

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the June 24, 2019, Meeting
1300 Broadway, Room 1E, 9:00 a.m.
Denver, Colorado

Present: Chair Elizabeth Espinosa Krupa; Commissioner April Jones; Commissioner Matt Smith; and Commissioner Jo Ann Sorensen.

Also Present: Dino Ioannides, IEC Executive Director; and Gina Cannan, Chris Aggeler, and Gina Simonson of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Chair Espinosa Krupa called the meeting to order at 9:01 a.m.
2. The Commission received public comment from Mr. Kyle Dumler, thanking the commissioners whose terms were ending, Commissioners Jones, Smith, and Sorensen, for their public service.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the May 20, 2019, meeting, as amended.
4. Mr. Ioannides provided the staff report.
5. The Commission called Advisory Opinion 19-01. The Requester was present telephonically, and counsel for the Requester appeared in person. Upon motion duly seconded, the Commission unanimously adopted Advisory Opinion 19-01, as amended.
6. The Commission called Complaint 18-08. Upon motion duly seconded, the Commission unanimously approved issuance of the Commission's Findings of Fact and Conclusions of Law, as amended.
7. The Commission called Complaints 18-22 and 18-29. Mr. Ioannides provided an investigative status update.
8. The Commission called the rulemaking hearing for the Commission's proposed Rules of Procedure. Having received no oral or written comments, and upon motion duly seconded, the Commission unanimously adopted the proposed Rules of Procedure, to be effective August 1, 2019, with the proviso that the Commission's historical rules from the Secretary of State be transferred to the Commission.
9. The Commission received legal updates from the Office of the Attorney General.

10. The Commission called Letter Ruling 19-02. The Requester was present. Upon motion duly seconded, the Commission unanimously adopted Letter Ruling 19-02, including the dissent from Commissioner Smith.
11. At 9:54 a.m., upon motion duly seconded, the Commission voted unanimously to enter executive session pursuant to C.R.S. § 24-6-402(3)(a)(V) and (3)(b)(I) to consider matters that may be subject to negotiations with employees, the appointment or employment of a public official or employee, or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee, Mr. Ioannides having requested an executive session.

II. EXECUTIVE SESSION BUSINESS

12. The Commission met in Executive Session from 9:54 a.m. to 10:05 a.m. to consider matters that may be subject to negotiations with employees, the appointment or employment of a public official or employee, or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee.

III. GENERAL BUSINESS

13. The Commission returned to open session at 10:05 a.m.
14. The Commission recessed from 10:05 a.m. to 10:11 a.m.
15. Upon motion duly seconded, the Commission unanimously approved providing a three per cent raise for the Executive Director, Mr. Ioannides.
16. At 10:15 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 19-11, 19-12, 19-13, 19-14, 19-15, 19-16, 19-17, 19-18, and 19-19, 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

17. The Commission met in executive session from 10:15 a.m. to 10:26 a.m. concerning Complaints 19-11, 19-12, 19-13, 19-14, 19-15, 19-16, 19-17, 19-18, and 19-19.

V. GENERAL BUSINESS

18. The Commission returned to open session at 10:26 a.m.
19. Commissioner Sorensen disclosed that she knows and has worked with some of the Respondents named in Complaints 19-11 through 19-19, but indicated she can objectively and fairly vote on the complaints.

20. Upon motion duly seconded, the Commission unanimously dismissed Complaints 19-11, 19-12, 19-13, 19-14, 19-15, 19-16, 19-17, 19-18, and 19-19, as frivolous under rule 7.G.1. of the Commission's Rules of Procedure.
21. The Commission called Advisory Opinion 19-02. The Requester was present. Commissioners Jones and Smith disclosed their acquaintance with the Requester. Upon motion duly seconded, the Commission unanimously adopted Advisory Opinion 19-02.
22. The Commission called Advisory Opinion 19-03. The Requester was present. By unanimous consent, the Commission postponed further consideration of Advisory Opinion 19-03 to its next meeting.
23. At 10:46 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 Complaint 19-09, 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

24. The Commission met in executive session from 10:46 a.m. to 11:23 a.m. concerning Complaint 19-09.

VII. GENERAL BUSINESS

25. The Commission returned to open session at 11:23 a.m.
26. At 11:25 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 Complaint 19-20, 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.
27. Commissioner Smith recused himself.

VIII. EXECUTIVE SESSION BUSINESS

28. The Commission met in executive session from 11:25 a.m. to 11:26 a.m. concerning Complaint 19-20.

IX. GENERAL BUSINESS

29. The Commission returned to open session at 11:26 a.m.
30. Upon motion duly seconded, the Commission unanimously (Commissioner Smith recused) dismissed Complaint 19-20 as frivolous and for lack of jurisdiction under rules 7.G.1. and 7.G.2. of the Commission's Rules of Procedure.

31. At 11:28 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 Complaint 19-21, 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.

X. EXECUTIVE SESSION BUSINESS

32. The Commission met in executive session from 11:28 a.m. to 11:34 a.m. concerning Complaint 19-21.

XI. GENERAL BUSINESS

33. The Commission returned to open session at 11:34 a.m.

34. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-21 as frivolous and for lack of jurisdiction under rules 7.G.1. and 7.G.2. of the Commission's Rules of Procedure.

35. Having no further business, the Commission adjourned at 11:35 a.m. The next regular meeting is scheduled for August 26, 2019, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission