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DENVER BOARD OF ETHICS
DIGEST OF SELECTED OPINIONS
July 1– December 31, 2008

PLEASE NOTE: This is a selected set of summarized opinions given by the Denver Board of Ethics between July 1 and December 31, 2008 in response to fact-specific requests for advisory opinions or inquiries/complaints. **They should not be used as conclusive guidance for situations where the facts may differ**.

Case 08 – 52 (supervision of family member)

A Sheriff Department major at the County Jail requested a waiver from Section 2-59(b) of the Code of Ethics, which prohibits a city employee from supervising or being in the direct line of supervision over a member of his or her immediate family. The major had recently been transferred from another assignment to the County Jail on the day shift. The major's son has been for some time a deputy sheriff at the County Jail on the night shift. This situation complies with the guidelines in Sections 2-59(c) and (d) in that the deputy sheriff was already assigned to the County Jail before his father was assigned to the County Jail and, since there are two intermediate levels of supervision between the father and the son, the father should not be prohibited from being in a direct line of supervision over his son. The Board of Ethics found that it is in the best interests of the city to grant a waiver from Section 2-59(b) to the major, based upon the condition that any disciplinary or other personnel actions or annual personnel reviews for the son will not be conducted or reviewed by his father. Instead, review of those matters will be handled by others in the Sheriff Department. A waiver might not be required in this situation under the Code, due to the fact that the father and the son normally work on different shifts and have two intermediate levels of supervision between them. However, the waiver will cover any eventuality where the major might be put in a temporary situation of supervising his son,

such as an emergency at the County Jail or a vacation or sick-schedule of others at the County Jail..

Cases 08 – 53 and 08 – 66 (no jurisdiction)

Citizens filed complaints concerning a police officer, alleging rude and unprofessional remarks by the officer to the citizens. The Board of Ethics dismissed the complaints due to lack of jurisdiction over complaints of this nature.

Case 08 – 54 (gifts)

An employee in the Office of the Controller who administers the city's payroll system requested an advisory opinion and/or waiver. In 2007 the city entered into a major contract to purchase software and services for the payroll system. The employee was not involved in preparing the request for proposals that led to the contract with the software company; however, she was involved in the contract process. There is a budget request for 2009 to purchase additional licenses and functionality from the software company. Although the purchase would be through a different agency (Technology Services), the employee "will be involved from an advisory perspective to ensure that our needs are met."

The employee was invited by the software company to attend a conference in Florida and to speak on behalf of the city to describe Denver's "successes as they relate to the roll-out" of the software The city would pay for the travel, lodging and meals for the conference; however, the software company offered to waive the $1500 conference fee for the employee in return for speaking at the conference. It is standard practice for the company to waive the conference fee for speakers. The 2008 budget for the Office of the Controller did not have sufficient funds to pay for the $1500 conference fee. The employee requested an advisory opinion as to whether acceptance of the payment of the conference fee by the company would violate the Code of Ethics and, if so, she requested a waiver. Acceptance of gifts is regulated by Section 2-60 of the Code of Ethics:

> **Sec. 2-60. Gifts to officers, officials, and employees.**
>
> (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…

The Board of Ethics found that the employee will be in a position to recommend for or against any future contract amendment with the software company and, therefore, that

she is "in a position to take direct official action" regarding the company. However, since she would be speaking at the conference, her talk, including preparation for the talk, will be "adequate and lawful compensation" for the conference fee waiver by the company and, therefore, the conference fee is not a "gift" as defined in 2-60(a). Therefore, her acceptance of the conference fee waiver from the company would not violate the gift section of the Code of Ethics. Since the Board found that the Code of Ethics would not be violated, a waiver was not required.

Case 08 – 55 (subsequent employment)

An Administrative Support Assistant IV in the Technology Services Division requested an advisory opinion. She was considering applying for a job as a sales manager for a company that has a contract to supply communications equipment to the City and County of Denver. She was not involved in negotiating or approving the contract with the company. Subsequent employment for city employees is regulated by the Denver Code of Ethics as follows:

> **Sec. 2-64. Subsequent employment.**
>
> (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 found that the employee did not have any role in negotiating or approving the contract or purchase orders with the company, so her job duties as an Administrative Support Assistant did not amount to "direct official action." Therefore, the Board determined that she would not be required to wait six months after leaving city government before working for the company. The Board, however, cautioned her not to use any confidential information (that the company would not already know) on behalf of the company.

Case 08 – 56 (no jurisdiction)

A city employee filed a complaint concerning his supervisor, alleging that the supervisor harassed and defamed him. The Board of Ethics dismissed the complaint for lack of jurisdiction over allegations of this nature and encouraged the employee and the supervisor to consider mediation through the Career Service Authority (720-913-5703).

Case 08 – 57 (outside employment, conflicts of interest)

The Human Resources Director for the Department of Aviation raised several questions regarding snow removal operations for the upcoming winter season at Denver

International Airport. The first issue was whether the Code of Ethics would permit Aviation Department employees to perform "outside employment" for private contractors hired to perform snow removal as needed at DIA. The Director set out different scenarios on which he asked for advice.

