

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the March 19, 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  
Melissa Phipps of the Colorado Attorney General's Office.

### I. GENERAL BUSINESS

1. The meeting commenced at 9:04.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of February 6, 2012 subject to amendments.
4. It was moved, seconded and passed unanimously to approve the minutes of the February 28, 2012 meeting.
5. The Commission heard argument relating to Complaint 11-03. Commissioner Hopper was recused.
6. At 9:40 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). Commissioner Hopper moved to enter Executive Session, but was not present during the Executive Session.

### II. EXECUTIVE SESSION

The Commission met in Executive Session from 9:40 to 10 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 to receive legal advice relating to issues raised by arguments in Complaint 11-03.

### III. GENERAL BUSINESS

7. The Commission returned to Open Session at 10:40 am.
8. The Commission deliberated on Complaint 11-03. The Commission found, 3-0 that Respondent Kevin McCasky did not violate Colorado Constitution Article XXIX, section 3(3). The Commission found 2-1, Commissioner Smith dissenting, that Mr. McCasky violated C.R.S. §24-18-109(2)(b), and 3-0 that Mr. McCasky violated C.R.S. §24-18-109(3)(a). A written order will follow.

9. There was a discussion of the stipulated settlement reached in Complaint 11-12. It was moved seconded and passed unanimously to approve the proposed settlement with one additional provision.

10. Executive Directors Report:

a. Ms. Feldman reported on training at several state agencies, and upcoming trainings for the Colorado Municipal League and Colorado Counties, Inc.

b. Ms. Feldman reported on her appearance before the House Judiciary Committee and its request for more additional information. It was decided that the Commissioners would respond to the questions at a future meeting of the House Judiciary Committee.

c. Ms. Feldman reported on upcoming changes to the website.

d. Ms. Feldman reported on the status of the litigation involving Doug Platt.

e. Ms. Feldman reported on an upcoming survey on state ethics statutes and enforcement.

f. Ms. Feldman reported on the status of an appointment of a fifth commissioner .

g. Ms. Feldman reported on the status of the budget for FY12 in the operating, legal services and personal services lines. It was moved, seconded and passed unanimously to raise Ms. Feldman's salary in accordance with the 2011 request to the JBC.

9. There was a discussion of Advisory Opinion 12-01 (Conflict of Interest). Additional changes were proposed, and they will be reviewed at the next meeting.

10. There was a discussion of a revised Position Statement on Travel.

Future meetings were set for March 22 at 2pm (telephonic) to discuss the Final Order in Complaint 11-03 and Advisory Opinion 12-01; April 3, May 7, and June 4.

Respectfully submitted,

Jane T. Feldman  
Executive Director