

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 4, 2013 Meeting  
1300 Broadway First Floor 9 a.m.  
Denver, Colorado

Present: Dan Grossman, Chair, Sally H. Hopper; Vice-Chair, Rosemary Marshall, Bill Pinkham, Matt Smith.

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

### I. GENERAL BUSINESS

1. The meeting commenced at 9 a.m.
2. Commissioner Grossman welcomed Commissioner Marshall to the Commission.
3. At 9:05, 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) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding litigation entitled Scott Gessler v. Independent Ethics Commission filed in Denver District Court.

### II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:05 a.m. until 9:50 a.m. 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 on specific legal questions regarding litigation entitled Scott Gessler v. Independent Ethics Commission filed in Denver District Court.

### III. GENERAL BUSINESS.

4. The Commission returned to open session at 9:50 a.m.
5. The Commission conducted a hearing on Complaint 12-06. The Commission heard testimony and reviewed evidence. It was moved, seconded and passed unanimously to find no violation of Article XXIX or any other standard of conduct under the IEC's jurisdiction. Ms. Feldman will prepare a proposed order to be reviewed at a telephonic meeting on February 15, 2013 at 9 am.
6. Commissioner Smith suggested changes to the minutes of January 7, 2013. It was moved, seconded and passed unanimously to approve the minutes of the January 7, meeting, as amended, and the minutes January 23 meeting. (Commissioner Marshall did not participate in the discussion of the January 7, 2013 minutes).
7. Executive Director's Report:
  - a. Ms Feldman passed out copies of the new 2013 IEC Handbook.

b. Ms. Feldman reported that she attended a General Assembly ethics training session on January 18, and will be speaking at a brown bag lunch CLE at the Capitol on February 21. She informed the Commission that Rep. Gardner from Colorado Springs may draft a referendum to make changes to Article XXIX. There was a discussion of whether the IEC should participate in the drafting process and if so to what extent. Commissioners Smith and Marshall were appointed to a subcommittee to meet with Representative Gardner.

c. Ms. Feldman reported on the trainings she has done for District Attorneys and for new County Commissioners.

d. Ms. Feldman informed the Commission that the migration of data from the current website to the new website may be both time consuming and expensive. She will keep the Commission informed when she knows more.

e. Ms. Feldman passed out copies of the IEC's expenditures through December 2012.

8. . Public Comment: Suzanne Staiert, Deputy Secretary of State made comments about the IEC's procedures.
9. There was a discussion of Advisory Opinion 13-01 (Legal Defense Funds). The Commission discussed the draft opinion and the dissent. Ms. Feldman will make changes to the opinion to be reviewed at the next meeting.
10. There was a discussion of Advisory Opinion 13-02 (Acceptance of Travel Expenses). The Commission asked Ms. Feldman to make changes to the draft for Commission review at the next meeting.
11. There was a discussion of Advisory Opinion 13-03. The Commission expressed concern that the request included many matters, and lacked sufficient facts for the issuance of an advisory opinion. Suzanne Staiert, Deputy Secretary of State, will resubmit the request.

The Commission adjourned at 3:00 p.m. Next meeting is February 15, 2013 at 9 a.m. The meeting will be telephonic only..

Respectfully submitted,

Jane T. Feldman  
Executive Director