DENVER BOARD OF ETHICS
MINUTES
MEETING OF NOVEMBER 1, 2023

Chair Dianne Criswell called the meeting of the Denver Board of Ethics to order at 9:04 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, the Hon. Doris E. Burd, and Everett B. Martinez. Vice Chair Jane T. Feldman and Ray Gradale were absent and excused. Also present in person were Jordan Humphreys, Counsel to the Board and Executive Director Lori Weiser. Executive Assistant Cathi-Lee Kelly joined the public meeting virtually.

1. Welcome, introductory remarks, and review of the Agenda.
2. Chair Dianne Criswell announced one request for Advisory Opinion, in case 23-58, was withdrawn.
3. The Draft Minutes of the Board’s October 4, 2023 meeting were reviewed. It was moved, seconded, and passed unanimously to approve the Minutes without amendment.
4. On behalf of Andy Szekeres from the Clerk and Recorder’s Office, Executive Director Lori Weiser provided updates concerning the process of gift disclosures: the Clerk & Recorder’s Office has begun the education and training process for the filings due on January 31, 2024; there will be weekly drop-in training from November to the filing deadline and they will notify the Board of those dates; the Clerk & Recorder’s Office developed some tools to assist in this process; they are working on a way to export the disclosures by PDF to the Board’s Executive Director; and they report expecting heightened media attention because they are already receiving requests for the information.
5. Chair Dianne Criswell asked the Board members if any member wished to call out any of the complaints that were reported as being subject to non-acceptance for screening by the Board. No cases were called out by those present.
6. Because of the need to consider the remaining Advisory Opinion request at a specific time and much later in the meeting, the Chair called for a motion to move into Executive Session.
7. At 9:09 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). Only those who were present in person participated in this Executive Session.

8. At 9:21 a.m., the Board reconvened in Public Session.

9. In case number 23-56, it was moved, seconded, and unanimously approved to dismiss the complaint for failure to allege a violation of the Denver Code of Ethics, and because the Board of Ethics was without jurisdiction pursuant to Ethics Code Sections 2-56(6)(a) and (b).

10. In case number 23-67, it was moved, seconded, and unanimously approved to dismiss the complaint for failure to allege a violation of the Denver Code of Ethics, and because the Board of Ethics was without jurisdiction pursuant to Ethics Code Sections 2-56(6)(a) and (b).

11. In cases 23-62, 23-63, and 23-64, it was moved, seconded, and unanimously approved to not accept these consolidated complaints as the Board did not have jurisdiction because the issue of familial relationships and nepotism does not address cousins. The Board voiced that it might be appropriate to voice this concern to City Council if Ethics Code Amendments are being considered because of the changing nature of families.

12. In Case 23-65, it was moved, seconded, and unanimously approved to not accept this case because the Board lacked jurisdiction. The Board noted that while this complaint also concerned familial relationships in the workplace, this appeared to be an issue that may be more appropriately raised with the Office of Human Resources.

13. Chair Dianne Criswell requested that Executive Director Lori Weiser contact Vice Chair Jane Feldman to give her the opportunity to call into the meeting to discuss Agenda Item number 8, the proposed Position Statement by the Independent Ethics Commission.

14. Executive Director Lori Weiser discussed the expected case count for the year and reminded those present that the Board’s Holiday Party would be after the December 13, 2023, meeting of the Board. It was reported that this would be held at the Art Hotel and that guests will be expected to pay for their own drinks.

15. Chair Dianne Criswell suggested that the Board consider any proposed drafts of Ethics Code amendments at the December meeting.

16. Chair Dianne Criswell informed those present that, going forward, unless there is a showing of a substantial hardship, the Board will shift its approach and ask that all advisory opinion requesters join the meeting at the beginning.

17. The Board then discussed Agenda Item 8 the proposed Position Statement by the Independent Ethics Commission that had been distributed to stakeholders for comment. The Board ultimately encouraged and empowered the Executive Director
to work with colleagues within the city to consider providing a position and comments. It was determined that the Board would not independently submit comments. However, if individual Board members wished to do so, it was understood that they should follow the best practice of including a statement that they are not speaking on behalf of the city or the Board of Ethics.

18. At 9:54 a.m., the Board took a break to wait for the availability of the requestor of the Official Advisory Opinion.

19. At 10:19 a.m., the Board reconvened on the record.

20. In case 23-61, the Board welcomed Ms. Lindsay Koehnke, formerly an employee of the Denver Department of Parks and Recreation (DPR), and Ms. Emily Ziegler, the Assistant Director of Park Design and Construction from DPR. Following a discussion between the Board members and Ms. Koehnke and Ms. Ziegler, it was moved, seconded, and approved unanimously to issue an Official Advisory Opinion that Ms. Koehnke could work for DPR through an on-call contract between the city and EmDub Designs to complete the revisions to the Park Design and Construction Manual without violating the Code of Ethics as the Board determined that while at the city, Ms. Koehnke did not take direct official action over this project. The Board understood that this would be limited, scope-specific job that would require five to eight hours per week, and it was reported that the project was expected to be completed in April of 2024. Ms. Koehnke was reminded not to disclose confidential information she obtained during the course of her employment by the city and to abide by considerations to not take advantage of any non-public information or use her established relationships to advantage EmDub Designs.

21. Chair Dianne Criswell ceded her remarks.

22. Executive Director Lori Weiser reminded the Board members that it was the time of year that the city addresses performance evaluations. Chair Dianne Criswell asked that any comments be submitted to her.

23. Finding there was no further business, it was moved, seconded, and approved by a vote of 3-0, 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: December 13, 2023.