



State
of
Colorado

Feldman, Jane <jane.feldman@state.co.us>

conflict of interested, Advisory Opinion request

10 messages

Teague - OIT, Olen <olen.teague@state.co.us>
To: Jane Feldman <Jane.Feldman@state.co.us>

Tue, Feb 5, 2013 at 1:30 PM

Ms Feldman,
I am seeking an Advisory Opinion from the Independent Ethics Commission on a possible Conflict of interest for the following situation.

I am considering buying some commercial properties. The properties in question are communications tower sites in eastern Colorado.

One of the sites near Ramah Co. has the state of Colorado OIT as a tenant. They occupy about 25% of the available space at this site.

I am a state employee. I work for the Governor's Office of Information Technology. My job is maintenance manager of the state's communications equipment in the NE area of the state. I supervise the technicians that service the site at Ramah mentioned above. In my capacity as NE area manager I have no role in negotiating site leases for the state. I also have no authority to add equipment to the site or to make changes to the site that could have an effect on the site lease. I am in a position to recommend changes to this site, however, I do not have any authority to make changes on my own. These sort of decisions are made on technical grounds based on technical data about system performance and are made by my management. The state is hoping to make some upgrades to the existing equipment at many of our sites over the next few years. However, in my opinion these upgrades will not impact the overall site lease.

The properties in question were offered to me by the seller who has been trying to sell these properties for the past year and has offered them for sale to many other people. There was no special offer made to me because of my position. The present owner lives out of state and no longer wishes to deal with the day to day problems of ownership. The one property at Ramah was also offered to the state for purchase but the state has declined.

Also, The present site lease runs through August of 2016. My retirement date is May 16, 2016. I have stated to my management that I will not attempt to change or renegotiate this lease as long as I am employed by the state and I would also recuse myself from any decisions regarding this site that may effect the lease. After that the lease would be renegotiated to the "fair market value" as is the state's practice. The state is precluded from paying more than the "fair market value". so the new lease would be the same no matter who the new owner is. I have no interest in dealing with this lease or property for the next 3+ years and would be willing to put the property into a blind trust if necessary.

The other sites involved in the purchase are at present unoccupied and have no bearing on this issue.

My management has rejected my proposed transaction based on the premise that I may benefit from this purchase and that in my official capacity I could recommend changes and additions to the site that would benefit me. I disagree with this view.

Please render an Advisory Opinion on this matter as soon as possible. I have been dealing with this issue since last Sept. and I need to get it settled soon.

If you need any further details please let me know,

Thanks for your time