

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the December 17, 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. Vice-Chair Sorensen 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 November 19, 2018, meeting.
4. Mr. Ioannides provided the staff report.
5. Commissioner Jones assumed chairmanship of the meeting at 9:15 a.m.
6. The Commission called Complaints 16-02 and 17-14, Commissioner Leone Presiding. Mr. Ioannides recused himself. By unanimous consent, the Commission instructed its counsel to work with Commissioner Leone in developing a list of qualified investigators for these and future IEC cases.
7. The Commission called Complaint 17-28, Commissioner Sorensen presiding. Commissioner Leone recused himself. The complainant and counsel for the respondent appeared telephonically.
8. Upon motion duly seconded, the Commission unanimously approved issuing the subpoenas requested by the complainant and authorized Commissioner Sorensen to approve the issuance of subpoenas between meetings.
9. The Commission called Complaint 18-08, Commissioner Sorensen presiding. Commissioner Leone remained recused.
10. At 10:01 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), concerning Complaint 18-08, for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

11. The Commission met in Executive Session from 10:01 a.m. to 10:18 a.m. to receive legal advice concerning Complaint 18-08.

III. GENERAL BUSINESS

12. The Commission returned to open session at 10:18 a.m.
13. The Commission called Complaints 17-25 and 17-31, Commissioner Smith presiding. By unanimous consent, the Commission set March 18, 2019, as the hearing date for Complaints 17-25 and 17-31.
14. The Commission called Complaint 18-22. Counsel for the respondent was present.
15. At 10:30 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 Complaint 18-22, for purposes of receiving legal advice on specific legal questions.

IV. EXECUTIVE SESSION BUSINESS

16. The Commission met in Executive Session from 10:30 a.m. to 10:54 a.m. to receive legal advice concerning Complaint 18-22.

V. GENERAL BUSINESS

17. The Commission returned to open session at 10:54 a.m.
18. Upon motion duly seconded, the Commission unanimously denied as moot the respondent's Motion to Compel Complainant McNulty's Service of All Pleadings and Filings on Respondent.
19. Upon motion duly seconded, the Commission unanimously (1) instructed the complainant to file, by December 21, 2018, a clarification about whether the complainant has any further response to the respondent's Motion to Dismiss and about whether the complainant is seeking any affirmative or cross-relief in the form of summary judgment; (2) provided the respondent until January 4, 2019, to file a response to the complainant's clarification; and (3) set a hearing for January 14, 2019, to resolve said issues.
20. By unanimous consent, the Commission made party appearances in Complaint 18-22 mandatory for the Commission's meeting on January 14, 2019.
21. By unanimous consent, Commissioner Espinosa Krupa was appointed as the hearing officer in Complaint 18-22.
22. The Commission called Complaint 18-24. Commissioner Smith recused himself. By unanimous consent, the Commission appointed Commissioner Leone as the hearing officer and authorized staff to commence its investigation. By unanimous consent, the

Commission made party appearances mandatory at the Commission's January 14, 2019, meeting.

23. The Commission recessed from 11:15 a.m. to 11:19 a.m.
24. The Commission considered Denver City Council's July 9, 2018, Amendment to Denver's Code of Ethics. Commissioner Jones recused herself. The Commission instructed its staff to obtain additional information.
25. At 11:48 a.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Jones recused) to enter executive session pursuant to C.R.S. § 24-6-402(3)(a)(II), concerning Denver City Council's July 9, 2018, Amendment to Denver's Code of Ethics, for purposes of receiving legal advice on specific legal questions.

VI. EXECUTIVE SESSION BUSINESS

26. The Commission met in Executive Session from 11:48 a.m. to 12:18 p.m. to receive legal advice concerning Denver City Council's July 9, 2018, Amendment to Denver's Code of Ethics.

VII. GENERAL BUSINESS

27. The Commission returned to open session at 12:18 p.m.
28. The Commission recessed from 12:18 p.m. to 12:26 p.m.
29. The Commission considered legal updates from the Office of the Attorney General.
30. The Commission considered possible updates to the Commission's Rules of Procedure.
31. At 12:43 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 (III), to discuss Complaints 18-19, 18-20, 18-21, 18-25, 18-26, 18-27, 18-28, and 18-29 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

32. The Commission met in executive session from 12:43 p.m. to 2:00 p.m. concerning Complaints 18-19, 18-20, 18-21, 18-25, 18-26, 18-27, 18-28, and 18-29. Commissioner Smith recused himself from the executive session discussion of Complaint 18-20.

IX. GENERAL BUSINESS

33. The Commission returned to open session at 2:00 p.m.
34. Upon motion duly seconded, the Commission unanimously dismissed Complaints 18-25, 18-26, 18-27, and 18-28 as frivolous pursuant to IEC Rule 7.G.1.

35. Upon motion duly seconded, the Commission unanimously deemed Complaint 18-29 to be non-frivolous.
36. By unanimous consent, the Commission appointed Commissioner Espinosa Krupa as the hearing officer in Complaint 18-29.
37. The Commission considered a supplement to the staff report concerning staff's request to surplus the Commission's audio equipment. Due to the impracticality of having the Commission's Executive Director fulfill meeting duties and simultaneously operating audio equipment to live-stream the Commission's meetings, and by unanimous consent, the Commission authorized staff to surplus said audio equipment.
38. Staff updated the Commission about the FY 2020 budget.
39. The Commission set the following additional meetings: April 22, May 20, and June 24, 2019.
40. Having no further business, the Commission adjourned at 2:27 p.m. The next regular meeting is scheduled for January 14, 2019, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission