



September 2, 2008

Jane Feldman, Esq.
Executive Director
Independent Ethics Commission
633 17th Street, 13th floor
Denver, CO 80202

VIA HAND DELIVERY

Re: Ethics Watch Complaint against Secretary of State Mike Coffman

Dear Ms. Feldman:

On February 13, 2008, Colorado Ethics Watch (“Ethics Watch”) filed a complaint with the Independent Ethics Commission (“IEC”) against Secretary of State Mike Coffman. By letter dated March 12, 2008, the IEC’s counsel advised Ethics Watch that the complaint would be addressed once the IEC begins taking action on requests for advisory opinions, requests for letter rulings and complaints. We are pleased that the IEC has adopted rules and we look forward to the IEC’s fulfillment of its constitutional duty to investigate and hold a hearing on this complaint.

To assist you in your investigation, Ethics Watch is herewith submitting a number of documents that we have subsequently obtained from the secretary of state’s office through Colorado Open Records Act requests. These documents fall into three categories:

1. Secretary Coffman’s Knowledge That Phase Line Consultants Was Representing An Election Systems Vendor. Ethics Watch alleged in paragraphs 24 and 25 of the complaint that Secretary Coffman was aware that Phase Line Consultants, LLC (“Phase Line”), the firm he hired to manage his campaign for the United States Congress, also served as lobbyist to election systems vendor Premier Election Systems, Inc. (“Premier”). While that allegation is substantiated by news reports referenced in the Complaint, Ethics Watch now has direct evidence of Secretary Coffman’s knowledge. **Exhibit 1** is a string of e-mails among secretary of state employees and Sec. Coffman regarding a survey that was sent to the secretary of state’s office by Mike Ciletti (mike@phaseline.com) of Phase Line. In a November 7 e-mail, Deputy Secretary of State Bill Hobbs advised Secretary Coffman that Ciletti “represents one of the voting system vendors doing business in Colorado.”

2. Secretary Coffman’s Attempts to Spin Away the State Auditor’s Findings of Wrongdoing. Ethics Watch alleged in its complaint that Secretary Coffman is responsible for statutory violations committed by employees in his office who illegally

operated outside businesses – including in one case a partisan political business – while employed in the secretary of state’s office. These allegations are based on the findings of an independent audit, including the finding that Secretary Coffman was aware of two cases in which employees were operating unauthorized outside businesses, and are not subject to reasonable dispute. Ethics Watch wishes to call the IEC’s attention to the fact that, far from taking the results of the audit to heart, Secretary Coffman aggressively sought to reinterpret the results of the audit as some kind of vindication. **Exhibit 2** is a string of e-mails in which Deputy Secretary Hobbs advised Secretary Coffman that the Secretary’s proposed statement regarding the audit results was inaccurate, and the Secretary responded by proposing that the statement emphasize the fact that the audit found no criminal wrongdoing. These e-mails demonstrate that Secretary Coffman has not yet been held accountable for his intentional failure to enforce personnel rules in his department.

3. Secretary Coffman’s Failure To Investigate The Kopelman Matter.

Ethics Watch alleged in its complaint that for personal reasons, Secretary Coffman failed to enforce State Personnel Board rules and state and federal statutes related to the conduct of employees in his office. *See* 4 CCR § 801, Rule 1-11. **Exhibit 3** is an e-mail exchange between Secretary Coffman and Dan Kopelman. Based on this e-mail exchange, it appears that Secretary Coffman, contrary to his public statements, did not actually inquire about the allegations that Mr. Kopelman was improperly operating a conflicting, outside website and may have offered state voter lists for sale until December 1, 2007, long after the allegations were first made and only in connection with his above-described efforts to spin the media regarding the state audit’s findings.

Please feel free to contact me with any questions regarding this supplement. Ethics Watch stands ready to assist the IEC in its investigation of this complaint.

Very truly yours,


Luis Toro
Senior Counsel
