

## How to Request Ethical Advice

### REQUESTS FOR ADVISORY OPINIONS OR WAIVERS

The Board of Ethics, if requested, gives **official** written advisory opinions to city employees, elected officers and board and commission members about Code of Ethics issues and also considers whether waivers should be given if an action would violate the Code of Ethics but the action would be in the city's best interest.

Section 2-54(a) of the Code of Ethics provides that "Any current or former officer, official, or employee or the appointing authority of a non-elected officer, an official, or an employee may submit a **written request** to the Board of Ethics for advisory opinions on whether any conduct by that person would constitute a violation of the Code of Ethics."

Section 2-54(f) of the Code of Ethics provides that "Any current, former, or prospective officer, official, or employee may submit a written request for a waiver of any provision of the Code of Ethics. The Board of Ethics is empowered to grant a waiver if it finds that the waiver will serve the **best** interests of the city." The Board will not grant a waiver without a specific request.

A request for an advisory opinion asks the Board of Ethics the question: Would a particular action that I am considering violate the Code of Ethics or not? A request for a waiver, on the other hand, asks the Board of Ethics: May I be allowed, through a waiver, to do something, even if it violates the Code of Ethics, because it is in the city's best interest?

The Board carefully considers the specific facts and circumstances of each request for an advisory opinion or a waiver before making its decision (just as it does with any case). No one should assume that, because one person received or did not receive a certain opinion or a waiver, another person would receive the same opinion or waiver, because the facts or circumstances may differ.

A request for an official advisory opinion and/or a waiver must be made in writing, **by letter or e-mail**, giving the specific facts and issues to the Denver Board of Ethics in care of the Board's Executive Director, Michael Henry. No special form is required. The Board considers cases at its monthly meetings, normally on the third Wednesday of each month at 8:00am in Conference Room 2D4 of the Wellington Webb Municipal Office Building, 201 West Colfax Avenue. The Board prefers that the person requesting an advisory opinion or a waiver attend the meeting to answer any questions. If possible, the Board appreciates receiving the written request at least ten days before the Board meeting in order to allow time for investigation, mailing, etc.

The Board's Staff Director is also able to give quick, unofficial advisory opinions by e-mail, telephone or personal discussion to city personnel or citizens.