

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the January 16, 2024, Meeting
Meeting Conducted by Web Conference

Present: Chair Wist, Vice-Chair Sarah Mercer, Commissioner Lora Thomas, and Commissioner Daniel Wolf.

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

I. GENERAL BUSINESS

1. Chair Wist called the meeting to order at 9:04 a.m.
2. The Commission invited public comment and received none.
3. The Commission unanimously (Commissioner Wist abstaining) approved the minutes of the December 5, 2023, regular meeting, as amended.
4. Mr. Ioannides provided the staff report.
5. Ms. Cannan provided legal updates regarding *Glendale v. IEC*.
6. The Commission called Complaints 16-02 and 17-14 for consideration of Respondent's Unopposed Request for Continuance of Hearing. Commissioner Mercer recused. By unanimous consent, the Commission determined that Commissioner Wolf, the assigned hearing officer, would rule on the Motion.
7. The Commission called Complaints 22-34 and 22-35.
8. At 9:28 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session concerning Complaints 22-34 and 22-35 for purposes of receiving legal advice.
9. Commissioners Mercer and Thomas recused themselves from both the closed session and subsequent consideration of Complaints 22-34 and 22-35.

II. CLOSED SESSION BUSINESS

10. The Commission met in closed session from 9:28 a.m. to 9:41 a.m. regarding Complaints 22-34 and 22-35.

III. GENERAL BUSINESS

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

12. Chair Wist announced the following:

- a. With respect to Respondent Brown's Amended Motion for Recusal in Complaint 22-34, the Commission's Conflicts Policy does not mandate Chair Wist's recusal. Moreover, there is no reason for permissive recusal because Chair Wist and Respondent Brown do not have a direct relationship and, to Chair Wist's recollection, did not interact with regard to any political matters during Chair Wist's time as a state representative in the Colorado General Assembly. As such, fairness, impartiality, objectivity, and integrity will not be adversely impacted. There is no potential conflict of interest that would prohibit Chair Wist's continued participation in Complaints 22-34 and 22-35. A formal ruling on the Amended Motion will be reserved to a time when three commissioners are present for its consideration.
- b. The Respondent's pending Motion for Summary Judgment will also be reserved for a future Commission meeting.

13. The Commission called Complaint 23-23.

14. At 9:49 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session concerning Complaint 23-23 for purposes of receiving legal advice.

IV. CLOSED SESSION BUSINESS

15. The Commission met in closed session from 9:49 a.m. to 10:09 a.m. regarding Complaint 23-23.

V. GENERAL BUSINESS

16. The Commission returned to open session at 10:09 a.m.

17. Chair Wist announced that, with respect to the briefs of the parties pertaining to the Commission's jurisdiction, and Respondent's Motion to Dismiss, an order from the Commission in Complaint 23-23 will issue in due course.

18. At 10:11 a.m., upon motion duly seconded, the Commission voted unanimously to enter closed session to discuss Complaints 23-36, 23-37, and 23-38, 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.

VI. CLOSED SESSION BUSINESS

19. The Commission met in closed session from 10:11 a.m. to 10:43 a.m. to discuss Complaints 23-36, 23-37, and 23-38.

VII. GENERAL BUSINESS

20. The Commission returned to open session at 10:43 a.m.

21. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-36 as frivolous.
22. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-37 as frivolous.
23. Upon motion duly seconded, the Commission unanimously dismissed Complaint 23-38 as frivolous.
24. Having no further business, the Commission adjourned at 10:45 a.m. The next regular meeting is scheduled for February 20, 2024.

Respectfully Submitted,

Dino Ioannides
Executive Director
Colorado Independent Ethics Commission