

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 11, 2020, Meeting
1525 Sherman Street, First Floor Conference Center, 9:00 a.m.
Denver, Colorado

Present: Chair Elizabeth Espinosa Krupa; Vice-Chair William Leone; Commissioner Selina Baschiera; Commissioner Debra Johnson; and Commissioner Yeulin Willett.

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 Espinosa Krupa called the meeting to order at 9:09 a.m., with Commissioner Baschiera not yet present.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the January 14, 2020, meeting.
4. Mr. Ioannides provided the staff report.
 - a. Mr. Ioannides reported an error on the minutes of the December 5, 2019, meeting: the minutes failed to note the presence of Commissioner Baschiera. Upon motion duly seconded, the Commission unanimously (Commissioner Baschiera not participating) approved the recommended correction to the December 5, 2019, minutes.
5. The Commission called Complaints 18-22 and 18-29. Complainant and respondent were present through counsel. The Chair reported to the Commission about the pre-hearing conference with the parties conducted on January 30, 2020.
6. Commissioner Baschiera joined the meeting at 9:17 a.m.
7. At 9:17 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), to discuss Complaints 18-22 and 18-29, for purposes of receiving legal advice on specific legal questions.

II. EXECUTIVE SESSION BUSINESS

8. The Commission met in executive session from 9:17 a.m. to 9:58 a.m. concerning Complaints 18-22 and 18-29.

III. GENERAL BUSINESS

9. The Commission returned to open session at 9:58 a.m.
10. With respect to Complaints 18-22 and 18-29, the Commission took the following actions:
 - a. Upon motion duly seconded, the Commission unanimously denied the Respondent's Motion to Correct and Supplement Staff Investigation Report and granted leave for the Respondent to present the information at hearing.
 - b. Upon motion duly seconded, the Commission unanimously denied the Respondent's Post-Investigation Motion to Dismiss.
 - c. Upon motion duly seconded, the Commission unanimously granted the Complainant's Motion for Subpoenas.
 - d. Upon motion duly seconded, the Commission unanimously granted the Respondent's Motion for Issuance of Subpoenas, with the exception of the request for subpoena related to Frank McNulty, which the Commission denied.
 - e. By unanimous consent, the Commission instructed the parties that the hearing would commence at 8:00 a.m. on March 24, 2020.
 - f. By unanimous consent, the Commission accepted the parties' Stipulated Facts and Stipulated Dismissal of Claims.
11. At 10:42 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 *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

12. The Commission recessed from 10:42 a.m. to 10:51 a.m.
13. The Commission met in executive session from 10:51 a.m. to 11:22 a.m. concerning legal updates from the Office of the Attorney General for *Dunafon v. Jones*.

V. GENERAL BUSINESS

14. The Commission returned to open session at 11:22 a.m.
15. The Commission recessed from 11:22 a.m. to 11:26 a.m.
16. At 11:26 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 19-24, for purposes of receiving legal advice on specific legal questions and which is

required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

VI. EXECUTIVE SESSION BUSINESS

17. The Commission met in executive session from 11:26 a.m. to 11:42 a.m. concerning Complaint 19-24.

VII. GENERAL BUSINESS

18. The Commission returned to open session at 11:42 a.m.
19. Upon motion duly seconded, the Commission unanimously dismissed Complaint 19-24 as frivolous and untimely.
20. At 11:45 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 19-25 and 19-26, 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.
21. Commissioner Willett, being recused from Complaints 19-25 and 19-26, departed the meeting.

VIII. EXECUTIVE SESSION BUSINESS

22. The Commission met in executive session from 11:45 a.m. to 12:20 p.m. concerning Complaints 19-25 and 19-26.

IX. GENERAL BUSINESS

23. The Commission returned to open session at 12:20 p.m.
24. Upon motion duly seconded, the Commission unanimously (Commissioner Willett recused) found Complaint 19-25 non-frivolous.
25. Upon motion duly seconded, the Commission unanimously (Commissioner Willett recused) found Complaint 19-26 non-frivolous.
26. Having no further business, the Commission adjourned at 12:22 p.m. The next regular meeting is scheduled for March 24, 2020, at 8:00 a.m., and March 25, 2020, at 9:00 a.m., 1300 Broadway, Denver, Colorado.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission