

State of Colorado



IEC

Nancy E. Friedman, *Chairperson*
Matt Smith, *Vice-Chairperson*

Sally H. Hopper, *Commissioner*
Larry R. Lasha, *Commissioner*
Roy Wood, *Commissioner*

INDEPENDENT ETHICS COMMISSION

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April 18, 2008

Hon. Andrew Romanoff
Speaker of the House
Of Representatives

Hon. Peter C. Groff
President of the Senate

Hon. Mike May
Minority Leader of the
House of Representatives

Hon. Andrew McElhany
Minority Leader of the Senate

(by hand delivery)

Dear Gentlemen:

Thank you for your thoughtful requests for interpretation and clarification of Article XXIX of the Colorado Constitution. Your bipartisan effort for this request is acknowledged and appreciated.

The twelve questions you submitted to the Independent Ethics Commission (IEC) seek guidance to public officials, public employees, and the general public throughout the State of Colorado. However, the IEC believes that a request for advisory opinion is not the proper mechanism. Advisory opinions must be fact-specific and narrowly framed; otherwise, they are unfocused and cannot take into account any variations that could change the "answer". For example, an advisory opinion would be appropriate if a particular professor were offered a prize and sought advice as to whether he or she would be permitted to accept it. General questions, such as those you sent, could turn on the type of prize, the offering entity, and other facts specific to the inquiry.


The IEC acknowledges that potential problems may exist in interpreting Amendment 41. Yet, it is the role of the IEC, with cooperation from the General Assembly, to prevent its application from having absurd results. Together, we must take a common sense approach to fixing inconsistent and broad language, with an understanding of the real-life ramifications of these provisions.


With that in mind, the IEC has recognized the need for more generalized advice from time to time, and has provided for "Position Statements" in the rules it is currently

drafting. These Position Statements, which are neither advisory opinions nor letter rulings, are meant to address broad questions such as the ones posed in your request, and offer generalized, non-binding advice for educational and guidance purposes. The IEC believes that a series of Position Statements is the appropriate means to respond to your questions.

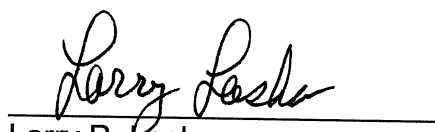
We anticipate that these Position Statements may help identify areas where further legislative action is appropriate, and we welcome the opportunity to work with the General Assembly to bring clarity and thoughtful, good sense to the state's ethics laws.

Very truly yours,


Nancy E. Friedman
Commissioner and Chair


Matt Smith
Commissioner and Vice-Chair


Sally H. Hopper
Commissioner


Larry R. Easha
Commissioner


Roy Wood
Commissioner