

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the July 7, 2014 Meeting
1300 Broadway, Room 1F, 9:00 am
Denver, Colorado

Present: Rosemary Marshall; Chair, Matt Smith; Vice-Chair, Bob Bacon, William Leone, and Bill Pinkham.

Also Present: Maureen Toomey, IEC Assistant Director, and Kyle Dumler and Lisa Brenner Freimann of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Marshall called the meeting to order at 9:01 a.m.
2. There were no public comments.
3. Changes were made to the Minutes of June 9, 2014. It was moved, seconded and passed unanimously to approve the minutes of the June 9, 2014 meeting as amended.
4. Staff Report
 - a. Ms. Toomey handed out a new CORA policy regarding charges for CORA searches that had been posted on the IEC's website. She also reported on what would be necessary if and when the IEC decided to start charging fees for copies or retrieval under the new policy.
 - b. Ms. Toomey handed out a chart, comparing the number of advisory opinions and complaints year to date on June 30, 2014 and year to date on June 30, 2013.
 - c. Ms. Toomey reported on the website transition to SIPA. The new website is up and running. Commissioner Smith recommended some improvements and corrections to the website.
5. It was moved, seconded and passed unanimously to adopt the CORA policy as posted on line.
6. At 9:19 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) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Complaint 13-11.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:19 a.m. to 9:41 a.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Complaint 13-11.

III. GENERAL BUSINESS

7. The Commission returned to open session at 9:41 a.m.

8. Commissioner Marshall discussed the need to start planning an initial budget and a strategic plan for next year. She and Commissioner Smith will meet in Denver to continue this process.

9. Commissioner Leone conducted the Hearing on Complaint 13-11. Mr. Blue and Mr. Hornaday represented the Complainants and Mr. Spector and Mr. Finlaw represented the Respondent. Copies of the draft Findings of Fact and Conclusions of Law and a dissent from Commissioner Smith were made available to counsel and members of the public in attendance. Commissioner Leone asked for proposed revisions from the Commission.

a. There was a motion to accept the draft of Findings of Fact and Conclusions of Law as amended. It was moved, seconded and passed 4 to 1 to accept the draft.

b. There was a discussion of the dissent written by Commissioner Smith.

10. The Commission discussed Advisory Opinion 14-12 (Travel Reward Programs). Deputy Secretary of State Suzanne Staiert was present to answer questions. It was moved, seconded and passed unanimously to approve Advisory Opinion 14-12 as amended.

11. At 11:11 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) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Advisory Opinion 14-10.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:11 a.m. to 11:45 a.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Advisory Opinion 14-10.

V. GENERAL BUSINESS

12. The Commission returned to open session at 11:45 a.m.
13. The Commission discussed Advisory Opinion 14-10 (Travel Paid for By a Third Party). Deputy Secretary of State Suzanne Staiert was present to answer questions for Secretary of State Scott Gessler. The Commission scheduled a telephonic meeting on July 23, 2014 at 9:00 a.m. to further discuss Advisory Opinion 14-10 and Advisory Opinion 14-13 (Travel Paid for By the State). Counsel was asked to draft opinions consistent with the discussion.
14. The Commission discussed Advisory Opinion 14-08 (Acceptance of Gifts). It was moved, seconded and passed unanimously to approve Advisory Opinion 14-08 as amended.
15. The Commission discussed Advisory Opinion 14-16 (Acceptance of Travel Expenses Paid For By a Third Party). It was moved, seconded and passed unanimously to approve Advisory Opinion 14-16 as amended.
16. The Commission discussed the use and adoption of the Judicial Personnel Rules.
17. Commissioner Marshall reported on the Executive Director applicants. The State Court Administrator's Office will screen and rank all applicants. The Commission will start interviewing as soon as possible.
18. The Commission discussed Advisory Opinion 14-15 (Acceptance of Travel Expenses for a Fellowship). Mr. Spector and Ms. Bentley, the Requestor, from the Governor's Office were present and answered questions. Counsel was asked to draft an opinion consistent with the discussion.
19. At 2:23 p.m., it was it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Advisory Opinion 14-13.

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:23 p.m. to 2:46 p.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Advisory Opinion 14-13.

VII. GENERAL BUSINESS

20. The Commission returned to open session at 2:46 p.m.
21. The Commission discussed Advisory Opinion 14-13. Suzanne Staiert was present to answer questions. Counsel was asked to draft the opinion consistent with the discussion.

22. At 3:31 p.m., it was it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for an IEC staff performance review and individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S. §24-6-402(3)(b)(I).

VIII. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 3:31 p.m. to 4:00 p.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of an IEC staff performance review and individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S. §24-6-402(3)(b)(I).

IX. GENERAL BUSINESS

23. The Commission returned to open session at 4:00 p.m.

The Commission adjourned at approximately 4:02 p.m. The next meeting is scheduled for July 23, 2014 at 9 a.m., telephonic only. A meeting will also be held on August 4, 2014, in Room 1F, starting at 9:00 a.m.

Respectfully Submitted,

Maureen Toomey
IEC Assistant Director