

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the November 18, 2013 Meeting
1300 Broadway First Floor, Room 1F, 9 a.m.
Denver, Colorado

Present: Matt Smith; Chair, Rosemary Marshall; Vice-Chair, Bob Bacon, William Leone (until 3:25), Bill Pinkham.

Also Present: Jane T. Feldman, Executive Director, IEC; Kyle Dumler and Alison Kyles (until 12:37 p.m.) of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. The meeting commenced at 9:07 a.m.

2. There was no public comment.

3. Changes were made to the Minutes of October 11, 2013. It was moved, seconded and passed unanimously to approve the minutes of the October 11 meeting as amended. It was moved, seconded and passed unanimously to approve the minutes of the October 22, 2013 meeting.

4. Executive Directors Report:

a. Ms. Feldman reported that employees of the Department of Corrections had asked if the IEC would consider doing a Position Statement regarding the use of frequent flyer miles. She noted that various states have taken different positions. The Commission decided not to take up the issue.

b. Ms. Feldman reported on a CORA request that had come in the previous week.

c. Ms. Feldman reported that there had been a large volume of calls relating to the recent school board elections and various concerns.

d. Ms. Feldman reminded the Commission that the Joint Budget Committee briefing for the IEC is scheduled for Thursday, November 21 at 1:30. Commissioner Marshall noted that she will also attend.

e. Ms. Feldman reported on a proposed rule change by the Denver Board of Ethics on the handling of advisory opinions in open, rather than executive session.

5. At 9:27 a.m. it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaint 13-11 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution.

I. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:27 a.m. to 10:55 a.m. to discuss Complaint 13-11 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution. Ms. Feldman was not present.

II. GENERAL BUSINESS

8. The Commission returned to open session at 10:55 a.m.

9. It was moved, seconded and passed unanimously to find Complaint 13-11 non frivolous and to refer to Mr. Dumler for further proceedings. The Commission directed Mr. Dumler to meet with the parties to reach a consensus on pre-hearing matters.

II. EXECUTIVE SESSION BUSINESS

10. At 11:14 a.m. it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II), 4 (b) and §13-90-107(b) for the purpose of receiving legal advice on specific legal questions regarding personnel issues. Ms. Feldman was not present.

11. The Commission returned to open session at 12:37 p.m.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:44 p.m. to 2:16 p.m. to discuss the discipline, promotion, demotion, and other personnel issues regarding the staff of the Commission, and such individual has requested that these matters be conducted in Executive Session pursuant to C.R.S section 24-6-402 (3)(b)(I).

IV. GENERAL BUSINESS

12. The Commission returned to open session at 2:16 p.m.

13. There was a discussion of the proposed lease to the IEC's space at 1300 Broadway. Ms. Feldman will obtain a copy of the master lease and forward to the Attorney General's Office.

14. Commissioner Smith reported on conversations with Chad Cornelius of the State Court Administrator's Office regarding the purchase of laptops or iPad for the Commissioners. Ms. Feldman will follow up with Mr. Cornelius.

15. Ms. Feldman reported that as of the morning there were over 50 resumes for the assistant position. There was a discussion of the process to be used. Commissioner Pinkham will follow up with the Human Resources Division for the Judicial Branch.

16. At 3:15 p.m., 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 litigation entitled *Gessler v. Grossman et al.*, 2013CV030421 filed in Denver District Court.

V. EXECUTIVE SESSION

The Commission met in Executive Session from 3:15 p.m. to 3:20 p.m. 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 litigation entitled *Gessler v. Grossman et al.* 2013CV030421 filed in Denver District Court.

V. GENERAL BUSINESS

17. The Commission returned to open session at 3:20 p.m.

18. There was a discussion of dates for meetings in January and February 2014. The Commission scheduled meetings on January 17 and February 10, subject to Commissioner Leone's availability. The Commission will schedule meetings on the second Monday of every month if possible.

19. Commissioner Smith noted that during a break, he had spoken with Lynn Bartels of the Denver Post, and that he had confirmed that the vote on Complaint 13-11 was 5-0, and that Mr. Dumler would organize the proceedings.

The Commission adjourned at 3:44 p.m.

The next meeting is December 2, 2013 at 9 a.m.

Respectfully submitted,

Jane T. Feldman
Executive Director