



Denver Board of Ethics

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**DENVER BOARD OF ETHICS
MINUTES
MEETING OF FEBRUARY 17, 2021**

Chair Joseph Michaels called the meeting of the Denver Board of Ethics to order at 8:32 a.m. The Board met virtually through Microsoft TEAMS and conference bridge line. Present were Board members Joseph G. Michaels, Dianne Criswell, Sylvia S. Smith, Andrew S. Armatas and Jane T. Feldman. Also in attendance were Executive Director Lori Weiser and Senior Assistant City Attorney, Jordan Humphreys.

1. Introductory remarks and review of the Agenda.
2. The Minutes of the Board's January 13, 2021 meeting were moved, seconded, and approved unanimously without amendment.
3. The Board welcomed and engaged in further discussion concerning the gift reporting forms and procedures with Elle Schalow, the City Clerk Administrator for the Office of the Clerk and Recorder. The Board found that there were no concerns raised in the gift reporting forms submitted on or prior to January 31, 2021. Ms. Schalow announced that Dan Volkosh will be leaving the City to move to Minnesota.
4. The Board welcomed Councilman Flynn and engaged in discussion concerning proposed amendments to the Code of Ethics. With respect to the language in Section 2-56(19), those present concluded that the Section could be more specifically worded to specify that the Board will seek to obtain the final determination of discipline letters that relate to ethics code violations. Board member Jane Feldman inquired of Councilman Flynn whether giving the Board enforcement authority when it finds violations of the Code of Ethics is being considered at this time. When informed that it is not, she clarified that she will continue to advocate for this in the future.
5. A motion was made, seconded, and approved to move into executive session to screen cases 20-31, 21-3, and 21-4. This passed unanimously and at 8:58 a.m., the Board went into executive session.

Executive Director
Lori Weiser

Board Members
Joseph G. Michaels – Chair
Dianne Criswell – Vice Chair
Andrew S. Armatas
Sylvia S. Smith
Jane T. Feldman

6. At 9:48 a.m., a motion was seconded and unanimously approved to move from executive session back into public session following a five-minute break.
7. At 9:56 a.m. the Board reconvened in public session with all members present.
8. In case 20-31, the following motion was moved, seconded, and unanimously approved. Case 20-31 is a complaint filed by a citizen against Mayor Hancock and it alleges violations of Sections 2-67 and 2-69 of the Denver Code of Ethics, concerning use of public office for private gain, and aiding others to commit a violation of the Ethics Code, respectively. The Complaint's general allegations are related to Mayor Hancock's travel out of state when he urged citizens and employees to stay put and required a necessary quarantine period if they did not. After considering the complaint, the Board of Ethics sought a response. Mayor Hancock responded that he did not use any city resources to purchase his flight or while conducting his travel. To the extent that a police detail accompanied the Mayor to and from the airport is consistent with the city's security protocol and would occur in any travel situation. That is the weight of the evidence that was before us throughout and as a result of a months-long investigation. We of course recognize that Denver citizens and employees were disappointed and upset by the Mayor's travel and this Board certainly does not condone that travel. However, it does not give rise to a violation of the Code. As the Board has mentioned with respect to other complaints, the board is troubled by the allegations and expects all public employees, officers, and elected officials to live up to the highest standard of ethical behavior. As stated in Section 2-51 of the Denver Code of Ethics, it is the intent of the city that its officers, officials, and employees adhere to high levels of ethical conduct, honesty, integrity and accountability, so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Officers, officials, and employees should comply with both the letter and the spirit of this ethics code and strive to avoid situations that create impropriety or the appearance of impropriety. However, Section 2-51, the legislative intent, is an intent clause. It is not an actionable stand-alone clause and the board is limited to consider complaints that allege a violation of the Code of Ethics itself. While this complaint alleged violation of specific provisions of the Code, the Board determines that no violation occurred. Therefore, pursuant to Section 2-56(a) and (d), the Board unanimously voted to dismiss this complaint as it has no jurisdiction and because there has been no violation of the Denver Code of Ethics.
9. In case 20-3, it was moved, seconded, and unanimously approved to dismiss the complaint as it did not allege any violation of the Denver Code of Ethics and because it appeared that the subject of the complaint handled the case appropriately.
10. In case 21-4, it was moved, seconded, and unanimously approved to dismiss the complaint because, while the complainant alleged a violation of Section 2-59 of the Denver Code of Ethics, having to do with the hiring and supervision of family

members, the response received indicates that the person was hired after a competitive process, and that there are two levels of supervision between the two family members. Because there was some confusion in the department, the Board included in its motion that the department should communicate that there are two levels of supervision between mother and son. An amendment was offered to suggest to the department that they correct the Outlook profiles for the family members. This was determined to be friendly and it was seconded and unanimously approved. Ms. Feldman offered a reminder to all City employees that nepotism is covered by the Code of Ethics and encouraged all to seek an advisory opinion before hiring or considering the supervision of family members.

11. In case 21-2, a request for advisory opinion by Sergeant Dave Albi of the Denver Police Department, it was moved that an Opinion be issued concluding that the practice of distributing trading cards with a link to information as to how to donate to the Mounted Patrol Unit, was acceptable under Section 2-60(c) of the Denver Code of Ethics. An amendment was offered to encourage the Denver Police Department to consider updating policies consistent with such an opinion. A second amendment was offered to also encourage the Denver Police Department to consider an appropriation for the named expenses encountered by the Mounted Patrol Unit. Both amendments were determined to be friendly, and the motion was seconded, and unanimously approved.
12. In case 21-5, the Board considered a request for advisory opinion from Michael Ogletree from the Department of Public Health and Environment, to consider whether his proposed outside employment was permissible under the Code of Ethics. Because the request was complicated, the Board agreed that it should be further briefed and determined at the March 2021 meeting of the Board.
13. The Board discussed potential safety concerns for the Executive Director, deciding to compile a wish-list of resources to address those concerns.
14. Board member, Dianne Criswell, suggested that there be a sub-committee of the Board to review the Board's website to clarify the Board's role and Board's processes to the public.
15. Board member, Jane T. Feldman, mentioned a recent article in the New York Times and offered to forward it to others if they were interested.
16. At 11:25 a.m. a motion was made, seconded and approved unanimously and the meeting was adjourned.

NOTE: Copies of decisions in the cases mentioned above or any other cases may be obtained by contacting the Board's Executive Director, Lori Weiser—lori.weiser@denvergov.org.

APPROVED by the Board on March 10, 2021.