DENVER BOARD OF ETHICS
MINUTES
MEETING OF MARCH 2, 2022

Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 9:07 a.m. The Board met in-person, and the public meeting was open to interested parties by joining virtually or by telephone. Present were Board members Joseph G. Michaels, 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 February 2, 2022 meeting were moved, seconded, and approved unanimously, by a vote of 5-0.
3. Prior to discussing the first advisory opinion request, in Case 22-10, Vice Chair Dianne Criswell notified the Board and those present that she knew the requestor, Molly Duplechian, because she and Ms. Duplechian worked together at the city in 2014 and 2015. Ms. Criswell did not believe that this familiarity would prejudice her in any manner. Neither the other Board members, nor Ms. Duplechian, doubted Vice Chair Criswell’s ability to remain fair and impartial in deliberating and voting on the request for advisory opinion.
4. In Case 22-10, the Board welcomed Molly Duplechian, Executive Director of the Denver Department of Excise and Licenses, Alex Vidal, Policy Analyst with the Department of Excise and Licenses, Nicol Kim, Manager for the Residential Rental License Program in the Department of Excise and Licenses, and Rod Picasarri, Technology Manager at the Department of Excise and Licenses. Following discussion, the Board moved, seconded, and unanimously voted to issue an advisory opinion providing that the agencies involved in administration, enforcement, and regulation of the Residential Rental License Program should develop a policy in tandem with the Office of Human Resources that incorporates the requirements for the Code of Ethics and Career Services Rule 16. The Board included the reminder that employees who rent properties should obtain the approval of their appointing authorities prior to engaging in this activity. Further the Board asked that the system in which the licenses are maintained include a notification to users that access is limited to business purposes and not personal purposes; that people should be
provided notice that violation of this rule would result in disciplinary action; that there be a field on the application form where an applicant can disclose that they are a city employee; and that any person affected by this opinion be encouraged to reach out to the Executive Director for the Denver Board of Ethics with questions. The Board asked that the requestors of this advisory opinion return to provide an update in six months.

5. In case number 22-8, the Board welcomed Eric Hiraga, who was present in-person. Pursuant to D.R.M.C. Sections 2-34(c) and 2-54(a) and (b), and Article IV of the of the Board of Ethics’ Rules of Procedure, a motion was made to consider case 22-8 in executive session. This motion was seconded and unanimously approved, and at 10:14 a.m., the Board convened in executive session with Mr. Hiraga, for the purpose of deliberating on case 22-8.

6. At 10:37 a.m., a motion was offered, seconded, and unanimously approved by a vote of 5-0 to return from executive session back into public session, and the Board reconvened in public session at 10:40 a.m.

7. A motion was made, seconded, and unanimously approved by a vote of 5-0 to provide an advisory opinion to Mr. Hiraga that it would not violate the Denver Code of Ethics if here were to contact employees of the Denver Department of Economic Development and Opportunity, over whom he had direct official action responsibility, and employees of other agencies to obtain to public information.

8. At 10:45 a.m. a motion was offered, seconded, and unanimously approved to go into executive session for the purpose of screening cases 21-48, 21-56, 21-59, 21-62, 22-1, 22-2, 22-7, 22-9, 22-11, 22-12, and 22-14.

9. At 11:25 a.m., Rory McLuster left the meeting to attend to another commitment.

10. At 11:29 a.m., a motion was made, seconded, and approved by a vote of 4-0 to return to the public session, following a five-minute recess.

11. At 11:38 a.m., the Board reconvened in public session.

12. In case number 21-48, a motion was made, seconded, and approved by a vote of 4-0, to find that the subject of the complaint acted appropriately and that there was no violation of the Code of Ethics.

13. In case number 21-56, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Section 2-56(6)(a) and (b), for lack of jurisdiction and because the alleged conduct, if true, would not violate the Code of Ethics.

14. In case number 21-59, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Section 2-56(6)(a) and (b), for lack of jurisdiction and because the alleged conduct, if true, would not violate the Code of Ethics.

15. In case number 21-62, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to 2-56(a) of the Ethics Code, for lack of jurisdiction, noting that it is the expectation of the Board of Ethics that all officers, officials, and
employees act consistent with the legislative intent, as found in Section 2-51 of the Denver Code of Ethics.

16. In case number 22-1, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Section 2-56(6)(a) and (b), for lack of jurisdiction and because the alleged conduct, if true, would not violate the Code of Ethics.

17. In case number 22-2, it was moved, seconded, and approved by a vote of 4-0, that while the Board does not condone racial discrimination of any kind, the complaint should be dismissed pursuant to Section 2-56(6)(a) and (b), for lack of jurisdiction and because the alleged conduct, if true, would not violate the Code of Ethics.

18. In case number 22-7, it was moved, seconded, and unanimously approved to dismiss the complaint pursuant to Section 2-56(6)(a) and (b), for lack of jurisdiction and because the alleged conduct, if true, would not violate the Code of Ethics, noting that there was also no demonstration that an officer, official, or employee of the City and County of Denver was involved in the alleged conduct.

19. In case number 22-12, it was moved, seconded, and unanimously approved to dismiss the complaint pursuant to Section 2-56(6)(a) and (b), for lack of jurisdiction and because the alleged conduct, if true, would not violate the Code of Ethics, noting that there was also no demonstration that an officer, official, or employee of the City and County of Denver was involved in the alleged conduct.

20. In case number 22-14, it was moved, seconded, and unanimously approved by a vote of 4-0, to not accept the anonymous complaint as the complaint did not contain facts to demonstrate a prima facia violation of the Denver Code of Ethics.

21. Cases 22-9 and 22-11 were tabled until the April 2022 meeting due to time constraints.

22. At 11:50 a.m., it was moved, seconded, and approved unanimously by a vote of 4-0 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: April 6, 2022