

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the March 18, 2019, Meeting
1300 Broadway, Room 1E, 9:00 a.m.
Denver, Colorado

Present: Chair April Jones; Vice-Chair Jo Ann Sorensen; Commissioner William Leone (participating by telephone); 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 9:00 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the February 11, 2019, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission called Complaints 17-25 and 17-31 for hearing on the merits, Commissioner Smith presiding. Steve Harrison, Eva Mares, Ron Mares, and Steve Gardner, complainants, and Steve Ricotta and Lucinda Ricotta, respondents, were present for the hearing. Complaint 17-25 and 17-31 were consolidated for hearing without objection from the parties.
6. The Commission recessed at 10:53 a.m. and returned from recess at 11:01 a.m. to resume the hearing for Complaints 17-25 and 17-31.
7. The Commission recessed at 12:03 p.m. and returned from recess at 12:35 p.m. to resume the hearing for Complaints 17-25 and 17-31.
8. The Commission recessed at 2:20 p.m. and returned from recess at 2:31 p.m. to resume the hearing for Complaints 17-25 and 17-31.
9. After closing testimony, the Commission received closing statements from the parties.
10. At 2:58 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.

II. EXECUTIVE SESSION BUSINESS

11. The Commission met in Executive Session from 2:58 p.m. to 3:25 p.m. to receive legal advice concerning Complaints 17-25 and 17-31.

III. GENERAL BUSINESS

12. The Commission returned to open session at 3:25 p.m.
13. The Commission deliberated on Complaints 17-25 and 17-31.
14. For Complaint 17-25, upon motion duly seconded, the Commission voted 3-1 (Commissioner Smith dissenting) to find no ethical violations, for reasons to be stated in the Commission's written opinion.
15. For Complaint 17-31, upon motion duly seconded, the Commission voted 3-1 (Commissioner Jones dissenting) to find a violation of § 24-18-109(2)(b), C.R.S., with respect to the December 5, 2016, Town of Williamsburg vote, for reasons to be stated in the Commission's written opinion and, further, that no penalty should be assessed.
16. For Complaint 17-31, upon motion duly seconded, the Commission voted unanimously to find a violation of § 24-18-109(3)(a), C.R.S., with respect to the vote for retention of Lucinda Ricotta and, further, that no penalty should be assessed.
17. For Complaint 17-31, upon motion duly seconded, the Commission voted unanimously to find no violation of § 24-18-109(3)(a), C.R.S., with respect to the vote for employee bonuses.
18. Commissioner Smith recused himself for the Commission's consideration of Complaint 18-24. The Commission received staff's report, then tabled consideration of Complaint 18-24.
19. The Commission laid over consideration of Complaints 18-22 and 18-29.
20. Commissioner Leone recused himself for the Commission's consideration of Complaint 18-08. By unanimous consent, the Commission delegated authority to Commissioner Sorensen to conduct a prehearing conference.
21. The Commission laid over consideration of Letter Ruling 19-02.
22. The Commission received the staff report regarding collection of the penalty in *Gessler v. Smith* and laid over consideration of same.
23. The Commission took Complaint 18-24 from the table. Commissioner Smith recused himself. By unanimous consent, the Commission approved issuance of the Notice of Issues for Hearing. By unanimous consent, the Commission delegated authority to Commissioner Leone to determine whether a hearing on the merits would be conducted on April 22, 2019.

24. At 5:09 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 17-09 and 18-33 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.

IV. EXECUTIVE SESSION BUSINESS

25. The Commission met in executive session from 5:09 p.m. to 5:19 p.m. concerning Complaints 17-09 and 18-33.

V. GENERAL BUSINESS

26. The Commission returned to open session at 5:19 p.m.
27. Upon motion duly seconded, the Commission unanimously dismissed Complaint 17-09 as frivolous under IEC Rule 7.G.1.
28. Upon motion duly seconded, the Commission unanimously dismissed Complaint 18-33 as frivolous and untimely under IEC Rules 7.G.1. and 7.G.3.
29. At 5:20 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 Complaint 19-06 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

30. The Commission met in executive session from 5:20 p.m. to 5:22 p.m. concerning Complaint 19-06.

VII. GENERAL BUSINESS

31. The Commission returned to open session at 5:22 p.m.
32. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-06 as frivolous and for lack of jurisdiction under IEC Rules 7.G.1. and 7.G.2.
33. Having no further business, the Commission adjourned at 5:29 p.m. The next regular meeting is scheduled for April 22, 2019, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission