



CITY AND COUNTY OF DENVER

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ROY V. WOOD – VICE CHAIR
ANN A. TERRY
EDGAR L. NEEL
LORI MACK

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DENVER BOARD OF ETHICS

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DENVER BOARD OF ETHICS 2012 ANNUAL REPORT Submitted: February 15, 2013

INTRODUCTION

The Denver Board of Ethics hereby submits its twelfth annual report to the Mayor and City Council, as required by Section 2-66 of the Denver Code of Ethics.

The mission of the Board of Ethics is:

To encourage and guide city officers, officials and employees to adhere to high levels of ethical conduct so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public.

Appendix A below gives brief biographies of the five current members of the Denver Board of Ethics.

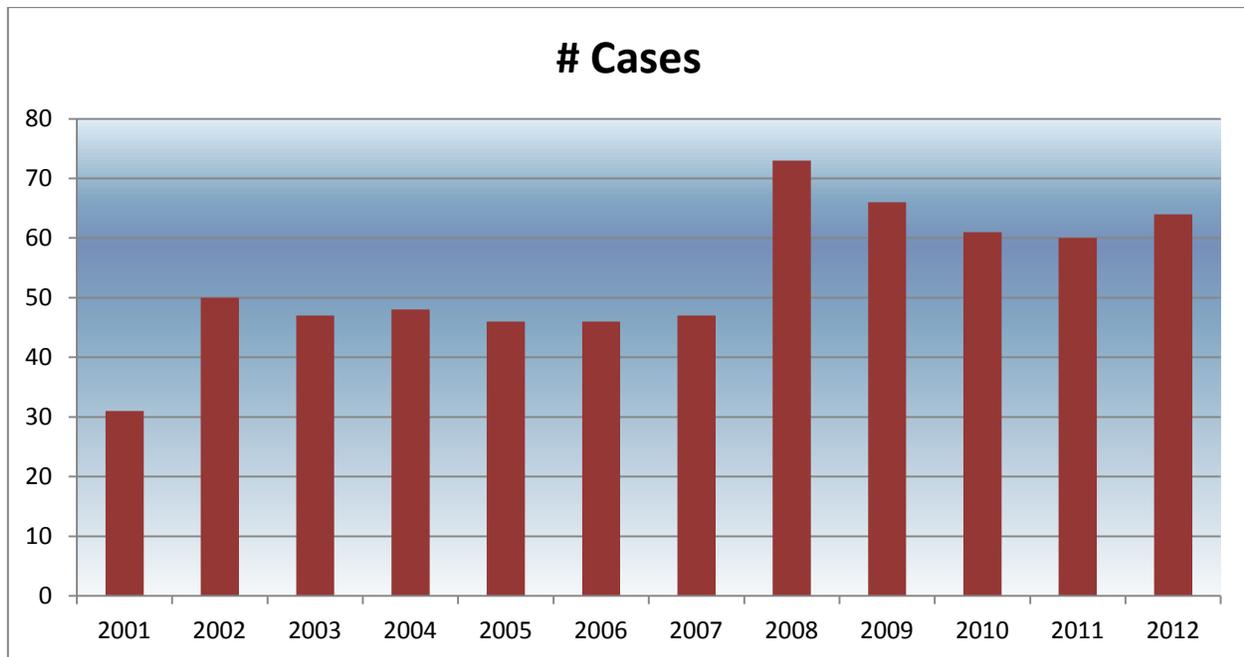
The Board expresses appreciation to all city elected officials, employees, board and commission members and citizens who requested ethical advice or help in 2012 and for the advice and representation given to the Board by Assistant City Attorney Helen Berkman.

The Board held twelve monthly meetings in 2012. This report is a summary of the work accomplished by the Board during that time.

II. ADVISORY OPINIONS, WAIVERS, COMPLAINTS

In 2012 the Board received and handled a total of 64 written formal cases - as compared with:

- 60 cases in 2011
- 61 in 2010
- 66 in 2009
- 73 in 2008
- 47 in 2007
- 46 in 2006
- 46 in 2005
- 48 in 2004
- 47 in 2003
- 50 in 2002
- 31 in 2001.



Twenty-five of the 2012 formal cases were requests for advisory opinions and/or waivers, while thirty-nine were complaints.

