

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the April 9, 2018, 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 Gina Cannan and Gina Simonson of the Colorado Attorney General's Office.

### **I. GENERAL BUSINESS**

1. Chairman Smith called the meeting to order at 9:04 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the March 5, 2018, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission called Complaint 17-18, Commissioner Jones presiding. The complainant appeared by telephone and the respondent appeared through counsel.
6. Upon motion duly seconded, the Commission unanimously denied Respondent Senator Vicki Marble's Motion for Leave to Submit Supplemental Post-Hearing Submission.
7. Upon motion duly seconded, the Commission voted 3-2 to find a violation in Complaint 17-18 of Art. XXIX § 3. Commissioners Smith, Reiff, and Sorensen voted in favor of the motion; Commissioners Leone and Jones voted in opposition to the motion.
8. At 9:30 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**

9. The Commission met in Executive Session from 9:30 a.m. to 9:57 a.m. to receive legal advice concerning Complaint 17-18.

### **III. GENERAL BUSINESS**

10. The Commission returned to open session at 9:57 a.m.

11. Upon motion duly seconded, the Commission unanimously decided that its opinion will state clearly that the Commission will not consider the statutory violation [§ 24-6-203(3.5), C.R.S.].
12. Upon motion duly seconded, the Commission voted 3-2 to enter a penalty of twice the amount of \$1,121.18, under Art. XXIX § 6. Commissioners Smith, Reiff, and Sorensen voted in favor of the motion; Commissioners Leone and Jones voted in opposition to the motion.
13. Commissioner Smith resumed chairmanship of the meeting.
14. The Commission called Complaints 17-25 and 17-31, Commissioner Reiff presiding.
15. At 10:43 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 Complaints 17-25 and 17-31, for purposes of receiving legal advice on specific legal questions.

#### **IV. EXECUTIVE SESSION BUSINESS**

16. The Commission met in Executive Session from 10:43 a.m. to 11:08 a.m. to receive legal advice concerning Complaints 17-25 and 17-31.

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

17. The Commission returned to open session at 11:08 a.m.
18. Commissioner Smith resumed chairmanship of the meeting.
19. The Commission called complaint 17-28, Commissioner Sorensen presiding.
20. Commissioner Leone recused himself.
21. At 11:12 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.

#### **VI. EXECUTIVE SESSION BUSINESS**

22. The Commission met in Executive Session from 11:12 a.m. to 11:19 a.m. to receive legal advice concerning Complaint 17-28.

#### **VII. GENERAL BUSINESS**

23. The Commission returned to open session at 11:19 a.m.
24. Commissioner Smith resumed chairmanship of the meeting.

25. The Commission acknowledged the withdrawal of Advisory Opinion 17-07 by the requester.
26. The Commission called Advisory Opinion 18-01.
27. Upon motion duly seconded, the Commission unanimously approved issuance of Advisory Opinion 18-01, granting the request pursuant to the factors contained in Position Statement 12-01, with a draft written decision to be presented at the Commission's next meeting.
28. The Commission considered its proposed complaint form changes. Upon motion duly seconded, the Commission unanimously approved the complaint form changes and conforming amendments to the Commission's FAQs.
29. The Commission considered its proposed Access to Records Rules. By unanimous consent, the Commission instructed staff to re-publish the revised rules for public comment. The Commission will reconsider the revised rules and any comments received at its June meeting.
30. The Commission held its annual election of officers. Upon motion duly seconded, the Commission unanimously elected Commissioner Jones as chair. Upon motion duly seconded, the Commission unanimously elected Commissioner Sorensen as vice-chair.
31. By unanimous consent, the Commission cancelled its July, 2018, meeting.
32. The Commission held an informal discussion about the transfer of the chairmanship.
33. Having no further business, the Commission adjourned at 12:36p.m. The next regular meeting is scheduled for May 7, 2018, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission