



**Denver Board of Ethics**

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**DENVER BOARD OF ETHICS  
MINUTES  
MEETING OF OCTOBER 13, 2021**

Chair Joseph G. Michaels called the meeting of the Denver Board of Ethics to order at 9:08 a.m. The Board met in-person at the Wellington Webb Building, and the public meeting was open to interested parties by joining virtually through Microsoft Teams or by telephone. Present in-person were Board members Joseph G. Michaels, Dianne Criswell, Doris E. Burd, and Rory McLuster. Member, Jane T. Feldman, joined the public meeting virtually. Also in attendance were Jordan Humphreys, Senior Assistant City Attorney, and Executive Director Lori Weiser.

1. Welcome and introductory remarks.
2. The Draft Minutes of the Board's September 15, 2021 meeting were moved, seconded and approved unanimously without amendment.
3. The Board welcomed Ms. Elle Schalow from the Office of the Clerk and Recorder. Ms. Schalow announced that the Office is not ready to roll out consumer testing for the MapLight system. However, she demonstrated how the system would look and work for officer gift and city-item disclosures. The system will have a message center that will automatically send reminders to officers. The only manual function will be the reporting of compliance to the Board and to the City Attorney's Office. Thereafter, the discussion shifted to the work and suggestions of the Disclosure Committee. All agreed that this Committee should move forward with language and guidance change decisions, while keeping the Board informed.
4. It was moved, seconded and unanimously approved to move from public session into executive session at 9:22 a.m., for the purposes of screening complaints in case numbers 21-44 and 21-45, for reviewing the further investigation in cases 21-40, and 21-41, and for determining whether to accept case number 21-43.
5. At 10:39 a.m., a motion was offered, seconded, and unanimously approved to return from executive session back into public session, and the Board reconvened in public session.

**Executive Director**  
Lori Weiser

**Board Members**  
Joseph G. Michaels – Chair  
Dianne Criswell – Vice Chair  
Andrew S. Armatas  
Sylvia S. Smith  
Jane T. Feldman

6. It was moved, seconded, and it was approved, in case 21-43, by a vote of 4-0, to not accept the complaint for further review. Board member, Jane T. Feldman, did not participate in this vote, as she was unable to attend the executive session.
7. It was moved, seconded, and unanimously approved, in case number 21-44, by a vote of 4-0, to dismiss the case pursuant to Sections 2-56(a) and (b), for lack of jurisdiction and because the allegation, if true, would not constitute a violation of the Code of Ethics. Board member, Jane T. Feldman, did not participate in this vote, as she was unable to attend the executive session.
8. It was moved, seconded, and unanimously approved, in case number 21-45, to dismiss the case pursuant to Sections 2-56(a) and (b), for lack of jurisdiction and because the allegation, if true, would not constitute a violation of the Code of Ethics.
9. Two points of order were raised. First, the Board agreed that it is the practice of the Board to refer to the cases by case numbers and not by name(s). Second, it was clarified that member, Jane T. Feldman, would not participate in the vote concerning cases 21-40 and 21-41, even though she was present in-person at the September 15, 2021, meeting of the Board, because she could not attend the executive session for this meeting.
10. In case number 21-40, vice-chair, Dianne Criswell, disclosed that her husband is an employee of the Denver Department of Transportation and Infrastructure, in a different section of the Agency. Ms. Criswell stated that she did not feel that she had a conflict that would require recusal. The other Board members agreed, indicating no concerns. Following this disclosure, there was motion and second to not dismiss the complaint for lack of jurisdiction, or for any of the reasons set forth in Section 2-56 (6) of the Code of Ethics. This motion was unanimously approved. Thereafter, it was moved, seconded and unanimously voted to recognize that, the allegations, if true, would violate Section 2-67 of the Denver Code of Ethics, but upon review of the written materials, to find that the purpose of the conduct was not personal gain. Rather, it was to enhance quality control, therefore there was no violation of the Ethics Code. In Discussion on the Motion, Vice-Chair commended the complainant for taking this matter seriously. She recognized the role of city employees in bringing forth this type of question. Further, she noted that the Respondent in this case provided context and grounds that the compliance audit was in the best interests of the city. It was noted that as long as a personal vehicle was used for this audit, and the Board reflected prior advise to employees that city resources should be used and personal resources for use in city business is usually the subject of procedures. Without procedures being in place, there remains an appearance of impropriety. Member, Jane T. Feldman stated that while she was not able to participate in executive session, or vote on the case, she wished to make it part of the record that she would have asked for additional investigation, as she was very troubled by this

situation. All members voted in favor to the second motion finding that there was no violation of the Denver Code of Ethics.

11. In case number 21-41, it was moved, seconded, and unanimously agreed, by a vote of 4-0, to not dismiss the complaint pursuant to Section 2-56(6) of the Denver Code of Ethics, or for lack of jurisdiction. It was next moved, seconded, and agreed, by a vote of 4-0, to find that while it is difficult for the Board to review recusal questions after the fact, there was no substantial conflict of interest indicated. In discussion on this motion, Vice-Chair, Dianne Criswell, noted that the Board is an advisory body, and that providing this advice and determining complaints is a very slow process. She stated that as noted, it is difficult to assess disclosure if there are perceptions of conflicts of interest, and that other jurisdictions have adopted a process and procedure with respect to disclosure and recusal. She encouraged City Council to consider doing this themselves so that these issues can be addressed in real time. Ms. Criswell commended the complainant and recognized the value of citizens in bringing issues forward; she thereafter noted that the definition of “immediate family” in the Ethics Code is very broad. Finally, she stated that these questions are very fact-specific, and that anyone with this type of question should come to the Board for guidance. Ms. Criswell’s comments were incorporated into the second Motion. Member, Jane T. Feldman, joined in having officers, officials, and employees assess every situation on its own merits, and that there cannot be a blanket authorization to not recuse. The Board then voted unanimously, by a vote of 4-0, to pass the motion.
12. The Chair, Joseph G. Michaels, ceded remarks, but noted that it was good to see everyone, and announced that for the November meeting, the Board will convene in-person, and offer participation to the public virtually and by telephone.
13. The Executive Director stated that she would follow up with the Board about attendance at the 2021 virtual Conference of the Council on Governmental Ethics Laws attendance by email.
14. Vice-Chair, Dianne Criswell, inquired as to whether anything else was needed from the Board with respect to the relocation of the Board’s office. This question was answered in the negative.
15. At 11:07 a.m., the meeting was adjourned.

APPROVED BY THE BOARD: November 10, 2021.

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](mailto:lori.weiser@denvergov.org).