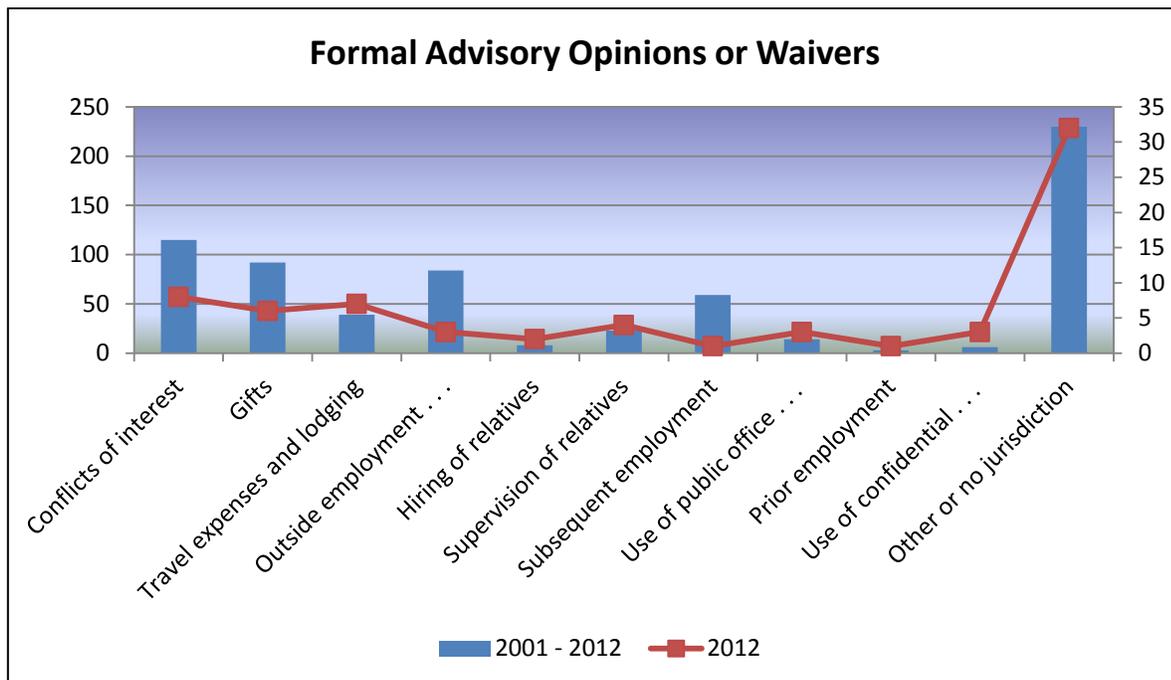
A digest of the Board's 2012 opinions is printed below as **Appendix B** and is posted on the Board of Ethics website at www.denvergov.org/ethics. The Board dismissed all of the complaints that it considered in 2012 after preliminary screening, primarily due to lack of jurisdiction over the subject matters.

Between the passage of the new Denver Code of Ethics in January 2001 and December 31, 2012, the Board of Ethics has received a total of 638 written formal cases, consisting of 345 requests for advisory opinions and/or waivers and 293 complaints about possible violations of the Code of Ethics. Most of the complaints were dismissed because the allegations related to subjects and/or persons not covered by the Denver Code of Ethics. Examples of such dismissed complaints alleged that police officers made improper arrests or searches or that deputy sheriffs used excessive force. In such cases, the Board of Ethics encourages the complaining parties to submit their complaints to the Internal Affairs Bureaus of the Police or Sheriff Departments. Other dismissed complaints complain about non-city personnel or rude behavior by city personnel (not covered by the Denver Code of Ethics). Other dismissed complaints did not allege sufficient evidence of unethical conduct.

The subjects of the requests for formal advisory opinions or waivers during the entire 2001-2012 period break down as follows, with the 2012 cases in parentheses:

- conflicts of interest – 115 (8)
- gifts – 92 (6)
- travel expenses and lodging – 39 (7)
- outside employment or outside business activity– 84 (3)
- hiring of relatives – 8 (2)
- supervision of relatives – 23 (4)
- subsequent employment – 59 (1)
- use of public office for private gain – 14 (3)
- prior employment – 3 (1)
- use of confidential information or records - 6 (3)
- other or no jurisdiction – 230 (32)

(Some requests involved more than one subject.)



In addition to the written formal complaints and requests for advisory opinions and waivers, the Board's staff director in 2012 received approximately 275 telephone, e-mail or in-person requests for unofficial, informal consultation about the Code of Ethics or other ethics issues, as compared with:

- 309 in 2011
- 249 in 2010
- 260 in 2009
- 277 in 2008
- 277 in 2007
- 254 in 2006
- 266 in 2005
- 249 in 2004
- 192 in 2003
- 130 in 2002
- 50 in 2001

For a total of 2789 since January 2001.

III. ETHICS HANDBOOK

The 2008 edition of the Ethics Handbook was distributed to all city officers and employees and, for the first time, to all on-call city employees. In 2010, 2011 and 2012, the Ethics Handbook was distributed to all new city employees. The Board of Ethics will seek budget funding in 2013 to print an updated handbook for new employees, which will include new significant Board of Ethics decisions and amendments to the Code of Ethics made by City Council since 2008. The handbook can be found at www.denvergov.org/ethics.

