



Denver Board of Ethics

Webb Municipal Building
201 West Colfax, 2nd Floor - (2.H-13)
Department 703 (for U.S. Mail)
Denver, CO 80202-5330
p: 720.865.8412
f: 720.865.8419
Email: lori.weiser@denvergov.org
www.denvergov.org/ethics

**DENVER BOARD OF ETHICS
MINUTES
MEETING OF JULY 14, 2021**

Chair Joseph Michaels called the meeting of the Denver Board of Ethics to order at 9:04 a.m. The Board met virtually through Microsoft TEAMS and conference bridge line. Present were Board members Joseph G. Michaels, Dianne Criswell, Jane T. Feldman, and Doris E. Burd. Also in attendance were Executive Director, Lori Weiser, and Senior Assistant City Attorney, Jordan Humphreys.

1. Introductory remarks and review of the Agenda.
2. Executive Director Lori Weiser introduced the Board's Intern, Serach Fleischmann. The Board welcomed Serach, thanked her for her service, and wished her luck with her future.
3. The Minutes of the Board's June 9, 2021 meeting were moved, seconded, and approved without amendment.
4. The Board welcomed Elle Schalow, City Clerk Administrator, from the Clerk and Recorder's Office. Ms. Schalow informed those present that there had been 22 of 82 gift reports received as of July 14, 2021. She also indicated that the transition by the Clerk and Recorder's office to new software would be pushed back until the beginning of 2022. Lastly, Ms. Schalow announced the hiring of a new Elections Director, Dina Dawson.
5. The Board determined that the August 2021 meeting of the Board will be the last virtual meeting with a plan to return to convening in-person beginning in September of 2021.
6. After discussion, a motion was made to approve an online complaint form as developed by the City Web Administrator and the Executive Director, noting that an electronic signature is equivalent to a penned signature pursuant to Colorado law.
7. The Executive Director announced that the Auditor's Office will be following up on the status of the February 2020 Audit Recommendations in the near future.

Executive Director
Lori Weiser

Board Members
Joseph G. Michaels – Chair
Dianne Criswell – Vice Chair
Doris E. Burd
Sylvia S. Smith
Jane T. Feldman

8. The Executive Director shared that there were no updates to the Board's request to relocate the Board's office space. Vice-Chair, Dianne Criswell, suggested that someone from General Services be invited to attend a Board meeting, or, in the alternative, for a telephone call to be arranged so that the Board's reasoning for the request could be fully explained.
9. The Board briefly addressed the need to update the Rules of Procedure with respect to Board initiated investigations to address providing due process notice to the subject of the investigation. The Board also noted that there would be future need to identify a process for how, and by who, a Board initiated investigation would be conducted and prosecuted.
10. In Case 21-23, the Board discussed the request for advisory opinion submitted by Evelyn Baker, the Deputy Director of the Denver Department of Community Planning and Development. Following the exchange of information, there was a motion to issue a cautionary advisory opinion informing Ms. Baker that her outside business activity, if approved by her appointing authority as required by Section 2-59 of the Denver Code of Ethics, would not necessarily violate Section 2-61 of the Code of Ethics if she followed articulated safeguards, and if she continued to work collaboratively with the Board by attending Board meetings on a regular basis and when significant ethical questions were implicated. This motion was seconded and unanimously approved by the Board.
11. Prior to discussing case 21-24, Vice-Chair, Dianne Criswell, disclosed the Board that her husband works for the Denver Department of Transportation and Infrastructure in vertical construction. She indicated that she did not believe that his position would influence her decision. The Board, and Ms. Hadar Albo, the person who submitted the request for advisory opinion and/or waiver, also stated that they had no concerns related to this disclosure. Thereafter, the Board engaged in discussion with Ms. Albo concerning the application of Section 2-64 of the Denver Code of Ethics. After considering the facts provided, it was moved, seconded and unanimously agreed to issue an advisory opinion that would capture the Board's determination that Ms. Albo did not take direct official action with respect to the projects identified, and that therefore, she would not need to wait six months before working on these projects for her new employer, Toole Design. The Board also asked that the advisory opinion include a caution to safeguard any confidential information that she obtained while working for the City and County of Denver.
12. At 10:18 a.m., a motion was tendered, seconded and unanimously approved to enter into executive session for the purpose of screening complaints in case number 21-20, case number 21-21, case number 21-22, case number 21-25, and case number 21-26.
13. At 10:47 a.m., a motion was made, seconded and unanimously approved to return to the public meeting.

14. At 10:49 the Board re-convened in public session.
15. In case number 21-20, it was moved, seconded, and unanimously agreed to dismiss the complaint pursuant to Section 2-56(3) and Section 2-56(6)(a) of the Denver Code of Ethics, finding that the complaint was filed more than two years after the action took place, and that the Board was therefore without jurisdiction.
16. In case number 21-21, it was moved, seconded, and unanimously agreed to dismiss the complaint pursuant to Section 2-56(6)(b) of the Denver Code of Ethics, finding that there were no facts implicating a violation of any of the Sections of the Code of Ethics.
17. In case number 21-22, it was moved, seconded, and unanimously approved to dismiss the complaint, finding that pursuant to Sections 2-56(6)(a) and (b), the Board was without jurisdiction and that the alleged conduct, if true, would not constitute a violation of the Denver Code of Ethics.
18. In case number 21-25, it was moved, seconded, and unanimously agreed to dismiss the complaint pursuant to Section 2-56(6)(a) of the Denver Code of Ethics, finding that the complaint included facts that were not yet ripe for consideration, and for the Executive Director to request that the subject of the complaint come before the Board for an official advisory opinion.
19. In case number 21-26, it was moved, seconded, and unanimously agreed to dismiss the complaint pursuant to Sections 2-56(6)(a) and (b), finding that the Board was without jurisdiction and that the alleged conduct, if true, would not constitute a violation of the Denver Code of Ethics.
20. The Board was given the opportunity to note any changes or corrections to the most recent draft of the agreed upon amendments to the Board's Rules of Procedure.
21. A motion was made and seconded to adjourn. The motion carried unanimously, and the meeting was concluded at 10:57 a.m.

NOTE: Copies of 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 11, 2021