Denver Board Of Ethics

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DENVER BOARD OF ETHICS
DIGEST OF OPINIONS
January 1– June 30, 2018

PLEASE NOTE: This is a set of summarized opinions given by the Denver Board of Ethics between January 1 and June 30, 2018 in response to fact-specific requests for advisory opinions or complaints.
These opinions should not be used as conclusive guidance for situations where the facts may differ. Please contact the Board of Ethics to discuss any specific issues you may have.

Case 17-26 (request for advisory opinion withdrawn by requesters)

Cases 17-30 and 17-31 (use of public office for private gain, use of confidential information, aiding others)

An attorney for the Fraternal Order of Police, the union representing most Denver deputy sheriffs, filed complaints on behalf of the FOP concerning a major and an assistant chief in the Denver Sheriff Department (DSD). The complaints alleged that:

- DSD organized a promotional process for sergeants who wished to compete for promotion to captain.
- The assistant chief organized and oversaw the department's four majors "as a workgroup to develop test content" for the promotional process.
- All of the majors in the agency participated in meetings, discussions and communications for the purpose of developing the test material, including the major who was the subject of the complaint.
- That major is married to a Denver Sheriff sergeant who tested for the position of captain. The major's brother-in-law…also participated in the promotional process for the rank of captain.

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- After the examinations, the major's spouse finished in the number 2 position for promotion and his brother-in-law finished in the number 3 position for promotion.
- The assistant chief should not have allowed the major to participate in developing the test content for the promotional process, because the major had a conflict of interest.

If it could be proven that the major communicated the content of the promotional examination, that could constitute use of public office for private gain, which is prohibited by Section 2-67 of the Code of Ethics:

> **Sec. 2-67. 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. (emphasis added)

Both the major's spouse and his brother-in-law are members of his immediate family, as defined in Section 2-52(c) of the Code of Ethics.

Such conduct could also violate Section 2-68 of the Code of Ethics:

> **Sec. 2-68. 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.

The assistant chief's alleged awareness and involvement, if proven, could be a violation of Section 2-69:

> **Sec. 2-69. Aiding others**
>
> No officer, official or employee may knowingly aid or assist any officer, official or employee in the violation of any provision of this code of ethics.

The Board of Ethics reviewed a confidential investigative report prepared by an outside investigator, which was submitted to the Sheriff Department. According to the Deputy Director of Safety, "We are closing the matter with findings of no policy violations. We are going to address the question of policy or protocol changes to get in front of issues like those raised in this investigation."

In summary, the investigative report to DSD concluded that it could not be proven by a "preponderance of the evidence" standard of proof used in DSD disciplinary matters that there was any violation of DSD policies by either the major or the assistant chief.

The standard of proof required for the Board of Ethics to find a violation of the Code of Ethics is the higher standard of "clear and convincing evidence."

The Board of Ethics dismissed both complaints based on (a) the Board's independent review of the investigative report and (b) the Board's determination that a violation of the Code of Ethics could not be proven by clear and convincing evidence based on the facts as the Board understands them, particularly

in light of the Department of Safety's determination that a finding of wrongdoing was not supported by a preponderance of evidence.

By copy of this opinion, the Board communicated to the Manager of Safety, the Deputy Manager of Safety and the Sheriff that the Sheriff Department should consider protocol or policy changes to address potential conflicts of interest regarding promotional examinations and examinations to enter the Sheriff Academy. The facts as the Board understands them create a strong appearance of impropriety which potentially undermines the confidence of the members of DSD and the public in the fairness and integrity of the promotional process, all of which could be avoided if DSD had better safeguards in place.

Cases 17-32, 17-33, 17-34 and 17-35 (conflicts of interest)

An attorney filed four complaints on behalf of a client. The client alleged that a city department head, the director of a city agency and two members of the city's Crime Prevention and Control Commission (CPCC) acted unfairly and unethically in selecting a new contractor to receive a city contract to provide services to detainees in Denver's detention facilities to prepare them for re-entry into society. The client's entity had had a similar contract for several years before it expired in late 2017.

After extensive investigation, the Board of Ethics dismissed the complaints against the department head and the director of the city agency, pursuant to Section 2-56(6)(b) because the allegations against them, if true, would not have violated the Code of Ethics.

In addition, the Board dismissed the complaints against the two members of the CPCC. Although both members had substantial conflicts of interest by virtue of their connection with co-applicants for the contract, both of them appropriately complied with Section 2-61(f) of the Code of Ethics because they disclosed their conflicts of interest, they recused themselves from voting on the proposals, they did not influence the development of the Request for Proposals and there was no evidence that they attempted to influence the decisions of others.

Nevertheless, the Board strongly encouraged the Crime Prevention and Control Commission to consider changes in its protocol, policy and training to address potential conflicts of interest in dealing with any future requests for proposals for contracts. The facts as the Board understands them created an appearance of impropriety potentially undermining the confidence and trust of the public and bidders in the fairness and integrity of the contracting process. This could have been avoided if CPCC had better safeguards and strategies to minimize or eliminate participation by those with substantial conflicts of interest. For example, the appearance of impropriety would have been minimized if one of the members had not been assigned to the review and the interview panels and if both of the members had left the room when the CPCC discussed and voted on the proposals. Remaining in the room by a member of a city body with a substantial conflict of interest may inhibit free discussion and deliberation by the other members of the body.

Case 18-1 (subsequent employment)

A Senior Engineer/Project Manager in the Public Works Department requested an advisory opinion. He had accepted a position with an international engineering firm in a consulting position as a Road & Highway Project Manager in its Infrastructure unit. The engineering firm has an office in Denver.

The engineering firm will likely compete for engineering and/or construction contracts on some of the City of Denver's many upcoming projects from the National Western Stock Show redevelopment and/or the many bond projects approved by Denver voters in November 2017. If it does so compete, the firm will likely list the former employee as a team member in its proposal(s). However, the employee advised the Board of Ethics that the firm hired him to do infrastructure project management work for any entity or client and that there were no conditions from the firm that required the company to win any city project in order for him to be employed by the firm and that any work by him for the firm would depend on the need at the time.

The former employee advised the Board that, during his nine years with the Denver city government, he never had any direct involvement with the engineering firm, including any direct official action over the firm, in the projects he has worked on.

Subsequent employment is governed by Section 2-64(a) of the Denver Code of Ethics:

> **Sec. 2-64. Subsequent employment.**
>
> The purpose of this section is to avoid the actuality or appearance that employers who hire former city officers or employees may get special treatment.
>
> (a) During six (6) months following termination of office or employment, no former officer, official, or employee shall obtain employment outside of the city government in which he or she will take direct advantage, unavailable to others, of matters with which he or she took direct official action during his or her service with the city.

The Board of Ethics advised the former employee that he will not violate Section 2-64(a) of the Denver Code of Ethics if he begins to work for the engineering firm at any time after he left his city job and he does not need to wait for 6 months because he took no direct official action regarding the firm during his service with the city.

Case 18-2 (request for advisory opinion withdrawn by requester)

Case 18–3 (gifts, travel expenses – waiver granted)

An Associate Buyer in the Purchasing Division assists the Denver Fire Department (DFD) with its purchases of equipment, gear, supplies etc. She and DFD requested an advisory opinion as to whether DFD's Quartermaster would violate the gift section of the Denver Code of Ethics by accepting registration, lodging, meals and/or certification expenses from for-profit entities to attend conferences or training sessions. They told the Board of Ethics:

> The Quartermaster performs support services for the Denver Fire Department by regulating inventory control of consumable and non-consumable goods including uniforms & PPE (Personal Protective Equipment or Bunker Gear), medical supplies, station and cleaning supplies and any other supplies or service needs. His or her responsibilities include:
>
> 1. Maintaining accountability for fire department inventory and ensuring the proper distribution of gear for the safety and wellbeing of all personnel.
> 2. Ensuring maintenance compliance documentation and personnel accountability for assets.

