commission met in Executive Session from 1:11 p.m. to 1:21 p.m. concerning Complaint 16-20.

V. GENERAL BUSINESS

16. The Commission returned to open session at 1:21 p.m.
17. At 1:22 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.

VI. EXECUTIVE SESSION BUSINESS

18. The Commission met in Executive Session from 1:22 p.m. to 1:38 p.m. concerning Complaint 17-27.

VII. GENERAL BUSINESS

19. The Commission returned to open session at 1:38 p.m.
20. At 1:39 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.

VIII. EXECUTIVE SESSION BUSINESS

21. The Commission met in Executive Session from 1:39 p.m. to 1:40 p.m. concerning Complaint 17-42.

IX. GENERAL BUSINESS

22. The Commission returned to open session at 1:40 p.m.
23. At 1:41 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.

X. EXECUTIVE SESSION BUSINESS

24. The Commission met in Executive Session from 1:41 p.m. to 1:44 p.m. concerning Complaint 17-44.

XI. GENERAL BUSINESS

25. The Commission returned to open session at 1:44 p.m.
26. At 1:45 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 17-47, 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

27. The Commission met in Executive Session from 1:45 p.m. to 1:47 p.m. concerning Complaint 17-47.

XIII. GENERAL BUSINESS

28. The Commission returned to open session at 1:47 p.m.
29. The Commission recessed from 1:48 p.m. to 1:53 p.m.
30. The Commission heard closing arguments for Complaint 16-20; Commissioner Leone presiding.
31. The Commission recessed from 3:01 p.m. to 3:05 p.m.
32. The Commission deliberated on Complaint 16-20.
33. Upon motion duly seconded, the Commission unanimously determined that there was no violation of Colo. Const. Art. XXIX in Complaint 16-20. The Commission ordered a draft written decision to be prepared.
34. Commissioner Reiff departed from the meeting.
35. Mr. Ioannides provided a status update regarding Complaint 17-28.

36. The Commission considered the motions for extension of time to file responses in Complaints 16-02 and 17-14. Mr. Ioannides recused himself. Upon motion duly seconded, the Commission unanimously (Commissioner Reiff not participating) granted the motion for extension of time to file responses in Complaints 16-02 and 17-14 to January 10, 2018.
37. Upon motion duly seconded, the Commission unanimously (Commissioner Reiff not participating) dismissed Complaint 17-42 as frivolous and for lack of jurisdiction under IEC Rules 7.G.1. and 7.G.2.
38. Upon motion duly seconded, the Commission unanimously (Commissioner Reiff not participating) dismissed Complaint 17-44 as frivolous under IEC Rule 7.G.1.
39. Upon motion duly seconded, the Commission unanimously (Commissioner Reiff not participating) dismissed Complaint 17-47 as frivolous under IEC Rule 7.G.1.
40. Mr. Ioannides provided a budget update regarding the FY19 budget.
41. At 3:47 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 Legal Updates from the Office of the Attorney General, for purposes of receiving legal advice on specific legal questions.

XIV. EXECUTIVE SESSION BUSINESS

42. The Commission met in Executive Session from 3:47 p.m. to 4:27 p.m. concerning legal updates from the Office of the Attorney General.

XV. GENERAL BUSINESS

43. The Commission returned to open session at 4:27 p.m.
44. Having no further business, the Commission adjourned at 4:31 p.m. The next regular meeting is scheduled for December 21, 2017, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission