DENVER BOARD OF ETHICS
DRAFT MINUTES
MEETING OF MAY 3, 2023

Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 9:03 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 Joseph G. Michaels, Jane T. Feldman, Doris E. Burd, and Everett B. Martinez. Vice Chair, Dianne Criswell, joined the public meeting virtually. Also present in person were Jordan Humphreys, Counsel to the Board, Cathi-Lee Kelly, Executive Assistant, and Executive Director Lori Weiser.

1. Welcome, introductory remarks, and review of the Agenda.
2. The Draft Minutes of the Board’s April 5, 2023 and April 26, 2023 meetings were moved, seconded, and approved unanimously, by a vote of 5-0.
3. In case 23-21, the Board welcomed Allegra “Happy” Haynes, the Executive Director of the Department of Parks & Recreation for the City and County of Denver. Following a discussion with Director Haynes, it was moved, seconded, and approved by a vote of 5-0, that it was in the best interests of the city to grant Director Haynes a waiver allowing her to sit on governing bodies for nonprofit organizations that sit on city land, or that’s purpose is to support the city’s parks, and to take direct official action over those organizations in her role as Executive Director, and to extend this waiver to any person she designates to fill her role in a seat on such governing bodies. The Board concluded by deciding it will advocate for a change in Section 2-61(a)(3) to distinguish ex officio service on a board or commission from a per se violation of the conflict of interest section of the Denver Code of Ethics.
4. In case 23-20, the Board welcomed Brian Nelson, an Identity and Security Access Engineer with the Department of Technology Services for the City and County of Denver. Following a discussion with Mr. Nelson, it was moved, seconded, and approved by a vote of 5-0, to issue an advisory opinion that provides that there would be no violation of the Denver Code of Ethics for Mr. Nelson to market and sell his computer game and soundtrack as outside business activity, so long as he obtains the permission of his appointing authority, in writing, and updates this annually, and so long as he follow the Board’s advice to keep his outside gaming work completely separate from his responsibilities to the city.
5. In case 23-24, the Board welcomed Mr. Desmond Grant, the Director of Enterprise Application Management for the City and County of Denver. Following discussion with Mr. Grant, the Board moved, seconded, and approved, by a vote of 3-1 (Vice Chair Dianne Criswell participated in the discussion of this case, but was excused at 9:47 a.m. to attend to another obligation prior to the motion, second, and vote), to issue a waiver of the gift prohibition to Director Grant to allow him to attend an annual technology summit, at the expense of a vendor, where he would be participating as one of the panel presenters. The Board found this to be in the best interest of the city, noting that it was customary for organizers to offer to cover the cost of travel for persons who are invited to present at an event, and that the contract between the city and the vendor/donor had just entered the first year of a three-year term.

6. In case 23-23, the Board welcomed Commander Hans Levens and Mr. Charles Greenlee from the Internal Affairs Unit of the Denver Police Department. Thereafter, it was moved, seconded, and approved by a vote of 4-0, to continue the discussion and deliberation of this case in Executive Session, pursuant to Art. IV, 1(b) of the Board’s Rules of Procedure.

7. At 10:01 a.m., it was moved, seconded, and approved by a vote of 4-0 to leave the Public Session of the meeting for the purpose of convening in Executive Session to discuss case 23-23, and to screen pending complaints in cases numbered 22-75, 23-11, 23-17, 23-18, 23-19, and 23-22, pursuant to the Denver Open Meetings Law Section 2-34(c), and to Code of Ethics Sections 2-54(a), (c), and (f), and 2-56(6), and pursuant to the Board’s Rules of Procedure, Articles IV, and VI.

8. The Board convened in Executive Session at 10:06 a.m.

9. The Board reconvened in Public Session at 10:41 a.m.

10. In case 23-23, the Board moved, seconded, and approved by a vote of 4-0, to issue an Advisory Opinion that based upon the facts presented by Commander Levens and Mr. Greenlee, the conduct of the officer would constitute a violation of the gift prohibition contained in Section 2-60(a)(1) and (7) of the Denver Code of Ethics.

11. In case 22-75, Board member Hon. Doris E. Burd disclosed that she was familiar with the subject of the complaint as this person had appeared in front of her in a professional capacity, but that she had not had any exchange with the subject since 2017, except one or two times as a senior judge. No members had any concerns, and all agreed that this familiarity would not prevent Judge Burd from being fair and impartial in evaluating and voting on the matter. Thereafter, it was moved, seconded, and approved by a vote of 4-0, to dismiss the Board-initiated investigation, finding that the subject was no longer a city employee, and that the Office of Human Resources had taken appropriate action.
12. In case 23-11, it was moved, seconded, and approved by a vote of 4-0, to not accept the anonymous complaint pursuant to Denver Code of Ethics Section 2-56(a)(6)(a) and (b), for failure to provide sufficient detail to move forward with an investigation.
13. In case 23-17, it was moved, seconded, and approved by a vote of 4-0, to not accept the anonymous complaint pursuant to Denver Code of Ethics Section 2-56(a)(6)(a) and (b), for failure to provide sufficient detail to move forward with an investigation.
14. In case 23-18, 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), because the Board of Ethics was without jurisdiction and because the conduct, if true, would not constitute a violation of the Ethics Code.
15. In case 23-19, it was moved, seconded, and approved by a vote of 4-0, to not accept the anonymous complaint pursuant to Denver Code of Ethics Section 2-56(a)(6)(a) and (b), for failure to provide sufficient detail to move forward with an investigation.
16. In case 23-22, it was moved, seconded, and approved by a vote of 4-0, to not accept the anonymous complaint pursuant to Denver Code of Ethics Section 2-56(a)(6)(b), for failure to provide sufficient detail to move forward with an investigation.
17. The Board engaged in discussion about potential amendments to the Denver Code of Ethics. All agreed to continue to process and draft language for consideration at the June 14, 2023 meeting of the Board.
18. The Chair ceded his remarks.
19. At 11:07, finding there was no further business before the Board, it was moved, seconded, and approved 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 at lori.weiser@denvergov.org.

APPROVED BY THE BOARD: June 14, 2023.