

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the February 25, 2014 Meeting
1300 Broadway Second Floor, Room 1C, 9 a.m.
Denver, Colorado

Present: Matt Smith; Chair, Rosemary Marshall; Vice-Chair, Bob Bacon, William Leone, Bill Pinkham (arriving at 9:15 am).

Also Present: Jane T. Feldman, Executive Director, IEC; Maureen Toomey, Assistant to the Director, IEC, and Kyle Dumler of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Smith called the meeting to order at 9:00 a.m.
2. Public comment: Luis Toro of Ethics Watch thanked Executive Director Jane Feldman for serving the Commission and Colorado with fairness and courtesy for over five years.
3. It was moved, seconded and passed 4 to 0 to approve the minutes of the February 10, 2014 meeting. (Commissioner Pinkham not participating).
4. At 9:05 am, it was moved, seconded and passed unanimously to enter into Executive Session to discuss complaints 13-13, 13-14, 14-02 and 14-03 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 9:05 a.m. until 9:22 a.m. to discuss Complaints 13-13, 13-14, 14-02 and 14-03 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution. Commissioner Pinkham was present after 9:15 a.m. Ms. Feldman was only present for the discussion of complaints 14-02 and 14-03.

III. GENERAL BUSINESS

5. The Commission returned to open session at 9:22 a.m.
6. It was moved, seconded and passed unanimously to dismiss complaint 14-02 for lack of jurisdiction pursuant to IEC Rule 7.G.2.
7. It was moved, seconded and passed unanimously to dismiss complaint 14-03 for lack of jurisdiction and as frivolous pursuant to IEC Rule 7.G.1.and 2.
8. Executive Director's Report:
 - a. Ms.Feldman reported on training sessions completed for the Colorado Department of Public Health and Environment and the General Assembly at an open lunch event. She also has a training session scheduled for the Department of Education BEST Board.
 - b. Ms. Feldman announced that the 2014-2015 budget request has been approved by the Joint Budget Committee.
 - c. Ms. Feldman reported that House Bill 14-1258 has been assigned to the House State, Veteran's and Military Affairs Committee, but has not yet been scheduled for hearing.
 - d. Ms. Feldman reported on transition issues.
9. Commissioner Leone conducted the Pre-Hearing Conference on Complaint 13-11. Mr. Blue entered his appearance to serve as co-counsel with Mr. Hornaday to represent the Complainants and Mr. Spector and Mr. Finlaw represented the Respondent. The parties reported on their progress to submit stipulated facts to the Commission. The parties reviewed matters of discovery not yet resolved. The parties will meet in an effort to resolve discovery disputes, or to identify requests for resolution prior to the Commission's March 10, 2014 meeting. On motion, second and approval, the Commission took up Complainant's Motion to Delegate to Administrative Law Judge. Following arguments by the parties and an analysis by the Commission, the Commission unanimously denied the motion.
10. At 10:54 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), 4(b) and §13-90-107(b) for the purpose of receiving legal advice on a specific legal question regarding the investigation of Complaint 13-11.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:54 a.m. until 11:15 a.m. pursuant to C.R.S. §24-6-402(3)(a)(ii), 4(b) and §13-90-107(b) for the purpose of receiving legal advice on a specific legal question regarding the investigation for Complaint 13-11.

V. GENERAL BUSINESS

11. The Commission returned to open session at 11:15 a.m.

12. The Commission instructed the opposing attorneys on Complaint 13-11 to send initial disclosures through Kyle Dumler who will then provide the information to the Commission's investigator, Mr. McBean. Mr. McBean will appear before the Commission at the March 10, 2014 meeting to provide an estimate of materials required and projected costs to complete the investigation.

13. The parties agreed to try to meet pre-hearing deadlines previously established.

14. Ms. Feldman was not present for the Pre Hearing Conference nor the Executive Session where Complaint 13-11 was discussed.

15. There was a discussion of Advisory Opinion 14-01 (Acceptance of Gifts). The requestor's attorney was present and answered questions regarding additional materials submitted by the requestor. Ms. Toomey will draft arguments in favor and against the request as outlined by Commissioners.

16. There was a discussion of Advisory Opinion 14-03 (Travel Paid for by a Third Party). The requestor was present and answered questions. It was moved, seconded and passed unanimously to approve Advisory Opinion 14-03 subject to revisions.

17. There was a discussion of Advisory Opinion 13-13 (Negotiations for Future Employment). It was moved, seconded and passed unanimously to approve Advisory Opinion 13-13 subject to revisions.

18. At 12:37 p.m., it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(ii), 4(b) and §13-90-107(b) for the purpose of receiving legal advice on a specific legal question regarding the State Auditor's request.

VI. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:37 p.m. until 12:53 p.m. pursuant to C.R.S. §24-6-402(3)(a)(ii), 4(b) and §13-90-107(b) for the purpose of receiving legal advice on a specific legal question regarding the State Auditor's request.

VII. GENERAL BUSINESS

19. The Commission returned to open session at 12:53 p.m.

20. The Commission discussed the agenda for the next meeting which is scheduled for March 10, 2014. The Commission decided to start this meeting at noon.

The Commission adjourned at 2:15 p.m.

Respectfully Submitted,

Maureen Toomey
IEC Assistant Director