

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the April 19, 2010 Meeting
633 17th Street, Room 2A, 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.

I. GENERAL BUSINESS

1. The meeting commenced at 9:00 a.m.
2. It was moved, seconded and passed unanimously to approve the minutes of the February 4, 2010 meeting.
3. It was moved, seconded, and passed unanimously to approve the minutes of the February 11, 2010 meeting.
4. Ms. Feldman noted an error in the minutes of the March 11, 2010 meeting. It was moved, seconded and passed unanimously to approve the minutes of the March 11, 2010 meeting as corrected.
5. There was no public comment.
6. Staff Report:
 - a. Ms. Feldman reminded the Commissioners to submit their travel expenses.
 - b. Ms. Feldman reported that she will conduct a training program for the Department of Public Safety on April 21, 2010.
 - c. Mr. Platt stated that he had been working on the draft Communication Plan which would be discussed by the Commission.
7. There was a discussion of Draft Advisory Opinion 10-04 (Donation of funds to public employees). The requestor was present and answered questions from the Commission. The Advisory Opinion was redrafted and it was moved, seconded and passed unanimously to approve Advisory Opinion 10-04.
8. There was a discussion of draft Advisory Opinion 10-05 (Public Service Announcement by a state wide elected official). The Opinion was modified, and it was moved, seconded and passed unanimously to approve Advisory Opinion 10-05 as

amended. Ms. Brenner Freimann did not participate in the discussion of Advisory Opinion 10-05.

9. There was a discussion of draft Advisory Opinion 10-06 (Travel paid for by a For Profit Entity). The Opinion will be redrafted pursuant to the discussion. A telephonic meeting to discuss the revised Opinion was set for Thursday, April 22, 2010 at 10 am.
10. Commissioner Grossman discussed the status of the bill to move the IEC to the Judicial Department. There was further discussion of the role of the IEC in the legislation. It was decided that the IEC would not submit a letter regarding the bill, but that Commissioners Grossman and Hopper would attend the hearing before the Judiciary Committee on April 22.
11. Ms. Feldman reported on the status of SB 10-099.
12. There was a brief discussion of the staff PDQ's which was tabled until after lunch.
13. It was moved, seconded and passed unanimously to enter into Executive Session at 12:44 pm to discuss pending and imminent litigation.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:44 p.m. to 12:46 p.m. to discuss pending and imminent litigation pursuant to Sections 24-6-402(3)(a)(II) and 24-6-402(3)(a)(III) and 13-90-107, C.R.S: *Developmental Pathways v. Ritter*, Case no. 2007CV013

III GENERAL BUSINESS

The Commission returned to Open Session and it was moved, seconded and passed unanimously to enter into Executive Session at 12:47 pm to discuss complaints 10-01, 10-02, 10-03, 10-04 filed with the Commission which are required to be confidential pursuant to Article XXIX, Section 5(c) of the Colorado Constitution, and C.R.S. Section 24-6-402(3)a(III) and the Commission's Rules of Procedure.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:47 pm to 2:36 p.m. to discuss Complaints 10-01, 10-02, 10-03 and 10-04 09-12 filed with the Commission which are required to be confidential pursuant to Article XXIX, Section 5(c) of the Colorado Constitution, and C.R.S. Section 24-6-402(3)a(III) and the Commission's Rules of Procedure.

V. GENERAL BUSINESS

14. It was moved, seconded and passed 4-1 (Commissioner Smith dissenting) to find Complaint 10-01 not frivolous and direct the Executive Director to do additional research.
15. It was moved, seconded and passed unanimously to dismiss Complaint 10-02 because the allegations contained in the Complaint, if true, do not constitute a violation of Article XXIX or any other standard of conduct or reporting requirement under the jurisdiction of the IEC.
16. It was moved, seconded and passed unanimously to dismiss Complaint 10-03 because the IEC does not have jurisdiction over employees of school districts.
17. It was moved, seconded and passed unanimously to dismiss Complaint 10-04 as frivolous.
18. There was a discussion of the draft PDQ's for the IEC's two staff positions. It was moved seconded and passed 3-2 (Commissioners Grossman and Wood dissenting) to approve Ms. Feldman's PDQ as redrafted. It was moved, seconded and passed unanimously to approve Mr. Platt's PDQ as redrafted.
19. There was a discussion of the election of the new chair. It was moved, seconded and passed unanimously to re-elect Commissioner Smith as chair, and to elect Commissioner Grossman as vice chair.
20. The Commission adjourned at 3:00 pm.

Next Meeting: April 22, 2010 at 10:00 (Telephonic)

Respectfully submitted,

Jane T. Feldman
Executive Director