3. Rotating supplies and gear based on product expiration dates and standards of health and safety.
4. Maintaining responsibility and accountability for inventory as it flows to supply rooms, vehicles and stations…

An unusual element of the DFD quartermaster assignment, which is for only one person at a time, is that it is an assignment limited to 18 months. Only a DFD captain can serve as the quartermaster. One of the quartermaster's main functions is to serve as a subject matter expert in safety and efficiency standards in firefighting and fire prevention. This involves much learning, especially since a new quartermaster must start the learning process every 18 months.

There are approximately three conferences or training sessions each year throughout the United States, which are organized/facilitated by nonprofit or governmental organizations such as the Occupational Safety and Health Administration and the National Fire Protection Association, both of which promulgate standards for health and safety regulations regarding issues important to fire departments and firefighters and update their standards approximately every three years.

These conferences or training sessions are usually "sponsored" by several for-profit manufacturing companies, which contribute money to pay for lodging, travel, meals, registration costs and sometimes certification fees for persons who want to be certified as an expert in OSHA standards, etc.

The DFD budget contains very little funding for education, research and training.

It is the goal of DFD and Purchasing to learn about new issues and standards so that purchasing of equipment, gear and supplies can be done proactively, instead of reactively after safety problems have occurred. They gave an example of a recent death of a Denver firefighter who died after falling from a roof during a fire and could not be easily cut out of his heavy gear by the knives that other firefighters had as part of their equipment. That led the Purchasing Division and DFD to purchase better knives for such a purpose. That, however, was, unfortunately, a reactive decision.

Even though many, if not all, of the training sessions and conferences have products on display at booths and manufacturers' representatives available, the chief purpose is education and not sales. Learning about firefighter safety is a primary concern and standards, knowledge and products related to safety are constantly changing.

Acceptance of gifts by city personnel, including travel expenses, is regulated by Section 2-60 of the Denver Code of Ethics, the relevant portions of which are:

> **Sec. 2-60. Gifts to officers, officials, and employees.**
>
> The purpose of this section is to avoid special influence by those who give gifts to city officers, employees or officials.
>
> (a) Except when acceptance is permitted by paragraph (b) below, it shall be a violation of this code of ethics for any officers, officials, or employees, any member of their immediate families to solicit or to accept any of the following items if (1) the officer, official, or employee is in a position to take direct official action with regard to the donor; and (2) the city has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor:

(1) Any money, property, service, or thing of value that is given to a person without adequate and lawful compensation…

(6) Travel expenses and lodging…

(9) Meals…

(b) Officers, officials, and employees and the members of their immediate family may accept the following even if the officer, official, or employee is in a position to take direct official action with regard to the donor…

(7) Reasonable expenses paid by non-profit organizations or other governments for attendance at a convention, fact finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the city in an official capacity reasonably related to the recipient's employment by the city; (emphasis added)

Direct official action is defined as:

Sec. 2-52. Definitions.

(b) *Direct official action* means any action which involves:

(1) Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, business loan or other similar instrument in which the city is a party. With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision making…

(3) Selecting or recommending vendors, concessionaires, or other types of entities to do business with the city;…

Quartermasters do not "take direct official action" because the decisions to approve contracts or select vendors are not made by quartermasters. The quartermasters are given copies by Purchasing of bids from vendors or manufacturers to comment on, but the names of the vendors or manufacturers are redacted.

