

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the June 9, 2014 Meeting
1300 Broadway, Room 1F, 9:00 am
Denver, Colorado

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

Also Present: Maureen Toomey, IEC Assistant Director, and Kyle Dumler and Lisa Brenner Freimann of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Marshall called the meeting to order at 9:03 a.m.
2. Changes were made to the minutes of March 28, 2014. It was moved, seconded and passed unanimously to approve the minutes of the March 28, 2013 meeting as amended.
3. Public Comment: Peg Perl of Ethics Watch made several comments regarding the new CORA requirements in HB 14-1193.
4. Staff Report
 - a. Ms. Toomey handed out a new CORA policy draft as well as analysis of suggestions made by outside groups. This will be reviewed by the attorneys.
 - b. Ms. Toomey reported on Position Statement 14-01 and previous IEC documents that relate to ethics codes for home-rule counties and municipalities. The Commission asked that Ms. Toomey draft a position statement in line with the previous documents.
 - c. Ms. Toomey reported the Department of Revenue asked if they need to file advisory opinion requests for all of the speaking engagements regarding marijuana legislation, implementation and enforcement. The Commission stated that if the facts are similar, the DOR can compare a new situation to one of the previous advisory opinions. However, if the Department desires the protection afforded under the IEC Procedural Rules for guidance provided under an advisory opinion, it would be well advised to seek an advisory opinion.
 - d. Ms. Toomey reported on the website transition to SIPA which should occur in the next couple weeks.

- e. Ms. Toomey asked that all Commission reimbursements be turned in prior to June 30, 2014.

5. At 9:23 a.m., it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Complaint 13-11.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:37 a.m. to 12:48 p.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(b) for the purpose of seeking legal advice specifically related to Complaint 13-11.

III. GENERAL BUSINESS

6. The Commission returned to open session at 12:52 p.m.

7. Commissioner Leone conducted the Hearing on Complaint 13-11. Mr. Blue and Mr. Hornaday represented the Complainants and Mr. Spector represented the Respondent. Complainants presented Complainants' Motion for Leave to File a Supplement to the Record. Respondent addressed Complainants' motion. There was discussion on the motion. It was moved, seconded and passed unanimously to approve the Motion for Leave to File a Supplement to the Record. The Commission granted Respondent leave to respond to the motion and file supplemental material at least 14 days before the next regularly scheduled meeting on July 7, 2014. Commissioner Smith disclosed that his sister is married to Mr. McInnis, who was mentioned in the motion as a previous gubernatorial candidate.

8. The Commission discussed the job description for the Executive Director position. It was moved, seconded and passed unanimously to approve the job description and post it.

9. The Commission discussed the possibility of adopting the Judicial Personnel Rules, or, in the alternative, using them as guidance for employees. Commissioner Pinkham will review the Judicial Personnel Rules for the Commission.

10. The Commission discussed Advisory Opinion 14-14 (Solicitation of Donations). Joel Rosenstein, attorney for the Colorado State Trooper Lodge, was present to answer questions. The Commission instructed Ms. Toomey to prepare an advisory opinion.

11. The Commission discussed Advisory Opinion 14-05 (Travel Paid for By a Third Party). Mr. Lewis Koski, the Director of the Marijuana Enforcement Division at the Department of Revenue was present to answer questions. It was moved, seconded and passed unanimously to approve Advisory Opinion 14-05 as revised.

12. The Commission had planned to discuss Advisory Opinion 14-08 (Acceptance of Gift) but a person requesting to have the opportunity to hear the deliberation was not present.

13. The Commission discussed Advisory Opinion 14-11 (Travel Paid for by a Third Party Vendor). It was moved, seconded and passed unanimously to approve Advisory Opinion 14-11 in accordance with the discussion.

14. The Commission discussed Advisory Opinion 14-10 and 14-13 (Travel Paid for By a Third Party). Suzanne Staiert was present to answer questions for Secretary of State Scott Gessler. The Commission scheduled a telephonic meeting on June 27, 2014 at 9:00 a.m. to further discuss Advisory Opinion 14-10 and the related Advisory Opinion 14-13 (Travel Paid for By a Third Party).

15. The Commission discussed Advisory Opinion 14-12 (Frequent Flyer Miles). It was moved, seconded and passed unanimously to approve Advisory Opinion 14-12 with additions discussed at the meeting.

16. The Commission discussed Advisory Opinion 14-15. Mr. Spector from the Governor's Office was present and answered questions on behalf of the Requestor. A preliminary approval was given and a written opinion will be considered for approval on July 7, 2014.

17. At 3:18 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 14-10, 14-11 and 14-12 filed with the Commission 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 3:18 p.m. to 3:36 p.m. to discuss Complaints 14-10, 14-11 and 14-12 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

V. GENERAL BUSINESS

18. The Commission returned to open session at 3:38 p.m.

19. It was moved, seconded and passed unanimously to dismiss Complaint 14-10 for lack of jurisdiction pursuant to IEC Rule 7.G.2 and as frivolous pursuant to IEC Rule 7.G.1.

20. It was moved, seconded and passed unanimously to dismiss Complaint 14-11 as frivolous pursuant to IEC Rule 7.G.1.

21. It was moved, seconded and passed unanimously to dismiss Complaint 14-13 as frivolous pursuant to IEC Rule 7.G.1.

22. At 3:44 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaint 14-07 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 3:44 p.m. to 3:47 p.m. to discuss Complaint 14-07 filed with the Commission which is required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

VII. GENERAL BUSINESS

23. The Commission returned to open session at 3:47 p.m.

The Commission adjourned at approximately 3:50 p.m. The next meeting is scheduled for June 27, 2014, 9:00 a.m., telephonic only. A meeting will also be held on July 7, 2014, at 9:00 a.m., in Room 1F.

Respectfully Submitted,

Maureen Toomey
IEC Assistant Director