

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

136 State Capitol Building  
Denver, Colorado 80203  
Phone (303) 866-2471  
Fax (303) 866-2003



John W. Hickenlooper  
Governor

May 29, 2014

Colorado Independent Ethics Commission  
1300 Broadway, 13<sup>th</sup> Floor  
Denver, Colorado 80202

### Re: Advisory Opinion Request

Dear Commissioners:

This is a request for an Advisory Opinion on the following issue: may a government employee accept a nomination from the American Council of Young Political Leaders (ACYPL) for consideration to participate as a delegate in ACYPL's international education exchange program for young political and policy leaders? Pursuant to the Commission's Rules of Procedure, Rule 5, Ms. Tracee Bentley seeks clarification as to whether the acceptance of this nomination is permissible under Article XXIX of the Colorado Constitution or any other standards of conduct or reporting requirements as provided by law.

### Background

Tracee Bentley currently serves as the Legislative Director for the Office of Governor John Hickenlooper. Ms. Bentley therefore qualifies as a government employee and is subject to jurisdiction of the Commission. A former Colorado statewide elected official nominated Ms. Bentley for consideration by ACYPL.

### ACYPL<sup>1</sup>

The American Council of Young Political Leaders is a 501(c)(3) non-profit and non-partisan organization based in Washington, D.C. that selects young political and policy leaders to participate in international education exchange programs. These exchanges are designed to promote mutual understanding, respect and friendship and to cultivate long-lasting relationships among young people in the US and around the world. Nominations of delegates are made by Members of Congress, Governors, national and state party organizations and ACYPL alumni.

As a 501(c)(3), ACYPL receives a substantial portion of its funding from the U.S. Department of State. Other sources of funding include business, labor, foundation and alumni partners. According

<sup>1</sup> The information about ACYPL has been obtained from its website, its 2012 Form 990, and the e-mail notifying Ms. Bentley of her nomination.

to its most recently available Form 990, ACYPL receives approximately 75% of its revenue from government grants and approximately 23% of its revenue from “all other contributions, gifts, grants and smaller amounts.” According to an ACYPL representative, ACYPL does receive more than 5% of its revenue from for-profit organizations, however the exact amount is unavailable.

### **ACYPL’s Exchange Programs**

Ms. Bentley has been nominated for consideration to participate in ACYPL’s international education exchange program. ACYPL designs and conducts approximately 25 exchanges annually. On each exchange ACYPL sends a bipartisan delegation of seven to ten political and policy leaders to countries around the globe. Each delegation consists of an equal number of Democrats, Independents, and Republicans.

ACYPL international exchanges are designed to introduce next generation leaders to the politics, governance, policy-making, history, and cultures of countries around the world. They provide a forum for often divergent groups to explore common concerns and points of difference. The exchanges are intended to increase awareness of political and social challenges other countries or regions face, and how the leaders of those places are addressing those problems. Through these exchanges, ACYPL creates opportunities for open, respectful dialogue among young Democrats, Republicans, and Independents from across the United States, as well as between multi-partisan peers in dozens of countries who share a common desire to solve problems through political leadership and informed public policy making. ACYPL’s programs enhance delegates’ understanding, shape broader and more well-informed perspectives about the world, and make them better decision-makers.

The highly intensive exchanges begin in the host country’s capital with delegates traveling to one or two additional locations during the 8-14 day program. Delegates experience the host country’s geographic and cultural diversity as well as examine its national and local government, politics, policy making, and history. Participants are provided opportunities to strengthen their personal leadership and public diplomacy skills and enhance their understanding of international relations.

If she accepts her nomination, Ms. Bentley’s nomination would remain active for two years. Delegates are selected on a rolling basis. If she is selected to participate in a delegation, she would be notified of her selection 4-8 weeks in advance. If selected for a delegation, Ms. Bentley would be personally responsible to pay her own costs for travel to Washington, DC for a day of pre-departure briefings and for travel back home from the United States point of entry airport. She would also be expected to purchase gifts to present to her in-country hosts. All lodging, meals, and international travel would be covered by ACYPL.

### **Additional Considerations**

*Ms. Bentley Would be an Active Participant, and her Participation would Benefit the State*

The ACYPL program is an exchange program where the fellows are active participants, engaging with each other and their international counterparts in discussions of policy, comparative political

systems and best practices. If she can accept her nomination, Ms. Bentley would be immersed in learning about the legislative political and policy making systems of other states and countries, and be provided with unique insights into methods of collaboration, innovation, and consensus-building. She would then be able to take these best practices and lessons-learned back to Colorado, and implement them in her daily activities as Legislative Director. Moreover, in a time where partisan rancor and political stalemates are frequently the norm, Ms. Bentley would be able to share her experiences and Colorado's best practices with others, showcasing Colorado's bipartisan, collaborative and effective legislative processes. This opportunity to extol the successes of the state is important in building Colorado's national and international reputation. As the Commission found in a strikingly similar circumstance (in Advisory Opinion 09-08), participation by a senior government official in an international fellowship like this "provides a real benefit to the State." Advisory Opinion 09-08 at 5.

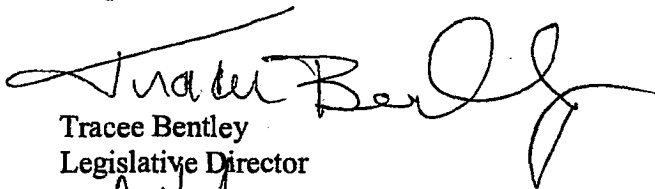
*Commission Precedent Supports Approval of the Nomination*

When evaluating similar fellowship programs in the past, in Advisory Opinions 09-05 and 09-08, the Commission has determined that participation in such programs complies with Article XXIX. This situation is similar to those: the ACYPL fellowship expenses are reasonable in relation to the program; this type of a program qualifies as a "convention, fact-finding mission or trip, or other meeting" under Article XXIX; participation in this fellowship will provide a benefit to the state; ACYPL is a nonprofit entity (even though it fails to meet the 5% threshold); and there would be no inherent or potential conflict of interest or appearance of impropriety in accepting the nomination.

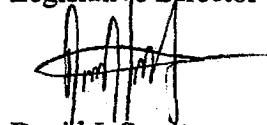
**Conclusion**

Ms. Bentley respectfully asks for clarification as to whether she may accept her nomination to participate as a delegate in ACYPL's international education exchange program for young political and policy leaders, including the international travel, lodging and meals that would be provided to her. Ms. Bentley would be happy to answer any questions the Commission may have at their June 9, 2014 meeting. In accordance with Commission Rule 5(c)(2), this request is being filed at least 10 days prior to the next scheduled meeting of the Commission.

Respectfully submitted,



Tracee Bentley  
Legislative Director



David I. Spector  
Senior Deputy Legal Counsel