

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the September 21, 2021, Meeting
Meeting Conducted by Web Conference

Present: Chair Elizabeth Espinosa Krupa; Commissioner Selina Baschiera; Commissioner Annie Kao; and Commissioner Cole Wist.

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. The Chair being delayed in joining the meeting, Vice-chair Baschiera called the meeting to order at 9:00 a.m.
2. The Commission invited public comment. Mr. Harald Kasper, the respondent in Complaint 20-22, offered public comments about his experience in defending against the complaint. There were no other public comments.
3. Upon motion duly seconded, the Commission unanimously (Commissioners Espinosa Krupa and Mercer not participating) approved the minutes of the July 20, 2021, meeting.
4. The Commission called Advisory Opinion 21-01. The requestor presented his request. Upon motion duly seconded, the Commission unanimously (Commissioner Espinosa Krupa not participating) approved issuance of the draft opinion.
5. The Commission called Complaint 19-25 for consideration of Complainant's Motion to Reconsider, Respondent's Response, and Complainant's Reply.
6. At 9:19 a.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Espinosa Krupa not participating) to enter closed session to receive legal advice for Complaint 19-25.

II. CLOSED SESSION BUSINESS

7. The Commission met in closed session from 9:19 a.m. to 9:31 a.m. to receive legal advice for Complaint 19-25.

III. GENERAL BUSINESS

8. The Commission returned to open session at 9:31 a.m.
9. By unanimous consent, the Commission denied Complainant's Motion to Reconsider and announced that a written order will issue.

10. The Commission called Complaints 16-02 and 17-14. By unanimous consent, Commissioner Baschiera was appointed as hearing officer. Commissioner Mercer announced her recusal. Upon motion duly seconded, the Commission unanimously (Commissioners Espinosa Krupa and Mercer not participating) delegated subpoena authority to Commissioner Baschiera.
11. The Commission called Complaint 20-18. By unanimous consent, Commissioner Wist was delegated as hearing officer with authority to approve the report of investigation.
12. The Commission called Complaint 20-73.
13. At 9:41 a.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Espinosa Krupa not participating) to enter closed session to receive legal advice for Complaint 20-73.

IV. CLOSED SESSION BUSINESS

14. The Commission met in closed session from 9:41 a.m. to 9:51 a.m. to receive legal advice for Complaint 20-73.

V. GENERAL BUSINESS

15. The Commission returned to open session at 9:51 a.m.
16. By unanimous consent, Commissioner Kao was appointed as hearing officer in Complaint 20-73.
17. At 9:53 a.m., upon motion duly seconded, the Commission voted unanimously (Commissioner Espinosa Krupa not participating) to enter closed session to discuss Complaint 21-20, for purposes of receiving legal advice and which is required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

VI. CLOSED SESSION BUSINESS

18. The Commission met in closed session from 9:53 a.m. to 9:58 a.m. concerning Complaint 21-20.

VII. GENERAL BUSINESS

19. The Commission returned to open session at 9:58 a.m.
20. Upon motion duly seconded, the Commission voted unanimously (Commissioner Espinosa Krupa not participating) to dismiss Complaint 21-20 as frivolous.
21. The Commission recessed from 9:59 a.m. to 10:16 a.m.
22. Commissioner Espinosa Krupa joined the meeting at 10:16 a.m. and presided as Chair for the remainder of the meeting.
23. The Commission called Letter Ruling 21-04. The requestor presented its request.

24. At 10:43 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session to receive legal advice for Letter Ruling 21-04.

VIII. CLOSED SESSION BUSINESS

25. The Commission met in closed session from 10:43 a.m. to 11:18 a.m. to receive legal advice for Letter Ruling 21-04.

IX. GENERAL BUSINESS

26. The Commission returned to open session at 11:18 a.m.
27. Upon motion duly seconded, the Commission unanimously voted to find that the request for Letter Ruling 21-04 would violate Article XXIX and to advise that a written opinion would be issued.
28. Mr. Ioannides provided the staff report. The Commission provided guidance to staff regarding the drafting of the Commission's annual budget request.
29. Ms. Cannan provided legal updates from the Office of the Attorney General.
30. At 11:51 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session to discuss Complaints 21-16, 21-17, 21-18, and 21-19, for purposes of receiving legal advice and which are required to be kept confidential pursuant to Article XXIX, §5(3)(b) of the Colorado Constitution.

X. CLOSED SESSION BUSINESS

31. The Commission met in closed session from 11:51 a.m. to 12:22 p.m. concerning Complaints 21-16, 21-17, 21-18, and 21-19.

XI. GENERAL BUSINESS

32. The Commission returned to open session at 12:22 p.m.
33. Upon motion duly seconded, the Commission voted unanimously to dismiss Complaint 21-16 as frivolous.
34. Upon motion duly seconded, the Commission voted unanimously to dismiss Complaint 21-17 as frivolous.
35. Upon motion duly seconded, the Commission instructed its staff to commence a preliminary investigation of Complaint 21-18.
36. Upon motion duly seconded, the Commission voted unanimously to dismiss Complaint 21-19 as frivolous.
37. Having no further business, the Commission adjourned at 12:26 p.m. The next regular meeting is scheduled for October 19, 2021.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission