

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the October 3, 2011 Meeting
101 West Colfax Avenue, Roxborough Room, 9 am
Denver, Colorado

Present: Dan Grossman, Chair, Sally H. Hopper; Vice-Chair (by telephone from 9:20-10 am); Dorothy Butcher (by telephone), Bill Pinkham, Matt Smith.

Also Present: Jane T. Feldman, Executive Director, IEC; Lisa Brenner Freimann (from 9-11 am, and after 12:50 pm), and Melissa Phipps of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. The meeting commenced at 9:05.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the Minutes of the September 12, 2011 meeting. Commissioner Hopper did not participate.
4. Executive Director's Report:
 - a. Ms Feldman reported on a meeting with the Judicial Department's training staff. They told her that the new building will have capabilities for webinar and video conferencing capabilities. She also described their current practice of audio power point presentations.
 - b. Ms Feldman reported that she would not be speaking at the Colorado Counties, Inc. Conference, but that there would be an opportunity to put information in the attendees' packets.
 - c. Ms Feldman requested permission to attend the COGEL conference in Nashville, Tennessee in December. The total cost of the conference will be approximately \$1150 including airfare, lodging, and registration. Ms Feldman stated that she would pay incidental expenses. It was moved, seconded, and passed unanimously to approve the expenditures for the conference.
5. It was moved, seconded and passed unanimously at 9:32 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 the Motion to Refer Complaints 10-12, 11-02 (consolidated) to an Administrative Law Judge ("ALJ") filed by the complainant. Commissioner Grossman was recused.

II. EXECUTIVE SESSION BUSINESS:

The Commission met in Executive Session from 9:32 am to 9:50 am 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 the Motion to Refer Complaints 10-12 and 11-02 (consolidated) to an ALJ. Commissioner Grossman was recused, and Commissioner Smith participated until 9:40 am.

III. GENERAL BUSINESS

6. The Commission returned to open session at 9:50 am.
7. Commissioner Smith made a statement formally recusing himself from consideration of Complaints 10-12 and 11-02 (consolidated) and from Complaint 11-01.
8. The Commission heard arguments from attorneys M. Brent Case representing the complainant, and from Martha Tierney, representing the respondent, on the Motion to refer the matter to an ALJ. The Commission discussed the matter, and it was moved, seconded and passed unanimously to deny the Motion. Commissioners Smith and Grossman were recused.
9. There was an update on Complaint 11-03. Ms. Feldman reported that unless any of the Commissioners wanted additional investigation, the case was ready to set for a hearing. The Commissioners provided good dates in January, and Ms. Feldman will coordinate with counsel in the case to set a date.
10. There was a brief discussion of Advisory Opinion 11-12 (Travel Paid for by a News Organization). The discussion was tabled until the requestors could appear.
11. There was a discussion of the draft strategic plan which is required to be prepared pursuant to C.R.S. §2-7-101 *et seq.* as well as the Commission's FY13 budget. Ms. Feldman was directed to revise the draft and send it to all the commissioners as soon as practicable, and to work with Commissioner Grossman on the final after receiving comments.
12. There was a discussion of Advisory Opinion 11-12 (Travel Paid for by a News Organization). Jack Finlaw and James Eklund from the Governor's Office of Legal Counsel were present to answer any questions. The Commission decided to defer a decision until the November meeting so that Commissioner Hopper could participate.
13. It was moved, seconded and passed unanimously at 112:51 pm to enter into Executive Session discuss Complaint 9-12 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.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:51 pm to 1:25 pm to discuss Complaint 09-12 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

12. The Commission returned to open session at 1:15 pm.
13. It was moved, seconded and passed unanimously to continue the stay of the remaining issue in Complaint 09-12 until resolution of other pending matters.

14. There was further discussion of the Commission's FY13 budget and strategic plan.

The Commission adjourned at 1:25 pm.

Next Meeting: November 7, 2011 at 9 am in the Columbine Room, 101 West Colfax Ave, 5th floor, Denver, CO.

Respectfully submitted,

Jane T. Feldman
Executive Director