

**BEFORE THE INDEPENDENT ETHICS COMMISSION
STATE OF COLORADO**

CASE NO. 08-01

In the Matter of

MICHAEL COFFMAN, Colorado Secretary of State

ORDER REGARDING MOTION TO RECUSE

The Independent Ethics Commission (the "IEC"), based on its discussion and review of Mr. Coffman's ("Coffman") MOTION TO TRANSFER TO AN ADMINISTRATIVE LAW JUDGE OR, IN THE ALTERNATIVE, MOTION TO RECUSE COMMISSIONER WOOD AND PROVIDE DISCLOSURES BY COMMISSIONERS (the "Motion") and Colorado Ethics Watch's ("CEW") RESPONSE TO MOTION TO TRANSFER TO AN ADMINISTRATIVE LAW JUDGE, OR IN THE ALTERNATIVE, MOTION TO RECUSE, ETC.. (the "Response") and its review of a recusal by Commissioner Woods, hereby finds as follows:

1. At its meeting on January 14, 2009, the Commission reviewed the above described Motion filed by Coffman and a Response filed by CEW.
2. The IEC was also informed that Commissioner Wood had recused himself.
3. Commissioner Wood had determined to recuse himself prior to the filing of the Motion to Recuse by Coffman but was unable to attend the meeting on January 14, 2009. Commissioner Wood sent a message to the IEC on January 14, 2009 confirming his recusal.
4. Based on the recusal of Commissioner Wood, the Motion to Recuse is deemed moot.
5. The IEC did consider, even in light of the recusal, the request to transfer the case to an Administrative Law Judge ("ALJ").
6. The IEC determined that it was capable of determining the credibility of the evidence, including testimony by witnesses at the hearing scheduled for March 6, 2009 and rendering a fair and impartial decision.
7. The IEC reviewed discussions that had occurred earlier in its existence regarding the use of an ALJ. The Commissioners determined that the Motion and

Response did not provide sufficient new information to change its earlier decision(s) not to use an ALJ.

8. There is no efficiency at this time in having the matter transferred since the authority of the ALJ is only to issue an initial decision. The authority for the final decision still resides with the IEC. There is also concern that transfer to an ALJ would further delay these proceedings.

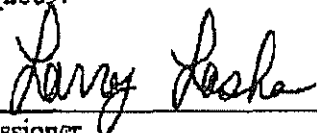
9. Even with the recusal of now two Commissioners there remains a quorum of the IEC to hear the matter.

10. Regardless of political affiliation, the Commissioners will perform their responsibilities in a fair and impartial manner, and are able to render a decision in this matter without bias or prejudice.

11. That the remaining Commissioners do not believe that they have any relationships that would in any way impede their ability to be fair and impartial. There is no allegation in the Motion that substantiates the need for further disclosures. There are no specific facts that suggest that any of the remaining Commissioners have had any contact with parties, witnesses or other relationships that would impact their ability to be fair and impartial. There is no need at this time for any further disclosures.

THEREFORE, it is ORDERED that the Motion to Recuse, etc. is deemed moot as to Commissioner Wood, denied as to the transfer to an ALJ and to any further disclosures as to the remaining Commissioners.

Dated this 28 day of JANUARY 2009.



Commissioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **ORDER REGARDING MOTION TO RECUSE** was transmitted via E-Mail this 29th day of January, 2009, addressed to each of the following:

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/s/ Terri Gonzales