

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the March 3, 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 (until 2:00 pm) and Melissa Phipps of the Colorado Attorney General's Office (from 1 pm to adjournment).

I. GENERAL BUSINESS

1. The meeting commenced at 9:05 a.m.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the February 23, 2011 meeting.
4. The Commission conducted a public hearing on Complainant's motion to withdraw the complaint. Complainant was not present, although he had been notified of the proceedings. The Commission heard from Vincent Morscher, First Assistant Attorney General, attorney for the Respondent. The Commission conducted a public hearing on Respondent's Motion to Dismiss or in the alternative Motion for Summary Judgment. The Commission heard arguments from Mr. Morscher. It was moved, seconded, and failed 3-2 to allow Complainant to withdraw the Complaint. It was moved, seconded, and failed 3-2 to deny the Complainant's request to withdraw the Complaint. It was moved, seconded, and failed 5-0 to dismiss the Complaint in accordance with Respondent's motion. It was moved, seconded and passed 4-1 to dismiss the Complaint pursuant to IEC Rule 7.E.2 because the Complaint, if true, failed to allege a violation of Article XXIX or any other standard of conduct under the Commission's jurisdiction. (Commissioner Wood, dissenting). Staff was directed to draft an order for Commission review. The order drafted by staff was approved.
5. Staff Report:
 - a. Ms. Feldman reported on the training before the General Assembly.
 - b. Ms. Feldman reported that she sent a letter to the Speaker of the House regarding his need to appoint a Commissioner.
 - c. Ms. Feldman reported that the Rules had been posted on the Secretary of

State's web site, and were expected to be effective April 14, 2011.

d. Mr. Platt discussed upcoming training opportunities with several executive branch agencies and state employee organizations.

e. Mr. Platt reported that there had been one open records act request since the last meeting.

6. Commissioners reported on their respective interviews of applicants for the Fifth Commissioner position. It was agreed that two of the applicants would be interviewed in person. Staff was directed to schedule the interviews.
7. There was a discussion of issues relating to the independence of the Attorney General, and whether the Commission should retain independent counsel.
8. There was a discussion of whether the Commission should comment on ethics issues in the press.
9. There was a discussion of Advisory Opinion 11-01 (Acceptance of Expenses from a Nonprofit Organization). The Commission heard from Maurice Knaizer of the Attorney General's Office and State Treasurer Walker Stapleton regarding the request. It was moved, seconded and passed unanimously to approve Advisory Opinion 11-01 as revised.
10. The Commission thanked Commissioner Lasha for his service on the Commission and presented him with a plaque.
11. James Eklund of the Governor's Office was introduced to the Commission and Commissioner Smith gave him a brief history of the Commission, and asked for the assistance of the Governor's Office in securing adequate funding for the Commission.
12. The Commission adjourned at 2:45 pm.

Next Meeting: April 21, 2011 at 9:00 a.m.

Respectfully submitted,

Jane T. Feldman
Executive Director