

State of Colorado



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Independent Ethics Commission Code of Conduct Policies and Procedures

1. Purpose. The purpose of these policies and procedures is to describe how the Colorado Independent Ethics Commission handles conflicts of interest, potential conflicts of interest, or the appearance of impropriety among its commissioners, executive director, and/or legal counsel.
2. Definitions. The following definitions apply to these Policies and Procedures unless the context requires otherwise:
 - a. “Appearance of impropriety” means conduct perceived by a reasonable person to impair the ability to carry out official responsibilities with fairness, impartiality, objectivity, and integrity.
 - b. “Conflict of interest” means a situation in which an individual’s personal or financial interest conflicts with the individual’s official responsibilities.
 - c. “IEC” means the Colorado Independent Ethics Commission.
 - d. “Individual” means any one of the IEC’s commissioners, executive director, or legal counsel.
 - e. “Potential conflict of interest” means a situation in which an actual conflict of interest does not yet exist but may exist in the foreseeable future. “Potential conflict of interest” does not include a merely hypothetical or possible conflict of interest.
3. Policies:
 - a. The IEC and the individuals governed by these policies and procedures shall perform their duties and responsibilities with fairness, impartiality, and objectivity, and shall maintain the integrity of the public trust vested in them.
 - b. The individuals governed by these policies and procedures shall not permit family, social, political, financial, or other personal interests or relationships to influence the individual’s conduct or judgment.
 - c. The individuals governed by these policies and procedures shall not participate in any official IEC action if said individual has a financial interest in the outcome. The

individuals governed by these policies and procedures may not receive compensation or economic benefit from decisions made by the individual or in consideration of a vote in which the individual was involved, except as permitted by law.

- d. The individuals governed by these policies and procedures shall avoid conflicts of interest, appearances of impropriety, and other situations that erode the public trust.
 - e. Nothing in these policies and procedures is intended to conflict with legal counsel's obligations under the Colorado Rules of Professional Conduct. In the case of any such conflict, the Colorado Rules of Professional Conduct are deemed to control.
 - f. Due to the manner of IEC commissioner appointments, nothing in these policies and procedures is deemed to mandate a commissioner's recusal for merely contributing to a political campaign prior to the commissioner's deliberations in a case involving the recipient of the contribution. A commissioner should disclose the contribution and consider the totality of the circumstances in deciding whether to recuse himself or herself.
 - g. In limited circumstances, the rule of necessity applies and allows commissioners to hear a case in which the requisite number of other commissioners would also have a disqualifying interest or the case could not otherwise be heard.
 - h. Nothing in these policies and procedures are intended to interfere with the IEC's independent internal governance; the IEC may deviate from these policies and procedures to the extent it deems necessary and as permitted by law.
4. Procedures:
- a. Recusals.
 - i. Mandatory recusal. An individual governed by this policy is disqualified and shall recuse themselves from any official duty, responsibility, or privilege, when a conflict of interest exists or when the individual's participation would create the appearance of impropriety.
 - ii. Permissive recusal.
 - 1. An individual governed by this policy may, in their own discretion, recuse themselves from any official duty, responsibility, or privilege, when a potential conflict of interest exists.
 - 2. An individual considering whether to permissively recuse should take into account the particular circumstances giving rise to the potential conflict of interest and whether failure to recuse would erode the public trust or the individual's fairness, impartiality, objectivity, and integrity.
 - 3. An individual who does not recuse themselves when there exists a potential conflict of interest should disclose that fact to the IEC and, if permitted under the Commission's confidentiality requirements, to the public. Such a disclosure should explain the reasons why fairness, impartiality, objectivity, and integrity will not or are not expected to be adversely impacted.
 - 4. A potential conflict of interest that ripens into an actual conflict of interest requires mandatory recusal.

iii. Manner of recusals. When an individual governed by these policies and procedures recuses himself or herself, he or she shall do so by making a public announcement of the recusal, if and when possible, or by making an announcement of the recusal to the IEC immediately after entering executive session if that is the case. For a recusal occurring during deliberation, the affected individual should leave the room in which the deliberation is occurring.

b. Roles and Functions.

i. Commissioners. Nothing in this policy is intended to prevent any commissioner from voting on a motion to enter executive session.

ii. Executive Director.

1. Any duties or responsibilities necessary for the proper administrative functioning of the IEC that cannot be fulfilled due to the executive director's recusal may be transferred to the IEC's legal counsel.

2. Due to the limited staffing of the IEC, nothing in these policies or procedures mandates recusal of the IEC's executive director from mere ministerial duties or responsibilities, provided the IEC is satisfied that fairness, impartiality, objectivity, and integrity are maintained.

iii. Legal counsel. When legal counsel recuses himself or herself, the IEC may obtain alternate legal counsel.

iv. Executive Director and Legal Counsel. When both the IEC's executive director and legal counsel recuse themselves, the IEC may obtain alternate legal counsel who will also perform necessary administrative functions.