City and County of Denver

DENVER BOARD OF ETHICS

2023 ANNUAL REPORT

Submitted: February 15, 2024
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**Message from the Executive Director**

Denver’s Board of Ethics is an independent, all-volunteer Board whose members are appointed either by the Mayor or by City Council (or, for the Board’s city representative, by both). The Board’s responsibilities start with issuing advisory opinions to officers, officials, and employees of the city who seek guidance in their ethical responsibilities. Additionally, the Board screens inquiries, holds monthly public meetings, and investigates and resolves complaints that allege ethics violations by city personnel.

Over the past year, the Board regularly met in person for purposes of holding executive session, while conducting the public parts of its meetings virtually. This hybrid practice arose from pandemic procedures and has been particularly beneficial for parties appearing before the Board, be it city personnel requesting guidance under the Denver Code of Ethics, checking-in with the Office of the Clerk and Recorder, taking action on executive session matters, or assessing ongoing issues of importance.

In 2023, the Board of Ethics received a combined total of 80 cases (advisory opinions, waivers, and complaints). This number is consistent with the number of cases in 2022, and this represented a 37% increase from 2021 and an impressive 274% increase from 2020. The Board issued 31 advisory opinions/waivers, and it resolved 49 complaints. Additionally, the Executive Director responded to 269 unofficial requests for advice or complaints over the course of the year.

The complexity of many cases was significant, with issues ranging from parties wanting to run for public office or expand their public service, to inquiries about outside or subsequent employment, to questions about avoiding conflicts of interests or use of confidential information. The Board commends the efforts of those proactively approaching the Board for guidance to ensure they do not run afoul of the Ethics Code provisions, and it urges continued attentiveness to the responsibilities that come with public service.
Additionally, this year the Board of Ethics welcomed its newest member, Ray Gradale, and bid farewell to Joseph G. Michaels, who served as Chair to the Board for four years and whose service was invaluable to the organization. In December, Vice Chair Jane T. Feldman and Member Everett B. Martinez traveled to Kansas City, Missouri, along with the Board’s Executive Director, to attend the annual government ethics conference put on by the National Council on Government Ethics Law to further support and inform the Board’s work, and to demonstrate the City and County of Denver’s commitment to ensuring an ethical culture.

In 2024, the Board looks forward to continuing to provide guidance on ethics matters and to act as a resource for city personnel.

Mission

To encourage and guide city officers, officials, and employees to adhere to high levels of ethical conduct so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public.

Since 2001, over 1100 written opinions have been issued by the Denver Board of Ethics to provide guidance to city officers, officials, and employees as they strive to avoid impropriety and to protect the ethical reputation of the City of Denver. Summaries of these opinions are digested and searchable on the Board’s website at https://denvergov.org/ethics.
Denver Board of Ethics

Chair, Dianne Criswell

Vice-Chair, Jane T. Feldman

Member, Hon. Doris E. Burd

Member, Everett B. Martinez

Member, Ray Gradale

The Board of Ethics extends its thanks to Joseph G. Michaels, who served as the Chair to the Board for four years. Mr. Michaels’ term ended in June of 2023.

Bios for each of the members can be found at https://denvergov.org/ethics.

Nominating Committee

Brian Spano
Sylvia S. Smith
Michael Lopez

Executive Director

Lori Weiser

Executive Assistant

Cathi-Lee Kelly
Swearing in of Newest Board Member, Ray Gradale.
Nominating Committee Members, Brian Spano and Sylvia S. Smith

Jane T Feldman
Sylvia S Smith
Lori Weiser
Hon. Doris E Burd
Dianne Criswell
Below is a breakdown of the formal cases decided by the Board over the last five years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Cases</th>
<th>Advisory Opinions</th>
<th>Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023</td>
<td>80</td>
<td>31</td>
<td>49</td>
</tr>
<tr>
<td>2022</td>
<td>85</td>
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<td>18</td>
<td>44</td>
</tr>
<tr>
<td>2020</td>
<td>31</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>2019</td>
<td>35</td>
<td>19</td>
<td>16</td>
</tr>
</tbody>
</table>

In April of 2021, the Denver Code of Ethics was amended to allow for anonymous complaints. Of the forty-nine complaints filed in 2023, twenty-six were filed anonymously.

In addition, the Board’s Executive Director continued to provide quick, informal advice to city personnel and to members of the community. In 2023, there were 269 of these informal contacts.

Finally, the Board celebrates the consistent increase in requests for Advisory Opinion and/or Waiver. When Advisory Opinions are sought, city officers, officials, and employees are demonstrating their awareness of the need to uphold the trust lent to them by the citizens of the City and County of Denver, and the Board is able to act in its preferred role of providing advice in advance of an employee engaging in conduct that might erode the city’s good ethical reputation.
Breakdown of Cases by Category

The requests for advisory opinion and/or waivers and the complaints received by the Board of Ethics in 2023 raised questions in the following areas (most cases involved more than one subject):

Pursuant to DRMC 2-54(f), the Denver Board of Ethics may grant a waiver if the conduct proposed will violate the Ethics Code, if it can be demonstrated that doing so will serve the best interests of the city. Waivers were granted in eight cases in 2023.
Education

Consistent, comprehensive ethics training is critical to the successful implementation of the citywide ethics program. All city employees, officers, and officials should be trained both to recognize ethical issues and to take appropriate steps to avoid unethical conduct.

**Online Training:** In 2023, 1,786 city personnel completed the online Ethics and Public Accountability Course, and 598 completed the online Ethics and Public Accountability Refresher course.

**Personal Training:** In partnership with the Mayor’s Office, the Executive Director for the Board of Ethics continued to provide one-on-one ethics training to all new mayoral appointees. The Ethics Director also teamed with Legislative Counsel from the Office of the City Attorney to train the newly elected members of City Council.

**Classroom Training:** The Board’s Executive Director also provided in-person classroom training, by request, for members of the Department of Public Safety, department leadership teams, and to Boards and Commissions.
Going Forward: Recommendations for Improving the Denver Code of Ethics

The Board of Ethics believes that there are measures that could be taken to strengthen the Denver Code of Ethics. Specifically, the Board recommends:

- Amending DRMC Section 2-52(f) to include any city agency in the term “donor.”
- Adding a provision that includes a tolling period for any (non-anonymous) inquiry or compliant filed within 45 days of a municipal election concerning an elected officer.
- Adding language to provide the Board of Ethics with enforcement authority.
- Revisiting the gift limits.
- Providing for the ability of the Board of Ethics to issue Position Statements that address common ethical dilemmas.
- Clarifying DRMC Section 2-64(a) to specify that the six-month “cooling off period” begins at separation from the city.
- Clarifying the definition of “direct official action,” as found in DRMC Section 2-52(b).
- Clarifying DRMC Section 2-61(a)(6) to specify that the work or supervision and management is done for another party in the matter.

The Board of Ethics expresses gratitude to all city officers, officials, employees, and citizens who have approached the Board for advice and guidance in 2023. Going forward, the Board will continue to provide educational opportunities and counsel to others to establish ethics as a core value, to enhance and protect the ethical reputation of the City and County of Denver, and to cultivate the confidence of the public that persons in positions of power are working for the benefit of the City.