



OFFICE OF THE STATE AUDITOR



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INDEPENDENT ETHICS COMMISSION STRUGGLES WITH COMMUNICATION

DENVER—The Colorado Office of the State Auditor, in its audit of Colorado's Independent Ethics Commission (IEC), has found that the IEC does not adequately inform parties to ethics complaints on how to file a complaint, the standards of conduct that the IEC considers, or the basis on which it reaches its decisions to dismiss complaints as frivolous. Additionally, the IEC lacks adequate written policies and procedures in several areas including document retention, conflicts of interest and staff administration that hinders its ability to function in a consistent manner.

The IEC was created in 2006 by a voter-initiated amendment to the State Constitution, known as Amendment 41. The IEC consists of 5 unpaid commissioners and one full time employee and is responsible for hearing ethics complaints filed by citizens against state and local government employees and officials; providing ethics advice through advisory opinions, letter rulings, and position statements; and providing ethics training.

From Calendar Year 2012 through 2015, the IEC ruled on 57 complaints and found that an ethics violation occurred in four of those complaints. In addition, during the same period, the IEC issued 48 advisory opinions, five letter rulings, and one position statement. However, auditors found that 86

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percent of the complaints for which the IEC had retained documentation did not comply with the IEC's rule requiring a signed statement that the alleged facts and allegations were true; 33 percent of such complaint filings lacked key information, such as the date of the alleged violation and the ethical standards violated; and 61 percent of such complaints requested remedies that the IEC cannot provide, such as removal from office or reversal of agency decisions.

Additionally, the IEC did not retain one or more key documents for almost half of the 53 complaints that were filed between January 2012 and June 2015 and had maintained audio recordings for fewer than 20 percent of its hearings on these complaints. The IEC's Records Management Policy was not approved by the State Archives as required.

Further, the IEC did not have a written policy regarding conflicts of interest and the circumstances under which commissioners, the IEC Director, or the IEC's Attorney General's Office representative should recuse themselves from proceedings.

The IEC is unusual when compared to other state ethics commissions, in that it has just one full time employee. The National Conference of State Legislatures reports that 42 states have established 51 ethics commissions across the country, which on average employ 15 staff each, with Colorado being 1 of only 8 state commissions that employ a single full-time equivalent staff member or less.

The audit makes 8 recommendations.

The full report is available @ www.state.co.us/auditor.

Under the direction of the state auditor, the OSA is the state's nonpartisan, independent external auditor with broad authority to audit state agencies, departments, institutions of higher education, and the Judicial and Legislative Branches. The OSA's professional staff serve the people of Colorado by addressing relevant public issues through high-quality, objective audits and reviews that promote accountability and positive change in government. Performance audits address whether programs operate in compliance with laws and regulations and in a manner that accomplishes intended program goals. Financial audits include annual audits of the state's basic financial statements and federal grants on a statewide level. IT audits review procedures and technology to ensure the

confidentiality, integrity and availability of the state's critical computer systems and taxpayer data. The OSA also tracks about 4,000 Colorado local governments for compliance with the Local Government Audit Law.