

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the July 1, 2013 Meeting
1300 Broadway First Floor 9 a.m.
Denver, Colorado

Present: Matt Smith; Chair, Rosemary Marshall; Vice-Chair, Bob Bacon, William Leone (from 10-11:15 a.m.), Bill Pinkham.

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

I. GENERAL BUSINESS

1. The meeting commenced at 9:00 a.m.
2. There was no public comment.
3. There was a discussion of the minutes of the meetings of May 6, May 23, June 3, June 7, June 13, and June 19. It was moved, seconded and passed unanimously to approve the minutes of the meetings of May 6, May 23, June 3, June 7, June 13 and June 19 as amended. Commissioner Bacon did not participate and Commissioner Leone was excused.
4. There was a discussion of Advisory Opinion 13-11 (Acceptance of Waiver). Ms. Feldman noted that the request had been received in May. It was moved, seconded and passed unanimously to approve Advisory Opinion 13-11 as revised, subject to correction of scrivener errors. Commissioner Leone was excused.
5. Executive Director's Report:
 - a. Ms. Feldman reported that the Commission would no longer be required to comply with the performance measures contained in the SMART Act, pursuant to legislation.
 - b. Ms. Feldman reported she was working on a revised policy under CORA and a document retention policy as well as a revised Strategic Plan.
 - c. Ms. Feldman asked whether Commissioners would like her to order copies of Title 24. She will order 5 copies of the 2013 version. There was a discussion of the possibility of ordering laptops for the Commissioners. Ms. Feldman will follow up.
 - d. Ms. Feldman reminded the Commissioners that she will be on vacation from August 7-August 26.
6. At 10:28 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 v. Grossman et al.*, 2013CV030421 filed in Denver

District Court.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:38 a.m. to 11:00 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 v. Grossman et al.*, 2013CV030421 filed in Denver District Court.

III. GENERAL BUSINESS

7. The Commission returned to open session, at 11:00 a.m.

8. Commissioner Leone disclosed that he has a long history of making political contributions to candidates from both major political parties. He stated that he hosted a fundraiser that Secretary of State Gessler attended, but that there was no reason that would prevent him from being fair, neutral or impartial.

9. The Commission set future meetings for August 5, September 3, October 11, November 18, and December 2, 2013

10. There was a discussion of Advisory Opinion 13-03, part 2. The Chairman asked the requestor, Deputy Secretary of State Suzanne Staiert, which of the trips listed in the request still needed to be answered. Ms. Staiert stated that she wanted all of the remaining trips analyzed by the Commission. The Chairman stated that with respect to two of the conferences, those sponsored by the American Constitution Society for Law and Policy, and the Republican National Lawyers Association, the Commission had sufficient information to draft an opinion. With respect to the other conferences, the Commission needed additional information and the requests were therefore not complete. The Chairman noted that for all conferences, the Commission needs the dates of the conference, the person who is attending, their position and responsibilities, the Agenda for the conference, and the source of the funds.

11. There was an update on Complaint 13-03. Ms. Feldman informed the Commission that the Complainant wished to withdraw the complaint, because the conflict of interest which was the subject of the complaint had been averted. It was determined that staff would set the matter for a hearing on the motion to dismiss for the August meeting. Commissioner Smith did not participate.

12. At 1:05 p.m., it was moved, seconded, and passed unanimously, Commissioner Leone, excused, to enter into Executive Session to interview and consider the applications and appointments of persons to the staff of the Independent Ethics Commission, and other personnel issues and the individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S section 24-6-402 (3)(b)(I).

IV. EXECUTIVE SESSION

13. The Commission met in Executive Session from 1:05 p.m. 4:24 p.m. to interview and consider the applications and appointments of persons to the staff of the Independent Ethics

Commission, and other personnel issues and the individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S section 24-6-402 (3)(b)(I).

V. GENERAL BUSINESS

14. The Commission returned to open session at 4:24 p.m.

15. At 4:30 p.m. it was moved, seconded and passed unanimously to enter into Executive Session to discuss complaints 13-01, 13-04, 13-05, 13-06 and 13-07 filed with the Commission which are required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution.

VI. EXECUTIVE SESSION

The Commission met in Executive Session from 4:30 p.m. to 5:02 p.m. to discuss complaints 13-01, 13-04, 13-05, 13-06 and 13-07 filed with the Commission which are required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution.

VII. GENERAL BUSINESS

16. The Commission returned to open session at 5:02 p.m.

17. It was moved, seconded, and passed unanimously, to dismiss Complaint 13-04 as frivolous pursuant to Rule 7.G.1. Commissioner Leone excused.

18. It was moved, seconded, and passed unanimously to dismiss Complaint 13-05 as frivolous, pursuant to Rule 7.G.1 and 7.G.2. Commissioner Leone excused.

19. It was moved, seconded, and passed unanimously to find Complaint 13-07 as non-frivolous and to direct staff to notify the Respondent and commence the investigation. Commissioner Leone excused.

The Commission adjourned at 5:10 p.m.

The next meeting is August 5, 2013 at 9 a.m..

Respectfully submitted,

Jane T. Feldman
Executive Director