DENVER BOARD OF ETHICS
MINUTES
MEETING OF JUNE 1, 2022

Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 9:05 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 Board members Joseph G. Michaels, Vice-Chair Dianne Criswell, Jane T. Feldman, Doris E. Burd, and Rory McLuster. 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 May 9, 2022 meeting were moved, seconded, and approved unanimously, by a vote of 5-0.
3. In case 22-30, the Board welcomed Gabriel Valdez, a prior employee at Denver International Airport (DEN), who is now employed by Johnson Controls, Inc. (JCI). Following a discussion of the application of Section 2-64 of the Denver Code of Ethics, Subsequent Employment, the Board determined that there would be a violation of the Ethics Code if Mr. Valdez were to begin working immediately for JCI at DEN. Thereafter, the Board determined by a vote of 5-0 that granting a waiver was appropriate and in the best interests of the city.
4. In case 22-31, the Board welcomed Gabriela Serrado, a prior employee of the Department of Transportation and Infrastructure (DOTI), and her current supervisor at Apex Design/Consort, Mike Gill. Prior to discussion, Vice Chair Dianne Criswell disclosed that her husband works for DOTI, in the Vertical Team. Following this disclosure, Ms. Serrado and the other members of the Board were asked if they believed that there was a conflict of interest requiring recusal. It was determined that Vice Chair Criswell could be fair and impartial and that there was no conflict of interest that would bar her from participating in the matter. After discussing the issues with Ms. Serrado and Mr. Gill, it was moved, seconded and approved by a vote of 4-1, Member Feldman dissenting, to grant a waiver to Ms. Serrado for her future involvement in projects that she worked on while at the city. With respect to new projects, the Board requested that Ms. Serrado return to the Board to discuss those specifics when known.
5. In case 22-32, the Board welcomed William Chan, the Director of Strategy and External Affairs for the Denver Department of Economic Development and Opportunity. Following a discussion between the Board and Mr. Chan, it was moved, seconded, and unanimously approved by a vote of 5-0 to find that Mr. Chan will not violate the Denver Code of Ethics so long as he keeps his campaign activities separate from his city duties and so long as he does not use any city resources in the furtherance of his campaign.

6. In case 22-33 the Board welcomed Ms. Ginger White, Executive Director of Denver Arts & Venues. Prior to discussion, Vice Chair Dianne Criswell disclosed that she is familiar with Ms. White because Ms. White was part of the leadership team for her husband when her husband had a different role with the city. Vice Chair Criswell indicated that she had not conversed with Ms. White about the case. Similarly, Member Rory McLuster, disclosed that she has worked with Ms. White through her role of Deputy Director of the Office of Human Services. The Board members and Ms. White stated that they did not have concerns that would require Vice Chair Criswell or Member McLuster to recuse themself from the case. Following discussion, the Board moved, seconded, and approved by a vote of 5-0 granting a waiver of Section 2-61 of the Denver Code of Ethics, Conflicts of Interest, for Ms. White to serve as an ex-officio member of the Colorado Symphony while holding the position of Executive Director of Denver Arts & Venues.

7. In case 22-36, the Board welcomed Ms. Cheryl Monroe, the Director of Infrastructure and Operations for the Technology Department of Denver International Airport (DEN). Following a discussion between Ms. Monroe and the Board it was moved, seconded, and unanimously agreed by a vote of 5-0 to find that there will be no violation of Section 2-64 of the Denver Code of Ethics, the Subsequent Employment Section, for DEN to bring back a recently retired employee through a contract with the employee’s new employer because the employee did not take direct official action while serving as a city employee at DEN.

8. In case 22-37, the Board welcomed a Technology Services Director for the city and county of Denver. Following a discussion between the Director and the Board of Ethics it was moved, seconded, and unanimously approved by a vote of 5-0 to find that it would be a violation of Section 2-60 of the Denver Code of Ethics to accept a gift from a donor that is doing business with the city and over whom the Director could take direct official action, and to redirect the gift to another employee as an incentive or through a raffle.

9. At 11:16 a.m., it was moved, seconded, and unanimously approved by a vote of 5-0 to go into executive session for the purpose of screening cases numbered 22-29, 22-34, 22-35, 22-38, 22-39, and 22-40, pursuant to Denver Open Meetings Law, D.R.M.C. 2-34(c), and the Code of Ethics Section 2-54(a) and (d) and Article IV.
10. At 11:23 a.m., a motion was made, seconded, and approved by a vote of 5-0 to return to the public session.
11. In case number 22-29, it was moved, seconded, and approved by a vote of 5-0 to find that while the Board takes seriously any allegation of discrimination, it lacked jurisdiction and the complaint was dismissed pursuant to Section 2-56(6)(a) of the Denver Code of Ethics.
12. In case number 22-34, it was moved, seconded, and approved by a vote of 5-0 to dismiss the complaint pursuant to Section 2-56(6)(a) of the Denver Code of Ethics, for lack of jurisdiction.
13. In case number 22-35, it was moved, seconded, and approved by a vote of 5-0 to dismiss the complaint pursuant to Section 2-56(6)(a) of the Denver Code of Ethics, for lack of jurisdiction. It was noted that no officer, official or employee was named in the complaint.
14. In case number 22-38, it was moved, seconded, and approved by a vote of 5-0 to dismiss the complaint because sufficient facts were not alleged and because the Board lacked jurisdiction pursuant to Section 2-56(6)(a) of the Code of Ethics.
15. In case number 22-39, it was moved, seconded, and approved by a vote of 5-0 to dismiss the complaint for lack of jurisdiction and for want of a city employee being identified pursuant to Section 2-56(6)(a) of the Code of Ethics.
16. In case number 22-40, it was moved, seconded, and approved by a vote of 5-0 to dismiss the complaint because the Board lacked jurisdiction pursuant to Section 2-56(6)(a) of the Code of Ethics.
17. Officer elections were held. It was moved, seconded, and approved unanimously by a vote of 5-0 for Joseph G. Michaels to continue to serve as Chair, and for Dianne Criswell to continue to serve as Vice Chair.
18. The issue of working collaboratively with the Office of Human Resources was tabled until the July 2022 meeting.
19. The Board discussed potential recommendations for changes to the Ethics Code and the decision was reached to continue conversations with city council.
20. Vice Chair Dianne Criswell offered to assist the Executive Director on a 2023 Budget Expansion Request. She also recommended a reclassification of the Executive Director’s Position to ensure that it will be JD-required position and that it be elevated commensurate with the person filling the position. The Board agreed that this should be pursued with the Office of Human Resources. Board member Rory McLuster offered to assist with this effort.
21. At 11:51 a.m., it was moved, seconded, and approved unanimously by a vote of 5-0 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–lori.weiser@denvergov.org.

APPROVED BY THE BOARD: July 15, 2022