

## **COLORADO INDEPENDENT ETHICS COMMISSION**

Minutes of the November 6, 2015 Meeting  
1300 Broadway, Room 2B, 9:00 am  
Denver, Colorado

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

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

### **I. GENERAL BUSINESS**

1. Commissioner Leone called the meeting to order at 9:05 a.m.
2. There were no comments from members of the public during this portion of the meeting.
3. It was moved, seconded and passed unanimously to approve the minutes of the September 21, 2015 meeting.
4. Staff Report
  - a. During the month of October there were 23 calls for information, one request pursuant to CORA, one Advisory Opinion request received (on the agenda for this meeting), 12 complaints were filed (on the agenda for this meeting) and the Executive Director did one presentation to the Colorado Department of Corrections.
  - b. The Commission also discussed the resignation of the Executive Director and logistics regarding recruitment and timing.
5. The Commission considered the revised draft of Letter Ruling 15-01, Door Prizes. The requester was not present. After review the Commission voted unanimously to approve the revised draft of Letter Ruling 15-01.
6. The Commission considered a draft of Advisory Opinion 15-11, Acceptance of Travel Expenses Paid by Third Party. The requester was present. Following discussion the Commission unanimously approved the draft of Advisory Opinion 15-11.
7. The Commission considered again application materials submitted by an applicant for the "fifth commissioner" position being vacated by Commissioner Pinkham. Due to budget issues with the applicant's employer, funding for the position is not guaranteed after February 2017. The Commission determined it would like to continue to review applications and the Chair asked all Commissioners to contact people they know who may be interested in the position. The position also remains posted on the IEC website.

8. The Commissioners discussed the posting for the Executive Director position. They designated responsibility for coordinating with SCAO recruiting to the current Executive Director. The Commission also designated responsibility to the Chair to coordinate with the current Executive Director to continue to perform limited services on an hourly basis until a new Executive Director is chosen. The Commission discussed the position and determined they would leave the position titled Executive Director, they would make an adjustment to the posted salary consistent with the current and proposed IEC budget and make minor changes to the language in the posting.

9. At 11:25 a.m., it was moved, seconded and passed unanimously to enter into Executive Session to review Complaint 15-12 pursuant to C.R.S. §24-6-402(3)(a)(III), which is required to be kept confidential pursuant to Article XXIX §5(3)(b) of the Colorado Constitution.

## **II. EXECUTIVE SESSION BUSINESS**

The Commission met in Executive Session from 11:25 a.m. to 11:34 a.m. to discuss the matter noted above. Mr. Dumler was recused.

## **III. GENERAL BUSINESS**

10. The Commission returned to open session at 11:34 a.m.

11. It was moved, seconded and passed unanimously to dismiss Complaint 15-12 as frivolous and outside IEC jurisdiction pursuant to IEC Rules 7.G.1 and 7.G.2.

12. At 11:35 a.m., it was moved, seconded and passed unanimously to enter into Executive Session to review Complaint 15-13 pursuant to C.R.S. §24-6-402(3)(a)(III), which is required to be kept confidential pursuant to Article XXIX §5(3)(b) of the Colorado Constitution.

## **IV. EXECUTIVE SESSION BUSINESS**

The Commission met in Executive Session from 11:35 a.m. to 11:42 a.m. to discuss the matter noted above. Ms. DeVan was recused.

## **V. GENERAL BUSINESS**

13. The Commission returned to open session at 11:42 a.m.

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

15. At 11:44 a.m. it was moved, seconded and passed unanimously to enter into Executive Session to review Complaints 15-14, 15-15, 15-16, 15-17, 15-18, 15-19, 15-20, 15-21, 15-22, 15-23, and 15-24 pursuant to C.R.S. §24-6-402(3)(a)(III), all of which are required to be kept confidential pursuant to Article XXIX §5(3)(b) of the Colorado Constitution.

## **VI. EXECUTIVE SESSION BUSINESS**

The Commission met in Executive Session from 11:44 a.m. to 1:05 p.m. to discuss the matters noted above.

## **VII. GENERAL BUSINESS**

16. The Commission returned to open session at 1:05 p.m. Commissioner Marshall was excused at 12:30 p.m.

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

18. The Commission requested that the Executive Director request that the complainant in Complaint 15-15 provide additional information.

19. The Commission requested that the Executive Director request that the complainant in Complaint 15-16, 15-17, 15-18, 15-19, 15-20, 15-21, 15-22, 15-23 and 15-24 provide additional information. Commissioner Pinkham was recused from discussion of matter 15-16.

20. Having no further business, the Commission adjourned at 1:12 p.m. The next meeting is scheduled for Monday January 4, 2016 at 9:00 a.m.

Respectfully Submitted,

Amy C. DeVan  
IEC, Executive Director