

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the January 17, 2012 Meeting  
101 West Colfax Avenue, Roxborough Room, 9 am  
Denver, Colorado

Present: Dan Grossman, Chair, Sally H. Hopper; Vice-Chair (on phone from 10:30-11:40), Bill Pinkham, Matt Smith.

Also Present: Jane T. Feldman, Executive Director, IEC; Lisa Brenner Freimann, Stacey Chapman of the Colorado Attorney General's Office.

### I. GENERAL BUSINESS

1. The meeting commenced at 9:05.
2. There was no public comment.
3. Commissioner Grossman reminded the Commission that Commissioner Butcher resigned effective December 31, 2011, and that he had contacted the Speaker of the House regarding a replacement, but had not heard back.
4. Commissioner Smith made a correction to the Minutes of November 7, 2011. It was moved, seconded and passed unanimously to approve the Minutes of November 7, 2011.
5. There was a discussion of the draft Letter Ruling 12-01. Renny Fagan of the Colorado Nonprofit Association was present to answer questions. Ms. Feldman was requested to redraft the opinion in light of the discussion.
6. There was a discussion of Advisory Opinion 12-01. Carol Pfarr of the State Purchasing Office was present to answer questions. Ms. Feldman was directed to redraft in accordance with the discussion.
7. At 10:43, it was moved, seconded and passed unanimously to enter into Executive Session to receive legal advice pursuant to C.R.S. §24-6-402(3)a)(II) and § 13-90-107(b) on concerning disputes that are the subject of pending or imminent court and/or for the purpose of receiving legal advice of the rule of necessity.

### II. EXECUTIVE SESSION BUSINESS:

The Commission met in Executive Session from 10:43 am to 11:04 am to receive legal advice pursuant to C.R.S. §24-6-402(3)a)(II) and § 13-90-107(b) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice of the rule of necessity.

### III. GENERAL BUSINESS

8. Commissioners Grossman, Smith and Hopper detailed their conflicts regarding Complaint 11-01. Commissioner Grossman has both personal and professional relationships with Mr. Baker as well as one of his attorneys. Commissioner Smith has personal and professional relationships with Mr. Baker, one of his attorneys, the complainant, and several of the witnesses. Commissioner Hopper has a personal relationship with one of Mr. Baker's

attorneys, and knows several of the witnesses and the complainant. **Because the Commission is the only body with authority to hear complaints regarding alleged violations of Article XXIX, the Commission invoked the rule of necessity.** All stated that despite these conflicts they could be fair and impartial in evaluating the testimony in this case. The Commission agreed on potential dates for the hearing. These dates will be cleared with counsel.

9. There was a discussion of the hearing in Complaint 11-03. The parties have agreed to stipulations and will submit hearing briefs by January 27. The hearing on February 6 will therefore be limited to legal arguments.

10. At 1:21 pm, it was moved, seconded and passed unanimously to enter into Executive Session discuss Complaints 11-12, 12-01, and 12-02 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, Section 5(c) of the Colorado Constitution, and C.R.S. Section 24-6-402(3)a)(III) and the Commission's Rules of Procedure.

#### IV. EXECUTIVE SESSION BUSINESS:

The Commission met in Executive Session from 1:21 to 1:42 to discuss Complaints 11-12, 12-01 and 12-02 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, Section 5(c) of the Colorado Constitution, and C.R.S. Section 24-6-402(3)a)(III) and the Commission's Rules of Procedure.

#### V. GENERAL BUSINESS

7. The Commission returned to open session at 1:42 pm.
8. It was moved, seconded and passed unanimously to find Complaint 11-12 non frivolous and to proceed.
9. It was moved, seconded and passed unanimously to dismiss Complaint 12-01 as frivolous.
10. It was moved, seconded and passed unanimously to dismiss Complaint 12-02 as frivolous.
11. Executive Director's Report:
  - a. Ms Feldman reported on several trainings that she has given or will give.
  - b. Ms. Feldman reported on a meeting she had with the State Auditor's Office.
  - c. Ms. Feldman reported that she had had an unusually large number of advice calls relating to travel issues.
12. Ms. Freimann reported that there was confusion surrounding permissible and impermissible travel, and suggested that the Commission may want to address this soon. Ms Feldman was directed to draft a new position statement regarding travel for the next meeting.

The Commission adjourned at 2:20 pm.

Next Meeting: February 6 2012 at 9 am 101 West Colfax Ave, Denver, CO.

Respectfully submitted,

Jane T. Feldman  
Executive Director