IV. ETHICS TRAINING

The Board of Ethics continues to believe that excellent, consistent ethics training is critically important to the successful implementation of the citywide ethics program. All city employees, officers and officials should be trained to recognize ethical issues and to take appropriate steps to avoid unethical conduct.

From 2002 through the end of 2012, 99% of all city employees and officers subject to the Code of Ethics have received at least 3 hours of ethics training. In 2006, with support from the Board of Ethics, the Career Service Authority Board amended CSA Rule 6 to require that new CSA employees must receive ethics training before they can pass their probationary period, which has significantly increased compliance with the ethics training requirement of section 2-65 of the Code of Ethics.

The Board's Staff Director gave ethics training in 2012 to several new Mayoral appointees and several Fire Department recruits and also gave refresher ethics training to staff at several departments, agencies and boards. The Career Service Authority (now named the Office of Human Resources) continued to manage three-hour ethics training for new city CSA employees. In 2012 this was changed from once to twice per month due to the increasing number of new hires. In addition, the Public Works Department included ethics as a major subject in its Road to Excellence workshops for all Public Works employees in 2012-2013.

The Board expresses great appreciation to Janice Cornell of the Community Planning and Development Department, who has been the primary instructor for most of the CSA ethics training classes for new employees for the last several years. In addition, the Board expresses its continued appreciation to the Training and Organizational Development Division of the Office of Human Resources and agency heads who have made this ethics training effort successful.

V. OTHER MATTERS

BUDGET

The adopted 2013 budget for the Board of Ethics is \$111,700, compared to:

- \$105,600 for 2012
- \$104,100 for 2011
- \$102,500 for 2010
- \$105,800 for 2009
- \$94,600 for 2008
- \$97,600 for 2007
- \$86,700 for 2006
- \$86,000 for 2005
- \$82,600 for 2004
- \$96,000 for 2003
- \$87,300 for 2002.

STAFF

Michael Henry, the Staff Director of the Board of Ethics, is the sole employee of the Board. The Board encourages citizens and city employees, officers and officials to contact him at 720-865-8412 or michael.henry@denvergov.org.

OTHER 2012 ACTIVITIES

In 2012 the Board devoted significant effort to researching, discussing and presenting to City Council several proposed amendments to the Code of Ethics and the Whistleblower Protection Ordinance. Several of these were in response to a performance audit of the citywide ethics program performed by the Auditor's Office in November 2010. A few minor amendments were adopted by City Council.

2013 GOALS FOR BOARD OF ETHICS

A. Continue to implement and improve ethics training

The Board of Ethics, in cooperation with the Office of Human Resources, has overseen the delivery of ethics training for all Denver officers, officials and employees. The Board should in 2013 continue to pursue this goal by working with city ethics trainers to encourage accuracy and consistency and high quality of the ethics training with cooperation from OHR and city departments. The Board will continue to encourage city departments and agencies to devote time at staff meetings for refresher ethics discussions and to provide ethics training to new Mayoral appointees.

B. Continue to receive, review and promptly decide requests for advisory opinions, requests for waivers and complaints regarding alleged misconduct

C. Update the ethics handbook (last updated in 2008) to include amendments to the Code of Ethics and significant Board of Ethics decisions to be posted on the Board of Ethics website. Also pursue budget funding to print copies for new employees

D. Update Rules of Procedure for the Board of Ethics (last updated in 2008)

E. Improve public information about Code of Ethics

- a) Develop articles about Code/Board of Ethics to submit to City departmental newsletters and the city employee newsletter, Insight.
- b) Organize and publicize city-wide and/or departmental informational lunchtime or after-work discussions of ethics issues – twice per year. Seek public comments at the meetings and otherwise about ethics concerns of citizens.
- c) Continue to publish digests of recent opinions of the Board of Ethics twice per year.

- F.** Improve implementation of Executive Order 134 regarding gifts to the city
- a) Work with City Clerk's and Mayor's Offices to ensure that gifts to the city over \$2500 are posted on a website by the City Clerk pursuant to Executive Order 134.
 - b) Work with City Clerk's and Mayor's offices to develop a uniform reporting form for Executive Order 134.
- G.** Analyze ethics-related responses to 2013 Denver Employee Survey and work with Office of Human Resources to assist departments and agencies if survey indicates need to improve ethical culture
- H.** Study Code of Ethics in light of the Board's experience and research Codes of Ethics from other jurisdictions and recommend any improvements to City Council for approval
- I.** Work with City Council, the Auditor and the Mayor's Office to implement recommendations of the 2010 performance audit of city-wide ethics program, including budgeting for, establishing and implementing a city-wide reporting hotline

HOW THE BOARD OF ETHICS HELPS TO ACCOMPLISH THE CITY'S GOALS

The Mayor's Vision:

- We will deliver a world-class City where everyone matters. The Board of Ethics works to develop an ethical culture at all levels of Denver government.

