DENVER BOARD OF ETHICS  
MINUTES  
MEETING OF AUGUST 30, 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 Doris E. Burd. 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 July 15, 2022 meeting were moved, seconded, and approved unanimously, by a vote of 4-0.
3. In case 22-51, the Board welcomed Mr. Justin Jones, Mr. Isaac Lucero, and Mr. Samuel Stevens, all from the Denver Department of Transportation and Infrastructure (DOTI). Ed Bagwell, a Union Representative, also appeared virtually and was welcomed by the Board. Prior to discussion of the matter, Vice Chair, Dianne Criswell disclosed that her husband is an employee of DOTI. Ms. Criswell indicated that she believes that her husband is in a different section of DOTI and stated that she has not talked to her husband about the matter, nor did she know any of the parties involved. All present indicated that they had no concerns about Vice Chair Criswell’s ability to be fair and impartial, or about her joining in any discussion and decision issued in the matter. Thereafter, following discussion, the Board determined that Section 2-61 of the Denver Code of Ethics, Conflict of Interest, would be implicated if Mr. Lucero were to pursue the proposed private outside activity in the plumbing field. It was moved, seconded, and approved by a vote of 4-0 to issue an advisory opinion consistent with this decision.
4. In case number 22-53, the Board welcomed Sergeant Kevin Ford from the Denver Police Department. Following discussion with Sergeant Ford, it was moved, seconded, and approved by a vote of 4-0 to issue an advisory opinion stating that there would be no violation of the Denver Code of Ethics for Sergeant Ford to move forward with the proposal presented to create the Denver Police Department’s Charitable Youth Foundation, so long as the advice of the Board is heeded.
5. For the Chair’s remarks, Chair Joseph G. Michaels noted that at the next meeting, in October, he would like to revisit the issue of potentially amending the Code of Ethics to include a provision to address conduct unbecoming an officer, official, or employee of the City and County of Denver.

6. Member Jane T. Feldman raised concerns about the nature (volume, intensity, and safety) of some of the public contacts with the Board. Vice Chair Dianne Criswell echoed these concerns, specifically about the impact of these contacts on the Executive Director. Ms. Criswell hoped that the city was taking this into consideration as they put together the 2023 budget. Ms. Criswell asked the Executive Director to check-in with the Department of Finance concerning the request for an expansion. The discussion led to a question about whether there would be a way to anonymize the Board’s email/contact information.

7. At 10:33 a.m., it was moved, seconded, and unanimously approved by a vote of 4-0 to go into executive session for the purpose of screening cases numbered 22-46, 22-47, 22-48, 22-49, 22-50, and 22-52, 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.

8. The public meeting resumed at 10:50 a.m.

9. In case number 22-46, it was moved, seconded, and approved by a vote of 4-0 to not accept the anonymous complaint pursuant to the Board’s Rules of Procedure 2(a)(7) and (8), and (2)(b) of the Denver Code of Ethics, for lack of credible facts and for not implicating any section of the Denver Code Ethics.

10. In case number 22-47, 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 number 22-48, it was moved, seconded, and approved by a vote of 4-0 to not accept the complaint pursuant to the Board’s Rules of Procedure 2(a)(7) and (8), and (2)(b) of the Denver Code of Ethics, for lack of credible facts and for not implicating any section of the Denver Code Ethics. f the Denver Code Ethics, for lack of jurisdiction and because the conduct, if true, would not violate the Ethics Code.

12. In case number 22-49, it was moved, seconded, and approved by a vote of 4-0 to accept the anonymous complaint and request further investigation as it implicates Section 2-67, use of public office for private gain.

13. In case number 22-50, 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.

14. In case number 22-52, 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.

15. As other business, member Jane T. Feldman asked the other member of the Board whether they had any interest in attending the December 2022 Council on Governmental Ethics Laws (COGEL) Conference in Montreal, Canada. This was answered in the negative.

16. The Chair, Joseph G. Michaels, excused himself from the meeting and physically departed, as he recused himself from participating in case 22-11. Vice Chair Dianne Criswell presided over the balance of the meeting.

17. At 11:04 a.m., it was moved, seconded, and unanimously approved by a vote of 3-0 to go into executive session for the purpose of screening case number 22-11, 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.

18. The Board reconvened in public session at 11:40 a.m. Vice Chair Dianne Criswell suggested the form of the Motion be that the Board dismiss the complaint under Code Provision 2-56(a)(6)(a) and (b), for lack of jurisdiction, and because the alleged violation, if true, would not constitute a violation of the Denver Code of Ethics under the specific facts and posture of the case. This Motion was made, seconded, and unanimously approved by a vote of 3-0.

19. Finding that there was no other business before the Board, at 11:43 a.m., a motion to adjourn was made, seconded, and approved by a vote of 3-0 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: October 12, 2022