

Date: March 13th, 2013

To: Jane Feldman, Executive Director
Independent Ethics Commission
1300 Broadway
Denver, Co 80203
720-625-5697

From: O'Deana Wilson, Technical Specialist
CDLE – Division of Oil & Public Safety (OPS)
633 17th Street – Suite 500
Denver, Co 80202
303-809-1713 – Cell
303-318-8505 - Office

Request to Jane Feldman – 3/13/13: I am formally requesting an Advisory Opinion from you, as Executive Director of the Independent Ethics Commission concerning the Sam's Survival Fundraiser for my adult daughter.

Information on Samantha Wilson

Cause: This fundraiser was set up to help my 22 year old daughter Samantha Wilson with her medical bills. This is what is posted on her fundraiser page at YouCaring.com.

My name is O'Deana Wilson and my cause is for Samantha (Sam) Wilson, my daughter. Since Sam first got sick seven years ago, she has been diagnosed with many things, some of them very rare.

- Absence of the CYP2D6 Liver Enzyme (occurs in approximately .01% of the population), suspicion that she is missing or deficient in some other P450 system enzymes. This is a genetic condition.
- Atypical Non-Epileptic Seizures; lasting anywhere from 20 minutes to 2 ½ hours.
- Some of them are not so rare; anemia, asthma, migraine, hypothyroidism, intercellular hypoglycemia and Celiac Disease.

The absences and deficiencies of enzymes adversely affect how Sam's body processes food, medications, vitamins and minerals, so she quickly becomes toxic (requiring intravenous fluids to "flush" her system). Doctors trying to help her have identified more than 140 medicines that she cannot process and/or has allergic reactions to, including the majority of pharmacological treatments for asthma, migraine, depression, anemia, pain, nausea, and most vitamin and mineral preparations.

Treatments for her illnesses tend to make her even sicker – an iron infusion for severe anemia caused a severe rash over 60% of her body and severe muscle contractions, and has since evolved into Non-Epileptic Seizures. Although these seizures are not damaging her brain, her trauma comes in the form of muscle cramping, severe joint pain, headaches, dehydration, kidney pain, liver pain and severe vomiting. She also experiences loss of memory after a seizure, and she has no idea who her dad and I are, let alone who she is. I can tell you that this is one of the scariest occurrences I as a parent have ever had to face. Imagine looking at your own flesh and blood, only to have them look back at you in terror.

Since April she has had been hospitalized in the ICU where they intubated her, transported by Air Life to the Mayo Clinic and has been seen over **182** times through doctor and hospital visits.

We are at our wit's end trying to help her be healthy and pain-free. The doctors here have run out of options and would like to send Sam to the Undiagnosed Disease Program at the National Institutes of Health Clinical Center in Bethesda, Maryland. However, financially, we are unable to do this ourselves and we desperately need your help. This institute uses a multidisciplinary team of disease specialists, geneticists and psychiatrists that will examine her and hopefully figure out how to make Sam healthy again. Please help us get our daughter back; inspire the change that will allow her to have a day without pain or despair and that gives her a chance to live a normal and productive life. Our dream is that she can be healed and live a long and happy life doing what she loves most: helping people.

Both my husband Bill and I would just like to extend our gratitude to everyone who chooses to support our cause. We cannot tell you how much your contributions mean to our family. Not only will you be helping Sam, you will be helping our son Ryan; he suffers from the missing CYP2D6 Liver Enzyme as well.

It's people like you that help me and my family continue the fight and with your donations we know they will find a cure. Please contact me at sams-survival@hotmail.com with any suggestions for fundraising or if you happen to know anyone that has these rare diseases. I would appreciate the opportunity to communicate with them. All your input is very valuable to my daughter and very much appreciated by my family.

Sincerely,

Bill & O'Deana Wilson

Chronological of Events

Verbal Discussions – 12/27/12: Conversations took place prior to the launching of the Sam's Survival Fundraiser with Greg Johnson (OPS - Program Manager) & Zach Hope (OPS – Program Supervisor) and verbal approval was granted on 12/27/12. However, I was told that discussions took place between Mahesh Albuquerque (OPS - Division Director) & Glenda Berry (CDLE – HR) on 2/4/13. The following email was sent to me following those discussions.

Email Response - 2/5/13: Received an email from the Greg Johnson (OPS - Program Manager).

ODeana,

"I'm sorry for what Sam is going through and hope that the next group of doctors can finally diagnose her condition and prescribe a cure. As we discussed today the fund that you have set up in Sam's name to pay medical expenses currently includes the potential for a conflict of interest based on Department of Personnel Board Rule 1-13.

