

State of Colorado



Dan Grossman, *Chairperson*
Sally H. Hopper, *Vice-Chairperson*
Rosemary Marshall, *Commissioner*
Bill Pinkham, *Commissioner*
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INDEPENDENT ETHICS COMMISSION

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Advisory Opinion 13-04

(Mileage Reimbursement)

SUMMARY: The Independent Ethics Commission is charged with rendering advice on ethics issues arising under Article XXIX and other standards of conduct and reporting requirements as provided by law. Questions regarding the interpretation of the State Fiscal Rules generally are more appropriately answered by contacting the Office of the State Controller. The Commission does remind public employees and officials that funds used to reimburse them are public monies and must be used for official business.

I. BACKGROUND

The Deputy Secretary of State has submitted a request to the Independent Ethics Commission (“IEC” or “Commission”) asking whether it is permissible for the SOS to reimburse her for various trips she has taken related to her employment.

II. JURISDICTION

The IEC finds that the Deputy Secretary of State is a “government employee” and is subject to the jurisdiction of the Commission. See CO Const. Art. XXIX, sec. 2(1).

III. APPLICABLE LAW

Article XXIX section 1 and C.R.S §24-18-101 *et seq.* provide general guidance on standards of conduct for public employees and officials. These guidelines include a

statement that “A public officer, member of the general assembly local government employee shall carry out his duties for the benefit of people of the state.”

Other sections of the law set out requirements for the reimbursement of state employees for expenses, and other issues relating to state employment. See, C.R.S. § 24-30-201 *et seq.* See *also*, State Fiscal Rules. 1 CCR 101-5, Chapter 5 (Travel) (“Fiscal Rules”).

IV. DISCUSSION

Reimbursement of state employees for mileage and meals is governed by section 24-30-201 *et seq.* C.R.S., and the Fiscal Rules.

IV. CONCLUSION

The Commission offers this guidance to the Deputy Secretary of State regarding the permissibility of submitting requests for reimbursement. The Commission suggests that she review the State Fiscal Rules and accompanying guidance with the Chief Financial Officer of the Department of State and/or ask the State Controller for additional guidance.

The Independent Ethics Commission

Dan Grossman, *Chair*
Sally H. Hopper, *Vice Chairperson*
Rosemary Marshall, *Commissioner*
Bill Pinkham, *Commissioner (Did not participate)*
Matt Smith, *Commissioner*

Dated: April 08, 2013