

# State of Colorado

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**Sarah Mercer**, *Chair*  
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Independent Ethics Commission  
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**Dino Ioannides**, *Executive Director*

## **Advisory Opinion 25-03** (Gifts)

**Summary:** Under the facts and circumstances of this request, it would violate Article XXIX for an executive branch department to pay for a magazine article inuring to the personal benefit of the department's executive director.

### **I. Jurisdiction**

Requestor is an executive director of an executive branch department and member of the governor's cabinet.<sup>1</sup> As such, Requestor is a "public officer" within the meaning of section 2(6) of Colo. Const. art. XXIX and subject to Independent Ethics Commission ("IEC") jurisdiction.

Any person subject to IEC jurisdiction may submit an advisory opinion request concerning whether any conduct by that person would violate Article XXIX or any other standards of conduct or reporting requirements as provided by law. Colo. Const. art. XXIX, § 5(5). The IEC considers such requests pursuant to IEC Rule 3.

### **II. Factual Background**

The request states that the department was contacted by Magnate Magazine seeking to interview Requestor for its Top 5 Unstoppable Leaders article. As part of the process, Magnate Magazine requires \$799 to conduct the interview and run the article.<sup>2</sup> The request indicates that the department would make the proposed \$799 payment to Magnate Magazine.

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<sup>1</sup> The request was originally submitted by a deputy executive director, who is assigned to "approve[] this type of request" in the department. Subsequent communications clarified that Requestor is the executive director of the department. The request, therefore, properly constitutes an advisory opinion request, not a letter ruling request.

<sup>2</sup> Magnate Magazine is now defunct and appears to have closed in 2016. The request is probably referring to Magnate View Magazine, which "is a publication that focuses on showcasing influential and prominent individuals in the business world[.]" *About Us: Welcome To Our World - The World Of Magnate View*, Magnate View (December 9, 2025), [magnateview.com/about-us/](https://magnateview.com/about-us/). The analysis is the same regardless of the magazine's identity.

Requestor anticipates retiring by January 2027 and therefore concludes that the article would not be a benefit to her personal career.

Requestor was invited to present her request to the IEC at its meeting on December 16, 2025. She did not attend the IEC meeting and, as such, the IEC relies on the written materials Requestor submitted.

### **III. Applicable Law**

The Colorado Constitution, in section 3(2) of Article XXIX, provides:

No public officer . . . shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than [\$75.00]<sup>3</sup> in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the public officer . . . who solicited, accepted or received the gift or other thing of value.

### **IV. Discussion**

According to the request and subsequent communications with Requestor, the benefit to the department and state is limited and speculative. In answering whether the benefit is to a specific individual or, rather, to the state government, the request states:

The Department's logo would be included; however, it is not designed to directly outline or promote the services the Department offers. It could be knowledge of the Department.

Considering the totality of the statements in the request and subsequent communications with Requestor, it is clear the article's benefit will inure to the benefit of Requestor. The proposed benefit or, rather, the proposed gift to Requestor is clear, even if Requestor anticipates retiring in just over a year. This proposed benefit would constitute a prohibited gift, violating the gift ban in section 3(2) of Colo. Const. art. XXIX. None of the section 3(3) exceptions apply.

Requestor indicates a willingness to pay for the magazine article herself, if necessary. The gift ban in section 3(2) specifically incorporates the possibility that Requestor may provide "lawful consideration of equal or greater value in return" for the gift or thing of value. Therefore, if Requestor pays for the article, there would be no violation.

### **V. Conclusion**

Under the facts and circumstances of this request, it would violate Article XXIX for an executive branch department to pay for a magazine article inuring to the personal benefit of the

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<sup>3</sup> The gift ban limit is periodically adjusted for inflation and is currently \$75.00. *See* Position Statement 23-01.

department's executive director.

The IEC cautions that this opinion is based on the specific facts presented herein, and that different facts could produce a different result. The IEC encourages individuals with particular questions to request more fact-specific advice through requests for advisory opinions and letter rulings related to their individual circumstances.

### **The Independent Ethics Commission**

Sarah Mercer, *Chair*

Daniel Wolf, *Vice-Chair*

Lori Laske, *Commissioner*

Cyril Vidergar, *Commissioner*

Dated: January 21, 2026