



Denver Board of Ethics

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**DENVER BOARD OF ETHICS
MINUTES
MEETING OF AUGUST 19, 2020**

Chair Joseph Michaels called the meeting of the Denver Board of Ethics to order at 8:31 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 Jordan Humphreys, Senior Assistant City Attorney, and Executive Director Lori Weiser.

1. Introductions.
2. In case 20-17, the Board considered the request for advisory opinion by Grace Rink, the Executive Director for the Office of Climate Action, Sustainability, and Resiliency (“the Office”), and determined that there would be no violation of the Denver Code of Ethics if the Office were to use its own funds to provide a yet-to-be-determined number of \$25 gift cards to randomly selected employees as an incentive to complete surveys to gauge employee knowledge and awareness of the operations of the Office.
3. The Board engaged in discussion with Michael Ogletree, the Air Quality Program Manager for the Denver Department of Public Health and Environment concerning his outside employment and business activity. Mr. Ogletree, and his supervisor, Elizabeth Scherer, informed the Board that his private business activities have been consistent with advisory opinion and limited waiver issued in case 20-3. The Board commended Mr. Ogletree for his industriousness and for bettering the quality of life for all Coloradoans. The Board extended the limited waiver for an additional six months, at which time, Mr. Ogletree will again return to the Board for further review.
4. In case 20-21, the Board considered a request for advisory opinion by Michael Ogletree, concerning his recent appointment to the Colorado Air Quality Control Commission (“the Commission”). The Board determined that there could be potential conflicts of interest under Section 2-61(a)(3) of the Denver Code of Ethics, however, the Board decided to allow Mr. Ogletree to serve on the Commission so

Executive Director
Lori Weiser

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

long as he was cognizant of any conflicts of interest and recused himself as necessary, and so long as he discussed potential conflicts with the attorney for the Commission. The Board further advised Mr. Ogletree that he should be walled off from policy making activities within his department, and that he should make clear that he is serving on the Commission in an individual capacity and not as an employee of the City and County of Denver. Mr. Ogletree agreed to return to the Board in six months to update the members.

5. In case 20-18, the Board considered the request for advisory opinion by Everett Martinez, Assistant General Counsel to Denver International Airport (“DEN”) concerning Gisela Shanahan, formerly the Chief Financial Officer and Executive Vice President for DEN. Following discussion with Mr. Martinez, Ms. Shanahan, and Cristal DeHerrera, Chief of Staff for DEN, the Board decided to issue a waiver to Ms. Shanahan to allow for a contract between DEN and Ms. Shanahan’s new employer for Ms. Shanahan’s services until a new Chief Financial Officer could be onboarded. In doing so, the Board noted the impact to the airport of the COVID-19 pandemic and the need for consistent and trusted advice during the transitional period.
6. The Board welcomed and engaged in further discussion concerning the gift reporting procedures with Dan Volkosh, the Policy and Compliance Administrator for the Office of the Clerk and Recorder.
7. In case 20-22, The Board welcomed Molly Duplechian, the Deputy Director of Policy for the Department of Excise and Licenses, and Bia Campbell, the Public Affairs Program Administrator, for the Department of Excise and Licenses. Both were present to address the request for advisory opinion by Ashley Kilroy, the Executive Director of the Department of Excise and Licenses. Prior to engaging in discussion concerning this case, the Vice-Chair of the Board, Dianne Criswell, disclosed that when she was employed by the City of Denver’s Budget Office in 2014 to 2015, she supported the Department of Excise and Licenses. In this role, she knew Ms. Duplechian as a colleague, but indicated that they hadn’t spoken to each other in a long time. Ms. Criswell stated that her familiarity with Ms. Duplechian did not raise a substantial conflict of interest for her. The Board agreed that there was no conflict of interest that would require recusal. Thereafter, the Board considered the request for advisory opinion and determined that the post-employment restrictions set forth in Section 2-64 of the Denver Code of Ethics were applicable, and that, in her new position, Ms. Campbell should not work on any issues relating to the City and County of Denver for a period of six-months.
8. The Executive Director updated the Board members on progress related to the recommendation stemming from the recent audit.
9. The Minutes of the Board’s July 8, 2020 meeting were moved, seconded and approved unanimously without amendment.

10. A motion was made, seconded, and approved to move into executive session at 10:22 a.m. for the purpose of screening the complaints in cases 20-15, 20-16, 20-19, and 20-20.
11. The Board took a brief recess before convening in executive session at 10:28 a.m.
12. At 10:53 a.m., a motion was seconded and unanimously approved to move from executive session back into public session.
13. It was moved, seconded, and unanimously approved, in case 20-15, to direct the Executive Director to continue investigation.
14. It was moved, seconded, and unanimously approved, in case 20-19, to find that the conduct alleged, if true, would not violate the Code of Ethics, and to therefore dismiss the complaint with no further action.
15. It was moved, seconded, and unanimously approved, in case 20-20, to find that the conduct alleged, if true, would not violate the Code of Ethics, and to therefore dismiss the complaint with no further action.
16. It was moved, seconded, and unanimously approved, in case 20-16, to direct the Executive Director to continue investigation.
17. At 11:03 a.m. a motion was made, seconded, and approved unanimously and the meeting was adjourned.

APPROVED by the Board: September 15, 2020.

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.