

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 10, 2014 Meeting  
1300 Broadway Second Floor, Room B2200, 9 a.m.  
Denver, Colorado

Present: Matt Smith; Chair, Rosemary Marshall; Vice-Chair, Bob Bacon, William Leone (telephonically for some portions, only), Bill Pinkham (for some portions telephonically)

Also Present: Jane T. Feldman, Executive Director, IEC; Maureen Toomey, Assistant to the Director, IEC, and Lisa Brenner Freimann (until 1:50 p.m.) of the Colorado Attorney General's Office.

### I. GENERAL BUSINESS

1. Commissioner Smith called the meeting to order at 9:05 a.m.
2. There was no public comment.
3. There were corrections to the minutes of January 17, January 22, and February 6, 2014. It was moved, seconded and passed unanimously to approve the minutes of the January 17, January 22, January 28, and February 6, 2014 meetings as amended. Commissioner Marshall did not participate in the approval of the minutes of January 28, 2014.
4. Executive Director's Report:
  - a. Ms. Feldman reported on the introduction of House Bill 14-1258 relating to the Commission's procedures and Proposed Initiative #57 which expands the Commission's jurisdiction.
  - b. Ms. Feldman discussed the IEC budget for legal services. She reported that the Joint Budget Committee Hearing on the IEC's budget was scheduled for February 19 upon adjournment.
  - c. Ms. Feldman announced that her last day as Executive Director of the Independent Ethics Commission will be February 28, 2014, but that she would be attending a COGEL meeting at her own expense so her last day in the office would be February 26.
  - d. Ms. Feldman reported that there are two training sessions scheduled. She will conduct the training on February 26, 2014 for the Department of Education and asked if Lisa Freimann or Kyle Dumler could conduct a training on March 26, 2014 for the Department of Personnel and Administration. Ms. Feldman reported that the Attorney General's Office had also requested training. Ms. Freimann stated that she will ensure

the March 26 training is covered and that she will contact the Deputy Attorney General in charge of training to schedule.

5. At 9:45 a.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss complaints 13-12 and 14-01 which are required to be kept confidential pursuant to Article XXIX, Section 5(3)(b) of the Colorado Constitution.

## II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 9:45 am until 9:52 am to discuss complaints 13-12 and 14-01 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution. Commissioner Pinkham was present telephonically.

## III. GENERAL BUSINESS

6. The Commission returned to open session at 9:52 am.

7. It was moved, seconded and passed unanimously to dismiss complaint 14-01 for lack of jurisdiction and as frivolous pursuant to IEC Rule 7.G.1.

8. There was a discussion of Advisory Opinion 14-01 (Acceptance of Gifts). The requestor and his attorney were present and answered questions. The requestor will reframe the issues and return to the Commission at the next meeting.

9. There was a discussion of Advisory Opinion 13-13 (Negotiations for Future Employment). Ms. Feldman redrafted the opinion in accordance with the discussion.

10. There was a discussion of Advisory Opinion 14-02 (Travel Paid for by a Foreign Government). The requestor was present and answered questions. Ms. Feldman redrafted the opinion in accordance with the discussion.

11. At 1:05 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss complaint 13-12 which is 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 1:05 p.m. to 1:09 p.m. to discuss complaint 13-12 which is required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution. Commissioner Pinkham was present telephonically.

## V. GENERAL BUSINESS

12. The Commission returned to open session at 1:10 p.m.
13. There was further discussion of Advisory Opinion 14-01 (Acceptance of Gifts) in response to questions and comments by Commissioner Pinkham.
14. There was additional discussion of Advisory Opinion 14-02 (Travel Paid for by a Foreign Government) in response to questions and comments by Commissioner Pinkham.
15. There was further discussion of Advisory Opinion 13-13 (Negotiations for Future Employment) in response to questions and comments by Commissioner Pinkham.
16. At 1:32 p.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss complaint 13-12 which is required to be kept confidential pursuant to Article XXIX, section 5(c) of the Colorado Constitution.

## VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:32 p.m. to 1:54 p.m. to discuss Complaint 13-12 which is required to be kept confidential pursuant to Article XXIX, section 5(c) of the Colorado Constitution. Commissioners Leone and Pinkham were present telephonically.

## VII. GENERAL BUSINESS

17. The Commission returned to open session at 1:55 pm.
18. It was moved, seconded and passed 4 to 1 (Commissioner Leone dissenting) to dismiss Complaint 13-12 as frivolous pursuant to IEC Rule 7.G.
19. It was moved, seconded and passed 4-0 to approve Advisory Opinion 14-02 (Travel Paid for by a Foreign Government) (Commissioner Leone abstaining).
20. The Commission deferred approval of Advisory Opinion Complaint 13-13 (Negotiations for Future Employment) until the next meeting.

The Commission adjourned at 1:55 p.m., and reconvened at 2:00 p.m.

21. Ms. Feldman reported that she had been contacted by the State Auditor's Office that the Legislative Audit Committee had authorized the Auditor to spend no more than 8 hours on a preliminary review of the IEC. She stated that there were legal issues regarding the confidentiality of the Commission's files, and that she would meet with Ms. Freimann regarding those issues.
22. There was a discussion of scheduling of advisory opinions and the Commission's workload.

The Commission adjourned at 2:15 p.m.

The next meeting is February 25, 2014 at 9 a.m.

Respectfully submitted,

Jane T. Feldman  
Executive Director