

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 6, 2012 Meeting  
101 West Colfax Avenue, Columbine Room, 9 am  
Denver, Colorado

Present: Dan Grossman, Chair, Sally H. Hopper; Vice-Chair, Bill Pinkham, Matt Smith.  
Also Present: Jane T. Feldman, Executive Director, IEC; Lisa Brenner Freimann and Diane Dash (from 10:00 to 10:40 am) of the Colorado Attorney General's Office, Stephen Brown, IEC's conflicts counsel.

### I. GENERAL BUSINESS

1. The meeting commenced at 9:00.
2. The Commission conducted a hearing on complaint 11-03. The parties agreed to submit additional briefing no later than February 27. The Commission decided to continue the matter to the March 19 meeting.
3. At 11:10 am 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 filed by Doug Platt.

### II. EXECUTIVE SESSION

The Commission met in Executive Session from 10:00 to 10:40 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 filed by Doug Platt. Ms. Dash represented the Commission. Ms. Freimann and Mr. Brown were not present.

### III. GENERAL BUSINESS

4. The Commission returned to Open Session at 10:40 am.
5. There was public comment from Riste Capps and James Leh regarding Advisory Opinion 12-01. The Commission also heard from the requestor, Commissioner James Edwards of Logan County.
6. The Commission discussed Advisory Opinion 12-01, and directed staff to revise the draft opinion in accordance with the discussion.
7. It was moved, seconded and passed unanimously to approve the minutes of December 7, 2011 and January 17, 2012 meetings.

8. Executive Directors Report:

a. Ms. Feldman reported on training at DPA and upcoming training at the Department of Revenue and Human Services. Her presentation at the Colorado Municipal League with Commissioner Pinkham was postponed due to the storm.

b. Ms. Feldman reported on the COGEL conference in December. She asked permission to pay the COGEL dues for 2012. It was moved, seconded and passed unanimously to rejoin COGEL.

c. There was a discussion of the request from the House Judiciary Committee for an appearance at their meeting on February 9. Commissioner Grossman and Ms. Feldman will attend.

d. Ms. Feldman reported that there had been many press calls about Advisory Opinion 12-01 and Complaint 11-03.

9. There was a discussion of the draft Letter Ruling 12-01. It was moved, seconded and passed unanimously to approve Letter Ruling 12-01.

10. There was a discussion of Advisory Opinion 12-02. It was moved, seconded and passed unanimously to approve Advisory Opinion 12-02.

11. There was a discussion of Complaint 11-01. Mr. Brown reminded the Commission that there were two outstanding motions. It was moved, seconded and passed unanimously to deny the motion to refer the matter to an Administrative Law Judge. It was moved, seconded, and passed unanimously to deny the motion to dismiss without prejudice, with leave to renew at the hearing.

12. At 2:01 pm 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 relating to Complaint 11-01.

#### IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:01 pm to 2:08 pm 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 relating to Complaint 11-01. Mr. Brown represented the Commission. Ms. Freimann was not present.

## V. GENERAL BUSINESS

13. There was a discussion Complaint 11-12. The Commission decided that there should be a provision in the stipulation regarding the individual trustees such as the requirement for training, and formal notification of the violation by the trustees. Ms. Feldman was asked to notify the parties.
14. At 2:19 pm, it was moved, seconded and passed unanimously to enter into Executive Session discuss Complaint 12-03 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.

## VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:19 pm to 2:23 pm to discuss Complaint 12-03 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.

## VII. GENERAL BUSINESS

15. The Commission returned to open session at 2:23 pm.
16. It was moved, seconded and passed unanimously to dismiss Complaint 12-03 as frivolous.

The Commission adjourned at 2:25 pm.

Next Meeting: February 28, 2012 at 9 am, 101 West Colfax Ave, Denver, CO for a hearing on Complaint 11-01.

Respectfully submitted,

Jane T. Feldman  
Executive Director