

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the June 20, 2011 Meeting
101 West Colfax Avenue, Columbine Room 9 am
Denver, Colorado

Present: Commissioner: Dan Grossman, Chair; Sally H. Hopper; Vice-Chair; Bill Pinkham, Matt Smith, Roy V. Wood

Also Present: Jane T. Feldman, Executive Director, IEC; Doug Platt, Communication Director, IEC; Lisa Brenner Freimann (until 11 am) and Melissa Phipps of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. The meeting commenced at 9:15.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the May 19, 2011 meeting.
4. Staff Report:
 - a. Ms Feldman reported that Commissioner Smith had been reappointed to the Commission. She also passed out copies of the House Resolution appointing Dorothy Butcher to the Commission.
 - b. Ms. Feldman reminded the Commission that all travel expenses must be submitted by July 6.
 - c. Ms. Feldman passed out an article on the Commission on Judicial Discipline, and advisory opinion from the Denver Ethics Board relating to the Mayoral transition, and copies of a recent US Supreme Court case regarding conflicts of interest.
 - d. Ms. Feldman reported that she had conducted two trainings, at the Attorney General's Office, and at the State Auditor's Office, in conjunction with Jennifer Gilroy.
 - e. Mr. Platt reported that he will be conducting training at the annual Colorado Municipal League conference later this week, and has other scheduled trainings for June and July. He stated that the trainings the IEC has conducted this year have received an average rating of 4.38 on a scale of 1-5.
 - f. Mr. Platt reported that he had received several media inquiries over the last month.
5. There was a discussion of Advisory Opinion 11-10 (Acceptance of a Voucher for Travel Expenses). It was moved, seconded, and passed 3-2 (Commissioners Grossman and Wood dissenting) to approve Advisory Opinion 11-10 as amended.

6. At 10:21 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) 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 budget and personnel issues.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:21 am-10:40 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 for the purpose of receiving legal advice on specific legal questions regarding budget and personnel issues. Ms Feldman and Mr. Platt were not present.

III. GENERAL BUSINESS

7. The Commission returned to open session at 10:40 am.
8. There was a discussion of Complaints 10-12 and 11-01 and 11-02. It was agreed that Ms. Feldman will schedule a meeting with all counsel prior to the next meeting, with the goal of narrowing the issues for a hearing. Commissioners Grossman and Smith left the room and did not participate in the discussion.
9. The Commission set July 22, and August 26 as dates for future meetings. The Commission also set July 1 at 10 am for a possible telephonic executive session meeting to discuss personnel and budget issues.
10. It was moved, seconded and passed unanimously at 11:10 am to enter into Executive Session discuss Complaints 11-03, 11-05, 11-07, 11-08, 11-09 and 09-12 filed with the Commission which are required to be confidential pursuant to Article XXIX, Section 5(c) of the Colorado Constitution, and C.R.S. Section 24-6-402(3)a(III) and the Commission's Rules of Procedure.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:10 am to 12:11 pm to discuss Complaints 11-03, 11-05, 11-07, 11-08, 11-09 and 09-12 filed with the Commission which are required to be confidential pursuant to Article XXIX, Section 5(c) of the Colorado Constitution, and C.R.S. Section 24-6-402(3)a(III) and the Commission's Rules of Procedure

V. GENERAL BUSINESS

12. The Commission returned to open session at 12:11 pm.

13. It was moved, seconded and passed 3-1 (Commissioner Smith dissenting) to find Complaint 11-03 as not frivolous and to proceed. Commissioner Hopper is recused from this case and left the room.
14. It was moved, seconded, and passed unanimously to dismiss Complaint 11-05 as not under the Commission's jurisdiction because the person is not a government employee under Article XXIX.
15. It was moved, seconded and passed unanimously to dismiss Complaint 11-08 because the complaint does not allege an ethical violation under Article XXIX or any other I standard of conduct under the Commission's jurisdiction
16. It was moved, seconded and passed unanimously to dismiss Complaint 11-09 because the complaint does not allege an ethical violation under Article XXIX or any other standard of conduct under the Commission's jurisdiction.

The Commission adjourned at 12:20 pm.

Next Meeting: July 22, 2011 at 9 am

Respectfully submitted,

Jane T. Feldman
Executive Director