

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the April 22, 2019, Meeting  
1300 Broadway, Room 1F, 9:00 a.m.  
Denver, Colorado

Present: Vice-Chair Jo Ann Sorensen; Commissioner Elizabeth Espinosa Krupa; Commissioner William Leone (participating both by telephone and in-person); 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 9:14 a.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the March 18, 2019, meeting.
4. Mr. Ioannides provided the staff report.
5. The Commission called Complaint 18-08 for hearing on the merits, Commissioner Sorensen presiding. Commissioner Leone recused himself. The complainant, respondent, and respondent's counsel were present.
6. The Commission recessed from 10:32 a.m. to 10:44 a.m.
7. Pending the arrival of a witness for Complaint 18-08, the Commission took up Letter Ruling 19-02 (with the participation of Commissioner Leone).
8. At 11:03 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 Letter Ruling 19-02, for purposes of receiving legal advice on specific legal questions.

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

9. The Commission met in Executive Session from 11:03 a.m. to 11:37 a.m. to receive legal advice concerning Letter Ruling 19-02.

### **III. GENERAL BUSINESS**

10. The Commission returned to open session at 11:37 a.m.
11. The Commission tabled Letter Ruling 19-02.

12. The Commission again took up Complaint 18-08. Commissioner Leone remained recused.
13. After the close of testimony and closing statements, the Commission deliberated on Complaint 18-08.
14. At 12:25 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 Complaint 18-08, for purposes of receiving legal advice on specific legal questions (Commissioner Leone participating in-person and only in the vote to enter executive session).

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

15. The Commission met in Executive Session (Commissioner Leone recused) from 12:25 p.m. to 12:39 p.m. to receive legal advice concerning Complaint 18-08.

#### **V. GENERAL BUSINESS**

16. The Commission returned to open session at 12:39 p.m.
17. With respect to Complaint 18-08, upon motion duly seconded, the Commission unanimously (Commissioner Leone recused) found a violation of § 24-18-109(3)(a), C.R.S., but due to the constitutional language, declined to impose a penalty, with a written decision to follow.
18. The Commission recessed from 12:43 p.m. to 12:49 p.m.
19. The Commission took Letter Ruling 19-02 from the table and, by unanimous consent, postponed further consideration to its June, 2019, meeting.
20. The Commission called Complaint 18-24, Commissioner Leone presiding. Commissioner Smith recused himself. The complainant and counsel for the respondent entered appearances.
21. Upon motion duly seconded, for the reasons stated in the respondent's opposition to the complainant's motion, the Commission unanimously denied the complainant's motion for reconsideration and to expand the scope of issues for the hearing.
22. The hearing on the merits for Complaint 18-24 was set for May 20, 2019. Pre-hearing briefs are due on May 3, 2019 (complainant) and May 13, 2019 (respondent). If filed, the complainant's reply is due on May 16, 2019.
23. Ms. Cannan provided legal updates for the Commission.
24. The Commission unanimously elected new officers, with Commissioner Espinosa Krupa to serve as chair and Commissioner Leone to serve as vice-chair.
25. At 1:20 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 Complaints

19-02, 19-03, 19-07, 19-08, 19-09, and 19-10 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**

26. The Commission met in executive session from 1:20 p.m. to 1:50 p.m. concerning Complaints 19-02, 19-03, 19-07, 19-08, 19-09, and 19-10. Commissioner Smith recused himself for Complaint 19-02.

## **VII. GENERAL BUSINESS**

27. The Commission returned to open session at 1:50 p.m.
28. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-07 as frivolous under IEC Rule 7.G.1.
29. Commissioner Smith moved to dismiss Complaint 19-08 as frivolous and untimely under IEC rules 7.G.1. and 7.G.3., then withdrew his motion. Staff was instructed to provide additional information to the Commission.
30. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-10 as frivolous under IEC Rule 7.G.1.
31. Commissioner Espinosa Krupa left the meeting.
32. The Commission considered the draft opinions prepared for Complaints 17-25 and 17-31.
33. Upon motion duly seconded, the Commission unanimously adopted the findings of fact and conclusions of law in Complaint 17-25, including Commissioner Smith's dissent, as corrected.
34. Upon motion duly seconded, the Commission unanimously adopted the findings of fact and conclusions of law, as corrected, including Commissioner Jones' concurrence in part and dissent in part, in Complaint 17-31.
35. The Commission considered the request for issuance of a position statement and, by unanimous consent, the Commission declined to open a position statement docket.
36. Upon motion duly seconded, the Commission unanimously authorized Mr. Ioannides to post the Commission's 2018 Annual Report.
37. The Commission set additional meetings for August 26, September 23, and October 28, 2019.
38. Having no further business, the Commission adjourned at 2:33 p.m. The next regular meeting is scheduled for May 20, 2019, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides

Executive Director

Colorado Independent Ethics Commission