DENVER BOARD OF ETHICS
MINUTES
MEETING OF JULY 15, 2022

Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 9:05 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 Joseph G. Michaels, Vice-Chair Dianne Criswell, Jane T. Feldman, and Rory McLuster. Member Doris E. Burd participated in the public session virtually. Also in attendance were Sherri Catalano, 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 June 1, 2022 meeting were moved, seconded, and approved unanimously, by a vote of 5-0.
3. In case 22-42, the Board welcomed Ms. Christeen Chapman, a Tax Compliance Specialist, from the Department of Finance for the City and County of Denver. Prior to discussion of the matter, Vice Chair, Dianne Criswell disclosed that she was previously employed by the city and worked in the Department of Finance. Ms. Chapman and the other members of the Board were asked if they believed that a conflict existed such that Vice Chair Criswell should recuse from the case. All indicated that there were no concerns about Vice Chair Criswell’s ability to be fair and impartial and asked if there were concerns of others about her joining in any discussion and decision issued in the matter. No concerns were noted. Thereafter, the Board determined that there would be no conflict of interest pursuant to Section 2-61 of the Denver Code of Ethics for Ms. Chapman to actively pursue outside employment so long as she keeps the outside business activities separate from her responsibilities to the city, and that she ensures that she does not take direct official action in her city position over any matters related to her outside business activity. It was moved, seconded, and approved by a vote of 5-0 to issue an advisory opinion consistent with this decision.
4. For the Chair’s remarks, Chair Joseph Michaels commended Member Rory McLuster for her work on the Board of Ethics and wished her well as she moves on from the city. These sentiments were echoed by all present.
5. The Executive Director highlighted the issue of collaboration with the Office of Human Resources when a complaint is filed that does not, on its face, implicate any actionable section of the Code of Ethics. All agreed to the procedure proposed.

6. At 9:37 a.m., it was moved, seconded, and unanimously approved by a vote of 5-0 to go into executive session for the purpose of discussing the reclassification of the Executive Director Position, pursuant to Denver Revised Municipal Code Section 2-33(c), and for the purpose of screening cases numbered 22-41, 22-43, 22-44, and 22-45, pursuant to Denver Open Meetings Law, D.R.M.C. 2-34(c), and the Code of Ethics Section 2-54(a) and (d) and Article IV.

7. Only the four members who were able to be physically present in-person participated in the executive session. Greg Thress, Senior Classification & Compensation Analyst with the Office of Human Resources, was also physically present and participated in the discussion of the potential reclassification of the Executive Director position.

8. At 10:32 a.m., it was moved, seconded, and approved by a vote of 4-0 to return to the public session of the meeting.

9. When the public meeting resumed at 10:34 a.m., it was noted that, while there was no actual conflict of interest, the Executive Director physically left the room for the executive session during the discussion concerning the reclassification of the Executive Director position and for the deliberation in case number 22-45, to avoid any appearance of impropriety.

10. In case number 22-41, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Section 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 number 22-43, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Section 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.

12. In case number 22-44, it was moved, seconded, and approved by a vote of 4-0, to dismiss the complaint pursuant to Section 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.

13. In case number 22-45, the Executive Director disclosed that she previously worked with or had communications with both the complainant and subject of the complaint as part of her employment with the City, which is a typical disclosure for Members of the Board and its staff. It was noted again, that while the Board did not find that a conflict of interest or bias existed that would require the Executive Director to recuse herself from the executive session, the Board asked the Executive Director to exit during its screening of this matter in order to avoid even the perception of a
conflict or bias. Thereafter, it was moved, seconded, and approved by a vote of 4-0 to dismiss the complaint pursuant to Section 2-5(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.

14. Vice Chair Dianne Criswell noted that there is often the occasion where one or more Board members must be absent or must recuse themselves from taking action on a matter. Because the Board of Ethics must go into executive session at every meeting, the business of the Board is frustrated by City Council’s amendment to the Denver Revised Municipal Code requiring all executive session to be conducted in person. All agreed that having hybrid meetings would promote efficiency and would help to accommodate the needs of the members who volunteer their time to the Board of Ethics and the city.

15. At 10:46 Member Jane Feldman left the meeting to attend to another commitment.

16. Member Doris E. Burd thanked and commended Member Rory McLuster for her work on the Board of Ethics, wishing her well in future endeavors. Member Burd also expressed dissatisfaction with not being able to participate in the executive session, through no fault of her own, and reiterated that the issue of requiring in-person attendance should be revisited by City Council.

17. At 10:50 a.m., it was moved, seconded, and approved unanimously by a vote of 5-0 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: August 30, 2022