DENVER BOARD OF ETHICS
MINUTES
MEETING OF APRIL 5, 2023

Vice Chair Dianne Criswell called the meeting of the Denver Board of Ethics to order at 9:03 a.m. The Board met virtually, and the public meeting was open to interested parties by joining virtually or by telephone. Present in person were Vice Chair Dianne Criswell, Member Jane T. Feldman, Member Doris E. Burd, and Member Everett B. Martinez. Chair Joseph G. Michaels was excused. Also present 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 March 1, 2023 meeting were moved, seconded, and approved unanimously, by a vote of 4-0.
3. The Board welcomed Andy Szekeres from the Office of the Clerk and Recorder. Mr. Szekeres updated the Board with respect to the transition of elected and appointed officers with the change in administration. The Office of the Clerk and Recorder has alternative personal email addresses for outgoing officers so that the disclosures can be gathered as required by the Denver Revised Municipal Code. The Board thanked Mr. Szekeres for taking time to join the meeting on the municipal election day.
4. In case 23-12, the Board welcomed Ms. Suezann Bohner, Safety Supervisor at Denver International Airport (DEN). Prior to discussing Ms. Bohner’s request, Member Everett Martinez disclosed that he acts as General Counsel for DEN. He did not believe that this would pose a challenge to his ability to be fair and impartial in evaluating the facts. Ms. Bohner did not have concerns about this, nor did any other of the Board members. Thereafter, the Board engaged in a discussion of whether it would be consistent with Section 2-60 of the Denver Code of Ethics, Gifts, for DEN to send non-supervisory personnel to the Grainger Exposition in 2024. Grainger offered to pay for the cost of lodging. Those present looked to the definition of “direct official action,” and concluded that in making purchasing recommendations, the non-supervisory personnel could be viewed as taking direct official action. Because certain facts were unclear, Ms. Bohner withdrew her request for advisory opinion until she was able to obtain additional information. The Board
commended Ms. Bohner for planning and coming to the Board far in advance of the event.

5. In case 23-13, the Board welcomed Mr. David Flores, Senior Cost Analyst for the Denver Department of Transportation and Infrastructure (DOTI). After doing so, Vice Chair Dianne Criswell disclosed that her husband works for DOTI in the vertical team. However, Ms. Criswell indicated that she had not had conversations with her husband about the issue at hand, and she did believe that any connections to her husband existed. She encouraged Mr. Flores and the Board members to speak up if there were concerns about her ability to participate in discussion and voting on the request. No one present had concerns. Thereafter, the Board engaged in discussion with Mr. Flores, and with his supervisor from the city, Ms. Patience Reuter. With the benefit of this discussion the Board found that it was in the best interest of the city to grant a waiver of the six-month cooling off period required by Section 2-64(a) of the Denver Code of Ethics, Subsequent Employment, to allow Mr. Flores to work under a DOTI on-call contract held by his new employer. Therefore, the Board of Ethics moved, seconded, and voted unanimously to issue a waiver of Section 2-64(a) such that he could immediately work on city projects on an on-call basis.

6. In case 23-14, the Board of Ethics welcomed Ms. Happy Haynes, Executive Director for the Denver Department of Parks and Recreation, and Ms. Katie McLoughlin, Deputy City Attorney. Those present then engaged in a discussion centered around city officers/leaders serving as ex officio board members on organizations such as the Civic Center Conservancy, the Denver Zoo, and the Denver Botanic Gardens, and the Ethics Code’s definition of a “substantial conflict,” in Section 2-61 of the Denver Ethics Code, Conflict of Interest. Because the Ethics Code does not distinguish ex officio service, the Board’s conclusion was that its hands are tied. The Board of Ethics strongly suggested that City Council take the matter up, as many officers serve in this capacity in their stewardship of the city’s interests. However, as the Code of Ethics stood, the Board could only consider granting a waiver for such service if each officer demonstrated, independently, that doing so was in the best interest of the city. Because Notice had not been properly given of the intent to seek a waiver, the Board set the matter over to a future meeting.

7. In case 23-15, the Board welcomed Molly Wink, the Deputy Director of Denver Arts and Venues. Prior to discussing the case, Vice Chair Dianne Criswell disclosed that prior to working at DOTI, her husband was employed in service of Denver Arts and Venues. Ms. Criswell did not believe that his prior employment would influence her ability to be fair and impartial. Those present agreed that there was no conflict of interest that would preclude her participation. Thereafter, the Board engaged in discussion with Ms. Rink about her ex officio service on the Civic Center Conservancy Board of Directors. Ms. Rink requested a waiver of Section 2-61 of the
Denver Code of Ethics, Conflict of Interest, because she anticipated that she might be in a position to take direct official action in the future in her city position with respect to the Civic Center Conservancy (CCC). The Board found that it was in the best interest of the city for Ms. Rink to be granted a waiver under Section 2-64(f) of the Denver Code of Ethics, because of the city’s strong interest in managing the agreement between the city and the CCC, as CCC moves forward with management and improvements to the Civic Center Park. It was moved, seconded, and approved by a vote of 4-0 to issue an Advisory Opinion and Waiver consistent with the discussion and findings of the Board. The Board indicated appreciation for Ms. Wink’s work and for bringing the issue to the Board prior to taking action.

8. With four minutes remaining, Vice Chair Criswell, ceded her comments.

9. Importantly, the Board welcomed Ms. Cathi-Lee Kelly, as Ms. Kelly had begun her work as the Board’s Executive Assistant on Monday, April 3, 2022. All looked forward to greeting Ms. Kelly again in person at the May 2023 meeting of the Board of Ethics.

10. The Executive Director explained that there was some information indicating that the Board of Ethics might be asked to consider hosting a Mayoral Debate between the two candidates scheduled for a runoff election in June of 2023. Ultimately, it was concluded that the Board might not be the most appropriate agency or entity to host such a forum.

11. At 11:08 a.m., it was motioned, seconded, and approved by a vote of 4-0, to conclude 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.