

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the April 30, 2013 Meeting
1300 Broadway 12th floor 9 a.m.
Denver, Colorado
(Telephonic, Only)

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

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

I. GENERAL BUSINESS

1. The meeting commenced at 9:15 a.m.
2. There was no public comment.
3. There was a discussion of the draft proposed Pre-hearing Order in Complaint 12-07. It was moved, seconded and passed unanimously to approve the Pre-hearing order as amended by the discussion.
4. Luis Toro of Colorado Ethics Watch requested release of the Executive Director's investigation report. The Commission tabled the discussion until after the Commission has had the opportunity to confer with counsel. Mr. Toro raised a question regarding how the IEC was going to handle the issue of Mr. Gessler's security system raised in the report.
5. Michael Davis, counsel for Scott Gessler requested permission to file a motion to recuse Commissioner Grossman and to prevent consideration of the Secretary's security system as an issue. Commissioner Smith asked him to describe any new evidence the Commission has not already considered. This matter was tabled until after the Commission has had the opportunity to confer with counsel.
6. Mr. Davis requested permission to file a renewed motion to refer the case to an Administrative Law Judge. It was moved, seconded and passed unanimously to permit the filing of the renewed motion; the motion must be filed by 5 p.m. on May 2, 2013.
7. Bob Bruce asked about the Commission's procedures regarding the issuance of subpoenas. Commissioner Smith advised him that the Commission would discuss the matter at its May 6, 2013 meeting.
8. .At 10:30 a.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 specific legal issues involving Complaint 12-07.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:40 a.m. to 11:20 a.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of receiving legal advice on specific

legal issues concerning Complaint 12-07.

III. GENERAL BUSINESS

9. The Commission returned to open session at 11:30 a.m.

10. It was moved, seconded and passed unanimously to grant Mr. Gessler leave to file a motion to recuse Commissioner Grossman based on additional facts. This motion shall be filed by May 2 at 5 p.m.

11. It was moved, seconded and passed unanimously to release the Executive Director's Investigation Report and accompanying exhibits pursuant to the Colorado Open Records Act. The Report will be emailed to the parties as soon as possible. This Report will not supplant or replace the independent Investigator's Report as the IEC's official report.

12. At 11:40 a.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 and Staiert v. Grossman et al.* 2013CV031590 filed in Denver District Court.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:40 a.m. until 11:53 a.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 and Staiert v. Grossman et al.* 2013CV031590 filed in Denver District Court.

The Commission adjourned at 11:55 a.m.

The next meeting is May 6, 2013 at 9 a.m.

Respectfully submitted,

Jane T. Feldman
Executive Director