

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 11, 2019, 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 of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Vice-Chair Sorensen called the meeting to order at 9:07 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the January 14, 2019, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission considered Letter Ruling 19-01. Upon motion duly seconded, the Commission unanimously approved adopting the letter ruling as drafted and accepting Commissioner Smith's dissent, as filed (Commissioner Smith clarified for the record that his favorable vote reflects approving the inclusion of his dissent).
6. The Commission called Complaints 17-25 and 17-31, Commissioner Smith presiding. Mr. Ioannides provided a status update. Upon motion duly seconded, the Commission unanimously approved delegating authority to the presiding commissioner to approve the issuance of subpoenas and to conduct necessary pre-hearing conferences.
7. The Commission tabled consideration of Complaint 17-24.
8. The Commission called Complaints 18-22 and 18-29, Commissioner Espinosa Krupa presiding. Upon motion duly seconded, the Commission unanimously granted the respondent's Unopposed Motion to Consolidate Complaints 18-22 and 18-29.
9. At 9:48 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 18-22 and 18-29, for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

10. The Commission met in Executive Session from 9:48 a.m. to 10:05 a.m. to receive legal advice concerning Complaints 18-22 and 18-29.

III. GENERAL BUSINESS

11. The Commission returned to open session at 10:05 a.m.
12. Upon motion duly seconded, the Commission unanimously denied the respondent's motion to dismiss Complaints 18-22 and 18-29 based on § 24-18.5.101(5), C.R.S.
13. The Commission called Complaint 18-24, Commissioner Leone presiding. Commissioner Smith recused himself. The complainant and counsel for the respondent were present. By unanimous consent, the Commission (a) instructed its staff to set the hearing on the merits for the afternoon of April 22, 2019, if possible; and (b) ordered that pre-hearing briefs are due from the parties on April 12, 2019.
14. The Commission called Letter Ruling 19-02. The requester attended telephonically. By unanimous consent, the Commission instructed its staff to conduct additional research.
15. The Commission called Complaint 18-08, Commissioner Sorensen presiding. The Commission confirmed the date for the hearing on the merits as April 22, 2019.
16. At 11:23 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 for *Marble v. Jones* and *Dunafon v. Jones*, 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.

IV. EXECUTIVE SESSION BUSINESS

17. The Commission met in Executive Session from 11:23 a.m. to 11:31 a.m. to receive updates concerning disputes involving the IEC that are the subject of pending or imminent court action and to receive legal advice concerning *Marble v. Jones* and *Dunafon v. Jones*.

V. GENERAL BUSINESS

18. The Commission returned to open session at 11:31 a.m.
19. At 11:33 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 18-33, 19-01, 19-02, 19-03, 19-04, and 19-05 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

20. The Commission met in executive session from 11:33 a.m. to 12:43 p.m. concerning Complaints 18-33, 19-01, 19-02, 19-03, 19-04, and 19-05. Commissioner Smith recused himself from the executive session discussion of Complaint 19-02.

VII. GENERAL BUSINESS

21. The Commission returned to open session at 12:43 p.m.
22. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-01 as frivolous under IEC Rule 7.G.1. and for lack of jurisdiction under IEC Rule 7.G.2.
23. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-04 as frivolous under IEC Rule 7.G.1.
24. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-05 as frivolous under IEC Rule 7.G.1.
25. At 12:47 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), concerning Complaints 17-25 and 17-31, for purposes of receiving legal advice on specific legal questions.

VIII. EXECUTIVE SESSION BUSINESS

26. The Commission met in Executive Session from 12:47 p.m. to 12:53 p.m. to receive legal advice concerning Complaints 17-25 and 17-31.

IX. GENERAL BUSINESS

27. The Commission returned to open session at 12:53 p.m.
28. 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), concerning possible updates to the Commission's rules of procedure, reporting requirements, and dismissal of complaints, for purposes of receiving legal advice on specific legal questions.

X. EXECUTIVE SESSION BUSINESS

29. The Commission met in Executive Session from 12:55 p.m. to 1:24 p.m. to receive legal advice concerning possible updates to the Commission's rules of procedure, reporting requirements, and dismissal of complaints.

XI. GENERAL BUSINESS

30. The Commission returned to open session at 1:24 p.m.
31. By unanimous consent, the Commission instructed its staff to issue a Notice of Proposed Rulemaking for the Commission's proposed changes to its rules of procedure, with the hearing to be conducted on June 24, 2019.

32. Having no further business, the Commission adjourned at 1:33 p.m. The next regular meeting is scheduled for March 18, 2019, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission