

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the August 19, 2010 Meeting (Revised)
101 West Colfax Ave., Denver Room 541 9:00 am
Denver, Colorado

Present: Commissioners Matt Smith, chair; Dan Grossman; vice chair, Sally H. Hopper; Larry R. Lasha; Roy V. Wood (Prior to 11:30 am and after 1:30 pm).

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 9:05 a.m.
2. Public Comment: Luis Toro of Colorado Ethics Watch ("CEW") stated that he was pleased that the Commission had devoted so much time at its July meeting to a review of the complaint process, and hoped that revision of the rules, especially the complaint process would be given a high priority by the Commission.
3. Staff Report:
 - a. Ms. Feldman reported on ongoing issues relating to the move, including budget, construction of offices, and computers. Ms. Feldman noted that letters had been sent to the Governor, the Chief Justice, officials at DPA and the sponsors of HB 1404 thanking them for their assistance in effecting the move.
 - b. Mr. Platt reported on upcoming meetings relating to training of supervisors and new employees.
4. There was a discussion of Advisory Opinion 10-13 (Entry into Contract by a Former State Employee). The requestor was present and answered questions from the Commission. Because that contract was no longer available, it was moved, seconded and passed unanimously to declare that request moot since that contract was no longer available. The requestor stated that she would file a new request.
5. Ms. Feldman reported that Senator Rollie Heath has requested a change in the factual recitation in Advisory Opinion 10-11. He requested that the sentence "Senator Heath participated in a similar mission in 2009" be changed to "Senator Heath spoke to a delegation from Katowice when they were in Denver in 2009." It was moved, seconded and passed unanimously to change the language as requested.

6. Commissioner Lasha stated that he may have to resign prior to the expiration of his term.
7. There was a discussion of Advisory Opinion 10-14 (Acceptance of Food and Beverages from a political subdivision). Senator Pat Steadman was present and answered questions from the Commission regarding the request. The Commission directed Ms. Feldman to revise the opinion consistent with the discussion and set August 30 at 10 am for a telephonic meeting to discuss the revised draft.
8. There was a discussion of the revised draft of Advisory Opinion 10-07 (Solicitation of Gifts on behalf of a Nonprofit). It was moved, seconded, and passed unanimously to approve Advisory Opinion 10-07 as revised. (Commissioner Wood not present).
9. There was a discussion of the revised PDQ's for staff to be filed with the Judicial Department. It was moved, seconded and passed unanimously to approve the corrected. PDQ's subject to correction of typographical errors. (Commissioner Wood not present).
10. It was moved, seconded and passed unanimously (Commissioner Wood not present) to enter into Executive Session at 12:28 pm to consider the employment and discipline, promotion or compensation of public employees, Jane T. Feldman and Doug Platt, who requested that these discussions be held in Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(VIII)(b)(I).

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 12:28 pm to 1:10 p.m. to consider the employment and discipline, promotion or compensation of public employees, Jane T. Feldman and Doug Platt, who requested that these discussions be held in Executive Session pursuant to C.R.S. § 24-6-402(3)(a)(VIII)(b)(I).

The Commission returned to Open Session at 1:10 pm.

III. GENERAL BUSINESS

11. It was moved, seconded and passed unanimously (Commissioner Wood not present) to enter into Executive Session to at 1:10 pm to discuss complaints 10-05 and 10-06 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

The Commission met in Executive Session from 1:10 pm until 1:29 pm to discuss complaints 10-05 and 10-06 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

The Commission returned to Open Session at 1:29 pm.

12. It was moved, seconded and passed unanimously (Commissioner Wood not present) to find Complaint 10-05 as non frivolous and directed staff to conduct further investigation.
13. It was moved, seconded and passed unanimously to find Complaint 10-06 (Commissioner Wood not present) non frivolous and directed staff to notify the parties.
14. The Commission set October 15 and November 18 as future meeting dates.
15. There was further discussion of Advisory Opinion 10-14 (Acceptance of Food and Beverages from a Political Subdivision). Staff was directed to redraft the Opinion in accordance with the discussion.
16. There was a discussion of Advisory Opinion 10-15. Staff was directed to draft an opinion in accordance with the discussion.

The Commission adjourned at 2:25 pm

Next meeting: August 30, 2010 at 10 am (telephonic)

Respectfully submitted,

Jane T. Feldman

Executive Director