

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the June 4, 2018, Meeting
1300 Broadway, Room 1E, 9:00 a.m.
Denver, Colorado

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

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 9:03 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the May 7, 2018, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission called Complaints 16-02 and 17-14, Commissioner Leone Presiding
6. Mr. Ioannides recused himself.
7. Counsel for the parties entered appearances.
8. The Commission heard argument from the parties regarding the Commission's jurisdiction under Art. XXIX.
9. At 10:25 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 Complaints 16-02 and 17-14, for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

10. The Commission met in Executive Session from 10:25 a.m. to 11:29 a.m. to receive legal advice concerning Complaints 16-02 and 17-14.

III. GENERAL BUSINESS

11. The Commission returned to open session at 11:29 a.m.

12. Upon motion duly seconded, the Commission unanimously approved asserting jurisdiction in Complaints 16-02 and 17-14.
13. Respondent's counsel made an oral request to stay the investigation in Complaints 16-02 and 17-14, pending appeal of the jurisdictional order. The Commission held this request in abeyance until its next meeting.
14. The Commission Called Complaint 17-13, Commissioner Leone presiding.
15. Mr. Ioannides remained recused.
16. Counsel for the parties entered appearances.
17. The Commission heard argument from the parties regarding the factual basis of the complaint.
18. Upon motion duly seconded, the Commission dismissed Complaint 17-13. The motion was adopted by a vote of 3-1, Commissioner Smith dissenting. Commission counsel was requested to draft a written decision.
19. The Commission recessed from 12:36 p.m. to 12:45 p.m.
20. The Commission called Complaint 17-18, Commissioner Jones presiding.
21. Counsel for Respondent entered an appearance. Complainant did not appear.
22. At 12:48 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.

IV. EXECUTIVE SESSION BUSINESS

23. The Commission met in Executive Session from 12:48 p.m. to 1:30 p.m. to receive legal advice concerning Complaint 17-18.

V. GENERAL BUSINESS

24. The Commission returned to open session at 1:30 p.m.
25. Upon request of the Respondent, and by unanimous consent, the Commission treated Respondent's Brief Concerning the Impact of the Resignation of Former Commissioner Gary Reiff as a motion to dismiss.
26. The Commission unanimously denied the motion to dismiss.
27. Upon motion duly seconded, the Commission unanimously adopted the draft findings of fact and conclusions of law in Complaint 17-18.
28. The Commission called Complaint 17-28, Commissioner Sorensen presiding.

29. Commissioner Leone recused himself.
30. By unanimous consent, the Commission postponed consideration of the Respondent's motion for a settlement conference until its next meeting.
31. The Commission considered the Complainant's Formal Objection (filed April 10, 2018). The Commission took no action on the Formal Objection.
32. The Commission called Advisory Opinion 18-02. The requester was present.
33. Upon motion duly seconded, the Commission adopted Advisory Opinion 18-02.
34. By unanimous consent, the Commission assigned Commissioner Smith as the new hearing officer in Complaints 17-25 and 17-31.
35. By unanimous consent, the Commission postponed to its next meeting consideration of updates to the Commission's rules of procedure.
36. The Commission set the following additional meeting dates: October 22, November 19, and December 17, 2018.
37. At 2:36 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 18-08 and 18-10, filed with the Commission, which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

VI. EXECUTIVE SESSION BUSINESS

38. The Commission met in Executive Session from 2:36 p.m. to 2:58 p.m. concerning Complaints 18-08 and 18-10. Commissioner Leone recused himself for the portion of the executive session discussing Complaint 18-08.

VII. GENERAL BUSINESS

39. The Commission returned to open session at 2:58 p.m.
40. Upon motion duly seconded, the Commission unanimously (Commissioner Leone recused) found Complaint 18-08 to be non-frivolous and instructed staff to commence investigation.
41. Having no further business, the Commission adjourned at 3:02 p.m. The next regular meeting is scheduled for August 20, 2018, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission