DENVER BOARD OF ETHICS
MINUTES
MEETING OF SEPTEMBER 6, 2023

Chair Dianne Criswell called the meeting of the Denver Board of Ethics to order at 9:07 a.m. The Board met in person, and the public meeting was open to interested parties by joining virtually or by telephone. Present in person were Chair Dianne Criswell, Vice Chair Jane T. Feldman, the Hon. Doris E. Burd, and Everett B. Martinez. Also present in person were Jordan Humphreys, Counsel to the Board, Cathi-Lee Kelly, Executive Assistant, and Executive Director Lori Weiser.

1. Welcome, introductory remarks, and review of the Agenda.
2. The Draft Minutes of the Board’s July 12, 2023 meeting were reviewed. It was moved, seconded, and passed by unanimous vote of 4-0 to approve them without amendment.
3. In case 23-39, the Board welcomed Mr. Mark Heiser, Venue Director for the Denver Center for Performing Arts and the McNichols Building, from the Department of Arts & Venues for the City and County of Denver. Prior to discussing the case, Chair Dianne Criswell disclosed that she was acquainted with Mr. Heiser, as Ms. Criswell’s husband worked with Mr. Heiser approximately five years ago. She stated that she did not believe that this familiarity would influence her ability to remain fair and impartial. No members had concerns about Ms. Criswell participating in the discussion and deciding the case, nor did Mr. Heiser. Thereafter, following a discussion with Mr. Heiser, it was moved, seconded, and unanimously approved to issue a waiver to Mr. Heiser to allow him to take direct official action in his city position over the three governing boards for which he serves in an ex officio capacity finding that doing so would serve the best interests of the city.
4. In case 23-43, the Board welcomed Mr. Cole Chandler, Senior Advisor to the Mayor on Homelessness Resolution for the City and County of Denver. Prior to discussion of the case, Vice Chair Jane T. Feldman disclosed that she was a good friend to the individual that assumed the position of Executive Director for Mr. Chandler’s prior employer, and that she was very familiar with that organization and its mission. Vice Chair Feldman did not believe that this would influence her ability to consider the case and issue a fair decision. No other members of the Board had concerns, nor did...
Mr. Chandler. Thereafter, following discussion with Mr. Chandler, it was moved, seconded, and unanimously approved a decision to issue an advisory opinion stating that there would be no per se violation of the Denver Code of Ethics should Mr. Chandler participate in the selection and scoring process for an upcoming Request For Proposals where his prior employer was an applicant because more than six-months had passed since Mr. Chandler was employed by this organization. The Board suggested steps that could be taken such that Mr. Chandler would be in a position to respond should there be a challenge to his participation based upon any appearance of impropriety.

5. In case 23-40, the Board welcomed Mr. Brent Fahrberger, Senior Aide to City Councilman Paul Kashmann. After a discussion with Mr. Fahrberger, the Board moved, seconded, and unanimously approved issuing an advisory opinion stating that Mr. Fahrberger, in acting as a liaison between the city and his subsequent employer, did not take direct official action such that he must wait the six-month period contemplated by Section 2-62 of the Denver Code of Ethics prior to engaging with the city with respect to the contract between the city and his new employer.

6. The Board discussed the administrative process contained in the Board’s Rules of Procedure for non-acceptance of complaints that do not implicate any actionable section of the Ethics Code by the Executive Director, with the opportunity for the Board to ask to consider any or all in executive session at a future meeting.

7. At 10:18 a.m. a motion was made, seconded, and unanimously approved to move from public to executive session for the purpose of screening complaints pursuant to D.R. M.C. Section 2-56(6).

8. At 10:39 a.m., the Board members returned to public session.

9. In cases 23-34 and 23-42, the matters were under investigation by another city agency, so they were continued until that investigation is complete.

10. In case 23-41, it was moved, seconded, and unanimously decided that the complaint should be dismissed for lack of jurisdiction and that the complainant should be informed of their ability to contact the Denver Police Department’s Independent Affairs Bureau.

11. Chair Dianne Criswell ceded her comments.


13. At 11:01 p.m., it was moved, seconded, and approved by a vote of 4-0, to adjourn the meeting.

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 at lori.weiser@denvergov.org.
APPROVED BY THE BOARD: October 4, 2023.