

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the September 14, 2009 Meeting
633 17th Street, Room 2A, 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 9:02 a.m.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the August 21, 2009 meeting.
4. Rich Gonzalez, the Executive Director of the Department of Personnel and Administration made a presentation regarding the state personnel system, and the relationship between the Commission and the Department. Mr. Gonzalez discussed the current lay off process and its effect on the Commission's vacant position as he understands it. Also present were Jenifer Okes and Monica Cortez-Sangster, Deputy Director and Human Resources Director, respectively.
5. Matt Azer the Chief Judge of the Office of Administrative Courts, and Kristin Rozansky, the head of the State Personnel Board appeared to request that the Commission reconsider its decision in Advisory Opinion 09-02 (ALJ Bar Membership). Mr. Azer pointed out some facts in the opinion which he believed to be incorrect and/or which needed further clarification. Mr. Azer will make a written request to the Commission.
6. Executive Director's Report:
 - a. Ms. Feldman reported that there had been a CORA request by the complainant in Complaint 09-02. She also handed out copies of a letter from Chantell Taylor from Colorado Ethics Watch regarding possible changes to the Commission's Rules of Procedure. The Commission decided that they would consider these comments when they review the rules at a future meeting. Ms. Feldman reported that the respondent in the case of 09-08 had called and told her that in all likelihood he would be asking for additional time to respond to the complaint. Ms.

Feldman asked the Commission if she had the authority to grant a reasonable extension of time in this situation. It was moved, seconded and passed unanimously to delegate to the Executive Director the authority to grant extensions in 09-08 currently pending before the Commission.

7. There was a discussion of draft Letter Ruling 09-05. Ms. Feldman was asked to rewrite the draft and work with Commissioner Grossman on a new draft before the next meeting.
8. There was a discussion of the revised draft of Position Statement 09-03 (Future Employment). It was agreed that Ms. Feldman would work with Commissioner Grossman on a revised draft before the next meeting.
9. It was moved, seconded and passed unanimously to enter into Executive Session at 12:45 p.m. for the purpose of receiving legal advice on particular matters as well as to discuss pending and imminent court action involving the Commission.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:45 p.m. to 1:10 p.m. for the purpose of receiving legal advice relating to particular matters and 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 at 1:10 p.m.

10. The Commission discussed draft Position Statement 09-04 (person). Ms. Feldman was asked to redraft in accordance with the Commission's discussions, and to work with Commissioner Hopper on the revised draft prior to the next meeting.

The Commission adjourned at 2:18 p.m.

Next meeting: September 21, 2009 at 9:00 a.m. at 633 17th Street, Ste 1300 Denver, CO. (Telephonic, only)

Respectfully submitted,

Jane T. Feldman
Executive Director