

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the March 31, 2014 Meeting
1300 Broadway, Room 1C, 9:00 am
Denver, Colorado

Present: Matt Smith; Chair, Rosemary Marshall; Vice-Chair, Bob Bacon, William Leone (leaving at 3:30 p.m.) and Bill Pinkham.

Also Present: Maureen Toomey, IEC Assistant Director, and Kyle Dumler and Lisa Brenner Freimann of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Smith called the meeting to order at 9:00 a.m.
2. It was moved, seconded and passed unanimously to approve the minutes of the March 10, 2014 meeting.
3. There was no public comment.
4. At 9:05 a.m., it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Complaint 13-11.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:05 a.m. to 10:13 a.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Complaint 13-11.

III. GENERAL BUSINESS

5. The Commission returned to open session at 10:13 a.m.
6. Commissioner Leone conducted the Pre-Hearing Conference on Complaint 13-11. Mr. Blue and Mr. Hornaday represented Complainants and Mr. Spector and Mr. Finlaw represented the Respondent.
 - a. There was discussion on the Motion for a Subpoena Duces Tecum to the Democratic Governors' Association ("DGA") filed by the Complainants. Following argument, it was moved, seconded and, and passed unanimously to deny the motion because alternative or circumstantial evidence may be available from other sources.

- b. Respondent has filed a Motion to Strike the Investigator's Report. There was a discussion about the status of the investigator's report. The Respondent had no objection to the Commission receiving the report in raw data form (i.e., transcripts and/or a CD of interviews). The Complainant asked for a copy of the investigator's summary which was shown to Respondent. The Commission announced that it has not received the investigator's summary. The Commission will review the investigator's raw data and will work through counsel to provide it to the parties following review and for purposes of issuing a final investigative report. The Motion to Strike was postponed until such time as the parties and the Commission has had an opportunity to review the raw data.
- c. The Commission heard oral arguments on the Respondent's Motion to Dismiss. The Commission will take the motion under advisement to be discussed again at the April 14, 2010 meeting. The evidentiary hearing, if any will be required, will be deferred to a later date.

7. The Commission decided on meeting dates through December 2014: scheduling meetings for April 14 which may continue through April 15, May 23 (vacating the previous scheduled meeting on May 12), June 9, July 7, August 4, September 8, October 6, November 3 and December 1. A telephonic meeting will be held on April 8, 2014 at 9 a.m. to receive guidance from the IEC attorneys prior to the April 14th meeting date.

8. At 2:32 p.m., it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to the investigative report for Complaint 13-11.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:32 p.m. to 2:55 p.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to the investigative report for Complaint 13-11.

V. GENERAL BUSINESS

9. The Commission returned to open session at 2:55 p.m.

10. At 2:57 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 14-06 and 14-07 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:57 p.m. to 3:15 p.m. to discuss Complaints 14-06 and 14-07 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

VII. GENERAL BUSINESS

11. The Commission returned to open session at 3:15 p.m.
12. It was moved, seconded and passed unanimously to dismiss complaint 14-06 for lack of jurisdiction pursuant to IEC Rule 7.G.2.
13. At 3:16 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaint 13-06 which is required to be kept confidential pursuant to IEC Rule 7.E.

VIII. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 3:16 p.m. to 3:28 p.m. to discuss Complaint 13-06 which is required to be kept confidential pursuant to IEC Rule 7.E.

IX. GENERAL BUSINESS

14. The Commission returned to open session at 3:28 p.m.
15. Staff Report
 - a. Ms. Toomey reported that House Bill 14-1258 had been postponed indefinitely on March 10, 2014. In addition, on March 12, 2014, the District Court addressing the Secretary of State's appeal of Complaint 12-07 found in favor of the Commission. There have been many inquiries regarding the ruling in case number 12-07, as well as the departure of Jane Feldman.
 - b. Ms. Toomey reported on how she is handling different calls to the office; some are referred to the IEC website and/or to specific opinions, and some are not related to the work of the Commission at all.
 - c. There have been inquiries for as many as 6 possible advisory opinion requests; most are incomplete and two were not submitted timely for this meeting. There is a possibility that there may be three to four requests which may be completed in time for the next meeting.
 - d. The Personnel and Administration Department requested that Mr. Dumler schedule a training session. Another has been tentatively scheduled for the

Health Care Policy and Financing Department. Several public employees have requested a copy of the IEC handbook.

e. There have been two CORA requests since the last meeting.

16. Commissioner Smith discussed updates on the website switchover and on budget issues. He also indicated that the annual elections for the IEC Chair and Vice Chair positions will be scheduled for the April 14th meeting.

The Commission adjourned at approximately 3:54 p.m. A telephonic meeting is scheduled for April 8, 2014 at 9 a.m. in Room 1F to be followed by a regularly scheduled meeting on April 14, possibly extending to April 15, 2014.

Respectfully Submitted,

Maureen Toomey
IEC Assistant Director