

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 28, 2012 Meeting
101 West Colfax Avenue, Columbine Room 5th floor 9 am
Denver, Colorado

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

Also Present: Jane T. Feldman, Executive Director, IEC; Stephen M. Brown, conflicts counsel for the Commission.

I. GENERAL BUSINESS

1. The meeting commenced at 9:10 am.
2. Commissioner Grossman stated that three Commissioners had initially recused themselves, but that the Commission had invoked the rule of necessity. He then asked the parties if they had any objection to the participation of any of the Commissioners. Dwight Pringle, on behalf of the complainant said he did not. Bernie Buescher, on behalf of the respondent, also said no.
3. The Commission heard arguments on a pending motion to allow the testimony of Michael May. The Commission decided to allow Mr. May's testimony.
4. The Commission conducted a hearing on Complaint 11-01.
5. At 11 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) on concerning disputes that are the subject of pending or imminent court and/or for the purpose of receiving legal advice relating to an evidentiary issue in Complaint 11-01.

II. EXECUTIVE SESSION BUSINESS:

The Commission met in Executive Session from 11 am to 11:13 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 relating to Complaint 11-01.

III GENERAL BUSINESS

6. The Commission returned to open session at 11:13 am and permitted Complainant to examine Mr. Baker for the purposes laying foundation regarding Exhibits 1-9.

7. At the conclusion of the Complainant's case, Respondent made a motion to dismiss the case based on insufficient evidence. After discussion by the Commissioners, the Commission voted 3-1 (Commissioner Grossman dissenting) to dismiss the case, and directed the Executive Director and counsel to draft a written decision based on the discussion.
8. The Commission approved the order and directed staff to distribute the order.

The Commission adjourned at 2:30 pm.

Next Meeting: March 19, 2012 at 9 am

Respectfully submitted,

Jane T. Feldman
Executive Director