Mahesh and I have discussed this and feel comfortable that the conflict of interest will be eliminated if you comply with the items below:

- Appoint persons not employed by OPS to the Treasure or any other similar fund administrative position(s).
- Do not solicit contributions from any persons regulated by OPS, including contractors, consultants or other companies/agencies that do business with OPS.

We will brief Ellen Golobek (CDLE - Executive Director) next week on this issue and if she has further direction regarding the matter, we will let me know as soon as possible."

Greg Johnson

Email Response – 2/7/13: This was an email that I sent to Greg Johnson (OPS - Program Manager) on 2/7/13.

Greg,

Regarding your evaluation of Sam's fundraiser, I think it's worthwhile to clarify the events. To ensure transparency, with OPS, Dawn Anderson (OPS - Remediation Staff Member) and I talked to you on the morning of December 27, 2012; prior to the Sam's Survival Fundraiser going live on January 12, 2013 and that we did discuss the following:

- The fundraiser is a medical benefit for Samantha Wilson to cover medical expenses.
- We disclosed that this would be set up as donation that was not-tax deductible and that I had checked with my accountant and lawyer to ensure everything was set up correctly.
- I would set up the webpage through YouCaring.com and send all blasts out through Facebook and email to people I consider friends and family from home. All of this is to be done after hours with personal equipment. My time is 100% voluntary & unpaid (No compensation).
- According to my research, I found that everyone recommends that the funds be handled by someone that is not a family member. I disclosed that I had asked Dawn Anderson (OPS - Remediation Staff Member) to be the

treasurer of the account and that all funds distributed would be done by Dawn so there would be no monies being distributed by myself or my family. All work being done by Dawn is 100% voluntary & unpaid (No compensation at all).

- That I would set up the bank account as Sam's Survival and Sam will be listed as the beneficiary on this account. I disclosed that Sam would not have access to this account.
- I asked if I needed to notify Mahesh Albuquerque (OPS - Division Director) and you said no, I did not need to contact him.
- I also let you know that I had discussed this with Zach Hope (OPS - Program Supervisor) and he did not have any concerns either.
- We asked for approval from Greg Johnson (OPS -Program Manager) and he approved it and acknowledged that he saw that there was no conflict and that I could move forward with launching the fundraiser.

Thanks,

O'Deana Wilson

Email Response - 3/1/13 - Approval Request Items - To Greg Johnson, Zach Hope, Mahesh Albuquerque, & Dawn Anderson. These approval request items/questions were sent via email with attachments of Amendment 41, Advisory Opinion 11-08, Position Statement 08-01 (gifts), and Board Rule 1-13. I requested the following:

Greg,

Per our conversation on 2/12/13; I have compiled my Research and Approval Request Items (See Attached). I would like to have a response by 3/8/13 because time is of the essence. The document lines out all of the research and then the request items. There are 10 questions that I have and all approval request items are in red beneath each question. I have made this a form so it will be easier to complete.

1. **Disclaimer – This is now live on the webpage and is now integrated into the flyers and posters for the next printing; pending OPS approval.** “Please note that donations are not tax-deductible. All donations are not affiliated with any government agencies, companies or individuals. The display of fundraising information on this page does not constitute an endorsement of any government agency, company or individual, nor is it a solicitation for contribution by its members. Proceeds go directly to supporting the beneficiary and the proceeds will be used for all manner of hospital bills; medicines; medical supplies, etc.. Only the Authorized or Designated Agent for Sam’s Survival account may disperse funds that will be paid directly to the doctors, clinics, etc. and all entries will be recorded by the said party.” *Are there any parts of this disclaimer that would need to be changed according to the state?*
2. **Blind Trust Account** – The “Blind Trust” account has been set up as “Sam’s Survival” and the beneficiary for this account is Samantha Wilson. Her Social Security number is recorded and tied directly to this account for federal purposes. Samantha Wilson has no access to this account. Only the Authorized or Designated Agent for Sam’s Survival account may disperse funds that will be paid directly to the doctors, clinics, etc. and all entries will be recorded by the said party. *Are there any items that would need to be changed according to the state?*
3. **Treasurer** – This will be transferred to Kasandra Shawver – School Teacher for the State of Colorado – I would like to make this official on 3/8/13. She will handle the tracking of all donations, fund transfers, deposits and disbursements. This will be completely voluntary and no compensation to this individual will occur. This person’s name will not be published on public websites. **OPS Request** – “Appoint persons not employed by OPS to the Treasurer or any other similar fund administrative position(s).” *Will there be any “conflict of interest” if this person is appointed the Treasurer of this account?*
4. **Solicitation – OPS Request** - “Do not solicit contributions from any persons regulated by OPS, including contractors, consultants or other companies/agencies that do business with OPS.” - This may indirectly occur through blasts from Facebook and emails to individuals who are not on Facebook from people I consider friends

and family. I will not contact owners/operators that are OPS's regulated community, even if, these are friends of mine from this point forward. All of this is to be done after hours with personal equipment. My time is 100% voluntary & unpaid (No compensation). I would still like the ability to contact contractors that I have known for the majority of my 30 year career, so is this possible?

5. **Employee Solicitation** - Can envelopes and posters be posted on all floors for building 633 and 251 for State Employees to donate to the Sam's Survival Fundraiser? If so, the envelopes would have the name, address and postage so the donor could mail these to the Treasurer of the account so all donations would remain anonymous.
6. **Supervisor Solicitation - Amendment 41 - G. Solicitation.** "Directors and supervisors may solicit donations to an employee financial assistance program provided they do not know who is participating in the project and at what level and provided that any solicitations made are in the form of a letter or email to all employees and not personal or face to face with individuals. Independent Ethics Commission Advisory Opinion 10-04." Can you as supervisors send an email to all State Employees on behalf of Sam's Survival?
7. **Donations** - The webpage is set up through YouCaring.com to collect the majority of the donations. All checks and cash donated will be collected in a sealed envelope and if the individual chooses to be recognized they may put their name on it or simply remain anonymous. All sealed envelopes will be given to the Treasurer for accounting and deposits to the Sam' Survival (**Blind Trust**) account. **Attention:** This site has been live since 1/12/13 and there is no way to control who chooses to donate or if they list a company name, individual name or remain anonymous. I have checked with YouCaring.com and they have no way of flagging all donations as anonymous. They stated that the donors do have the opportunity to make the donation anonymous at the beginning of their donation and they cannot change it after the donation has been made. Therefore, all donations that "have been received" or "may be received in the future" could be by parties from the regulated community and this would be out of my control. **Amendment 41 - D. Relative or Personal Friend.** "A member of the general assembly and his family may accept disbursements from a blind trust created to help defray medical and related expenses and to which relatives and personal friends made contributions. Independent Ethics Commission Advisory Opinion 11-08." How would this be handled from this point forward? Will there be any "conflict of interest" if donations are received from these parties to this account?
8. **Responses to Emails or Phone Requests from Related Parties – OPS Request** - "Do not solicit contributions from any persons regulated by OPS, including contractors, consultants or other companies/agencies that do business with OPS." I have had emails and phone call from these said parties and I would like to respond to their request for information about Sam's Survival Fundraiser. How can I proceed from this point forward to these types of requests? Will there be any "conflict of interest" if respond to these parties from this point forward?
9. **Thank You's –** Should the beneficiary (Samantha Wilson) send these out or could it be the Treasurer? Would it be better to just post a generic "Thank You" through Facebook or YouCaring.com WebPages?
10. **Board Rule 1-13 & Amendment 41 –** If all of these items are resolved will both Dawn Anderson and myself be found to be in compliance with Board Rule 1-13 and Amendment 41?

I would like to have a response no later than **3/8/13**. I have already been in a holding pattern with this fundraiser and time is of the essence. If these items are unable to be resolved within this time line, it might be beneficial for us to contact the ethics committee for direction.

Thanks,

O'Deana Wilson

Email Response – 3/7/13: Received from Greg Johnson (OPS - Program Manager).

O'Deana,

Mahesh sent your email with attached documentation on to human resources or review. I have sent Glenda an email requesting status but have not heard back yet. I'll pass on information as I receive it.

Thanks.

Greg Johnson

Formal Request

Request to Jane Feldman – 3/13/13: I am formally requesting an Advisory Opinion from you, as Executive Director of the Independent Ethics Commission concerning the Sam's Survival Fundraiser for my adult daughter. Please include answers to my questions and indicate whether any conflict of interest exists to work on this fundraiser with regards to my employment with the State of Colorado. I would really like to get a final decision so I can move forward with confidence that all issues have been resolved. It has been over a month since delays have been encountered and we are losing momentum because of these concerns. I look forward to hearing from you and I thank you for your time.

Sincerely,

O'Deana Wilson