The Board of Ethics concluded that:

1. It would not violate Section 2-60(a) of the Denver Code of Ethics for DFD quartermasters to accept travel, lodging, meals, registration and/or certification expenses from non-profit or governmental entities to attend training sessions or conferences, due to the exception in Section 2-60(b)(7).
2. It would not violate Section 2-60(a) of the Denver Code of Ethics for DFD quartermasters to accept travel, lodging, meals, registration and/or certification expenses from any manufacturers of equipment, gear and supplies, because Purchasing and DFD do not contract with manufacturers. Rather, they contract with vendors or distributers.
3. Quartermasters sometimes do take direct official action regarding contracts with vendors or distributers by recommending certain contracts. Based on the facts as the Board understands them, however, the quartermaster would not exercise direct official action as to the manufacturers who

sponsor the training sessions or conferences. However, to the extent it is arguable that the for-profit manufacturer is the donor, the Board determined that a waiver is warranted pursuant to Section 2-54(f) of the Denver Code of Ethics because it believes that it is in the best interests of the city for DFD to be able in a proactive way to protect the safety of firefighters and the public.

Case 18–4 (outside employment)

A Staff Assistant in the Public Works Department requested an advisory opinion. She helps to collect the annual outside employment form from employees, so that employees can comply with Section 2-63 of the Denver Code of Ethics. She asked whether a city employee who is in the United States Air Force Reserves or any other military branch must file an annual outside employment form and obtain permission from his or her appointing authority. In the Denver city government there are several military reservists who are obligated to comply with orders to attend training, usually one weekend per month, or to perform other duties, such as helping with disaster relief.

All military reservists are paid, based upon the person's pay grade and years of service in the reserves.

Outside employment is governed by Section 2-63 of the Denver Code of Ethics:

> **Sec. 2-63 Outside employment or business activity.**
>
> The purpose of this section is to avoid possible conflicts of interest and time conflicts between city jobs and outside employment or business activity.
>
> (a) All officers other than elective officers and all employees **shall report existing or proposed outside employment (excluding unpaid volunteer activity) or other outside business activity annually in writing to their appointing authorities and obtain his or her appointing authority's approval thereof prior to accepting initial employment or outside business activity.** All officials shall immediately report any change in employment status to their appointing authorities which could give rise to a conflict of interest. (emphasis added)
>
> (b) If the appointing authority or the officer, official or employee believes that there is a potential conflict of interest between the person's public responsibility and his or her possible outside employment or outside business activity, he, she or they are encouraged to consult the board of ethics.
>
> (c) An officer or employee who has received the written permission of the appointing authority may engage in outside employment or other outside business activity…

The Board of Ethics concluded, however, that a city appointing authority or supervisor does not have the legal ability to disapprove a reservist's continued service in the U. S. military reserves once he or she has already committed to such service and has received military orders to report for training or service. The Denver Code of Ethics cannot supersede military orders from the United States government. Therefore, city employees in the reserves or other military service are not required to comply with Section 2-63 by requesting approval of such military training or service. However, the Board encourages all Denver employees to comply with any departmental or Career Service rules to give adequate notice to supervisors or appointing authorities for planning purposes. This, however, is a personnel matter and not an issue related to conflicts of interest or any other matter related to the Denver Code of Ethics.

Case 18–7 (gifts)

The Deputy Director of the Arts and Venues Department (A&V) requested an advisory opinion as to whether A&V's Imagine 2020 District Challenge program, in which, during 2017, it gave $2020 to each City Council district office, to implement an arts program in the district, might violate the gift section of the Denver Code of Ethics, as interpreted by the Board in its advisory opinion in Case 17-27. The District Challenge was based upon A&V's Cultural Plan, known as Imagine 2020.

A&V and the Denver Cultural Commission believe that the Imagine 2020 program was very successful in 2017 and would like to continue it for 2018 and beyond.

The giving and acceptance of gifts is regulated by Section 2-60 Of the Denver Code of Ethics:

> **Sec. 2-60. Gifts to officers, officials, and employees.**
>
> The purpose of this section is to avoid special influence by those who give gifts to city officers, employees or officials.
>
> (a) Except when acceptance is permitted by paragraph (b) below, **it shall be a violation of this code of ethics for any officers, officials, or employees, any member of their immediate families to solicit or to accept any of the following items if (1) the officer, official, or employee is in a position to take direct official action with regard to the donor; and (2) the city has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor:**
>
> (1) **Any money, property, service, or thing of value that is given to a person without adequate and lawful compensation;… (emphasis added)**

On November 17, 2017, the Board of Ethics issued Advisory Opinion 17-27 as follows:

> …Regarding gift items from city departments or agencies, there are two important points. First, City Council members are in a position to take direct official action regarding many city agencies, such as if they have contracts over $500,000 that Council must vote upon. In addition, "the city has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor" (the individual city departments or agencies that offer gift items to City Council members). Therefore, Council members are prohibited by Section 2-60(a) from accepting gifts from city departments or agencies. Second, City Council is a separate and independent branch of city government from the executive branch departments and agencies and the restrictions in the gift section of the Code of Ethics apply with equal force, whether gifts are from entities or persons inside or outside of city government. Thus, the Board of Ethics rejects the interpretation of the gift section of the Code that City Council members or other city personnel may accept gifts from city agencies because they are all part of the same city government…

The Board of Ethics determined that the payments by A&V to City Council members' office budgets of funds through its District Challenge program are not prohibited by Section 2-60 of the Denver Code of

Ethics or by the Board's advisory opinion in Case 17-27, both of which are intended to regulate gifts to individual city personnel. The funds in the 2020 District Challenge given by A&V, on the other hand, are payments to benefit the residents/citizens of different districts of the city and are not to benefit any individual city person. No City Council members personally benefit from this donation of funds from A&V and all funds will be appropriately accounted for in the City Council members' office budgets. Put simply, no "gift" is being solicited or received. Therefore, A&V may offer and Council members may accept funds and/or art programs and/or art pieces for the benefit of the public and not for their personal use.

Cases 18–8 and 18-9(no jurisdiction)

A citizen filed complaints concerning two employees of the Department of Human Services (DHS), alleging that the employees failed to give proper oversight to Rocky Mountain Human Services (RMHS), a non-profit organization that is under contract with DHS to administer mill levy funds approved by Denver voters in 2003 to serve persons with intellectual and developmental disabilities.

In a 2015 performance audit by the Denver Auditor of the administration of the RMHS contract by DHS, one of the problems identified was that "RMHS has inappropriately utilized mill levy funds for individuals residing outside of the City and County of Denver."

The complainant raised many different issues about RMHS, including her belief that RMHS continues to provide service to out-of-Denver residents from the Denver mill levy and that DHS and the employees are not adequately monitoring and enforcing the contract between DHS and RMHS.

The Board of Ethics determined that none of the actions raised in the complaints concerning the employees or DHS are prohibited by the Denver Code of Ethics. The Board dismissed both complaints pursuant to Section 2-56(6)(a) of the Denver Code of Ethics because the Board has no jurisdiction over such issues.

Case 18 – 10 (gifts – waiver granted)

A sergeant in the Denver Police Department requested an advisory opinion on behalf of the group of city employees planning a Family Fun Day for all divisions of the Department of Safety and their families on June 9, 2018. One of the planning board members believes that Pepsi-Cola may donate enough soda and water for the expected 700 –1000 attendees. The sergeant wished to know if the solicitation and acceptance of such would violate the Denver Code of Ethics.

Solicitation and acceptance of gifts are governed by Section 2-60 of the Denver Code of Ethics:

> **Sec. 2-60. Gifts to officers, officials, and employees.**
>
> **The purpose of this section is to avoid special influence by those who give gifts to city officers, employees or officials.**
>
> (a) Except when acceptance is permitted by paragraph (b) below, it shall be a violation of this code of ethics for any officers, officials, or employees, any member of their immediate families to solicit or to accept any of the following items if (1) the officer, official, or employee is in a position to take direct official action with regard to the donor; and (2) the city has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor:

(1) Any money, property, service, or thing of value that is given to a person without adequate and lawful compensation;..

(9) Meals except as provided for in subsection (b)(4) of this section…

The Board of Ethics determined that solicitation or acceptance of water and soda from Pepsi-Cola for Department of Safety personnel and their families would not violate Section 2-60 because Fire, Sheriff, Paramedics and 911 personnel are not in a position to "take direct official action" regarding Pepsi-Cola. While police officers do have direct official action power ("enforcing the laws"), the Board does not believe that a large corporation such as Pepsi-Cola could be perceived to be making a donation in order to get special influence to obtain better police or fire protection for its business. Many large companies have items in their budget for community benefit or appreciation for first responders/law enforcement.

In addition, the benefit to each city person would be very small – one or two inexpensive sodas or waters per city person. The Board of Ethics in Case 17-15 decided on August 18, 2017 that:

- When used in Section 2-60 of the Denver Code of Ethics, the word "meal" does not include beverages or snacks alone, such as coffee, tea, water, soft drinks, lemonade, doughnuts or fruit offered to and/or accepted by city officers or employees.
- Provided that the donor is providing the beverage or snack on an infrequent and isolated basis, and provided further that the item is of modest value, a city employee or officer may accept the item, even if they are in a position to take direct official action with regard to the donor.
- Such items need not be disclosed by employees or officers on their Financial Disclosure forms.

The Board did discuss, however, that, in this case, the value of the total gift by Pepsi would be several hundred dollars and would be more substantial that a gift of a water or soda to an individual employee.

However, because some might perceive that the solicitation and/or acceptance of this gift from Pepsi-Cola might violate Section 2-60(a) of the Denver Code of Ethics, the Board voted to grant a waiver, pursuant to Section 2-54(f) of the Code of Ethics, so that these items may be solicited and accepted and determined that an event such as Family Fun Day for city employees and their families is in the city's best interest.

Case 18–11 (outside business activity)

A Technician in the Denver Police Department who is an instructor at the Police Academy requested an advisory opinion. A few years ago, he obtained approval from his appointing authority to establish a "non-police-related secondary employment company" to develop and provide training outside DPD.

In 2016 he developed a 40-hour training course called "Back to Basics," which is now mandatory for all DPD officers. In 2018, he was asked by the Clark County Nevada Probation Department to construct a similar training course for its use. He would be paid by Clark County for adjusting the course for its use and would perform any work on the revised course on his off-duty time. He advised the Board of Ethics:

> But, due to the fact that I created the Back to Basics training while on-duty, I was initially hesitant to accept this contract ... for that reason, I would like to formally speak with the Ethics Board to discuss this matter and receive an advisory opinion.

Outside employment by city employees is regulated by Section 2-63 of the Code of Ethics:

Sec. 2-63 Outside employment or business activity.

The purpose of this section is to avoid possible conflicts of interest and time conflicts between city jobs and outside employment or business activity.

(a) All officers other than elective officers and all employees shall report existing or proposed outside employment (excluding unpaid volunteer activity) or other outside business activity annually in writing to their appointing authorities and obtain his or her appointing authority's approval thereof prior to accepting initial employment or outside business activity. All officials shall immediately report any change in employment status to their appointing authorities which could give rise to a conflict of interest.

(b) If the appointing authority or the officer, official or employee believes that there is a potential conflict of interest between the person's public responsibility and his or her possible outside employment or outside business activity, he, she or they are encouraged to consult the board of ethics.

(c) An officer or employee who has received the written permission of the appointing authority may engage in outside employment or other outside business activity…

(e) City resources may not be used for any outside employment or outside business activity. (emphasis added)

The Board of Ethics determined that it will not be a violation of the outside employment section or any other section of the Denver Code of Ethics for the Technician to develop a similar training program for Clark County, NV so long as, in accordance with Section 2-63, he "obtains his… appointing authority's approval thereof prior to accepting initial employment or outside business activity." In addition, he should not use any city time, computers, paper or other city resources for his outside business.

The Board noted, however, that "Back to Basics" may, in certain circumstances, be considered the intellectual property or work product of the City of Denver. The Board recommended that he speak both with his chain-of-command and with the Denver City Attorney's Office about whether there are limitations on using materials developed on Denver city time in any course developed for other cities or counties. However, intellectual property and copyright issues are complicated legal matters and are not within the jurisdiction or the expertise of the Board of Ethics and, thus, the Board intends this recommendation to be merely helpful, not binding.

Case 18–12 (conflict of interest)

A Human Resources Partner for the Denver County Court requested an advisory opinion about whether there would be a violation of the Code of Ethics for County Court employees to participate as volunteers in the annual Paintathon house-painting event sponsored by Brothers Redevelopment, Inc., a Denver non-profit homebuilder on Saturday August 18, 2018. Brothers Redevelopment describes itself as "promoting safe, affordable, accessible housing and housing services for the low-income, elderly and disabled throughout Colorado."

The requester's concern arose from the fact that "Brothers Redevelopment is also a named party in many civil actions with the Court, primarily as plaintiff in Forcible Entry and Detainer cases (evictions)." She

advised the Board that "this is a much beloved event for our employees and the community." She also indicated that:

> In the past Career Service Authority employees as well as judicial officers have volunteered. My inquiry is primarily regarding direction for CSA employees, as judicial officers have Judicial Canons they must abide by, including potential conflicts of interest such as this.

Conflicts of interest are governed by Section 2-61 of the Denver Code of Ethics:

> **Sec. 2-61. Conflict of interest while employed.**
>
> The purpose of this section is to avoid influence on the official actions of city officers, employees or officials by their private or family interests,
>
> (a) Except when advised by the city attorney that the rule of necessity applies, an 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, a business associate or an employer other than the city of the officer, official or employee has any substantial employment, contractual, or financial interest in that matter. A substantial interest shall be deemed to exist if:
>
> (1) He or she or a member of the immediate family, a business associate or an employer other than the city is the other party in the matter;
>
> (2) He, she, a spouse, a domestic partner or minor children solely or aggregated together, a business associate or an employer owns or own one (1) percent or more, or a member of the immediate family other than a spouse, domestic partner or minor children own or owns five (5) percent or more, of another party in the matter;
>
> (3) He or she, a member of the immediate family, a business associate or an employer is a board member or an officer in another party in the matter;
>
> (4) He or she, a member of the immediate family, a business associate or an employer is directly involved in obtaining the city's business for another party in the matter;
>
> (5) He or she, a member of the immediate family, a business associate or an employer is directly involved in negotiating the contract or preparing the bid, proposal, response to a request for qualifications, or similar document for another party in the matter, other than in a purely clerical capacity; or
>
> (6) A member of his or her immediate family performs more than a nominal portion of the work in the matter, or supervises or manages more than a nominal portion of the work.
>
> (7) He or she 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 five (5) percent or more of a law firm, lobbying firm or other professional services firm representing another party in the matter…
>
> (f) Officers, employees or officials who are prohibited from taking direct official action due to a substantial conflict of interest shall disclose such interest to his or her colleagues on a

> board or commission or to his or her supervisor or appointing authority, shall not act or vote thereon, shall refrain from attempting to influence the decisions of others in acting or voting on the matter and shall work with his or her supervisor or appointing authority to ensure that the matter is assigned to someone without conflicting interests….

The Board determined that it will not be a violation of the conflict of interest section or any other section of the Denver Code of Ethics for Denver County Court employees to participate as volunteers in a community-serving program sponsored by Brothers Redevelopment, Inc., because County Court employees have no direct official action authority regarding Brothers Redevelopment, Inc. In addition, the volunteer employees do not have any "substantial employment, contractual or financial interest in that matter."