

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the August 26, 2011 Meeting
101 West Colfax Avenue, Roxborough Room, 9 am
Denver, Colorado

Present: Dan Grossman, Chair, Sally H. Hopper; Vice-Chair; Dorothy Butcher (by telephone), Bill Pinkham, Matt Smith.

Also Present: Jane T. Feldman, Executive Director, IEC; Lisa Brenner Freimann and Diane M. Dash (from 10-10:45 am) of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. The meeting commenced at 9:06.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the July 22, 2011 meeting.
4. There was a discussion of Advisory Opinion 11-11. Pat Coyle of the Department of Local Affairs, Housing Division was present to answer questions. The Commission made changes to the draft opinion. It was moved, seconded and passed unanimously to approve Advisory Opinion 11-11 as amended.
5. At 10 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 filed by Doug Platt

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:00 to 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 filed by Doug Platt. Ms. Freimann was not present.

III. GENERAL BUSINESS

6. The Commission returned to open session at 10:45 am.
7. Executive Director's Report
 - a. Ms. Feldman reported on training she had conducted for the Public Trustees at the request of the Governor's Office.

- b. Ms. Feldman reported on outreach she has made to Colorado Counties, Inc. (“CCI”) and Colorado Municipal League (“CML”). She is scheduled to speak at the CCI conference in November and will do a webinar for CML in early 2012.
 - c. Ms Feldman stated that she had made extensive revisions to the web site and added links to other agencies and added FYI’s relating to travel and lobbyists.
 - d. She also reported on two CORA requests which have been received and fulfilled.
- 8. The Commission scheduled future meetings for September 12, October 3, November 7, and December 5. The Commission will attempt to meeting at a regular date, the first Monday of every month.
 - 9. There was a discussion of Position Statement 11-02. It was decided to table this until a later date.
 - 10. There was a discussion of the budget for FY13. Tia Mills, the Budget Director for the Judicial Department answered questions. Ms Feldman was directed to work with the Judicial Department regarding salaries for an investigator/attorney and a part time administrative assistant.
 - 11. There was an update on Complaint 11-03. Ms. Feldman reported that she had interviewed several people and received documents from the former county administrator and from the consulting firm that was retained to do an executive search. Commissioner Hopper was recused.
 - 12. It was moved, seconded and passed unanimously at 12:35 pm to enter into Executive Session discuss Complaints 9-12, 11-07 and 11-11 filed with the Commission which are 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.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:35 pm to 12:56 pm to discuss Complaints 09-12, 11-07 and 11-11 filed with the Commission which are 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. The Commission returned to open session at 1 pm
- 14. It was moved, seconded, and approved unanimously to dismiss Complaint 11-07 pursuant to IEC Rule 7.G.3 because the allegations did not occur within 12 months

of the filing of the complaint.

15. It was moved, seconded, and passed unanimously to dismiss Complaint 11-11 pursuant to Rule 7.G.1 as frivolous, because the conduct alleged is not a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC.
16. There was a discussion of Complaints 10-12 and 11-02. It was moved, seconded, and passed unanimously to consolidate these cases for hearing. (Commissioner Grossman recused, Commissioner Smith not participating).
17. It was moved, seconded and passed unanimously to allow Senator McElhany to send an email stating that he agrees, rather than a signature, with an original signature to follow.
18. It was moved, seconded and passed unanimously to authorize the Executive Director to sign subpoenas on the Commission's behalf for the consolidated case, and for Complaint 11-01.
19. The hearing on the Consolidated Complaints 10-12 and 11-02 was set for November 18 at 10 am.
20. The Executive Director will attempt to schedule a hearing on Complaint 11-01 on either November 7 or December 5.

The Commission adjourned at 2:15 pm.

Next Meeting: September 12, 2011 at 9 am in the Columbine Room, 101 West Colfax Ave, 5th floor, Denver, CO.

Respectfully submitted,

Jane T. Feldman
Executive Director