

## COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the March 11, 2010 Meeting  
633 17<sup>th</sup> Street, Courtroom 5, 14<sup>th</sup> floor 9 am  
Denver, Colorado

Present: Commissioners Matt Smith, chair; Roy Wood, vice-chair; Dan Grossman; Sally H. Hopper; Larry R. Lasha.

Also Present: Jane T. Feldman, Executive Director of the IEC; Doug Platt, Director of Communication, IEC; Lisa Brenner Freimann of the Colorado Attorney General's Office.

### GENERAL BUSINESS

1. The meeting commenced at 9:00 a.m.
2. The Commission accepted the Response filed on behalf of Rex Burns pursuant to the Order to Show Cause.
3. The parties entered their appearances. (James L. Fry on his own behalf, and Sean McGill for Rex Burns).
4. Ms. Feldman summarized her investigation of this matter for the Commission.
5. The parties stipulated to the admission of all exhibits, and announced three stipulations.
6. The parties made opening statements, presented their evidence and made closing statements.
7. At the conclusion of the Hearing, the Commissioners discussed their views of the facts and law relating to Complaint 09-08. It was moved, seconded and passed unanimously to make the following findings:
  - a. The Respondent, Rex Burns, receives reasonable compensation for the services provided to the Boxelder Regional Stormwater Authority. ("Authority")
  - b. Mr. Burns is qualified for the position of Manager of the Authority.
  - c. There is no evidence that Mr. Burns improperly influenced the Authority in the hiring process.
  - d. Mr. Burns did not receive anything of value in return for his position as Manager of the Authority other than compensation for the work performed.
  - e. Mr. Burns was instructed to fill out the FEMA grant application by his employer.
  - f. When Mr. Burns negotiated for the job of Manager of the Authority, he was not in a position to take official action with respect to the Authority, nor was it likely

that he would be in such a position in the reasonably foreseeable future.

g. The Commission has significant concerns that appropriate employment practices were not followed, however, the Commission believes that it does not have subject matter jurisdiction to decide whether there has been a violation of C.R.S. §24-6-402.

h. The Commission found that there was not a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC, and dismissed Complaint 09-08.

8. The Commission adjourned at 2:45 p.m.

Next Meeting: April 19, 2010 at 9 am.

Respectfully submitted,

Jane T. Feldman  
Executive Director