

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the April 10, 2015 Meeting
1300 Broadway, Room 2A, 9:00 am
Denver, Colorado

Present: Rosemary Marshall, Chair; Matt Smith, Vice-Chair; Bill Pinkham; Bob Bacon and William Leone

Also Present: Amy C. DeVan, IEC Executive Director; and Kyle Dumler of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Marshall called the meeting to order at 8:59 a.m.
2. There were comments from one member of the public.
3. It was moved, seconded and passed unanimously to approve the minutes of the March 9, 2015 meeting as amended.
4. Staff Report
 - a. There were eighteen information calls between March 9 and April 10. One CORA request was received; the Executive Director did one presentation during the month of March, to the Office of the Attorney General; and three more presentations are scheduled.
 - b. Staff also gave a brief report regarding the oral arguments in the *Gessler* matter, currently pending before the Colorado Court of Appeals.
5. The Commission selected the Chair and Vice-Chair for the next year. Commissioner Leone was selected as Chair; Commissioner Bacon will serve as Vice-Chair.
6. The Commission considered the draft of Advisory Opinion 15-04, Conflict of Interest. The requester was present and answered questions from the commissioners. It was moved and seconded to adopt the draft of the Advisory Opinion. The Commission unanimously adopted the draft.
7. The Commission considered the draft of Advisory Opinion 15-05, Acceptance of Travel Expenses Paid by a Third Party. The requester was present and answered questions from the commissioners. It was moved and seconded to adopt the draft of the Advisory Opinion. The Commission unanimously adopted the draft.
8. The Commission considered the draft of Advisory Opinion 15-06, Acceptance of Travel Expenses Paid by a Third Party. The requester was present and answered questions from the

commissioners. It was moved and seconded to adopt the draft of the Advisory Opinion. The Commission unanimously adopted the draft.

9. The Commission considered the draft of Advisory Opinion 15-02, Acceptance of Travel and Conference Expenses Paid by a Third Party. The requester was present and answered questions from the commissioners. The commissioners approved the attendance and acceptance of expenses but requested that staff make clarifying revisions to the Opinion before it is adopted. The Opinion will be reviewed again at the May 11 meeting of the IEC.

10. At 10:08 a.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 15-04, 15-05, 15-06, 15-07 and 15-08, which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:08 a.m. to 10:31 a.m. to discuss complaints 15-04, 15-05, 15-06, 15-07 and 15-08.

III. GENERAL BUSINESS

11. The Commission returned to open session at 10:31 a.m.

12. It was moved, seconded and passed unanimously to dismiss Complaint 15-04 as frivolous pursuant to IEC Rule 7.G.1.

13. It was moved, seconded and passed unanimously to dismiss Complaint 15-05 as frivolous pursuant to IEC Rule 7.G.1.

14. It was moved, seconded and passed unanimously to dismiss Complaint 15-06 as frivolous, outside IEC jurisdiction and time barred pursuant to IEC Rules 7.G.1, 7.G.2, and 7.G.3.

15. It was moved, seconded and passed unanimously to dismiss Complaint 15-07 as frivolous, outside IEC jurisdiction and time barred pursuant to IEC Rules 7.G.1, 7.G.2, and 7.G.3.

16. It was moved, seconded and passed unanimously to dismiss Complaint 15-08 as frivolous, outside IEC jurisdiction and time barred pursuant to IEC Rules 7.G.1, 7.G.2, and 7.G.3.

17. At 11:00 a.m. it was moved, seconded and passed unanimously to enter into Executive Session to receive legal advice regarding Complaint 14-07, currently under review and required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution, and under C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b).

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:00 a.m. to 11:14 a.m. to receive legal advice regarding Complaint 14-07.

V. GENERAL BUSINESS

18. The Commission returned to open session at 11:14 a.m.

19. At 11:15 a.m. it was moved, seconded and passed unanimously to enter into Executive Session to receive legal advice regarding Complaint 14-16, currently under investigation, pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b).

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:15 a.m. to 11:26 a.m. to receive legal advice regarding Complaint 14-16. (Commissioner Smith recused.)

VII. GENERAL BUSINESS

20. The Commission returned to open session at 11:26 a.m. Staff was instructed to continue investigation of Complaint 14-16 including a discussion of procedures and options with both complainant and respondent. (Commissioner Smith recused)

21. At 11:30 it was moved, seconded and passed unanimously to enter into Executive Session to receive legal advice regarding Complaint 15-01, currently under investigation, pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b).

VIII. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:30 a.m. to 11:53 a.m. to receive legal advice regarding Complaint 15-01.

IX. GENERAL BUSINESS

22. The Commission returned to open session at 11:53 a.m. Staff was instructed to continue investigation of Complaint 15-01 including a discussion of procedures and options with both complainant and respondent.

23. At 11:58 it was moved, seconded and passed unanimously to enter into Executive Session to receive legal advice regarding Complaint 15-02, currently under investigation, pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b).

X. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 11:58 a.m. to 12:11 p.m. to receive legal advice regarding complaint 15-02.

XI. GENERAL BUSINESS

24. The Commission returned to open session at 12:11 p.m. Staff was instructed to continue investigation of Complaint 15-02 including a discussion of procedures and options with both complainant and respondent.

25. The Commission discussed criteria and requirements for selection of the “fifth commissioner” upon conclusion of Commissioner Pinkham’s term on the Commission, which ends on June 30, 2015. The Commission instructed staff to explore options for advertising and the drafting of an advertisement requesting applications.

26. The Commission selected dates for the meetings in July, August and September, 2015.

27. Having no further business, the Commission adjourned at 12:41 p.m. The next meeting is scheduled for Monday, May 11, 2015 at 9:00 a.m., room 1B.

Respectfully Submitted,

Amy C. DeVan
IEC, Executive Director