The Hancock Administration City Goals are:

- Driving private-sector economic growth and job creation.
- Improving education and opportunities for *all* kids.
- Strengthening our safety net and public confidence in the police department. The goal of the Board of Ethics is to establish public confidence in all Denver city departments and agencies.

The Administration's two core values to achieve these goals are:

- Improving sustainability. The Board of Ethics minimizes its dependence on paper by using electronic communications.
- Improving customer service. The Board of Ethics and its Staff Director respond promptly to all questions and complaints from the public and city personnel.

CONCLUSION

The Board of Ethics believes that, with help from the Mayor, City Council, the City Attorney's Office, Career Service Authority, ethics trainers and the great majority of managers and employees of the City and County of Denver, it made continued progress in 2012 to establish ethics as a recognized core value and cultivate public confidence in city government.

Respectfully submitted on behalf of the Denver Board of Ethics,



LESLIE M. LAWSON, Chair

APPENDIX A DENVER BOARD OF ETHICS

Board Members (as of January 2013)

Leslie M. Lawson earned a B.A and J.D. from the University of Wyoming. She has served as an attorney for the Equal Employment Opportunity Commission, as an in-house attorney for a major oil corporation, as an attorney in a small law firm, as a Denver district judge and as a member of the Judicial Arbitrator Group. She is a past president of the Colorado Women's Bar Association. Currently she is a mediator and arbitrator and a partner in Dispute Management, Inc. Re-appointed by City Council. Term expires 4-20-2013. She served as Chair of the Board of Ethics from May 2005 through May 2006 and as Vice-Chair from May 2007 to May 2008. She was re-elected as Chair in May 2010, 2011 and 2012. Due to her experience as a judge, she serves as presiding officer at hearings on complaints conducted by the Board.

Roy V. Wood earned his B.A, M.A. and Ph.D. from the University of Denver. He was a Professor and Dean of the School of Communications at Northwestern University from 1972 to 1988. In 1989 he became the first Provost of the University of Denver. In 2006 he chaired a blue-ribbon panel on ethics for the Colorado House of Representatives. The Speaker of the Colorado House of Representatives appointed him as a member of the first Colorado Independent Ethics Commission and he completed that term in June 2011. He teaches classes at D.U. in communications ethics and dialogue and directs dissertations, most of which center around ethics in organizations and public service. Appointed by the Mayor. Term expires 4-30-2015. He was elected Vice-Chair of the Board of Ethics in May 2012.

Lori Mack earned a B.A. in Communication from the University of Colorado. She is currently the Economic Development Administrator for the City and County of Denver's Office of Economic Development – Youth Programs. She was a fellow for the Denver Fellowship in Urban Government in the Denver Office of Accountability and Reform in 2004. During her 24 years with the City and County of Denver, she worked at Art, Culture and Film; Aviation; Excise & Licenses, and Career Service Authority. She was appointed to serve on the Denver Office of Strategic Partnership Committee and continues to serve on various private and public committees. Reappointed by the Mayor and City Council, her term expires 4-30-2013. In May 2006 she was elected Vice-Chair of the Board of Ethics and in May 2007 was elected Chair and served for one year. In May 2011, she was elected again as Vice-Chair for one year.

Ann A. Terry earned a B.A. in Sociology from the University of Iowa and a J.D. from Drake University Law School. She was a prosecutor in Iowa and then worked in Colorado with the Jefferson County District Attorney's Office and the Colorado District Attorneys' Council and served as a legislative liaison and public policy analyst for the Colorado Department of Public Safety. She has served on a number of non-profit boards and committees and has taught several law school courses. She developed an ethics curriculum for prosecutors, law enforcement and victims' advocates. She is currently the executive director of the Special District Association for Colorado. Re-appointed by the Mayor. Term expires 4-30-2013. In May 2006 she was elected Chair of the Board of Ethics and served through May 2007. She served as Vice-Chair from May 2009 to May 2011.

Edgar L. Neel earned a B.A. from Amherst College and a J.D. from Cornell University Law School. He has practiced law in Denver for over thirty years. His focus is on commercial and construction matters, representing contractors, insurers and surety companies in complex claims and litigation. He is a past president and current director of the Denver law firm of Pendleton, Wilson, Hennessey and Crow, P.C. He was the District Director for Congresswoman Diana DeGette in 1997. Reappointed by City Council. Term expires 4-20-2015. He was elected Chair of the Board of Ethics in May 2008 and served for two years.