

April 11, 2011

Independent Ethics Commission
101 West Colfax Ave, Suite 500
Denver, CO 80203

RE: Request for an advisory opinion regarding permissibility of a legislator's acceptance of reasonable expenses to attend an out-of-state conference sponsored by a nonprofit organization

Dear Members of the Independent Ethics Commission:

I am formally submitting a request for an advisory opinion pursuant to Article XXIX, section 5 (5) of the Colorado Constitution, section 24-18.5-101 (4) (b), Colorado Revised Statutes, and Rule 5 of the Rules of Procedure of the Independent Ethics Commission ("IEC"). The question involves the permissibility of my acceptance of reimbursement for a portion of my airfare, hotel accommodations, and meals associated with attending an out-of-state conference sponsored by a nonprofit organization. The event is scheduled for June 2-5, 2011 in Washington, DC and is being sponsored by the Young Elected Officials Network, a nonprofit and nonpartisan organization. Travel to the conference is a shared cost purchased by the attendee and reimbursed to a maximum of 75% of the total cost by the organization. Hotel accommodations and meals are provided by the organization. The following are facts that may be relevant to this request:

1. The Young Elected Officials Network is a program administered by the People for the American Way Foundation, a nonprofit 501 (c)(3) organization. The Young Elected Officials Network annual conference is centered on education and training for young elected officials at all levels of government. The conference will also provide a common platform to exchange best practices and experiences with other young policy makers from around the country.
2. The Young Elected Officials conference will take place June 2-5, 2011. Airfare is paid for by the attendee and reimbursed to a maximum of 75% of total cost depending on financial need. Reimbursement is processed 30 calendar days after the conclusion of the Young Elected Officials Network conference. Although arrangements have not yet been made, the estimated cost of airfare is \$350. Hotel accommodations for three nights are estimated at \$450. Meals will be provided by the Young Elected Officials Network as part of the scheduled conference itinerary. Transportation arrangements to and from the conference site are the responsibility of the attendee and not covered by the Young Elected Officials Network.
3. (a) Section 3 (3)(f) of Article XXIX establishes an exception to the gift ban for reasonable expenses paid by a nonprofit organization for attendance at a convention, fact-

finding mission or trip, or other meeting if the person on whose behalf the expenses are paid is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state or local government, provided that the nonprofit organization receives less than five percent (5%) of its funding from for-profit organizations or entities.

(b) As a member of the Colorado House of Representatives, I believe I will be representing Colorado state government at this conference, as I am currently the youngest serving member of the General Assembly. The knowledge and experience gained as a participant in the conference will advance my skills as an effective legislator of the General Assembly.

(c) I am waiting for confirmation if the People for the American Way Foundation, as a nonprofit organization, receives less than five percent (5%) of its funding from for-profit organizations or entities. I will file an addendum to this request once I receive this information.

4. In the Independent Ethics Commission Position Statement 08-02, the IEC stated the acceptance of travel-related expenses not expressly exempted by Article XXIX, section 3 of the Colorado Constitution may, nonetheless, be considered a permissible gift to the state or local government, rather than to the public official or employee, if five identified conditions are satisfied.

5. Accordingly, it seems appropriate that the "gift to state" exception as published in Position Statement 08-02 should apply to this situation:

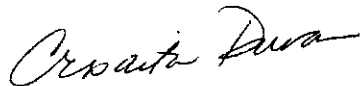
- (a) My attendance at the Young Elected Officials Network annual conference would serve a state purpose in representing state government as the youngest currently serving member of the General Assembly.
- (b) Travel arrangements for this trip will be appropriate to the purpose of attending the conference. Travel will be by air, economy class from Denver to Washington, DC and stay would be at a reasonably priced hotel arranged by the Young Elected Officials Network.
- (c) The trip will be no longer than reasonably necessary to attend the conference. I will arrive in Washington, DC on the day of the start of the conference, June 2, 2011, and return upon the termination of the conference on June 5, 2011.
- (d) I am not currently, have not in the past, and will not in the foreseeable future, be in a position to take direct official action that would benefit the Young Elected Officials Network.

Questions:

1. May I accept the cost of meals provided by the Young Elected Officials Network as part of the scheduled conference itinerary?
2. May I accept the payment of travel-related expenses, including hotel accommodations in Washington, DC to be paid for by the Young Elected Officials Network and reimbursement for 75% of the total cost of airfare from the Young Elected Officials Network?

I appreciate your consideration of this request for an advisory opinion.

Best,



Crisanta Duran
State Representative
House District 5