Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 9:00 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 Chair Joseph G. Michaels, Vice Chair Dianne Criswell, Jane T. Feldman, Doris E. Burd, and Everett B. Martinez. Also present 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 January 4, 2023 meeting were moved, seconded, and approved unanimously, by a vote of 5-0.
3. In case 21-16, the Board welcomed Stacy Hafner, a Forensic Scientist, and Eric Duvall, a Forensic Supervisor and Local CODIS Administrator from the Forensics and Evidence Division of the Denver Police Department Crime Lab. Ms. Hafner and Mr. Duvall provided updates to the work done under the waiver granted by the Board of Ethics in 2021. The Board asked that Ms. Hafner and Mr. Duvall return again in 2024, and that they reach out to the Board sooner if there are any factual changes underlying the waiver.
4. In case 23-3, the Board welcomed Roger Sorge, a Project Inspector from the Denver Department of Transportation and Infrastructure. Prior to discussing the case, Vice Chair Dianne Criswell disclosed that her husband is employed by the City and County of Denver and that he works for the Vertical Construction Team within the Department of Transportation and Infrastructure. Ms. Criswell indicated that she did not believe that there was a conflict of interest requiring her recusal. All present agreed that Ms. Criswell could be fair and impartial in deliberating and determining the disposition of the question posed by Mr. Sorge. Thereafter, the Board engaged in conversation with Mr. Sorge concerning his proposed outside business activity. With the benefit of that conversation, the Board determined that there would be no violation of Section 2-61, Conflict of Interest, or Section 2-63, Outside Employment or Business Activity, so long as Mr. Sorge obtains written permission from his appointing authority and updates this annually, he does not use any city resources in
his outside business, and he is diligent about avoiding any work that would create any actual or appearance of a conflict of interest. It was moved, seconded, and approved by a vote of 5-0 to issue an Advisory Opinion consistent with this determination.

5. In case 23-4, the Board welcomed Britta Fisher, the City of Denver’s Chief Housing Officer and that Executive Director of the Denver Department of Housing Stability. Prior to discussing the case, Member Jane T. Feldman disclosed that she and Ms. Fisher had a good friend in common, and Members Doris E. Burd and Jane T. Feldman disclosed that they have given charitable contributions to Ms. Fisher’s future employer, Colorado Coalition for the Homeless. These familiarities did not concern any party present about Member Feldman’s or Burd’s ability to be fair and impartial in discussing and voting upon the questions raised by Ms. Fisher. Thereafter, the Board engaged in conversation with Ms. Fisher about her upcoming transition from the city to being the Chief Executive Officer for the Colorado Coalition for the Homeless. With the benefit of shared information, the Board determined that granting a waiver of the six-month “cooling off” period set forth in Section 2-63 of the Denver Code of Ethics would serve the best interests of the city. Accordingly, it was moved, seconded, and unanimously approved by a vote of 5-0 to issue an Advisory Opinion and Waiver to Ms. Fisher.

6. Ms. Layce Holt, a Recruiter from the city’s Office of Human Resources, provided an update concerning the efforts being made toward recruiting and identifying an Executive Assistant for the Denver Board of Ethics. The Board, in turn, described the professional help that may be required for the role. Ms. Holt indicated that there she was seeing a lot of interest in the position, and that if there needed to be future adjustments, class and compensation could be reapproached.

7. At 9:30 a.m., it was moved, seconded, and approved by a vote of 5-0 to leave the Public Session of the meeting for the purpose of convening in Executive Session to screen pending complaints in cases numbered 22-75, 23-1, and 23-2, pursuant to the Denver Open Meetings Law Section 2-34(c), and to Code of Ethics Sections 2-54(a), (c), and (f), and 2-56(6), and pursuant to the Board’s Rules of Procedure, Articles IV, and VI.

8. The Board reconvened in Public Session at 9:46 a.m.

9. In case 23-1, it was moved, seconded, and approved, by a vote of 5-0, to dismiss the complaint pursuant to Denver Code of Ethics Section 2-56(a)(6)(a), for lack of jurisdiction and because the compliant did not specify any specific officer, official, or employee of the City and County of Denver.

10. In case 23-2, Chair Joseph G. Michaels reported that he and the Board’s Executive Director did not participate in the screening of this complaint and that they left the room during the discussion. It was thereafter moved, seconded, and approved, by a vote of 4-0, to dismiss the complaint pursuant to Denver Code of Ethics Section 2-
56(a)(6)(a), for lack of jurisdiction and because the Code’s two-year time limit would also preclude any action by the Board even if jurisdiction were proper. It was suggested that the letter be authored and sent out by someone other than the Executive Director. The Board’s Counsel, Jordan Humphreys agreed to do this.

11. Agenda item number 8 was tabled, and Chair G. Joseph Michaels ceded his remarks given the time.

12. For other business, Vice Chair Dianne Criswell suggested that the Board hold a Special Meeting to address potential code amendments, as the Board has been tabling the discussion for months due to time restrictions. All agreed. Vice Chair Criswell also suggested that there be a stronger message on the Board’s website to spell out the Board’s jurisdictional limitations, and that this be a resource to direct people toward when inquiries come to the Board on topics unrelated to the Denver Code of Ethics.

13. Member Jane T. Feldman stated that she would recommend looking at giving the Executive Director the authority to dismiss or not pursue complaints or inquiries that are clearly not related to the Code of Ethics. All acknowledged that this would require future discussion as it would involve changes to the Ethics Code and Board’s Rules of Procedure.

14. At 11:08 a.m., a motion to adjourn was made, seconded, and approved by a vote of 5-0, and the meeting was concluded.

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: March 1, 2023