

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the April 6, 2009 Meeting
633 17th Street, Room 12A, 10 a.m.
Denver, Colorado

Present: Commissioners Nancy E. Friedman, chair; Matt Smith, vice chair; Sally H. Hopper; Larry R. Lasha; Roy Wood

Also Present: Jane T. Feldman, Executive Director of the IEC; James Carr of the Colorado Attorney General's Office

I. GENERAL BUSINESS

1. The meeting commenced at 10 a.m. It was moved, seconded and passed unanimously to approve the agenda of the open session portion of the April 6, 2009 meeting.
2. It was moved, seconded and passed unanimously to approve the minutes of the open session portion of the March 19, 2009 meeting, subject to a correction of a typographical error.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:05 a.m. to 2:25 p.m.

III. GENERAL BUSINESS

The Commission returned to Open Session at 2:25 p.m.

1. Executive Director's Report: The Executive Director updated the Commission on the status of the hiring process and the budget. She also told the Commission that several law students were interested in interning with the Commission.
2. It was moved, seconded and passed unanimously to approve Advisory Opinion 09-02 (ALJ Bar Membership) subject to correction of typographical and scrivener errors.
3. It was moved, seconded and passed unanimously to approve Advisory Opinion 09-03 (State Patrol Members) subject to correction for typographical and scrivener errors.
4. Complaint 09-03: It was moved, seconded and passed unanimously to dismiss this Complaint because of insufficient evidence to proceed at this time. The failure of the Complaint to set forth a statement of facts underlying the Complaint with sufficient specificity as required by IEC Rule 7.C

- necessitates dismissal of the Complaint pursuant to IEC Rule 7.E.3 for failure to comply with IEC's Rules of Procedure regarding Complaints.
5. Complaint 9-04: It was moved, seconded and passed unanimously to dismiss this Complaint due to lack of jurisdiction. The Commission has jurisdiction to hear complaints against a "public officer, member of the general assembly, local government official or government employee." This Complaint alleges ethical violations by members of a school board. Members of this School Board receive no compensation, and are therefore excluded from the definition of "public officer" as set forth in Article XXIX Sec. 2(6). The Complaint also alleges ethical violations by an employee of a school district. A school district is not a "county or municipality" and therefore is not a "local government" under Sec 2(2). The persons who are the subject of the Complaint are therefore not under the jurisdiction of the IEC.
 6. Outgoing Chair's Report: Outgoing Chair Commissioner Nancy Friedman described the accomplishments of the Commission over the past 15 months, and thanked the other Commissioners for electing her as chair on two separate occasions. A copy of the statement will be posted on the web site.
 7. Election of new Chair of the Commission: Commissioners Smith and Wood were nominated for the position of Chair. It was moved, seconded and passed unanimously to elect Commissioner Smith as the Chair and Commissioner Wood as the Vice Chair for 2009-10.
 8. Other Business: Commissioners Hopper, Lasha, and Wood were excused at 3 pm, as were Ms. Feldman and Mr. Carr. Commissioners Friedman and

Smith discussed transition issues and ongoing projects.

The Commission adjourned at 5:25 p.m.

Next meeting: April 21, 2009 at 10 a.m. at 1560 Broadway, Suite 975, Denver, CO.

Respectfully submitted,

Jane T. Feldman
Executive Director