

From: Kathleen Fetherston [Kathleen.Fetherston@cdps.state.co.us]
Sent: Monday, May 23, 2011 9:53 PM
To: jane.feldman@state.co.us
Cc: Janet M Girten
Subject: Position Statement

Good morning Jane

A few weeks ago, I contacted Doug Platt to ask his opinion on this issue and he suggested that I contact you and see if I needed to get an position statement.

I am a supervisor in the Colorado Bureau of Investigation Forensic Services (CBI-FS). As such from time to time our staff attends various scientific conferences. One of these conferences is the Symposium on Human Identification. These conferences are held on a yearly basis and the conference sponsor is a for profit company that we sometimes do business with.

At last year's conference, one of the staff members was attending an evening session. When you entered the session, your conference credentials were scanned and you were entered into a drawing. The drawing was for attendance at this year's conference, airfare and hotel. The entire package has an approximate value of \$2,200. Two individuals were drawn but were no longer in attendance at the evening session, so they could not win the prize. However, the third name drawn was my staff member. Therefore, this staff member won this random drawing.

This staff member brought the voucher back to me and asked if CBI can use this to send a staff member to this conference this year. To help you in your decision, Doug suggested I include the following information. First, CBI-FS paid for this staff member, along with other staff members to attend this conference. We pay to send representatives from our staff to this conference every year. The CBI-FS director makes the final discussion as to who will attend this conference on any particular year. The voucher that was won states that it is transferable, therefore, we could use this to send any member of our staff that the director of CBI-FS sees fit. Therefore, this staff member will not be determining who goes to this conference this year. Additionally, it is the director of CBI-FS who has the final fiscal decision making authority as to what, if any products, are purchased from this vendor. Therefore, this staff member does not make purchasing decisions for the CBI-FS as to what we purchase from this company.

If you need additional information, please let me know. This conference is scheduled for October 3-6, 2011.

Thank you for your consideration.

Katie Fetherston, A.I.C.
CBI Forensic Services
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Kathleen.Fetherston@cdps.state.co.us

feldman, jane

From: Kathleen Fetherston [Kathleen.Fetherston@cdps.state.co.us]
Sent: Tuesday, May 24, 2011 10:36 AM
To: Jane Feldman
Subject: RE: Position Statement

Jane

Thank you for taking the time to look into this. I would like a formal Advisory Opinion from the Commission (due to the large amount of money that someone could be liable for). Additionally, I have the time to wait in that the meeting isn't until October, so we have plenty of time to make travel arrangements.

The conference is attended by more than 700 forensic scientists from around the world. I do not know exactly how many people attended the evening session. The person who won the voucher thinks that about 150 or so people attended. And you are correct, the staff member turned the voucher over to CBI, therefore, CBI actually won, not the individual staff member.

If you have additional questions, please let me know. Training dollars are always tight, so this would be really great if CBI-FS could use this, but we do not want to be in violation of anything in doing so.

Thanks again

Katie Fetherston, AIC
Colorado Bureau of Investigation – Forensic Services
Kathleen.Fetherston@cdps.state.co.us
303-239-4271 (office)

From: Jane Feldman [mailto:jane.feldman@state.co.us]
Sent: Tuesday, May 24, 2011 8:18 AM
To: Kathleen Fetherston
Subject: RE: Position Statement

Kathleen,

Under Position Statement 08-01 (Gifts), the acceptance of a prize from a random drawing (assuming it is not fixed), is ok, so my informal advice is there is no problem with this. I can't give formal advice, however. If you want a formal Advisory Opinion from the Commission about your specific facts, I can take this and write one. The next Commission meeting is June 20th, so you would have an answer a day or so after that.

One question, though. How many people go to this conference each year? I assume from your email that the winner turned the voucher over to CBI to use for any staff member CBI wanted to send. Is that right? If so, it seems like CBI and not the individual staff member who is the winner. Am I missing something?

Jane

Jane T. Feldman

Executive Director

Colorado Independent Ethics Commission

101 West Colfax Avenue, Suite 500

Denver, CO 80202

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jane.feldman@state.co.us

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To: jane.feldman@state.co.us

Cc: Janet M Girten

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