DENVER BOARD OF ETHICS
MINUTES
MEETING OF OCTOBER 12, 2022

Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 1:02 p.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, Jane T. Feldman, and Doris E. Burd. Vice Chair, Dianne Criswell arrived at 1:09 p.m. 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 August 30, 2022 meeting were moved, seconded, and approved unanimously, by a vote of 3-0.
3. The Board welcomed Andy Szekeres from the Office of the Clerk and Recorder. Mr. Szekeres informed those present that he will be serving as the Liaison for the Board of Ethics going forward. The MapLight System is ready for review and the Office of the Clerk and Recorder is working to obtain contact information from mayoral appointees. The Clerk and Recorder’s Office will be receiving a periodic updated list of appointees from Workday for year-end reporting. The System will be translated to Spanish once it is live. All were welcomed to try the System and make suggested for any necessary changes before it goes live.
4. At 1:09 p.m., Vice Chair Dianne Criswell joined the meeting in person.
5. In case 22-57, the Board welcomed Mr. Bret Pica. Pursuant to the Denver Revised Municipal Code, Sections 2-34(c), 2-54(a), and 2-54(c), and Article IV of the Board’s Rules of Procedure, it was moved, seconded, and approved by a vote of 4-0 to deliberate on case 22-57 in Executive Session. However, it was moved, seconded, and approved to withdraw this Motion. A Motion was then made to enter into Executive Session for two purposes: to deliberate on advisory opinion 22-57, and to screen the complaint numbers 22-49, 22-55, 22-56, 22-58, 22-59, 22-60, and 22-61. This Motion was seconded and approved unanimously by a vote of 4-0.
6. The Board reconvened in Public Session at 3:02 p.m.
7. In case 22-57, a record was made to indicate that Mr. Pica was present in-person during the Executive Session for the purposes of deliberation on this case. However,
Mr. Pica departed at the conclusion of this discussion (2:26 p.m.) and was not present for screening of complaints. It was then moved, seconded and unanimously approved by a vote of 4-0, that there would be no violation of 2-61 (Conflict of Interest), if a patent is pursued, based upon information in public record, when there is a clear city interest served, so long as there are no city resources used. Further, that there be a waiver granted pursuant to Section 2-54(f) for any participation on the part of the employee in the analysis of that data and the publication thereto. Further that there would be no violation of Section 2-68 of the Code of Ethics (Use of Confidential Information).

8. In case 22-49, it was moved, seconded, and unanimously approved to dismiss the complaint in the absence of clear and convincing evidence to sustain a violation. However, there was a Motion to Withdraw this Motion which was seconded and approved by a vote to 4-0. It was then moved, seconded, and approved by a vote of 4-0 to find that the Board of Ethics has jurisdiction, but that following investigation, that there was not clear and convincing evidence to establish a violation of the Code of Ethics. The Board articulated the need for the city to establish clear guidelines for the use of city vehicles.

9. In case 22-55, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Denver Code of Ethics Sections 2-56(a)(6)(a) and (b) of the Denver Code of Ethics, for lack of jurisdiction and because, the conduct if true, would not violate the Ethics Code.

10. In case 22-56, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Denver Code of Ethics Sections 2-56(a)(6)(a) and (b) of the Denver Code of Ethics, for lack of jurisdiction and because, the conduct if true, would not violate the Ethics Code.

11. In case 22-58, it was moved, seconded, and unanimously approved to find that the Board does have jurisdiction and that there should be further investigation by the Executive Director.

12. In case 22-59, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Denver Code of Ethics Sections 2-56(a)(6)(a) and (b) of the Denver Code of Ethics, for lack of jurisdiction and because, the conduct if true, would not violate the Ethics Code. The Board referred this matter out to 311 and the Denver Police Department.

13. In case 22-60, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Denver Code of Ethics Sections 2-56(a)(6)(a) as to one party, for lack of jurisdiction, and as to the other party, pursuant to 2-56(b), because the conduct if true, would not violate the Ethics Code.

14. In case 22-61, it was moved, seconded, and approved by a vote of 4-0 to not pursue a Board-initiated investigation.
15. The Chair, Joseph G. Michaels, highlighted Agenda Items 7 and 8. In the interest of time, Mr. Michaels asked the Board members to look at the proposed Code Amendment draft provisions and circulate any comments or thoughts to the Executive Director prior to the November 2, 2022, meeting.

16. Finding that there was no other business before the Board, at 3:19 p.m., a motion to adjourn was made, seconded, and approved by a vote of 4-0 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: November 2, 2022