

# STATE OF COLORADO

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Via Email & U.S. Mail

September 26, 2011

Independent Ethics Commission  
101 West Colfax Avenue, Suite 500  
Denver, Colorado 80202

Dear Members of the Independent Ethics Commission:

The purpose of this letter is to request an advisory opinion pursuant to section 5(5) of article XXIX of the Colorado Constitution and C.R.S. § 24-18.5-101(4)(b)(II) on behalf of Governor John W. Hickenlooper and members of the Governor's Office staff. The questions presented relate to whether the provisions of section 3 of article XXIX permit reimbursement to the state of Colorado by a for-profit entity for a public officer's and a government employee's travel expenses paid by the State in connection with a trip undertaken by the public officer and the government employee for the purpose of conducting state government business.

## **Background**

NBC News is a division of the National Broadcasting Company, Inc., a subsidiary of NBCUniversal, a for-profit company owned by Comcast Corporation and General Electric, which are also for-profit entities. NBC News launched a program called "Education Nation," a first of its kind initiative aimed at starting a national conversation about the state of our country's education system in September 2010. Please see **Attachment A** for more information about NBC News' Education Nation.

This year Education Nation is placing a special focus on the work being done in education at the state level. NBC News has invited Governor Hickenlooper to participate in a plenary session where governors from across the country will share education challenges and successes. Governor Hickenlooper also will participate as a speaker on a panel with other governors. The panel discussion will cover a myriad of education issues facing state leadership such as budget cuts, the Common Core and college readiness, No Child Left Behind, the role of teachers unions, early childhood education, teacher effectiveness, college affordability and completion, charter schools, online learning, and Race to the Top. Accompanying the Governor is a key aide who advises him on the development and legislative implementation of education policy. This aide will provide research and briefing materials and other support for the Governor during this trip.

While in New York City, Governor Hickenlooper also will join a select few other governors in a meeting with the head of a major foundation that funds state and local education initiatives. At this meeting, the Governor will have the opportunity to discuss education challenges, opportunities, and efforts in Colorado and to establish a personal relationship with a key foundation decision maker, thereby laying the groundwork for grants and other potential funding by this private foundation to Colorado state and local governments and Colorado schools.

To date, NBC News has confirmed that Gov. Lincoln Chafee (RI), Gov. Nathan Deal (GA), Gov. Mary Fallin (OK), Gov. Bill Haslam (TN), Gov. John Hickenlooper (CO), Gov. Paul LePage (ME), Gov. Jack Markell (DE), Gov. Bob McDonnell (VA), Gov. Sean Parnell (AK), and Gov. Scott Walker (WI) will be attending the Education Nation conference in New York City.

Governor Hickenlooper has been asked to attend the Education Nation conference, participate as a speaker on an Education Nation panel, and attend the meeting with the head of a major education foundation because he is the governor of the state of Colorado. Education is of fundamental importance to the State and the Governor's participation in these activities has the potential to increase his understanding of the education challenges and successes of other states, to bring national awareness to what Colorado is doing to advance educational opportunities and to attract private funds for Colorado-based education programs. The opportunity to learn more about education issues and speak with other governors about these issues will assist the Governor in carrying out his work on behalf of the State. Attendance and participation by the Governor's aide will enable her to better carry out her work on behalf of the State.

The trip's duration is 48 hours and no longer than necessary for the Governor and his staff person to participate fully in the Education Nation conference. The proffered reimbursement will cover no more than the cost of commercial airline tickets, two nights lodging and ground transportation. The travel arrangements and reimbursement offer are similar to that being provided to other governors and governors' staff attending the conference. Governor Hickenlooper and his accompanying aide are not currently, were not in the recent past, and will not in the reasonably foreseeable future be, in a position to take direct official action with respect to NBC News, the entity offering the travel expense reimbursement to the State.

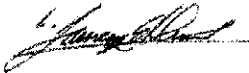
The State has covered the cost of travel expenses because this is a state business trip. The State has not yet accepted the offer of reimbursement from NBC News (totaling approximately \$1075.00) and we are seeking guidance from the Independent Ethics Commission on the following two questions.

**Questions Presented**

1. May the state of Colorado accept reimbursement from NBC News for airfare, lodging and miscellaneous travel expenses incurred by the State in connection with the Governor's travel to New York City to participate with other state governors in an education conference sponsored by NBC News?
2. May the state of Colorado accept reimbursement from NBC News for airfare, lodging and miscellaneous travel expenses incurred by the State in connection with travel by a Governor's aide to New York City to accompany and staff the Governor while he participates in an education conference sponsored by NBC News?

Thank you for your assistance. If you have any questions or concerns about this request or require any additional information, please do not hesitate to contact Chief Legal Counsel Jack Finlaw at (303) 866-6375 or myself at (303) 866-2760. One or both of us will attend your next meeting to answer any questions you might have as you deliberate.

