

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the November 19, 2018, Meeting  
1300 Broadway, Room 1C, 9:00 a.m.  
Denver, Colorado

Present: Chair April Jones, 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. Chair Jones called the meeting to order at 9:02 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the October 22, 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. By unanimous consent, the Commission decided to move forward with hiring Ms. Heather Coogan as the alternate investigator for Complaints 16-02 and 17-14.
6. The Commission called Complaint 17-28, Commissioner Sorensen presiding. Commissioner Leone recused himself. The complainant was present telephonically. By unanimous consent, the Commission set February 11, 2019, as the hearing date.
7. The Commission called Complaint 18-08, Commissioner Sorensen presiding. Commissioner Leone remained recused. Staff reported that briefs regarding jurisdiction are due on December 7, 2018.
8. The Commission called Complaints 17-25 and 17-31, Commissioner Smith presiding. The Commission tabled these cases for possible action for later in the meeting.
9. The Commission called Complaint 18-22. By unanimous consent, Chair Jones was authorized to rule on any non-dispositive motions.
10. Commission counsel provided an update regarding the *Marble v. Jones* litigation.
11. The Commission considered possible updates to its Rules of Procedure.

12. 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 possible updates to the Commission's Rules of Procedure, for purposes of receiving legal advice on specific legal questions.

## **II. EXECUTIVE SESSION BUSINESS**

13. The Commission met in Executive Session from 9:32 a.m. to 11:25 a.m. to receive legal advice concerning possible updates to the Commission's Rules of Procedure.

## **III. GENERAL BUSINESS**

14. The Commission returned to open session at 11:25 a.m.
15. The Commission again took up Complaints 17-25 and 17-31.
16. At 11:26 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.

## **IV. EXECUTIVE SESSION BUSINESS**

17. The Commission met in Executive Session from 11:26 a.m. to 11:38 a.m. to receive legal advice concerning Complaints 17-25 and 17-31.

## **V. GENERAL BUSINESS**

18. The Commission returned to open session at 11:38 a.m.
19. Upon motion duly seconded, the Commission unanimously approved the Notice of Issues for Hearing in Complaint 17-25 and the Notice of Issues for Hearing in Complaint 17-31 and authorized Commission staff to transmit the notices to the parties.
20. At 11:45 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 (III), to discuss Complaints 18-18, 18-19, 18-20, 18-21, 18-23, 18-24, 18-25, 18-26, 18-27, and 18-28, for purposes of receiving legal advice on specific legal questions and which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

## **VI. EXECUTIVE SESSION BUSINESS**

21. The Commission met in executive session from 11:45 a.m. to 1:19 p.m. concerning Complaints 18-18, 18-19, 18-20, 18-21, 18-23, 18-24, 18-25, 18-26, 18-27, and 18-28. Commissioner Smith recused himself from the executive session discussions of Complaints 18-20 and 18-24.

## **VII. GENERAL BUSINESS**

22. The Commission returned to open session at 1:19 p.m.

23. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-18 as frivolous and for lack of jurisdiction pursuant to IEC Rules 7.G.1. and 7.G.2.
24. Commissioner Leone moved to find Complaint 18-19 non-frivolous. The motion was withdrawn.
25. Upon motion duly seconded, the Commission voted 3-1 (with Commissioner Jones opposed and Commissioner Smith recused) to find Complaint 18-24 non-frivolous as to the matters that are within the one-year jurisdiction of the Commission.
26. At 1:29 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 (III), to discuss Complaints 18-23, 18-25, 18-26, 18-27, and 18-28, for purposes of receiving legal advice on specific legal questions and which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

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

27. The Commission met in executive session from 1:29 a.m. to 1:50 p.m. concerning Complaints 18-23, 18-25, 18-26, 18-27, and 18-28.

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

28. The Commission returned to open session at 1:50 p.m.
29. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-23 as frivolous pursuant to IEC Rule 7.G.1.
30. Staff was instructed to obtain additional information pertaining to Complaints 18-25, 18-26, 18-27, and 18-28.
31. Having no further business, the Commission adjourned at 1:53 p.m. The next regular meeting is scheduled for December 17, 2018, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides  
Executive Director  
Colorado Independent Ethics Commission