

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the December 2, 2013 Meeting  
1300 Broadway First Floor, Room 1F, 9 a.m.  
Denver, Colorado

Present: Matt Smith; Chair, Rosemary Marshall; Vice-Chair, (until 2:08 p.m.); Bob Bacon, William Leone, Bill Pinkham.

Also Present: Jane T. Feldman, Executive Director, IEC; Kyle Dumler and Alison Kyles (until 2:36 p.m.) and Lisa Brenner Freimann (from 1:35-1:43 p.m.) of the Colorado Attorney General's Office.

### I. GENERAL BUSINESS

1. The meeting commenced at 9:10 a.m.

2. There was no public comment.

3. Changes were made to the Minutes of November 18, 2013. It was moved, seconded and passed unanimously to approve the minutes of the November 18, 2013 meeting as amended.

4. Executive Director's Report:

a. Ms. Feldman reported 69 individuals had submitted resumes for the assistant position. The Judicial Department had scored the resumes and identified the top 6 individuals. There was a discussion of the next step in the process. It was decided that the Commission would interview the top four to six individuals at the January 17 meeting. Commissioner Pinkham will prepare questions for the interview. Resumes and questions will be provided to the Commission prior to the meeting.

b. Ms. Feldman reported that Commissioner Marshall and she had attended the staff briefing at the Joint Budget Committee ("JBC"). JBC staff did not make a recommendation regarding the Commission's decision item to increase the legal services budget. JBC staff has inquired whether the IEC wanted to make a presentation at the December 13 hearing or not. The matter was discussed with Commissioners Smith and Marshall and the decision was made not to make a presentation.

c. Ms. Feldman reported that the time for filing an appeal on Complaint 13-07 had passed and no appeal was filed.

d. Ms. Feldman reported that it now looks like the IEC will not be migrating to the new State web site until January at the earliest.

e. Ms. Feldman reported that the JBC had asked if the IEC planned to adopt the new state logo, and if so, how much it would cost. There was a consensus that the IEC would not adopt the new logo.

f. Ms. Feldman reported that based upon current usage the January and February meetings would be on the second floor.

g. Ms. Feldman reminded the Commission that she would be at the COGEL conference from December 6-11, Friday –Wednesday, returning to the office on Friday, December 13.

5. At 9:49 a.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 specific legal questions regarding Complaint 13-11.

## II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:49 a.m. to 10:14 a.m. to receive legal advice pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) concerning specific legal questions regarding Complaint 13-11. Ms. Feldman was not present.

## III. GENERAL BUSINESS

6. The Commission returned to open session at 10:16 a.m.

7. There was a discussion of the process for Complaint 13-11. It was determined that Kyle Dumler will contact representatives of all parties to request that they attend and discuss prehearing matters at the January 17, 2013 meeting.

8. At 10:16 a.m. it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(b)(I), 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.

## IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:16 a.m. to 11:04 a.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). Ms. Kyles was not present.

## V. GENERAL BUSINESS

9. The Commission returned to open session at 11:04 a.m.

10. At 11:05 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.

## VI. EXECUTIVE SESSION

The Commission met in Executive Session from 11:05 a.m. to 1:19 p.m. 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.

## VII. GENERAL BUSINESS

11. The Commission returned to open session at 1:19 p.m.

12. The Commission discussed acquiring ipads, Surface Pros or laptops for use by Commissioners. Ms. Feldman reported that the Judicial Department does not have a policy on replacement of ipads or other mobile devices. Commissioners Marshall and Bacon may follow up with Chad Cornelius at Judicial to acquire devices between \$500 and \$750 per unit. The Commission will plan to acquire additional units in the next budget cycle.

13. Ms. Brenner Freimann discussed issues relating to the Commission's lease. She will follow up on the issues with the Judicial Department.

14. At 1:43 p.m. it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaint 13-12 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution.

## VIII. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:43 p.m. to 1:52 p.m. to discuss Complaint 13-12 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution.

## IX. GENERAL BUSINESS

15. The Commission returned to open session at 1:52 p.m.

16. At 1:53 p.m., it was moved, seconded and passed unanimously to enter into Executive Session 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).

## X. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:54 p.m. to 2:09 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). Ms. Kyles was not present.

## XI. GENERAL BUSINESS

17. The Commission returned to open session at 2:09 p.m.

18. There was a discussion of dates for meetings in 2014. The Commission tentatively scheduled meetings on March 10, April 14, May 12, June 9, and July 7.

19. At 2:18 p.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.

## XII. EXECUTIVE SESSION

The Commission met in Executive Session from 2:18 to 2:36 p.m. 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.

## XIII. GENERAL BUSINESS

20. The Commission returned to open session at 2:36 p.m.

21. At 2:37 p.m., it was moved, seconded and passed unanimously to enter into Executive Session 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).

## XIV. EXECUTIVE SESSION

The Commission met in Executive Session from 2:37 p.m. to 2:42 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). Ms. Kyles was not present.

## XV. GENERAL BUSINESS

22. The Commission returned to open session at 2:42 p.m.

23. There was a discussion of Advisory Opinion 13-13. The Commission decided it needed additional information in order to make a decision. The Commission asked Ms. Feldman to contact the requestor and ask that she attend the January 17, 2013 meeting.

24. There was a discussion regarding procedures for notification of parties to frivolous/non frivolous complaints.

The Commission adjourned at approximately 3 p.m.

The next meeting is January 17, 2014 at 9 a.m.

Respectfully submitted,

Jane T. Feldman  
Executive Director