

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the May 7, 2018, Meeting  
1300 Broadway, Room 1B, 9:00 a.m.  
Denver, Colorado

Present: Chair April Jones; Vice-Chair Jo Ann Sorensen; Commissioner William Leone; and Commissioner Matt Smith.

Absent: Gary Reiff, former Commissioner, who resigned his seat effective May 3, 2018.

Also Present: Dino Ioannides, IEC Executive Director; and Gina Cannan and Gina Simonson of the Colorado Attorney General's Office.

### **I. GENERAL BUSINESS**

1. Chair Jones called the meeting to order at 9:07 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the April 9, 2018, meeting (Commissioner Leone not participating).
4. Commissioner Leone joined the meeting.
5. Mr. Ioannides provided the staff report.
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 Complaints 16-02, 17-13, and 17-14, for purposes of receiving legal advice on specific legal questions.
7. Mr. Ioannides recused himself.

### **II. EXECUTIVE SESSION BUSINESS**

8. The Commission met in Executive Session from 9:13 a.m. to 9:52 a.m. to receive legal advice concerning Complaints 16-02, 17-13, and 17-14.

### **III. GENERAL BUSINESS**

9. The Commission returned to open session at 9:52 a.m.
10. The Commission called Complaints 16-02 and 17-14, Commissioner Leone presiding. Mr. Ioannides remained recused. Counsel for complainant and respondent entered their appearances.

11. At 11:49 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 16-02 and 17-14, for purposes of receiving legal advice on specific legal questions.

12. Mr. Ioannides remained recused.

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

13. The Commission met in Executive Session from 11:49 a.m. to 12:59 p.m. to receive legal advice concerning Complaints 16-02 and 17-14.

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

14. The Commission returned to open session at 12:59 p.m.

15. The Commission called Complaint 17-13, Commissioner Leone presiding. Mr. Ioannides remained recused.

16. Commissioner Leone instructed the parties in Complaint 17-13 to exchange further information to determine if the factual basis of the complaint was still viable. Commissioner Leone instructed the parties in Complaints 16-02 and 17-14 to submit additional briefing regarding jurisdictional issues by May 25, 2018.

17. The Commission called Complaint 17-18, Commissioner Jones presiding. Counsel for Respondent entered an appearance.

18. Upon motion duly seconded, the Commission voted to adopt the draft final opinion for Complaint 17-18, which opinion showed that Commissioner Sorensen and Smith agree in the majority opinion, reflecting that former Commissioner Reiff participated in the prior vote. Commissioners Smith and Sorensen voted in favor of the motion and Commissioners Leone and Jones concurred that the opinion accurately reflects the Commission's majority opinion.

19. At 1:55 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 concerning the resignation of Commissioner Reiff.

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

20. The Commission met in Executive Session from 1:55 p.m. to 2:11 p.m. to receive legal advice concerning Complaint 17-18.

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

21. The Commission returned to open session at 2:11 p.m.

22. Upon motion of Commissioner Smith, who voted in favor of the prior motion to adopt the draft opinion, the Commission unanimously reconsidered adoption of said motion and postponed its consideration to the Commission's next meeting.
23. The parties in Complaint 17-18 may, by May 24, 2018, make a record or file a motion concerning the resignation of Commissioner Reiff. Respondent's counsel was ordered to provide this information to the Complainant.
24. The Commission called Complaint 17-28, Commissioner Sorensen presiding, and received an investigative update from Mr. Ioannides.
25. The Commission called Advisory Opinion 18-01. Upon motion duly seconded, the Commission unanimously approved the draft of Advisory Opinion 18-01, with an amendment reflecting that Colorado is one of only four states that has a tax plan following federal law.
26. At 2:24 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.

#### **VIII. EXECUTIVE SESSION BUSINESS**

27. The Commission met in Executive Session from 2:24 p.m. to 2:40 p.m. to receive legal advice concerning Legal Updates from the Office of the Attorney General.

#### **IX. GENERAL BUSINESS**

28. The Commission returned to open session at 2:40 p.m.
29. The Commission considered its proposed Access to Records Rules. Upon motion duly seconded, the Commission unanimously adopted the rules as published for public comment.
30. At 2:44 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 17-48 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**

31. The Commission met in Executive Session from 2:44 p.m. to 2:58 p.m. concerning Complaint 17-48.

#### **XI. GENERAL BUSINESS**

32. The Commission returned to open session at 2:58 p.m.

33. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-48 as frivolous under Commission Rule 7.G.1.

34. At 2:59 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 Complaints 18-02, 18-03, 18-04, 18-05, 18-06, and 18-07, filed with the Commission, which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

## **XII. EXECUTIVE SESSION BUSINESS**

35. The Commission met in Executive Session from 2:59 p.m. to 3:19 p.m. concerning Complaints 18-02, 18-03, 18-04, 18-05, 18-06, and 18-07.

## **XIII. GENERAL BUSINESS**

36. The Commission returned to open session at 3:19 p.m.

37. Upon motion duly seconded, the Commission unanimously dismissed Complaints 18-02, 18-03, 18-04, 18-05, 18-06, and 18-07 as frivolous under Commission Rule 7.G.1.

38. At 3:20 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 18-08, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

39. Commissioner Leone recused himself.

## **XIV. EXECUTIVE SESSION BUSINESS**

40. The Commission met in Executive Session from 3:20 p.m. to 3:36 p.m. concerning Complaint 18-08.

## **XV. GENERAL BUSINESS**

41. The Commission returned to open session at 3:36 p.m.

42. At 3:37 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 18-09, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

## **XVI. EXECUTIVE SESSION BUSINESS**

43. The Commission met in Executive Session from 3:37 p.m. to 3:42 p.m. concerning Complaint 18-09.

## **XVII. GENERAL BUSINESS**

44. The Commission returned to open session at 3:42 p.m.

45. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-09 as frivolous under Commission Rule 7.G.1. and for lack of jurisdiction under Commission Rule 7.G.2.
46. Having no further business, the Commission adjourned at 3:42 p.m. The next regular meeting is scheduled for June 4, 2018, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission