

REQUEST FOR ADVISORY OPINION

TO: The Colorado Independent Ethics Commission

FROM: Jennifer Clayman, Director of Human Resources
History Colorado

DATE: March 21, 2013

History Colorado resides in the Department of Higher Education. It is governed by a Board of Directors, which appoints a President and staff to carry out the operations of the organization to include the State Historical Society, the History Colorado Center Museum operations and the State Historical Preservation Office (SHPO). The Human Resources Director as Ethics Officer, requests the below opinion regarding a trip to be taken by President Edward Nichols, described below.

ISSUE

May President Nichols personally pay for and participate in travel arranged by the Colorado Thirty Group to Washington DC, including meetings at the Pentagon and foreign embassies and air travel on the Anschutz private jet?

BACKGROUND

Colorado Thirty Group

Colorado Thirty Group is non-profit organization with over 150 participants from across the state of Colorado. Its mission is to educate, inform and foster understanding and cooperation between the civilian community, the government of the United States, and the armed forces. Mr. Nichols has been a member of Colorado Thirty Group for approximately 10 years, prior to his employment with the State of Colorado or History Colorado.

History Colorado

History Colorado relies on multiple sources of funding to sustain its operations. In addition to Colorado general funds, History Colorado receives donations through its capital campaign from donors such as Mr. Anschutz. History Colorado also receives federal funds from the Department of the Interior for the Certified Local Government (CLG) program, operated through the SHPO. Furthermore, History Colorado's operations are affected by legislative actions taken in Washington. As a registered lobbyist for the organization, Mr. Nichols' presence in Washington could impact the organization through favorable relations with lawmakers and military leaders.

Travel Funded by Mr. Nichols

As noted above, the travel proposed will be personally be paid by Mr. Nichols. His payment covers airfare, ground transportation, lodging, scheduled means, and receptions. Mr. Nichols seeks no reimbursement and no aspect of this trip will be funded by the non-profit organization, or by History Colorado or the State of Colorado.

Considerations Applied

Considering the factors in Position Statement 12-01, the law applies to situations in which travel is funded by the non-profit organization or other individual or entity. Thus, other factors presented in Position Statement 12-01, require consideration of offers of payment or reimbursement, which is not the case in this situation. Nevertheless, the factors were considered in the submission of this request.

1. Is the offer to a specific individual or to a designee of an agency or governmental entity?

Mr. Nichols is a member of the Colorado Thirty Group as an individual. His involvement with the non-profit began prior to his employment with History Colorado.

2. Is the offer *ex officio*?

There is no offer of reimbursement from the non-profit that is arranging this trip. Mr. Nichols is personally paying expenses.

3. Is the event related to the public duties of the covered individual?

The event is directly related to the mission of the Colorado Thirty Group. However, by virtue of his position as President of History Colorado, Mr. Nichols' presence on the trip may benefit the agency through his interaction with potential donors and lawmakers.

4. Is there existing a potential conflict of interest or appearance of impropriety?

As noted above, Mr. Nichols' presence on this trip may present a benefit to the agency. Factor A-4 discusses conflict of interest in terms of the individual or entity donating the trip receiving a benefit from the participant's presence. The anticipated outcome of this trip is the benefit of the agency at Mr. Nichols' personal expense.

5. What is the purpose of the trip or conference?

The purpose of the trip is to further the relationship between the Colorado Thirty Group and military commanders to assist them in fulfilling their missions and roles by creating better understanding and education between military and civilian leadership throughout Colorado. The tentative itinerary includes meetings with military leaders, briefings with House and Senate Leadership and Committee Chairs, and visits to the Jordanian and Canadian Embassies.

REQUEST

The undersigned, on behalf of History Colorado, hereby requests an Advisory Opinion from the Independent Ethics Commission that affirms the appropriateness of President Edward Nichols' participation on this trip in the circumstances set forth above. In the event the IEC requires and additional information, please contact the undersigned.

Submitted by: 

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