

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 13, 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 9:02 a.m.
2. There were no public comments.
3. It was moved, seconded and passed unanimously to approve the minutes of the January 5, 2015 meeting and January 15, 2015 telephonic meeting, as corrected.
4. Staff Report
 - a. There were twenty-two informational calls during the months of January and early February. No CORA requests were received. There were two advisory opinion requests, one on the agenda for this meeting, and the other was postponed at the request of the individual submitting it. Three complaints were filed; all three were before the commission for consideration during this meeting.
 - b. Amy DeVan updated the Commissioners regarding the document retention policy, which is now available on the IEC website. The supplemental budget request was also discussed.
 - c. The Commissioners considered rescheduling two upcoming meetings. It was determined to leave the April meeting on Friday, April 10 as scheduled. The meeting in May was moved from May 8 to May 11, 2015.
5. The Commission considered the draft of Advisory Opinion 15-01, Acceptance of Travel Expenses Paid for by Foreign Government. 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.
6. The Commission re-considered the draft of Advisory Opinion 14-22, Acceptance of Gifts which was presented in revised form following the January 5, 2015 meeting and Commissioner

comments. The requester was not present. After discussion, the commission adopted the Opinion on a four to one vote with Commissioner Leone dissenting.

7. At 9:42 a.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 15-01 and 15-02, 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 9:42 a.m. to 10:05 a.m. to discuss complaints 15-01 and 15-02.

III. GENERAL BUSINESS

8. The Commission returned to open session at 10:05 a.m. It was moved, seconded and passed unanimously to find both complaints non-frivolous. The Commissioners directed staff to contact the parties to the complaint and conduct an investigation.

9. At 10:16 a.m. it was moved, seconded and passed unanimously to enter into Executive Session to discuss complaints 15-03 and 14-16, which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:16 a.m. to 10:45 a.m. to discuss complaints 15-03 and 14-16. The Commission took a recess at 10:45 a.m. and resumed discussion at 10:54 a.m. The Commission concluded executive session at 11:10 a.m.

V. GENERAL BUSINESS

10. The Commission returned to open session at 11:10 a.m. It was moved, seconded and passed unanimously to find complaint 15-03 frivolous pursuant to IEC Rule 7.G.1 and to dismiss for lack of jurisdiction under Rule 7.G.2.

11. It was moved, seconded and passed four to zero to find complaint 14-16, which was previously stayed by the Commission, non-frivolous. The Commissioners directed staff to contact the parties to the complaint and conduct an investigation. Commissioner Smith did not participate in the Executive Session discussion or the action on Complaint 14-16.

12. The Commission continued the discussion of miscellaneous matters related to recent articles in the New York Times regarding lobbying of state Attorneys General and discussed whether the Commission should consider a position statement on the issue. The Commissioners also discussed home rule municipalities and counties and the ethics codes of each in order to determine whether the Commission should consider a position statement on that issue as well. The Commission requested that staff conduct further research on the home rule issue.

13. Having no further business, the Commission adjourned at approximately 12:35 p.m. The next meeting is scheduled for Monday, March 9 at 9:00 a.m., room 1F.

Respectfully Submitted,

Amy C. DeVan
IEC, Executive Director