

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the July 21, 2020, Meeting
Meeting Conducted by Web Conference

Present: Chair Elizabeth Espinosa Krupa; Vice-Chair William Leone; Commissioner Selina Baschiera; Commissioner Debra Johnson; and Commissioner Yeulin Willett.

Also Present: Dino Ioannides, IEC Executive Director; and Gina Cannan of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Due to COVID-19, the meeting was conducted by web conference. Chair Espinosa Krupa called the meeting to order at 1:36 p.m.
2. The Commission invited public comment and received none.
3. Upon motion duly seconded, the Commission unanimously approved the minutes of the June 1, June 4, June 5 (as amended), June 12, and June 16, 2020, meetings.
4. Mr. Ioannides provided the staff report.
5. At 1:51 p.m., upon motion duly seconded, the Commission voted unanimously to enter executive session pursuant to C.R.S. § 24-6-402(3)(a)(II), for purposes of receiving legal advice on specific legal questions concerning the application of *Guy v. Whitsitt* to scripts for executive sessions.

II. EXECUTIVE SESSION BUSINESS

6. The Commission met in executive session from 1:51 p.m. to 1:57 p.m. for purposes of receiving legal advice regarding the application of *Guy v. Whitsitt*.

III. GENERAL BUSINESS

7. The Commission returned to open session at 1:57 p.m.
8. The Commission called Advisory Opinion 20-02. Commissioner Baschiera recused herself. The requester was present through counsel. Upon motion duly seconded, the Commission unanimously (Commissioner Baschiera recused) approved Advisory Opinion 20-02 as drafted.
9. The Commission called Complaints 18-22 and 18-29 to consider a draft of the Commission's Findings of Fact and Conclusions of Law.

10. Commissioner Johnson disclosed the nature of her relationship with counsel for the complainant, Ms. Staiert.
11. At 2:34 p.m., upon motion duly seconded, the Commission voted unanimously to enter executive session pursuant to C.R.S. § 24-6-402(3)(a)(II), concerning Complaints 18-22 and 18-29, for purposes of receiving legal advice on specific legal questions related to the draft opinion.

IV. EXECUTIVE SESSION BUSINESS

12. The Commission met in executive session from 2:34 p.m. to 2:49 p.m. for purposes of receiving legal advice on specific legal questions related to the draft opinion.

V. GENERAL BUSINESS

13. The Commission returned to open session at 2:49 p.m.
14. By unanimous consent, consideration of the Commission's draft Findings of Fact and Conclusions of Law was continued to the Commission's August 18, 2020, meeting.
15. By unanimous consent, agenda item 7, related to commissioner-requested discussion topics, was postponed to the Commission's August 18, 2020, meeting.
16. At 2:52 p.m., upon motion duly seconded, the Commission voted unanimously to enter executive session pursuant to C.R.S. § 24-6-402(3)(a)(II) and (III), to discuss Complaints 20-07, 20-08, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19 and 20-20, for purposes of receiving legal advice on specific legal questions, and which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

VI. EXECUTIVE SESSION BUSINESS

17. The Commission met in executive session from 2:52 p.m. to 4:44 p.m. concerning Complaints 20-07, 20-08, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19 and 20-20.

VII. GENERAL BUSINESS

18. The Commission returned to open session at 4:44 p.m.
19. Upon motion duly seconded, the Commission unanimously stayed Complaints 20-07 and 20-08, pending receipt of additional information.
20. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-10 as frivolous.
21. Upon motion duly seconded, the Commission unanimously referred Complaint 20-11 for preliminary investigation.

22. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-12 as frivolous and for lack of jurisdiction.
23. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-13 as frivolous and for lack of jurisdiction.
24. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-14 as frivolous and for lack of jurisdiction.
25. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-15 as frivolous and for lack of jurisdiction.
26. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-16 as frivolous and for lack of jurisdiction.
27. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-17 as frivolous and for lack of jurisdiction.
28. By unanimous consent, the Commission referred Complaint 20-18 for preliminary investigation.
29. Upon motion duly seconded, the Commission unanimously dismissed Complaint 20-19 as frivolous.
30. By unanimous consent, the Commission referred Complaint 20-20 for preliminary investigation.
31. Ms. Cannan provided updates regarding the *Dunafon* litigation.
32. Having no further business, the Commission adjourned at 5:01 p.m. The next regular meeting is scheduled for August 18, 2020, at 9:00 a.m. (location undetermined).

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission