

# **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the February 12, 2018, Meeting  
1300 Broadway, Supreme Court Courtroom, 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 Gina Cannan and Gina Simonson of the Colorado Attorney General's Office.

## **I. GENERAL BUSINESS**

1. Chairman Smith called the meeting to order at 9:19 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the January 8, 2018, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission considered staff's draft of the Commission's annual report. Upon motion duly seconded, the Commission unanimously instructed staff to publish the report.
6. At 9:28 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 concerning Section 7 of Article XXIX, the Colorado Open Meetings Law, and the Proposed Access to Records Rules.

## **II. EXECUTIVE SESSION BUSINESS**

7. The Commission met in Executive Session from 9:28 a.m. to 10:28 a.m. to receive legal advice from the Office of the Attorney General on specific legal questions regarding Section 7 of Article XXIX, the Colorado Open Meetings Law, and the Proposed Access to Records Rules.

## **III. GENERAL BUSINESS**

8. The Commission returned to open session at 10:28 a.m.
9. The Commission called Complaint 17-28, Commissioner Sorensen presiding and Commissioner Leone recused.

10. Upon motion duly seconded, the Commission unanimously (Commissioner Leone recused) voted to accept jurisdiction of Complaint 17-28 based on the fact that the Weld County Charter provisions do not have a gift ban and violate the core provisions of the Constitution, to be expressed more appropriately and comprehensively in a decided opinion.
11. By unanimous consent, Mr. Ioannides was instructed to commence the investigation for Complaint 17-28.
12. At 10:43 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**

13. The Commission met in Executive Session from 10:43 a.m. to 11:19 a.m. concerning Complaint 17-28.

#### **V. GENERAL BUSINESS**

14. The Commission returned to open session at 11:19 a.m.
15. By unanimous consent, the Commission assigned Commissioner Leone as the hearing officer for Complaints 16-02, 17-13, and 17-14.
16. The Commission called Complaints 17-25 and 17-31. Complainant, Eva Mares, and Respondent, Steve Ricotta, appeared telephonically. By unanimous consent, the Commission assigned Commissioner Reiff as the hearing officer for Complaints 17-25 and 17-31.
17. The Commission called its Access to Records rulemaking proceeding, stating for the record that the Commission had received public written comments. The Commission received oral comments from the Colorado Press Association and Ms. Peg Perl.
18. By unanimous consent, the Commission laid over consideration of the proposed Access to Records rules to the agenda for its next meeting.
19. The Commission set the following future meeting dates: May 7, June 4, July 9, August 20, and September 24, 2018. The July 9 meeting will be called only if needed; the August 20 meeting will conclude no later than 3:00 p.m.
20. 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 17-50 and Complaint 18-01, filed with the Commission, which are required to be kept confidential pursuant to Article XXIX, § 5(3)(b) of the Colorado Constitution; and pursuant to C.R.S. § 24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning the proposed records rules, for purposes of receiving legal advice on specific legal questions.

## **VI. EXECUTIVE SESSION BUSINESS**

21. The Commission met in Executive Session from 11:58 a.m. to 12:50 p.m. concerning Complaint 17-50, Complaint 18-01, and the proposed records rules.

## **VII. GENERAL BUSINESS**

22. The Commission returned to open session at 12:50 p.m.
23. At 12:54 p.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.

## **VIII. EXECUTIVE SESSION BUSINESS**

24. The Commission met in Executive Session from 12:54 p.m. to 1:24 p.m. concerning Complaint 17-28.
25. The Commission recessed from 1:24 p.m. to 1:29 p.m.

## **IX. GENERAL BUSINESS**

26. The Commission returned to open session at 1:29 p.m.
27. The Commission considered the draft jurisdictional order in Complaint 17-28, Commissioner Sorensen presiding and Commissioner Leone recused. Upon motion duly seconded, the Commission unanimously (Commissioner Leone recused) adopted the draft order.
28. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-50 as frivolous and for lack of jurisdiction under IEC Rules 7.G.1. and 7.G.2.
29. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-01 as frivolous under IEC Rule 7.G.1.
30. At 1:32 p.m., the Commission called Complaint 17-18, Commissioner Jones presiding. Ms. Marcy Glenn entered her appearance for the respondent. Ms. Sarah Mann entered her appearance as the complainant, telephonically.
31. At 1:38 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 17-18, for purposes of receiving legal advice on specific legal questions.

## **X. EXECUTIVE SESSION BUSINESS**

32. The Commission met in Executive Session from 1:38 p.m. to 1:44 p.m. concerning Complaint 17-18.

## **XI. GENERAL BUSINESS**

33. The Commission returned to open session at 1:44 p.m.
34. After initial deliberations, and upon motion duly seconded, the Commission unanimously decided to continue deliberations on Complaint 17-18 to its next meeting.
35. Having no further business, the Commission adjourned at 3:17 p.m. The next regular meeting is scheduled for March 5, 2017, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission