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**MEMORANDUM**

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**TO:** COLORADO INDEPENDENT ETHICS COMMISSION  
**FROM:** REGINA PLATT  
**SUBJECT:** REQUEST FOR AN ADVISORY OPINION: POST-GOVERNMENT EMPLOYMENT  
**DATE:** NOVEMBER 4, 2013

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This request for an advisory opinion centers on compliance with Article 29 of the Colorado Constitution, Colorado Revised Statute 24-18-201 and any other standard under law over which the Independent Ethics Commission (IEC) may have jurisdiction.

I currently am a certified, classified employee of the Colorado Department of Revenue (DOR) and am considering pursuit of employment outside the State of Colorado personnel system. Specifically, I am considering pursuing employment with a private corporation known as FAST Enterprises (FAST). At the writing of this request I have not formally applied for employment by FAST, nor have I been offered any promise of employment by FAST. FAST currently maintains a contract with DOR for development and maintenance of the department's GenTax computer system.

I am aware of the requirements of C.R.S. 24-18-201 which holds certain state employees to a standard requiring a six-month "waiting period" between working for the state and accepting employment with a contractor to the state under certain circumstances. CRS 24-18-201 reads, in part, "A former employee may not, within six months following the termination of his employment, contract or be employed by an employer who contracts with a state agency or any local government involving matters with which he was directly involved during his employment." Additionally, IEC Position Statement 09-03 opines regarding, "...individuals who are in a position to take direct official action,"

I can attest that I do not now nor at any time did I have any financial interest in any contract between FAST and DOR. Neither did I have any direct authority as a DOR employee over approval or denial of the contract itself, or any portion of the terms of the FAST contract with DOR. I did, as a function of my regular job duties, interface with FAST staff in the development of certain product components FAST provided to DOR in a capacity of proactively providing insight as to the needs of DOR, testing of the initial product for compliance with DOR needs and reactively making recommendations for modifications to FAST's product when initial submissions failed to meet DOR's needs. In short, I served as a business analyst for DOR on portions of the project where I had subject matter expertise, and had ability to accept or reject certain portions of their work product.

FAST is a multi-national corporation with operations in numerous states, countries and on numerous continents. As a condition of employment with FAST it is highly probable that I would be working on projects not involved with the Colorado GenTax product, however, I would request that I be able to maintain my Colorado presence due to my family which would most likely require me to work on the Colorado project.

A review of a number of IEC opinions provides some guidance; however, they do not address facts consistent with my specific circumstances. In particular the IC has not provided an applicable definition of, "matters with which he was directly involved during his employment." IEC Position Statement 09-03 reads in part, "...the Commission will not scrutinize such offers unless they are patently excessive relative to market demands or the totality of the circumstances of the offer indicate a conflict of interest for the covered individual."

Other IEC opinions appear to be sensitive to the realities of covered individuals seeking reasonable employment opportunities outside state government covered employment. (see AO 10-15, PS 08-01) however, as mentioned above, these opinions do not provide specific guidance as to my specific relationship with this contractor.

Please advise me of the date, time and location of the IEC meeting at which the commission intends to discuss this matter for this opinion, so that I might make myself available. I can be reached at:

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