

**SUMMARY OF FINAL ACTION**

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James L Fry,  
Complainant,

vs.

Rex Burns,  
Respondent.

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The Independent Ethics Commission entered its Order at the Hearing conducted on March 11, 2010. This is a summary of the finds at that Hearing. The Commission found as follows:

1. The Parties stipulated that the Respondent, Rex Burns, receives reasonable compensation for the services he provides to the Boxelder Regional Stormwater Authority. ("Authority")
2. The Parties stipulated that Mr. Burns is qualified for the position of Manager of the Authority.
3. There was no evidence that Mr. Burns improperly influenced the Authority in the hiring process.
4. Mr. Burns did not receive anything of value in return for his position as Manager of the Authority other than compensation for the work performed.
5. Mr. Burns was instructed to fill out the FEMA grant application by his employer.
6. When Mr. Burns negotiated for the job of Manager of the Authority, he was not in a position to take official action with respect to the Authority, nor was it likely that he would be in such a position in the reasonably foreseeable future.

7. The Commission believes that it does not have subject matter jurisdiction to decide whether there has been a violation of C.R.S. §24-6-402.
8. The Commission has significant concerns that appropriate employment practices were not followed in this matter.

Based on these findings, the Commission found that there was not a violation of Article XXIX or any other standard of conduct under the jurisdiction of the IEC, and therefore dismissed Complaint 09-08.

### **The Independent Ethics Commission**

*Matt Smith, Chairperson*

*Roy Wood, Vice Chairperson*

*Dan Grossman, Commissioner*

*Sally H. Hopper, Commissioner*

*Larry R. Lasha, Commissioner*

April 19, 2010

CERTIFICATE OF MAILING

This is to certify that on the 21<sup>st</sup> day of April, 2010, I placed true copies of the foregoing **SUMMARY OF FINAL ACTION** in the United States mail, postage prepaid, addressed as follows:

James L. Fry  
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Rex Burns, Manager  
Boxelder Basin Regional Stormwater Authority  
PO Box 1091  
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George Hass  
Larimer County Attorney  
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