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House Bill 13-1099

House Sponsor: Representative Jared Wright

## Public Administrators Accountability Act

*In committee today!*

### Background:

Colorado voters passed Amendment 41 in 2006, in order to increase transparency with elected officials and to ensure propriety and proper conduct in state and local governments. Colorado Revised Statutes only require the following public officials to declare gifts and honoraria:

- Members of the general assembly
- Governor
- Lieutenant governor
- Secretary of state
- Attorney general
- State treasurer
- Justice and Judges
- District Attorneys
- Members of State Board of Education
- University of Colorado Board of Regents
- Members of Public Utilities Commission

### Federal Examples:

- United States Code of Federal Regulations (5 CFR 2634.606) requires any Presidential nominee to file public disclosure reports, including all executive branch department heads.
- Administrative law judges
- Officers and employees of the legislative and executive branches or independent agencies
- Postmaster General, Deputy Postmaster General, USPS Board of Governors

### What The Bill Accomplishes:

- Ensures further accountability of Colorado public officials through increased transparency
- Requires executive branch department heads to file financial disclosure reports
- Requires local government officials to file financial disclosure reports
- Rebuilds the trust of Colorado citizens
- Brings Colorado disclosure laws up to federal standards





January 31, 2013

Dear House State, Veterans & Military Affairs Committee Members,

Colorado Common Cause is a nonpartisan, nonprofit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process.

**I am writing to express Colorado Common Cause's support for House Bill 13-1099, concerning the application of the public disclosure law to certain appointed public officials.**

Colorado Common Cause has been an advocate for transparent and ethical government since our founding in 1972, after which we worked to craft and then pass the Sunshine Laws, the first of its kind in the nation and a reform that helped set the Colorado precedent for transparency in government. More recently, we worked to pass Amendment 41, a law that ban gifts from lobbyists to public officials and put limits on what others can give to public officials.

Disclosure of gifts and honoraria for public officials is an important concept that creates confidence in government by increasing transparency and allows the public to hold their government officials accountable for any conflicts of interest that may be present as a result of gifts.

House Bill 13-1099 adds appointed officials to the list of public servants required to report gifts and honoraria. While elected officials tend to be more high profile, appointed officials have significant authority to make decisions on matters of public importance. Because appointees and their staff play such an important role in the governance of our state, there is a strong public interest in requiring full transparency regarding gifts and honoraria to these offices as well. We support House Bill 13-1099 as an important reform to increase transparency, and as a result, confidence in government.

We encourage you to pass House Bill 13-1099 and thank you for the opportunity to comment.

Sincerely,

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# Federal Prosecutors Investigating Adams County Paving Scandal

## CALL7 Investigators Broke Stories That Led To State Charges, Federal Investigation

Posted: 08/26/2011 Last Updated: 528 days ago

Federal agents are investigating the public corruption and paving scandal in Adams County, including focusing on the former public works director and county commissioners, CALL7 Investigators found.

Sources confirm that the FBI and U.S. Attorney's office are discussing whether former Public Works Director Lee Asay will be indicted and whether it will be on the state or federal level.

"The discussion now is when and where," one source told CALL7 Investigator John Ferrugia.

A second federal investigation is looking into favors and gifts possibly given to commissioners in exchange for favorable consideration on county contracts, sources said. That investigation is in the early stages.

The federal investigations and state charges were sparked by a series of CALL7 reports, starting in 2008, that showed millions of dollars in no-bid county contracts given to Quality Paving. The investigation also uncovered gifts given to and work done on the homes of Asay and Sam Gomez, who at the time was the county's contract manager. Both men were forced to resign after the CALL7 Investigation reports. Gomez, another county worker, and four former Quality Paving officials and workers were charged in the scandal. Two have already pleaded to lesser charges and four, including the company's former president and owner, face trial in coming months. Court records obtained Friday also show Adams County District Attorney Don Quick is consulting with the U.S. Attorney's office on the case.

He met with federal prosecutors in February to discuss the county paving scandal his office is prosecuting and mentioned that he ran into two key Quality Paving executives at a county commissioner's house, a motion Quick filed shows.

"When meeting with the United States Attorney's Office on February 25, 2011 about the case, DA Quick also informed the federal prosecutors" of his contact with Quality Paving officials, the motion said.

One of the former Quality Paving employees charged in the case, Louie George Schimpf, is trying to disqualify Quick, saying he might be a witness in the case and has a conflict of interest.

The conflict surrounds a statement in court from former Quality Paving president Dennis Coen, saying Quick was at Adams County Commissioner Alice Nichols' house in 2008 when Coen and Quality Paving owner Jerry Rhea stopped by to give Nichols \$10,000 in cash. The cash was to pay back \$10,000 she and her husband paid to have

<http://www.thedenverchannel.com/news/federal-prosecutors-investigating-adams-county-paving-scandal>

Quality Paving install a driveway at her house in 2005, Coen testified.

Quick filed a motion arguing he should not be disqualified and asking for a judge to decide that question. He said he was at Nichol's house to drop off football raffle tickets for a Democratic fundraiser and did not know about the alleged payment, the motion says.

In the motion, Quick notes he mentioned running into Coen and Rhea at Nichol's house to sheriff's deputy investigators in 2008 and to federal prosecutors on Feb. 25, 2011. The motion does not say why he was meeting with the U.S. Attorney in February. Asay, who could not be reached for comment, has not been charged in the case and Quick's spokeswoman said Thursday that the investigation into the scandal is continuing. She confirmed Friday that Quick met with federal prosecutors concerning this case but could not give further details about the joint investigation.

Jefferson County prosecutors are investigating whether there were improprieties with the \$10,000 payment to Nichols.

A hearing on Quick's motion to remain on the case is set for September.