

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the January 17, 2014 Meeting
1300 Broadway Second Floor, Room 2A, 9 a.m.
Denver, Colorado

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

Also Present: Jane T. Feldman, Executive Director, IEC; Kyle Dumler and Lisa Brenner Freimann (from 11:30 to 12:00 p.m.) of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. The meeting commenced at 9:05 a.m.
2. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the December 2, 2013 meeting.
4. Commissioner Smith informed the Commissioners that should any of them wish to purchase a laptop, ipad or similar mobile device for use in Commission meetings; they can either purchase those devices on their own and seek reimbursement, or consult with Chad Cornelius of the Judicial Department who can assist with the purchase. The Commission could pay up to \$750 per device.
5. Commissioner Leone conducted the pre-hearing conference on Complaint 13-11. The Complainant was represented by Mr. Hornaday. The Respondent was represented by Mr. Specter and Mr. Finlaw. Mr. Dumler will prepare an order setting forth the schedule agreed to by the parties and approved by the Commission. Ms. Feldman was not present for the discussion or the hiring of an independent investigator for the matter.
6. At 9:50 a.m., it was moved, seconded and passed unanimously to enter into Executive Session to interview and consider the applications and appointments of persons to conduct the investigation of Complaint 13-11, and other personnel issues and the individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S section 24-6-402 (3)(b)(I).

III. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:50 am until 10:19 am to interview and consider the applications and appointments of persons to the staff of the Independent Ethics Commission, and other personnel issues and the individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S section 24-6-402 (3)(b)(I).

IV. GENERAL SESSION

7. Upon motion and second, the Commission unanimously hired Mr. McBean to conduct the investigation on Complaint 13-11 to begin after the parties have had an opportunity to develop stipulated facts.

8. Executive Directors Report:

a. Ms. Feldman reported on the COGEL conference. She informed the Commission that she was a panelist in one session. She also reported that the cost of the conference billed to the IEC was \$2124, \$124 more than previously authorized. It was moved, seconded and approved unanimously to approve the expenditure of the additional \$124 for her attendance.

b. Ms. Feldman reported that the Commission's membership in COGEL has expired. It was moved, seconded and passed unanimously to approve the expenditure of \$445 to renew the Commission's membership in COGEL. Ms. Feldman will provide COGEL contact information to the Commissioners.

c. Ms. Feldman reported that she had participated in several conference calls regarding the new web site. The State wide Internet Portal Authority "(SIPA)" plans to start migrating documents in February, but no work can be started until the contract is signed. Commissioner Smith reported that Mr. Dumler would address the SIPA contract later in the meeting.

d. Ms. Feldman reported that she had attended the Joint Budget Committee hearing on the Commission's budget, although there had not been any comments or questions. She stated that the Chair, Representative Crisanta Duran, had noted Ms. Feldman's attendance at the hearing.

e. Ms. Feldman reported on the status of the Commission's budget and noted that the legal services line was almost completely spent. She reminded the Commission that it can transfer up to \$31,000 from the personal services line to the legal services line. The Commission discussed the rationale for requesting additional attorney service in the upcoming budget cycle.

f. Ms. Feldman reported that she will be doing a training at the Colorado Department of Public Health & Environment on February 6.

g. Ms. Feldman reported that she has been working with Jennifer Gilroy of the Office of Legislative Legal Services on a revision to the on-line ethics training on the General Assembly's web site, and provided copies of a flash card Ms. Gilroy had created with Ms. Feldman's assistance.

h. Ms. Feldman noted that there were copies of a proposed constitutional amendment in the notebook and that the amendment proposed to expand the Commission's

jurisdiction into the judicial branch. She stated that she had listened to the Review and Comment Hearing and that the Title Board Hearing was set for February 5.

i. Ms. Feldman noted that there were copies of the Commission's annual report and the Ethics Watch annual report in the notebooks. She stated that she would post the Commission's annual report in a week if there were no comments or additions by the Commission.

9. There was a discussion of Advisory Opinion 13-13. The requestor was present and answered questions. Ms. Feldman will revise the draft based on the discussion for the February meeting.

10. Ms. Brenner Freimann discussed the proposed lease with the Judicial Department. It was moved, seconded and passed unanimously to approve the lease as originally presented and have the Chairman execute the lease on behalf of the Commission.

11. Mr. Dumler discussed the proposed contract with SIPA. It was moved, seconded and passed unanimously to execute the contract with SIPA.

12. At 1:05 p.m. it was moved, seconded and passed unanimously to enter into Executive Session to interview and consider the applications and appointments of persons to the staff of the Independent Ethics Commission, and other personnel issues and the individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S section 24-6-402 (3)(b)(I).

V. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:05 pm until 2:20 pm to interview and consider the applications and appointments of persons to the staff of the Independent Ethics Commission, and other personnel issues and the individuals have requested that these matters be conducted in Executive Session pursuant to C.R.S section 24-6-402 (3)(b)(I)

VI. GENERAL SESSION

12. The Commission returned to open session at 2:20 p.m.

13. It was decided that Commissioners will try to interview the remaining candidate on January 22 in the afternoon. Commissioners Marshall, Pinkham and Leone will attempt to attend in person. Ms. Feldman will check on the availability of the candidate. Other Commissioners may attend in person or by phone.

14. At 2:23 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 13-12, 13-13, and 13-14 filed with the Commission which are required to be kept confidential pursuant to Article XXIX, Section

5(3)(b) of the Colorado Constitution.

VII. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 2:23 p.m. to 3:10 p.m. to discuss Complaints 13-12, 13-13, and 13-14 filed with the Commission which are required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution. Ms. Feldman was not present from 2:43 to 3:10 p.m.

VIII. GENERAL BUSINESS

15. The Commission returned to open session at 3:10 p.m.

The Commission adjourned at 3:13 p.m.

The next meeting is February 10, 2014 at 9 a.m.

Respectfully submitted,

Jane T. Feldman
Executive Director