

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the April 8, 2013 Meeting
1300 Broadway 12th floor 9 a.m.
Denver, Colorado

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

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

I. GENERAL BUSINESS

1. The meeting commenced at 9:20 a.m.
2. There was no public comment.
3. Commissioner Smith stated that due to Commissioner Pinkham's excused absence, he had requested that a discussion of Advisory Opinion 13-01 (Legal Defense Funds) not be placed on the Agenda. He thanked the Chairman for agreeing to that request. Commissioner Smith stated that in his view it is important that the full Commission participate in the discussion of that Opinion. He noted that the Commission was still awaiting a memo on legal issues regarding that request.
4. Commissioner Smith suggested changes to the draft minutes of March 4, 2013. It was moved, seconded and passed unanimously to approve the minutes of March 4 as amended.
5. H. Ellis Armistead, the independent investigator retained by the Commission, presented a preliminary investigation report on Complaint 12-07. The final report will be available soon.
6. There was a discussion of Advisory Opinion 13-07 (Solicitation of Funds for a Blind Trust). The requestor was present and answered questions. The Commission reviewed a draft opinion. It was moved, seconded and passed unanimously to approve Advisory Opinion 13-07.
7. Executive Director's Report:
 - a. Ms. Feldman reported that the requestor on Advisory Opinion 13-05 told her he was confident that the issue he raised would be resolved shortly. Assuming a compromise can be reached, he will withdraw the request.
 - b. Ms. Feldman reminded the Commissioners that she would be in Quebec from

April 18-23 at a COGEL meeting. She stated that due to the IEC's tight budget, she would refrain from submitting travel reimbursement until June, when the Commission's budget situation would be clearer.

c. Ms. Feldman reported that she had been invited to participate on a panel sponsored by World Denver, but would be unable to attend. She asked if any Commissioners might be interested. None of the Commissioners will be available.

d. Ms Feldman reported that she should be moving to the 2nd floor of 1300 Broadway within the next couple of weeks.

8. There was a discussion of Budget and Personnel issues. Ms Feldman reminded the Commission that it had received approval to hire an additional staff member and that she would begin that process. There was a discussion of the legal services and personal services lines. Because of the projected shortage of funds in the Commission's budget, she had consulted with the State Court Administrator's Office, and they should be able to cover any shortages if necessary.
9. There was a discussion of Complaint 12-07. Michael Davis, counsel for Respondent objected to information contained in the preliminary investigation report regarding the Secretary's home security system. He moved to interview the Chairman of the Commission and the IEC's independent investigator. It was moved, seconded and passed unanimously to deny the motion. Peg Perl from Colorado Ethics Watch noted that information about the Secretary's home security system was unknown to her prior to the recitation of the preliminary report. Ms. Freimann stated that information relating to the security system had been disclosed to the Commission in a CORA response from the Secretary of State's Office. The Commission set June 7, 2013 as the date for the hearing.
10. There was a discussion of Advisory Opinion 13-03 (Travel Paid for by a Third Party). Suzanne Staiert, Deputy Secretary of State was asked to provide additional information. After she provided that information, it was moved, seconded and passed unanimously to approve Advisory Opinion 13-03.
11. There was a discussion of Advisory Opinion 13-04 (Mileage Reimbursement). It was moved, seconded and passed unanimously to approve Advisory 13-04.
12. There was a discussion of Advisory Opinion 13-08 (Travel Paid for by a Nonprofit). It was moved, seconded and passed unanimously to approve Advisory Opinion 13-08.
13. There was a discussion of Advisory Opinion 13-09 (Travel Paid for with Personal Funds). It was moved, seconded and passed unanimously to approve

Advisory Opinion 13-09.

14. At 1:35 p.m. 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) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding litigation entitled *Gessler v. Grossman et al.* 13CV030421 and litigation entitled *Gessler and Staiert v. Grossman et al.* both filed in Denver District Court as well as specific legal issues involving Complaint 12-07.
15. Commissioner Smith was elected chair, and Commissioner Marshall was elected vice chair of the Commission for 2013-14.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:35 p.m. until 2:13 p.m. 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 on specific legal questions regarding litigation entitled *Gessler v. Grossman* 13CV030421 and *Gessler and Staiert v. Grossman et al* filed in Denver District Court as well as specific legal issues concerning Complaint 12-07.

III. GENERAL BUSINESS.

The Commission returned to open session, and at 2:15 p.m. it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 13-01, 13-04 and 13-05 which are required to be kept confidential pursuant to Article XXIX of the Colorado Constitution, and C.R.S sections 24-6-402(3)(a)(III) and the Commission's Rules of Procedure.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:15 p.m. until 2:35 p.m. to discuss Complaints 13-01, 13-02, 13-03 which are required to be kept confidential pursuant to Article XXIX of the Colorado Constitution, and C.R.S sections 24-6-402(3)(a)(III) and the Commission's Rules of Procedure.

III. GENERAL BUSINESS

The Commission returned to open session at 2:35 p.m.

15. There was a discussion of Advisory Opinion 13-10. The requestor was present. The Commission directed staff to draft an opinion for review at the Commission's

next meeting.

A discussion of Complaint 13-03 was deferred to the next meeting. The Commission adjourned at 3:45 p.m. The next meeting is May 6, 2013 at 9 a.m.

Respectfully submitted,

Jane T. Feldman
Executive Director