Sincerely,



James Eklund

cc: Jane Feldman, Executive Director (via email)  
Jack Finlaw, Chief Legal Counsel to the Governor

**Attachment A**

**(to letter from the Governor's Office of Legal Counsel  
dated September 26, 2011)**



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Search Education Nation



## Education Nation is NBC News' initiative to engage the country in a solutions-focused conversation about the state of education in America.

In September 2010, NBC News hosted our first Education Nation Summit in New York City, where parents, educators, and students met with leaders in politics, business and technology to explore the challenges and opportunities in education today. Rockefeller Plaza was transformed into a public-facing "Learning Plaza," a series of interactive galleries meant to engage, inform, and inspire our visitors, and during the entire week of September 26th, all NBC News platforms broadcast in-depth reporting on education issues.

Since September, NBC News has continued its commitment to engage policymakers and the public through persistent coverage on the state of education, and our Education Nation On-the-Road tour this spring will convene communities in Chicago, Los Angeles, and Philadelphia for an informed dialogue on critical issues facing local school systems. In September 2011, NBC News hosted its second annual Education Nation Summit, where we addressed the developments, challenges, and progress of the past year, and identified and explored new, exciting opportunities to reinvent America as an Education Nation.

### Summit

NBC News was pleased to host its second Education Nation Summit to address the developments, challenges, and progress of the past year, as well as identify and explore new, exciting opportunities to reinvent America as an Education Nation. [Read More](#)

### Experience

The Experience at Rockefeller Plaza was Education Nation's public exhibition designed to inform visitors about the state of education in America, and inspire action. [Read More](#)

### The Tour

Last May, NBC News kicked off Education Nation's On-the-Road tour, making stops in Chicago, Los Angeles, and Philadelphia. In each city, we talked with parents, students, educators, civic and business leaders to find out what they're doing to help improve education. [Read More](#)

### Teacher Town Hall

On September 25, 2011, NBC News brought together teachers from across the country for the second-annual nationally televised "Teacher Town Hall." [Read More](#)

### Press Room

The Education Nation press room includes NBC News press releases as well as links to recent media coverage on Education Nation. [Read More](#)

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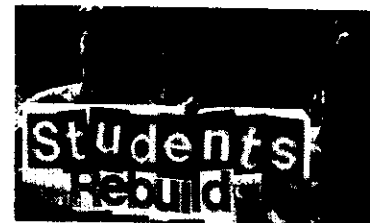
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2:10 PM Sep 30th

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If you're in NYC from 9/26 - 9/30, come to Rockefeller Plaza and drop off new, unused school supplies for kids in need. [More](#)



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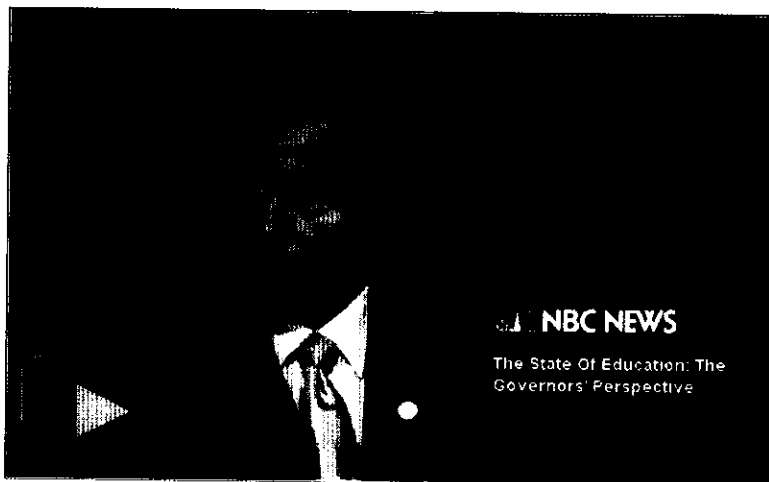
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### The State Of Education: The Governors' Perspective

Education Nation // Sep. 26, 2011 // 4:01 PM

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At the largest gathering of governors to focus on education, 10 state chief executives discuss education and economic competitiveness - from pre-k to higher education. Brian Williams moderates this special session at the Education Nation Summit.

Tags: Academic Standards, Collective Bargaining, Education Funding, Education Nation, Global Competitiveness

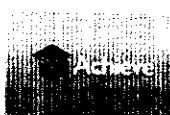
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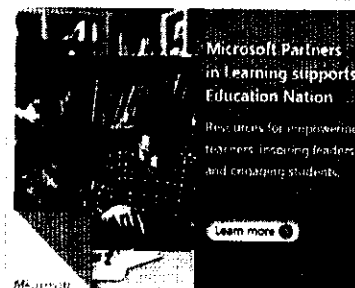


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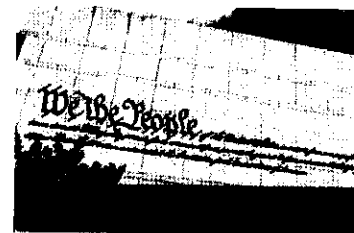


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Education Nation On-the-Road's last stop was Philadelphia! You can still watch video from the Philadelphia Teacher Town Hall and Job One events here at EducationNation.com. More