

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the July 22, 2011 Meeting  
101 West Colfax Avenue, Columbine Room 9 am  
Denver, Colorado

Present: Sally H. Hopper; Vice-Chair; Dorothy Butcher, Bill Pinkham, Matt Smith; Excused: Dan Grossman, Chair, until 2:10.

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

### I. GENERAL BUSINESS

1. The meeting commenced at 9:00.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the June 20, 2011 meeting, subject to minor corrections. Commissioner Butcher abstained.
4. It was moved, seconded, and passed unanimously to approve the minutes of the July 1, 2011 meeting. Commissioner Butcher abstained.
5. There was a discussion of Advisory Opinion 11-11. Representatives of the Department of Local Affairs were present to answer questions. The Commission requested additional information from the requestor. The Commission directed staff to redraft the opinion in accordance with the discussion.
6. Complaints 10-12, 11-01, 11-02: Ms. Feldman reported that she had met with all the attorneys and that there had been an agreement that Complaints 10-12 and 11-02 would be consolidated, and that the parties are working on a stipulation of the facts to minimize the testimony of undisputed facts. Ms. Freimann recommended that the parties move for a consolidation. The Commission determined that the new Procedural Rules would apply to these cases.
7. Staff Report:
  - a. Ms. Feldman reported on a visit she and Ms. Freimann had with Commissioner Lasha.
  - b. Ms. Feldman reported that she and Commissioner Hopper had met with a delegation from South Africa on ethics issues. There was a discussion of the meeting.
  - c. Ms. Feldman stated that the Office of Legislative Legal Services had approved the Commission's revised rules without comment.
  - d. Ms. Feldman informed the Commission that she had met with a group that is forming a trade association of lobbyists, and that she had agreed to provide training to the group.
  - e. Ms. Feldman informed the Commission that new mileage reimbursement rates are in place starting July 1.
  - f. Mr. Platt reported that he had conducted training at the annual Colorado Municipal League conference, for the Municipal Clerks Association and for the Historical Society, the Department of Local Affairs and new Senior Executive Service employees.
  - g. Mr. Platt reported that there were approximately 140 handbooks left. There was a

discussion of whether new handbooks should be ordered or the handbook revised. It was decided that a limited number of new handbooks should be ordered.

8. There was a discussion of the budget for FY12. It was agreed that the Commission would pay the Executive Director's Colorado Bar Association dues for FY 12. Further discussion of this issue was tabled until Commissioner Grossman could participate.
9. There was an update on Complaint 11-03. The discussion was tabled until Commissioner Grossman could participate. Commissioner Hopper was recused.
10. It was moved, seconded and passed unanimously at 1:09 am to enter into Executive Session pursuant to C.R.S. §24-6-402(3)a)(II) and §13-90-107(b) to receive legal advice on specific legal questions regarding open meetings, open records and conflicts of interest. Commissioner Grossman excused.

## II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:09 pm to 1:42 pm to receive legal advice pursuant to C.R.S. §24-6-402(3) (a) (II) and §13-90-107(b) on specific legal questions regarding open meetings, open records and conflicts of interest.

## III. GENERAL BUSINESS

11. The Commission returned to open session at 1:42 pm
12. It was moved, seconded and passed unanimously at 1:54 am to enter into Executive Session discuss Complaint 11-10 filed with the Commission which is required to be kept 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. (Commissioner Grossman excused)

## IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:54 pm to 2:08 pm to discuss Complaint 11-10 filed with the Commission which is required to be kept 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

13. It was moved, seconded, and approved unanimously to dismiss Complaint 11-10 for lack of jurisdiction. (Commissioner Grossman excused)
14. Commissioner Grossman on the phone as of 2:10. There was a discussion of Complaint 11-03. It was moved, seconded, and passed unanimously to direct staff to subpoena relevant documents and personal appearances to the Jorgenson Consulting Group and Jim Moore. Commissioner Hopper recused.
15. At 2:20 pm 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. Ms. Feldman and Mr. Platt left the room.

#### VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:20 to 2:45 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. Neither Ms. Feldman nor Mr. Platt was present.

#### VII. GENERAL SESSION BUSINESS

At 2:48 pm it was moved, seconded and passed unanimously to enter into Executive Session, pursuant to C.R.S. §24-6-402(3)(b)(I), to discuss employee personnel matters at the request of Doug Platt, Commission employee.

#### VIII. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session at the request of Doug Platt, public employee, from 2:48 to 3:14, pursuant to C.R.S. §24-6-402(3)(b)(I) concerning personnel issues. Ms. Feldman was not present.

#### IX. GENERAL BUSINESS

16. The Commission returned to open session at 3:14 pm.

17. It was moved, seconded, and passed unanimously that as a result of budget cuts by the Colorado Legislature, the position of Communication Director would be eliminated effective close of business July 29, 2011.

The Commission adjourned at 3:30 pm.  
Next Meeting: August 26, 2011 at 9 am

Respectfully submitted,

Jane T. Feldman  
Executive Director