



Denver Board of Ethics

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**DENVER BOARD OF ETHICS
MINUTES
MEETING OF DECEMBER 8, 2021**

Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 9:02 a.m. The Board met in-person at the Wellington Webb Building, and the public meeting was open to interested parties by joining virtually through Microsoft Teams or by telephone. Present in-person were Board members Joseph G. Michaels, Dianne Criswell, Jane T. Feldman, and Doris E. Burd. Also in attendance were Jordan Humphreys, Senior Assistant City Attorney, and Executive Director Lori Weiser.

1. Welcome introductory remarks, and review of the Agenda.
2. The Draft Minutes of the Board's November 10, 2021 meeting were moved, seconded, and approved unanimously by a vote of 4-0 without amendment.
3. The Board welcomed Elle Schalow, the City Clerk, from the Office of the Clerk and Recorder. Ms. Schalow reported that the launch of the new MapLight system has been pushed back to the spring of 2022. She also informed those present that she has updated financial disclosure forms to eliminate duplicate information and added hyperlinks to the sections of the Denver Revised Municipal Code as referenced. The Office of the Clerk and Reporter will be sending out communication to the Officers on the 15th of December, and then will follow-up every two weeks until the January 31, 2022 deadline. The Board's flowchart will be added to a general guidance FAQ section. Member, Jane T. Feldman, asked that there also be a reminder that gift cards or cash gifts are not acceptable under the code of ethics are not acceptable at any time, regardless of amount. Ms. Schalow confirmed that she will be able to add this language to the guidance on the gift disclosure forms.
4. The Board's Disclosure Forms Committee presented guidance language and a flow chart to the Board members for review. Several people offered to check and see if there were any tools available to them to better the flow chart.
5. Prior to discussing case number 21-53, Board member, Jane T. Feldman disclosed that when she worked for the Office of the Attorney General, she represented the Air

Executive Director
Lori Weiser

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

Quality Control Division on matters relating to the Rocky Mountain Arsenal, approximately 20 years ago. She indicated that she did not believe that this impacted her ability to be fair and impartial. Vice Chair Dianne Criswell disclosed that she knows several people who work for the State of Colorado. Ms. Criswell stated that these relationships would not impact her ability to be fair and impartial. Thereafter, the Board considered a request for advisory opinion and/or waiver from Michael Ogletree, who until December 3, 2021, served as the Air Quality Program Manager for the City and County of Denver. The Board first congratulated Mr. Ogletree on his recent appointment to the position of Air Quality Control Division Director for the State of Colorado. After discussing the relevant facts, the Board moved, seconded, and unanimously approved, by a vote of 4-0, that an opinion be issued advising Mr. Ogletree that the Subsequent Employment Section of the Denver Code of Ethics was implicated, and that it was appropriate to issue a waiver pursuant to Section 2-54(f) of the Denver Code of Ethics as doing so would serve the best interest of the city.

6. In case 21-54, the Board welcomed Detective Everett Moore from the Denver Police Department and discussed his request for advisory opinion concerning outside employment or business activity as defined in Section 2-63 of the Denver Code of Ethics. After considering the circumstances, it was moved, seconded, and unanimously approved by a vote of 4-0 that there be an advisory opinion issued indicating that the proposed outside employment would not violate the Denver Code of Ethics so long as Detective Moore observed the cautionary conditions articulated by the Board.
7. At 10:13 a.m., it was moved, seconded, and unanimously approved by a vote to 4-0 to move from public session into executive session for the purpose of screening cases numbered 21-48, 21-49, 21-50, 21-50, 21-52, and 21-55. Prior to concluding the public meeting, the disclosure and recusal process that has been adopted by the Board was reviewed.
8. At 11:27 a.m., a motion was offered, seconded, and unanimously approved by a vote of 4-0 to return from executive session back into public session, and the Board reconvened in public session.
9. In case number 21-48, a motion was made, seconded, and unanimously approved by a vote of 4-0 to find that the complaint was not frivolous and to request additional investigation by the Executive Director for consideration at the January 2022 meeting.
10. In case number 21-49, a motion was made, seconded, and unanimously approved by a vote of 4-0 to not accept the complaint for further review for failure to allege sufficient facts.
11. In case 21-50, a motion was made, seconded, and unanimously approved by a vote of 4-0 to dismiss the complaint for lack of jurisdiction, because the allegation, if true,

would not violate the Denver Code of Ethics, finding that there are processes relevant to the issue raised by the complaint and referring the matter to the appropriate agencies.

12. In case 21-51, a motion was made, seconded, and unanimously approved by a vote of 4-0 to dismiss the complaint for lack of jurisdiction as the Denver Code of Ethics does not address the employment actions alleged. The Board asked that the complaint be referred to the appropriate agencies without disclosing the identity of the complainant.
13. In case 21-52, a motion was made, seconded, and unanimously approved by a vote to 4-0, to dismiss the complaint pursuant to Sections 2-56(a) and (b), for lack of jurisdiction and because the alleged conduct, if true, would not violate the Code of Ethics.
14. Prior to addressing case number 21-55, Board Member Jane T. Feldman, disclosed that she knows the subject of the complaint because her son attended preschool with the son of the subject of the complaint. She further stated that the children were now 27 years of age and that she has only seen the subject in passing in the interim. The Board Chair Joseph Michaels then disclosed that he knew the subject's husband because they worked in the same office in the past. Both Ms. Feldman and Mr. Michaels indicated that these relationships would not impact their ability to be fair or impartial. The Board agreed and determined that there would be no recusal by either Ms. Feldman or Mr. Michaels. Following this, it was moved, seconded, and unanimously approved to dismiss the complaint for failure to allege a violation of the Denver Code of Ethics. The Board referred the matter to the appropriate agencies.
15. The Board set the next meeting for January 5, 2022, and decided that the schedule for the rest of the 2022 calendar year would be determined at that January 2022 meeting.
16. Vice-Chair Dianne Criswell noted that the Board has consistently not had time to address the Director's Report at the monthly meetings and suggested that the Board could set additional meetings to address the issues raised in those reports.
17. Chair Joseph G. Michaels commended Member Jane T. Feldman for moderating a panel for the 2021 COGEL conference and indicated a desire to have a discussion about whether conduct unbecoming should be addressed in the Denver Code of Ethics. The Chair also asked members think of other gaps in the Ethics Code or things that they would like to see addressed within that Code for future discussion.
18. Board Member Jane T. Feldman noted that the Independent Ethics Commission had asked for public comment on proposed rules and stated that she would send the information to the other members.
19. At 12:08 p.m. a motion to adjourn the meeting was made, seconded, and unanimously approved by a vote of 4-0 and the meeting was adjourned.

NOTE: Copies of the written 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: January 5, 2022.