

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the November 20 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 (prior to 9:25 and after 12:10); Lisa Brenner Freimann and Diana Black (until 12:30) and Eric Maxfield (from 11:00-12:00) of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. The meeting commenced at 9:12 a.m.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the October 19, 2009.
4. Executive Director's Report:
 - a. Ms. Feldman informed the Commission that Jennifer Gilroy of the Office of Legislative Legal Services called to inquire whether she or any of the Commissioners would be willing to take an on-line ethics test and forward any comments to Ms. Gilroy. All of the Commissioners stated that they would be willing to take the test.
 - b. Ms. Feldman reported that COGEL has requested that she lead a discussion at a breakfast at the upcoming COGEL conference.
 - c. Ms. Feldman passed out copies of a list of requests for advisory opinion and letter rulings, showing that the Commission has almost finished answering all of the initial requests that were submitted in 2008.
5. It was moved, seconded and passed unanimously to enter into Executive Session 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: regarding personnel matters involving the State's classified personnel system and the Executive Director's position.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:25 a.m. to 11:20 a.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: regarding personnel matters involving the State's classified personnel system and the Executive Director's position.

III. GENERAL BUSINESS

6. The Commission returned to open session at 11:20 a.m.

7. Monica Cortez-Sangster and Jennifer Okes of the Department of Personnel and Administration answered questions from the Commission relating to the state personnel system.

8. It was moved, seconded and passed unanimously to enter into Executive Session 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: regarding personnel matters involving the State's classified personnel system and the Executive Director's position.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:40 a.m. to 12:10 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: regarding personnel matters involving the State's classified personnel system and the Executive Director's position.

V. GENERAL BUSINESS

9. The Commission returned to open session at 12:10 p.m.

10. It was moved, seconded and passed unanimously to enter into Executive Session at 12:10 p.m. to discuss pending and imminent court action involving the Commission.

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:10 p.m. to 12:45 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

VII. GENERAL BUSINESS

11. The Commission returned to Open Session at 12:45 p.m.

12. There was a brief discussion of Position Statement 09-06 (3(3)(f)). This discussion was tabled until the next meeting.

13. There was a discussion of Letter Ruling 09-06 (Participation in a tour by members of the General Assembly) It was moved, seconded, and passed unanimously to approve Letter Ruling 09-06.

14. There was a discussion of Complaint 09-08. This matter was tabled until the next meeting.

15. There was a discussion of Position Statement 09-07 (Definition of "independent contractor"). It was moved, seconded, and passed unanimously to approve Position Statement 09-07.

16. There was a discussion of draft Position Statement 09-08 (gifts). This position statement was tabled until the next meeting.

17. The Commission scheduled an additional meeting for December 16, 2009.

18. It was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 09-13, and 09-14 filed with the Commission which is 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.

VIII. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:10 p.m. to 1:25 p.m. to discuss Complaints 09-13 and 09-14 filed with the Commission which is 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.

The Commission returned to open session at 1:25 p.m.

IX GENERAL BUSINESS

19. It was moved, seconded and passed unanimously to dismiss Complaint 09-13 pursuant to IEC Rule 7.D.1, because the IEC does not have jurisdiction over the individuals named.

20. It was moved, seconded, and passed unanimously to dismiss Complaint 09-14 pursuant to IEC Rule 7.D.3, because the conduct alleged, if true, does not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC.

The Commission adjourned at 1:30 p.m.

Next meeting: December 4, 2009 at 9:00 a.m. at 633 17th Street, Room 2A Denver, CO.

Respectfully submitted,

Jane T. Feldman
Executive Director