

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the July 21, 2009 Meeting
633 17th Street, Room 2A, 9:00 a.m.
Denver, Colorado

Present: Commissioners Matt Smith, chair; Roy Wood, vice chair (after 10:45 a.m.); Dan Grossman; Sally H. Hopper; Larry R. Lasha (by telephone from 12:20-1:00 p.m.)

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

I. GENERAL BUSINESS

1. The meeting commenced at 9:05 a.m.
2. Commissioner Smith welcomed the new Commissioners.
3. Executive Director's Report:
 - a. There was a discussion of the revised PDQ for the assistant to the director position. It was moved, seconded and passed unanimously to approve the revised PDQ.
 - b. Ms. Feldman reported that it now appeared that the Commission may be able to meet the mandatory 10% reduction by putting off the hire of the assistant to the director.
 - c. Ms. Feldman asked the Commission if they had any research projects they wanted done by the intern.
4. There was a discussion of a request for an opinion regarding a potential conflict of interest. Ms. Freimann suggested that the Commission enter into Executive Session for a continuation of the discussion.

It was moved, seconded and passed unanimously to enter into Executive Session for the purpose of receiving legal advice on a particular matter pursuant to C.R.S. § 13-90-107.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:37 a.m. to 9:57 a.m. to receive advice from counsel regarding the Commission's jurisdiction to offer advice regarding the potential conflict of interest.

III. GENERAL BUSINESS

1. The Commission returned to open session at 9:57.
2. It was moved, seconded and passed unanimously to defer consideration of the request, labeled Letter Ruling 09-04, until the August 21st meeting, so that all of the Commissioners may participate, and counsel may do additional research.
3. The Commission was in recess from 10:30-10:45.
4. It was moved, seconded, and passed unanimously to approve the minutes of the June 16, 2009 meeting as amended (Commissioner Grossman not voting), and to approve the minutes of the July 7, 2009 meeting (Commissioner Hopper not voting).
5. There was a discussion of Advisory Opinion 09-06 (Service on the Board of a Nonprofit Entity). It was moved, seconded and passed unanimously to approve Advisory Opinion 09-06 (Service on the Board of a Nonprofit), subject to a review for scrivener errors and review of changes made by Commissioners.
6. There was a discussion of Position Statement 09-02 (Restrictions on Representation After Leaving Office). It was moved, seconded and passed unanimously to defer a vote on this opinion until the next meeting so the Commission could review a revised draft.
7. It was moved, seconded and passed unanimously to enter into Executive Session at 1:03 p.m. to discuss pending and imminent court action involving the Commission.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:03 p.m. to 1:17 p.m. to discuss pending and imminent litigation pursuant to Sections 24-6-402(3)(a)(II) and 24-6-402(3)(a)(III) and 13-90-107, C.R.S:

- a. Center for Independent Media and Norris v. IEC, Case No. 2009CV5109
- b. Ethics Watch v. IEC, Case No. 2009CV4989
- c. Developmental Pathways v. Ritter, Case No. 2007CV1353

V. GENERAL BUSINESS

The Commission returned to open session and voted unanimously to enter into Executive Session to discuss complaints filed with the Commission.

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:20 p.m. to 2:13 p.m. to discuss Complaints 09-05-09-10 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.

VII. GENERAL BUSINESS

The Commission returned to open session at 2:13 p.m.

1. The Commission voted unanimously (Commissioner Lasha excused) to dismiss Complaint 09-05 for lack of jurisdiction and because the allegations, if true, do not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC pursuant to IEC Rules 7.D.1, .3.
2. The Commission voted unanimously (Commissioner Lasha excused) to dismiss Complaint 09-06 for lack of jurisdiction and because the allegations, if true, do not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC pursuant to IEC Rules 7.D.1, .3.
3. The Commission voted unanimously (Commissioner Lasha excused) to dismiss Complaint 09-07 for lack of jurisdiction and because the allegations, if true, do not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC pursuant to IEC Rules 7.D.1, .3.
4. The Commission voted unanimously (Commissioner Lasha excused) to dismiss Complaint 09-09 for lack of jurisdiction and because the allegations, if true, do not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC pursuant to IEC Rules 7.D.1, .3.
5. The Commission voted unanimously (Commissioner Lasha excused) to dismiss Complaint 09-10 for lack of jurisdiction and because the allegations, if true, do not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC pursuant to IEC Rules 7.D.1, .3.
6. It was moved, seconded and passed unanimously to adjourn at 2:24 p.m.
Next meeting: August 21, 2009 at 9:00 a.m. at 633 17th Street, Room 12A Denver, CO.

Respectfully submitted,

Jane T. Feldman
Executive Director