

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the September 24, 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. Commissioner Espinosa Krupa was present for a portion of the meeting, as specifically indicated below.

Also Present: Dino Ioannides, IEC Executive Director; and Gina Cannan 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 August 20, 2018, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission called Complaints 16-02 and 17-14, Commissioner Leone Presiding. Mr. Ioannides recused himself. Counsel for respondent was present telephonically.
6. At 9:15 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**

7. The Commission met in Executive Session from 9:15 a.m. to 9:34 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**

8. The Commission returned to open session at 9:34 a.m.
9. Commissioner Espinosa Krupa joined the meeting telephonically.

10. By unanimous consent, the Commission approved retaining an investigator for Complaints 16-02 and 17-14, authorizing Commissioner Leone to interview and, in his discretion, retain the investigator.
11. The Commission considered Complaint 18-13.
12. At 9:58 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 18-13, filed with the Commission, which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.
13. Commissioners Leone and Sorensen recused themselves.

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

14. The Commission met in Executive Session (Commissioners Leone and Sorensen recused) from 9:58 a.m. to 10:13 a.m. concerning Complaint 18-13.

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

15. The Commission returned to open session at 10:13 a.m.
16. Upon motion duly seconded, the Commission unanimously (Commissioners Leone and Sorensen recused) dismissed Complaint 18-13 as frivolous under Commission Rule 7.G.1. and as untimely under Commission Rule 7.G.3.
17. The Commission considered Complaint 17-28, Commissioner Sorensen presiding. The respondent and respondent's counsel were present; the complainant was not present. Commissioner Leone recused himself.
18. At 10:20 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**

19. The Commission met in Executive Session from 10:20 a.m. to 10:32 a.m. to receive legal advice concerning Complaint 17-28.

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

20. The Commission returned to open session at 10:32 a.m.
21. The Commission instructed staff to supplement the draft investigative report for Complaint 17-28 and to prepare a draft notice of issues for hearing.
22. The Commission considered Complaint 18-08, Commissioner Sorensen presiding. The respondent and respondent's counsel were present; the complainant was not present. Commissioner Leone remained recused.

23. Mr. Ioannides provided an investigative update, reporting that counsel for respondent had indicated that the respondent would not be made available for an investigative interview.
24. Commissioner Espinosa Krupa left the meeting at 10:50 a.m.
25. The Commission recessed from 10:50 a.m. to 10:58 a.m.
26. The Commission considered Complaints 17-25 and 17-31, Commissioner Smith presiding. There were no party appearances.
27. The Commission instructed staff to supplement the draft investigative report.
28. By unanimous consent, the Commission ordered that party appearances be mandatory for the next Commission meeting to confirm which of the complainants will remain active in prosecuting the complaint.
29. The Commission considered the amendments to the draft of Advisory Opinion 18-03. Upon motion duly seconded, the Commission unanimously adopted Advisory Opinion 18-03, as amended.
30. The Commission considered Advisory Opinion 18-04. The requester indicated his desire to withdraw the request for issuance of Advisory Opinion 18-04. The Commission granted the withdrawal, contingent upon receiving the withdrawal in writing.
31. The Commission considered Denver City Council's July 9, 2018, Amendment to Denver's Code of Ethics. Commissioner Jones recused herself; Commissioner Sorensen assumed chairmanship of the meeting. Ms. Yasmin Hosseini of the Denver City Attorney's Office was present for the discussion.
32. By unanimous consent, Commissioner Leone was authorized to work with staff in drafting correspondence for Denver, requesting additional information about Denver's amendments to its Code of Ethics.
33. At 12:31 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 regarding the Gessler v. Smith litigation, 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.

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

34. The Commission met in Executive Session from 12:31 p.m. to 12:47 p.m. to receive updates concerning disputes involving the IEC that are the subject of pending or imminent court action and/or to receive legal advice on specific legal questions.

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

35. The Commission returned to open session at 12:47 p.m.

36. The Commission waived its option to file a response to the Petition for Certiorari in the Gessler litigation.
37. The Commission considered possible updates to its rules of procedure.
38. At 12:55 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 possible updates to the Commission's rules of procedure, for purposes of receiving legal advice on specific legal questions.

#### **X. EXECUTIVE SESSION BUSINESS**

39. The Commission met in Executive Session from 12:55 p.m. to 2:02 p.m. to receive legal advice concerning possible updates to the Commission's rules of procedure.

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

40. The Commission returned to open session at 2:02 p.m.
41. At 2:03 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 18-15, 18-16, and 18-17, 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**

42. The Commission met in Executive Session from 2:03 p.m. to 2:22 p.m. concerning Complaints 18-15, 18-16, and 18-17.

#### **XIII. GENERAL BUSINESS**

43. The Commission returned to open session at 2:22 p.m.
44. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-15 as frivolous under IEC Rule 7.G.1.
45. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-16 as frivolous under IEC Rule 7.G.1.
46. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-17 as frivolous under IEC Rule 7.G.1.
47. The Commission considered its draft FY20 budget request. By unanimous consent, Commissioner Smith was delegated the authority to work with staff to prepare the request for submission to the Judicial Department.
48. Having no further business, the Commission adjourned at 3:13 p.m. The next regular meeting is scheduled for October 22, 2018, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides

Executive Director

Colorado Independent Ethics Commission