

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the August 21, 2009 Meeting
633 17th Street, Room 12A, 9:00 a.m.
Denver, Colorado

Present: Commissioners Matt Smith, chair; Roy Wood, vice chair; Dan Grossman; Sally H. Hopper; Larry R. Lasha

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 9:00 a.m.
2. There was no public comment.
3. Executive Director's Report:
 - a. Ms. Feldman reported that the Office of State Planning and Budget has not adjusted the full time position in their budget revisions. She also reported that the DPA had requested that the Commission consider holding off hiring so that other state employees could transfer to the vacant position should their positions be reduced or eliminated. The Commission told Ms. Feldman to report back to the Department of Personnel that the Commission is not part of the Department, and no bumping rights should be permitted.
 - b. Ms. Feldman reported that because of the ongoing litigation, one third of the Commission's legal services budget for the year has already been spent. She stated that she had discussed this issue with Diana Black, Deputy Attorney General, and that the costs would be closely monitored in the future.
4. There was a discussion of a request for a letter ruling regarding a potential conflict of interest. Ms. Feldman reported that the Park County School Board had issued an opinion on the subject. It was moved, seconded and passed unanimously to inform the requestor that Park County School Board has the authority to set its own conflict of interest rules, and that the Commission therefore declined to comment further on this matter.

5. There was a discussion of Position Statement 09-02 (Restrictions on Representation after Leaving Office). It was moved, seconded and passed unanimously to approve Position Statement 09-02.
6. There was a discussion of Advisory Opinion 09-08 (Acceptance of a Fellowship from a Nonprofit Entity). It was moved, seconded and passed unanimously to approve Advisory Opinion 09-08. (Commissioner Smith not participating).
7. There was a discussion of Position Statement 09-03 (Negotiations for Future Employment). It was moved, seconded and passed unanimously that Ms. Feldman would rewrite the Position Statement and work with Commissioner Grossman prior to the next meeting on a revised draft.
8. The Commission discussed the scheduling of future meetings. The IEC will meet on September 14, 21, October 2, and October 19. All of these meetings will be at 9 am.
9. There was a discussion of Position Statement 09-04 (Clarification of section 3(3)(f)). It was agreed that Ms. Feldman would do additional research on this and provide a revised draft at a future meeting.
10. It was moved, seconded and passed unanimously to deny a motion to reconsider the Commission's previous dismissal of Complaint 09-05.
11. It was moved, seconded and passed unanimously to deny a motion to reconsider the Commission's previous dismissal of Complaint 09-06.
12. 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.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:30 p.m. to 1:10 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

III. GENERAL BUSINESS

The Commission returned to open session.

13. The Commission moved to reconsider Advisory Opinion 09-08. It was moved, seconded and passed unanimously to approve Advisory Opinion 09-08 as amended. (Commissioner Smith not participating).

14. The Commission voted unanimously to enter into Executive Session to discuss complaints filed with the Commission.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:12 p.m. to 1:33 p.m. to discuss Complaints 09-08 and 09-11 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

The Commission returned to open session at 1:33 p.m.

15. It was moved, seconded and passed unanimously to find Complaint 09-08 non frivolous and to notify the parties in accordance with IEC Rule 7.I.

16. It was moved, seconded and passed unanimously to dismiss Complaint 09-11 as frivolous.

The Commission adjourned at 1:50 p.m.

Next meeting: September 14, 2009 at 9:00 a.m. at 633 17th Street, Room 2A Denver, CO.

Respectfully submitted,

Jane T. Feldman
Executive Director