

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the October 22, 2018, Meeting  
1300 Broadway, Room 1E, 9:00 a.m.  
Denver, Colorado

Present: Vice-Chair Jo Ann Sorensen; Commissioner Elizabeth Espinosa Krupa; 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. In Commissioner Jones' absence, Vice-Chair Sorensen called the meeting to order at 9:05 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the September 24, 2018, meeting, as amended.
4. Mr. Ioannides provided the staff report.
5. Commissioners Sorensen and Smith indicated their availability to attend upcoming JBC hearings if Commissioner Jones is unavailable to do so.
6. The Commission called Complaints 16-02 and 17-14, Commissioner Leone Presiding. Mr. Ioannides recused himself. A representative of the complainant was present and counsel for respondent was present telephonically.
7. By unanimous consent, the Commission determined to hire investigator Knierim as the Commission's first choice, provided he lowers his rate to \$200/hour, and investigator Coogan as the Commission's second choice, for Complaints 16-02 and 17-14.
8. At 9:32 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) 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 and for purposes of receiving legal advice on specific legal questions.

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

9. The Commission met in executive session from 9:32 a.m. to 10:25 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 and for purposes of receiving legal advice on specific legal questions.

### **III. GENERAL BUSINESS**

10. The Commission returned to open session at 10:25 a.m.
11. The Commission called Complaint 17-28, Commissioner Sorensen presiding. Commissioner Leone recused himself. The complainant and counsel for the respondent were present telephonically.
12. Upon motion duly seconded the Commission unanimously (Commissioner Leone recused) authorized release of the Report of Investigation to the parties, contingent on Commissioner Jones' subsequent approval of same.
13. Upon motion duly seconded the Commission unanimously (Commissioner Leone recused) authorized issuance of the Notice of Issues for Hearing to the parties, contingent on Commissioner Jones' subsequent approval of same.
14. The Commission called Complaint 18-08, Commissioner Sorensen presiding. Commissioner Leone remained recused. Counsel for respondent was present telephonically.
15. At 10:39 a.m., upon motion duly seconded, the Commission voted unanimously to enter executive session (Commissioner Leone participating only in the vote to enter executive session) pursuant to C.R.S. § 24-6-402(3)(a)(II), concerning Complaint 18-08, for purposes of receiving legal advice on specific legal questions.

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

16. The Commission met in Executive Session from 10:39 a.m. to 10:55 a.m. to receive legal advice concerning Complaint 18-08.

### **V. GENERAL BUSINESS**

17. The Commission returned to open session at 10:55 a.m.
18. By unanimous consent the Commission instructed its staff to send correspondence to the parties asking for their input on jurisdictional issues under section 7 of Art. XXIX, in light of Weld County's 2017 Referred Ballot Question 1B.
19. The Commission called Complaints 17-25 and 17-31, Commissioner Smith presiding. Two complainants (Harrison and Mares) and both respondents appeared by telephone.
20. By unanimous consent, the Commission ordered complainant Harrison to convey to the other complainants that each complainant wanting to cease participation in the case should formally inform the Commission of same, in writing and within ten days.

21. By unanimous consent, the Commission determined that the Response/Statement of the Town of Williamsburg should be included in the Commission's Report of Investigation but that the Town is denied party status in Complaints 17-25 and 17-31.
22. Upon motion duly seconded, the Commission unanimously authorized release of the Report of Investigation to the parties.
23. At 11:19 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), concerning Complaints 17-25 and 17-31, for purposes of receiving legal advice on specific legal questions.

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

24. The Commission met in Executive Session from 11:19 a.m. to 11:52 a.m. to receive legal advice concerning Complaints 17-25 and 17-31.

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

25. The Commission returned to open session at 11:52 a.m.
26. By unanimous consent, the Commission instructed staff to include on the Commission's next agenda the drafts of the Notice of Issues for Hearing in Complaints 17-25 and 17-31.
27. At 11:58 a.m., upon motion duly seconded, the Commission voted unanimously to enter executive session pursuant to C.R.S. § 24-6-402(3)(a)(II), concerning legal updates from the Office of the Attorney General regarding the *Marble v. Jones* litigation, for purposes of receiving updates concerning disputes involving the IEC that are the subject of pending or imminent court action and for purposes of receiving legal advice on specific legal questions.

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

28. The Commission met in Executive Session from 11:58 a.m. to 12:18 p.m. to receive legal updates from the Office of the Attorney General regarding the *Marble v. Jones* litigation.

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

29. The Commission returned to open session at 12:18 p.m.
30. At 12:19 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 18-18, 18-19, 18-20, 18-21, and 18-22, which are 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 12:19 p.m. to 1:33 p.m. concerning Complaints 18-18, 18-19, 18-20, 18-21, and 18-22. Commissioner Smith recused himself from the executive session discussion of Complaint 18-20.

## **XI. GENERAL BUSINESS**

32. The Commission returned to open session at 1:33 p.m.
33. By unanimous consent, the Commission instructed its staff to obtain additional information for Complaints 18-18, 18-19, 18-20 (Commissioner Smith recused), and 18-21.
34. Upon motion duly seconded, the Commission unanimously deemed Complaint 18-22 to be non-frivolous.
35. The Commission set the following future meeting dates: January 14, February 11, and March 18, 2019.
36. Having no further business, the Commission adjourned at 1:45 p.m. The next regular meeting is scheduled for November 19, 2018, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission