

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the August 20, 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 9:08 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the June 4, 2018, meeting.
4. Upon motion duly seconded, the Commission unanimously approved the minutes of the July 10, 2018, special meeting, as amended.
5. Mr. Ioannides provided the staff report.
6. The Commission called Complaints 16-02 and 17-14, Commissioner Leone Presiding. Mr. Ioannides recused himself. Counsel for respondent was present; there were no party appearances.
7. At 9:16 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 updates concerning disputes involving the IEC that are the subject of pending or imminent court action, or for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

8. The Commission met in Executive Session from 9:16 a.m. to 9:53 a.m. concerning Complaints 16-02 and 17-14 to receive legal advice and updates concerning disputes involving the IEC that are the subject of pending or imminent court action.

III. GENERAL BUSINESS

9. The Commission returned to open session at 9:53 a.m.

10. Upon motion duly seconded the Commission voted unanimously to continue the search for an investigator for an additional month and take the matter up at the Commission's next meeting.
11. By unanimous consent, the pending motion to stay was held over to the next Commission meeting.
12. Commissioner Jones resumed the chair.
13. The Commission received an update from counsel regarding the litigation for Complaint 17-18.
14. The Commission called complaint 17-28, Commissioner Sorensen presiding. The complainant was present and the respondent was on the telephone conference line.
15. At 10:07 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 17-28, for purposes of receiving legal advice on specific legal questions.
16. Commissioner Leone recused himself.

IV. EXECUTIVE SESSION BUSINESS

17. The Commission met in Executive Session from 10:07 a.m. to 10:19 a.m. to receive legal advice concerning Complaint 17-28.

V. GENERAL BUSINESS

18. The Commission returned to open session at 10:19 a.m.
19. Upon motion duly seconded, the Commission unanimously (Commissioner Leone recused) denied the Respondent's Motion for Formal Settlement Conference and the Respondent's Supplemental Motion for Formal Settlement Conference.
20. The Commission called Complaint 18-08. The respondent was on the telephone conference line; the complainant was not present.
21. At 10:31 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 18-08, for purposes of receiving legal advice on specific legal questions.
22. Commissioner Leone recused himself.

VI. EXECUTIVE SESSION BUSINESS

23. The Commission met in Executive Session from 10:31 a.m. to 10:35 a.m. to receive legal advice concerning Complaint 18-08.

VII. GENERAL BUSINESS

24. The Commission returned to open session at 10:35 a.m.
25. By unanimous consent (Commissioner Leone recused), Commissioner Sorensen was assigned as hearing officer for Complaint 18-08.
26. Upon motion duly seconded, the Commission unanimously (Commissioner Leone recused) denied the Respondent's Motion to Dismiss the Complaint.
27. The Commission recessed from 10:40 a.m. to 10:43 a.m.
28. The Commission called Advisory Opinion 18-03. By unanimous consent, the Commission advised the requester that his request was approved and that the draft opinion would be issued at a future meeting.
29. At 11:05 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 regarding Colo. Const. Art. XXIX, sec. 7, and future legislation.

VIII. EXECUTIVE SESSION BUSINESS

30. The Commission met in Executive Session from 11:05 a.m. to 11:34 a.m. to receive legal advice concerning Colo. Const. Art. XXIX, sec. 7, and future legislation.
31. Commissioner Jones recused herself for the portion of the executive session concerning Colo. Const. Art. XXIX, sec. 7, as pertaining to the City and County of Denver.

IX. GENERAL BUSINESS

32. The Commission returned to open session at 11:34 a.m.
33. By unanimous consent (Commissioner Jones recused), the Commission instructed staff to include on the Commission's September agenda the City and County of Denver's code of ethics amendments.
34. By unanimous consent, the Commission postponed consideration of possible updates to its rules of procedure.
35. At 12:01 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 18-10, 18-11, 18-12, 18-13, 18-14, and 18-15, filed with the Commission, which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

X. EXECUTIVE SESSION BUSINESS

36. The Commission met in Executive Session from 12:01 p.m. to 12:55 p.m. concerning Complaints 18-10, 18-11, 18-12, 18-13, 18-14, and 18-15.

XI. GENERAL BUSINESS

37. The Commission returned to open session at 12:55 p.m.
38. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-10 as frivolous under Commission Rule 7.G.1. and for lack of jurisdiction under Commission Rule 7.G.2.
39. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-11 as frivolous under Commission Rule 7.G.1. and for lack of jurisdiction under Commission Rule 7.G.2.
40. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-12 as frivolous under Commission Rule 7.G.1. and for lack of jurisdiction under Commission Rule 7.G.2.
41. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-14 as frivolous under Commission Rule 7.G.1. and for lack of jurisdiction under Commission Rule 7.G.2.
42. At 1:04 p.m., upon motion duly seconded, the Commission voted unanimously to enter Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(V) and (3)(b)(I) to consider matters that may be subject to negotiations with employees, the appointment or employment of a public official or employee, or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee, if said applicant, official, or employee requests an executive session.

XII. EXECUTIVE SESSION BUSINESS

43. The Commission met in Executive Session from 1:04 p.m. to 1:20 p.m. concerning matters that may be subject to negotiations with employees, the appointment or employment of an employee, or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, an employee, said employee having requested an executive session.

XIII. GENERAL BUSINESS

44. The Commission returned to open session at 1:20 p.m.
45. Upon motion duly seconded, the Commission unanimously voted to provide Mr. Ioannides the full cost of living increase that is available under the current budget and to authorize the chair to approve additional merit increases as she believes are appropriate, provided the chair brings back for the Commission's consideration any merit increase above three percent.
46. Having no further business, the Commission adjourned at 1:23 p.m. The next regular meeting is scheduled for September 24, 2018, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides

Executive Director

Colorado Independent Ethics Commission