

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the November 20, 2014 Meeting
1300 Broadway, Room 1F, 9:00 am
Denver, Colorado

Present: Rosemary Marshall, Chair; Matt Smith, Vice-Chair; Bill Pinkham; Bob Bacon and William Leone (by telephone).

Also Present: Amy C. DeVan, IEC Executive Director; and Kyle Dumler of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Marshall called the meeting to order at 9:14 a.m.
2. There were no public comments.
3. It was moved, seconded and passed unanimously to approve the minutes of the October 6 and October 14, 2014 meetings.
4. Staff Report
 - a. Activity was relatively light during the month of October and the early part of November. There was one CORA request; fifteen telephone or email inquiries regarding the work of the IEC; two requests for advisory opinions on the November agenda; one letter ruling request, also on the November agenda; and two new complaints, both of which were on the agenda for this meeting.
 - b. Amy DeVan updated the Commissioners that a temporary employee will begin work in mid-December. Ms. DeVan and the temporary employee will work to organize and scan existing IEC records into electronic format.
5. The Commission considered the draft of Advisory Opinion 14-20 (Conflict of Interest). The requester was present. The Commissioners requested the addition of certain language to the Advisory Opinion before moving to adopt it. The Commission gave verbal approval to the requester for the contemplated conduct. The revised Advisory Opinion will be reconsidered at the January 5, 2015 meeting.
6. The Commission considered the draft of Advisory Opinion 14-21 (Acceptance of Gifts). The requester was present and answered questions from the Commissioners. It was moved and seconded to adopt the draft Advisory Opinion. Commissioners Marshall, Smith, Bacon and Leone voted to approve the draft; Commissioner Pinkham dissented.

7. The Commission considered the draft of Letter Ruling 14-03 (Solicitation for Benevolent Trust). The Requester was present with two additional presenters. After discussion it was determined the Commissioners needed more information before proceeding with a vote on the request. The requester will provide additional information and the Commission will revisit the matter at the January 5, 2015 meeting.

8. The Commission reviewed the status of Position Statement 14-01. It was moved, seconded and unanimously approved to table Position Statement 14-01.

9. The Commission reviewed the FY 2016 budget which was submitted to the Joint Budget Committee on the IEC's behalf. The Commission voted to adopt the budget as presented.

10. The Commission reviewed the issue of payment of dues to the Council on Government Ethics Laws (COGEL). The IEC voted unanimously to authorize payment of annual dues to COGEL.

12. At 12:55 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 14-23 and 14-24 filed with the Commission, which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:55 p.m. to 1:10 p.m. to discuss Complaints 14-23 and 14-24 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

III. GENERAL BUSINESS

13. The Commission returned to open session at 1:10 p.m.

14. It was moved, seconded and passed unanimously to dismiss Complaint 14-23 as frivolous pursuant to IEC Rule 7.G.1 and for failure to state a specific basis for the claim under IEC Rule 7.D.1.

15. It was moved, seconded and passed unanimously to dismiss Complaint 14-24 as frivolous pursuant to IEC Rule 7.G.1 and for lack of jurisdiction pursuant to IEC Rule 7.G.2.

16. At 1:15 p.m. it was moved, seconded and passed unanimously for the Commission to enter into Executive Session to receive legal advice pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning disputes that are the subject of pending or imminent court action.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:15 p.m. to 1:45 p.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning disputes that are the subject of pending or imminent court action.

V. GENERAL BUSINESS

17. The Commission returned to open session at 1:45 p.m.

18. At 1:46 p.m. it was moved, seconded and passed unanimously for the Commission to enter into Executive Session to receive legal advice pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) for the purpose of receiving legal advice on specific legal questions regarding retention of records.

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:46 p.m. to 2:10 p.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning legal advice relating to retention of records.

VII. GENERAL BUSINESS

19. The Commission returned to open session at 2:10 p.m. It was determined that the Commission will continue to review a records retention policy to determine the appropriate approach. The Commission also expressed its pleasure with the movement toward electronic retention of IEC records.

20. Having no further business, the Commission adjourned at approximately 2:20 p.m. The next meeting is scheduled for January 5, 2014 at 9 a.m., room 1F.

Respectfully Submitted,

Amy C. DeVan
IEC, Executive Director