

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the September 13, 2010 Meeting
101 West Colfax Ave., Denver Room 539, 9:00 am
Denver, Colorado

Present: Commissioners Matt Smith, chair; Dan Grossman; vice chair, Sally H. Hopper; Larry R. Lasha (by telephone); Roy V. Wood.

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. There was no public comment.
3. It was moved, seconded and passed unanimously to approve the minutes of the August 19, August 30, and September 1 meetings.
4. Staff Report:
 - a. Ms. Feldman reported that she had met with the JBC analyst regarding the FY12 budget. She also reported that she had met with Mindy Masias, the Human Resources Director of the Judicial Branch on adoption of personnel issues. Ms Masias will be present at a future meeting to answer questions and make recommendations to the Commission on personnel rules. Ms Feldman also reported that the deadline for registration of the COGEL conference is October 31 and that she will be requesting permission to attend at the next meeting. Ms Feldman passed out copies of an index to the Commission's opinions. There was a discussion of the index. She stated that the index will be posted on the Commission's web site. She also reported that she will be speaking at the Colorado County Attorney's Association in November.
 - b. Mr. Platt reported that the Commission had received three requests pursuant to the Colorado Open Records Act. He also reported on outreach efforts and his plan to draft and have brochures printed.
5. There was a discussion of Advisory Opinion 10-14 (Acceptance of Admission to a Luncheon from a Political Subdivision)
6. There was a discussion of the Public Information News Release and Media Plan. It was moved, seconded and passed unanimously to approve the Plan as amended.

7. There was a discussion of Letter Ruling 10-02 (Entry into Contract by former public employee). It was moved, seconded and passed unanimously to approve Letter Ruling 10-02 as amended.
8. Ms. Feldman reported on Complaint 10-05. She was directed to do further investigation of this Complaint.
9. Ms. Feldman reported on Complaint 10-06. The attorney representing the respondent has requested an extension. It was moved, seconded and passed unanimously to delegate authority to Ms Feldman to grant reasonable extensions to the parties.
10. It was moved, seconded and passed unanimously to enter into Executive Session to at 1:03 pm to discuss complaints 10-07, 10-08, and 10-09 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

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 1:05 pm to 1:42 pm to discuss Complaints 10-07, 10-08, and 10-09 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.

III. GENERAL BUSINESS

The Commission returned to Open Session at 1:42 pm.

11. It was moved, seconded and passed unanimously to dismiss Complaint 10-07 for failure to allege conduct which occurred during the previous 12 months and as frivolous pursuant to Article XXIX Section 5(3)(a) and (b) and Commission's Rules of Procedure 7.D.2 and 7.D.4.
12. It was moved, seconded and passed unanimously to dismiss Complaint 10-08 because the alleged violation did not occur within the preceding 12 months, and because the conduct, if true, would not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC in accordance with the Commission's Rules 7.D.3, and 7.D.4, and Article XXIX Section 5 (3)(a)
13. It was moved, seconded and passed unanimously to dismiss Complaint 10-09 because the alleged violation, if true, does not constitute a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC pursuant to Commission Rule 7.D.3.

14. There was further discussion of Advisory Opinion 10-14 (Acceptance of a Luncheon from a Political Subdivision). Staff was directed to finalize the Opinion in accordance with the discussion. The Commission set a telephonic meeting at 2 pm on September 16 for approval of the Opinion.
15. The Commission changed the date of the next in person meeting from September 30 to October 7.

The Commission adjourned at 2:45 pm

Next meeting: September 16, 2010 at 2 pm (telephonic)

Respectfully submitted,

Jane T. Feldman

Executive Director