July 2023

To: Members of City and County of Denver Boards and Commissions

From: Lori Weiser, Executive Director - Denver Board of Ethics

Re: Denver Code of Ethics as Applied to Boards and Commissions


The Code of Ethics, Sections 2-51 through 2-69 of the Revised Municipal Code, is an ordinance that applies to all city employees, elected officials, cabinet members and to members of city boards and commissions. Board and commission members are described in the Code as “officials.” The Denver Board of Ethics, in deciding a case in 2004, determined that the Code of Ethics applies not only to boards and commissions established by ordinance or the city charter, but also to “informal commissions,” not established by ordinance or charter, for example, the Mayor’s Commission on Homelessness.

The legislative intent of the Code of Ethics is as follows:

*It is the intent of the City that its officers, officials, and employees adhere to high levels of ethical conduct, honesty, integrity and accountability, so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Officers, officials, and employees should comply with both the letter and spirit of this ethics code and strive to avoid situations, which create impropriety or the appearance of impropriety…*

The ordinance established a 5-person Denver Board of Ethics, appointed by the Mayor and City Council, empowered to issue advisory opinions or waivers to Denver elected officers, city employees and members of city boards and commissions and to deal with citizen complaints regarding possible violations of the Code of Ethics. (The voters of Denver in 2003 approved an amendment to the City Charter which formalized the Board of Ethics in the Charter and added a commitment to “high levels of ethical conduct” as a general municipal policy.)

All requests for formal advisory opinions or citizen complaints should be submitted either by e-mail to lori.weiser@denvergov.org or in writing to the Denver Board of Ethics, 101 West Colfax Avenue, Suite 1100, Denver, CO 80202. Requests for information about the Code of Ethics or for unofficial advice are welcomed by the Board at 720-865-8412. The Board’s Executive Director would be happy, if invited, to give a briefing about the Code of Ethics to any board or commission. The Board’s website at

---

**Executive Director**

Lori Weiser

**Board Members**

Joseph G. Michaels – Chair
Dianne Criswell – Vice Chair
Jane T. Feldman
Doris E. Burd
Rory McLuster
A. Employment of Family Members

Unless they obtain a waiver from the Board of Ethics, no Denver officer, official or employee shall appoint or hire a member of their immediate family (defined as husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, father or mother-in-law, son or daughter in-law, brother or sister in-law, half-brother, half-sister, aunt, uncle, nephew, niece, grandmother, grandfather, grandchildren, brother, sister, domestic partner, any person with whom they are cohabiting and any person to whom they are engaged to be married) for any type of city employment. In addition, no Denver officer, official or employee may supervise or be in a direct line of supervision over a member of their immediate family.

If board or commission members have a role in hiring or supervising staff of the board or commission, they should not be involved in any way whatsoever in the hiring decision if a member of his or her immediate family is being considered to be hired or in the line of supervision of an immediate family member. This is to avoid the actuality or appearance of favoritism to family members (Section 2-59).

B. Gifts to Officials, Officers and Employees

Subject to a number of exceptions and details set out specifically in the Code of Ethics, no Denver officer, official or employee or member of their immediate family may solicit or accept a gift, honorarium or loan if 1) the city has an existing or pending relationship with the donor of the gift and 2) the Denver officer, official or employee is in a position to take direct official action (such as negotiating, approving or disapproving a contract; enforcing laws or regulations; enforcing or regulating permits; selecting or recommending vendors, etc.) with regard to the donor.

Board or commission members, therefore, should not solicit or accept gifts or loans from persons or entities with cases or contracts pending before the board or commission unless one of the exceptions in the Code of Ethics applies. This is to avoid the actuality or appearance of special influence by those who give gifts to city personnel (Section 2-60). Many years ago a member of a Denver board was convicted and imprisoned for soliciting a loan (a criminal bribe) from someone seeking a decision from the board.

C. Conflicts of Interest

1) Subject to a number of exceptions and details set out specifically in the Code of Ethics, a Denver officer, official or employee shall not take direct official action on a matter before the city if he or she or a member of the immediate family or a business associate or an employer other than the city has a substantial employment or contractual or financial interest in the matter. This is so that city personnel will not be influenced in their city actions by their private or family interests (Section 2-61). One possibility of a “substantial” conflict of interest is if the city person or a member of his or her immediate family participated personally in providing legal representation, lobbying or other professional services for
another party in the matter or owns 5 percent or more of a law firm, lobbying firm or other professional services firm representing another party in the matter. If a board or commission member has a substantial conflict of interest, he or she shall disclose such interest to his or her colleagues on a board or commission, shall not act or vote on the matter and shall not attempt to influence the decisions of others in acting or voting on the matter.

(2) Denver officers, officials and employees shall not take any direct official action with respect to their former employers for a period of six months after termination of their former employment. This is to avoid the actuality or appearance of special advantage being given to former employers of city personnel. (Section 2-62)

(3) For six months following termination of office or employment, no former Denver officer, official or employee shall obtain employment in which he or she will take direct advantage of matters with which he or she took direct official action during his or her service with the city.

(4) For one year following termination of service with the city, no former officer, official or employee shall engage in any action or litigation in which the city is involved, on behalf of any other person or entity if the action or litigation involves an issue on which the person took direct official action while in service of the city. This is to avoid the actuality or appearance that employers who hire former city personnel may get special treatment (Section 2-64).

(5) All board and commission members shall immediately report any change in employment status to their appointing authorities which could give rise to a conflict of interest (Section 2-63).

The Board of Ethics in 2011 ruled on a conflict-of-interest complaint filed against a board member. Part of the decision was as follows:

- If a member of a …board has a substantial conflict of interest as defined in Section 2-61 of the Code of Ethics, he or she must not participate in and must abstain from voting in any direct official action as defined in the Code of Ethics. In addition, such a board member shall disclose such interest to his or her colleagues on a board or commission and shall refrain from attempting to influence the decisions of others in acting or voting on the matter.
- In order to avoid any appearance of impropriety, the Board of Ethics strongly recommends that minutes of meetings should be taken to document such votes and abstentions.

In another conflict-of-interest case relating to a complaint concerning a city commission member in 2011, the Board of Ethics said:

The Board…recommends that, in the future, in order to avoid the appearance of impropriety:

1. All Denver board and commission members should, whenever they abstain from any vote or discussion due to a conflict of interest, verbalize the abstention clearly and state for the record the reason for such abstention.
2. Whenever a board or commission member abstains from participation in a matter because of a conflict of interest, he or she should leave the meeting room for the entire time of the presentation, discussion and voting on the matter.
3. Such abstaining board or commission member should review the minutes from any meeting where he or she abstained due to a conflict of interest and verify that the minutes correctly reflect the abstention and the reason.

4. Staff members who keep minutes for boards and commission should be trained to record abstentions and reasons in their minutes and whether the member leaves the room so that the public can be aware that city board and commission members understand conflicts of interest and abstain when necessary.

5. Board and commission members or their firms who provide professional services for a livelihood, such as, but not limited to, lawyers, architects, real estate agents, engineers, consultants, and lobbyists should not personally or through their firms represent clients with matters before the board or commission on which they serve or, at least, limit such representation to rare occasions. This would alleviate the public impression that those who hire firms of board and commission members to represent their interests might get a special advantage or that board and commission members may be using their public office for private gain.

D. Use of Public Office for Private Gain

No officer, official or employee shall use his or her public office or position or disclose or use confidential information in order to obtain private gain for himself or herself, for his or her immediate family, for any business entity with which he or she is affiliated or for any person or entity with whom the officer, official or employee is negotiating or has any arrangement concerning prospective employment (Section 2-67).

E. Use of Confidential Records

No officer, official, or employee may disclose any information or records that are not available to the public, which were acquired in the course of official duties, except in the performance of official duties or as required by law or court order (Section 2-68).