

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 23, 2011 Meeting
101 West Colfax Avenue, Room 628 (Columbine Room) 9 am
Denver, Colorado

Present: Commissioners Matt Smith, Chair; Dan Grossman, Vice Chair; Sally H. Hopper; Larry R. Lasha; Roy V. Wood

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

I. GENERAL BUSINESS

1. The meeting commenced at 9:09 a.m.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the January 19, 2011 meeting.
4. Staff Report:
 - a. Ms. Feldman reported on the figure setting hearing of the Joint Budget Committee.
 - b. Ms. Feldman reported that HB 1134 which would have expanded the Commission's jurisdiction was killed in the House.
 - c. Ms. Feldman reported on the training of the Governor's cabinet, and upcoming trainings of the General Assembly, the Governor and his staff, and his wife. She also reported on contacts with the Attorney General's Office and other state agencies on training opportunities.
 - e. Mr. Platt discussed upcoming training opportunities with several executive branch agencies and state employee organizations.
5. The Commission discussed the draft Procedural Rules. It was moved, seconded and passed unanimously to approve the amended draft subject to a review for scrivener errors.
6. There was a discussion of the applications received for the Fifth Commissioner position. The Commissioners agreed to each interview one of the four applicants and report back to the Commission at the next meeting.
7. The Commission set April 21 and May 13 as meeting dates.
8. Mr. Platt gave the Commission an update on Complaint 10-05. There was a discussion. It was moved, seconded and passed unanimously to accept the motions to dismiss from both Complainant and Respondent and to conduct a hearing on those motions on March 3.

9. There was a discussion of Advisory Opinion 11-01(Acceptance of Expenses from a Government Exchange Organization). The Commission directed Ms. Feldman to contact the requestor and get additional information regarding the request.
10. There was a discussion of Advisory Opinion 11-02 (Acceptance of Travel Expenses from a Nonprofit). It was moved, seconded, and passed unanimously to approve Advisory Opinion 11-02 as amended.
11. There was a discussion of Advisory Opinion 11-03 (Acceptance of Travel and other Expenses from a Nonprofit). It was moved, seconded and passed unanimously to approve Advisory Opinion 11-03.
12. Commissioner Smith reported that he had met with Marci Sannes from the Human Resources Division of the Judicial Department regarding personnel rules, but that he needed to further discuss some issues before reporting back to the Commission.
13. Commissioner Wood told the Commission that he would like issues regarding whether the Commission should comment on public reports of ethics issues in unsolicited opinions, and that he would like to further discuss the issues of the independence of the Attorney General's Office in a future meeting. There was consensus that this would be appropriate.
14. There was a discussion of Complaint 10-12. Commissioner Grossman was recused and Commissioner Smith did not participate. It was moved, seconded and passed unanimously to set the matter for a hearing.
15. It was moved, seconded and passed unanimously to enter into Executive Session at 2:16pm to discuss complaints 11-01 and 11-02 filed with the Commission which are required to be 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.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:17 pm to 2:25 p.m. to discuss Complaints 11-01 and 11-02 filed with the Commission which are required to be 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.

Commissioner Grossman recused himself from the discussion of Complaints 11-01 and 11-02 and left the room. Commissioner Smith left the room and did not participate in the discussion of Complaints 11-01 and 11-02.

III. GENERAL BUSINESS

16. The Commission returned to open session at 2:26 pm.

17. It was moved, seconded and passed unanimously (3-0) to find Complaint 11-01 non frivolous and directed staff to notify the parties. Commissioner Grossman recused himself from this matter. Commissioner Smith did not participate in the discussion of this case.
18. It was moved, seconded, and passed unanimously (3-0) to find Complaint 11-02 as non frivolous and to notify the parties. The Commission noted that Complaint 11-02 is substantially the same as Complaint 10-12 and that those matters should be heard together. Commissioner Grossman recused himself from this matter. Commissioner Smith did not participate in the discussion of this case.
19. The Commission adjourned at 2:45 pm.

Next Meeting: March 3, 2011 at 9:00 a.m.

Respectfully submitted,

Jane T. Feldman
Executive Director