Since all of these outside job opportunities would be paid jobs, the Board determined that the Aviation Department employees would have to obtain their appointing authority's written approval for the outside employment, pursuant to Section 2-63 of the Code of Ethics. Unless each employee obtains such written approval, he or she is prohibited from engaging in the outside employment. The appointing authority would need to evaluate and discuss with each individual employee whether the outside job may interfere with the employee's city job responsibilities or cause confusion by other city employees or supervisors about whether the employee is working at any particular moment for the Department of Aviation or the private contractor.

The second issue was whether the different scenarios created a conflict of interest. Conflicts are regulated by Section 2-61 of the Code of Ethics: The Board of Ethics determined that there is not a conflict of interest in these situations that would be directly prohibited by Section 2-61 unless the city employee takes "direct official action" concerning that contractor as defined in Section 2-52(b) of the Code of Ethics (negotiating, approving, administering or enforcing the contract or purchase order) and the employee's situation regarding the snow-removal company amounts to a "substantial conflict of interest" as described in sub-sections 1 through 6 of Section 2-61 Accordingly, the Board determined that each employee's situation would need to be evaluated on a case-by-case basis.

However, the Board of Ethics indicated that there was an obvious appearance of impropriety if any employee in a supervisory or administrative capacity in their city job might be or might appear to be less likely to strictly oversee or diligently challenge problems or discrepancies in the work of a contractor if the employee had received or was expecting to receive payment for working for that contractor in his or her outside employment. The Board of Ethics said that it does not have enough familiarity with the jobs in question to recommend "what types of assignments would be acceptable, and which types of assignments would not be acceptable" regarding all of the scenarios that were presented The Board concluded that such discussions and decisions should be left to the appointing authority.

Case 08 – 58 (outside business activity – rental property)

A city employee requested an advisory opinion. He owns two apartment buildings (total of ten units and 5 garages) in Denver and lives in one of the units. He manages and maintains the apartments himself. The employee wished to know whether ownership and management of such rental properties are required to be disclosed to and permitted by a his appointing authority pursuant to Section 2-63 of the Code of Ethics regarding outside employment and outside business activity. The section is as follows:

Sec. 2-63. Contemporaneous or outside employment.

(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)…

The Board of Ethics has not yet answered this question in any other case. Neither "outside employment" nor "outside business activity is precisely defined in the Code of Ethics. The Board indicated that there are at least four reasons that justify the city government's requirement that a city employee's outside employment or outside business activity must be disclosed and permitted:

1. so that the employee and the appointing authority may discuss whether the outside work will harm the employee's ability to work a full day for the city;
2. so that the employee and the appointing authority may discuss whether the outside work will cause harmful disruptions or interruptions to the employee's city job;
3. so that the city will have a record of how to reach the employee in case of a city emergency which requires the employee's involvement, such as snow-plow drivers during an unexpected blizzard; and
4. so that the employee and the appointing authority can discuss whether a conflict of interest might exist between the employee's city job and his or her outside employment or outside business activity.

The Board found that managing rental property can sometimes take considerable time. Therefore, disclosure under 2-63 will determine issues 1, 2 and 3 above. Owning one or more rental properties in Denver could also be a conflict for some city employees, depending on the specifics of each situation. For example, if a city building inspector manages rental property that he or she owns, he or she should make his or her appointing authority aware so that the employee will not be assigned to inspect a building that he or she manages.

The Board of Ethics did not find any conflict of interest between this employee's city job and the management of his rental properties. The Board determined that that self-management of rental properties amounts to outside business activity of the type that must be disclosed on an annual basis pursuant to Section 2-63 of the Denver Code of Ethics; however, the Board determined that ownership alone (without self-management) does not need to be disclosed under Section 2-63.

Case 08 – 59 (conflict of interest)

The Manger of the Public Works Department requested an advisory opinion. He indicated that he approves most, if not all, contracts between the Public Works

Department and private vendors and contractors. The Department is now engaged in contracting with many contractors to handle various projects for capital improvements. He indicated that he has asked the Public Works Department staff to develop a new selection process for contractors in order to develop a broader and more diverse pool of contractors. The Public Works Department recently solicited potential contractors through a request for proposals. One of the responding companies was a company, one of the managing partners of which is the Manager's brother-in-law. Conflicts of interest are regulated by section 2-61 of the Denver Code of Ethics:

> **Sec. 2-61. Conflict of interest while employed.**
>
> (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 an officer in another party in the matter…

"Immediate family member" is defined in Section 2-52(c):

> a. *Immediate family* means husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, grandchildren, brother, sister, domestic partner, any person with whom he or she is cohabiting and any person to whom he or she is engaged to be married. The term includes any minor children for whom the person or his or her domestic partner provides day-to-day care and financial support…

"Immediate family member" does not include brother-in-law. The Board of Ethics, therefore, determined that section 2-61 does not prohibit the Manager from taking direct official action regarding a contract with his brother-in-law's firm. However, the Board strongly recommended that, in order to avoid the appearance of impropriety, at any time that the Manager would learn that his brother-in-law's company is in contention for any

contract with the Public Works Department he should:

- disclose such interest to his appointing authority (the Mayor);
- not act on the proposed contract in any way, including short-listing, interviewing, negotiating, approving, disapproving or reviewing for possible violations;
- refrain from attempting to influence the decisions of others in acting on the contract; and
- work to ensure that the matter is assigned to someone without conflicting interests

Case 08 – 60 (no jurisdiction)

A citizen filed a complaint concerning his next-door neighbor, who is a city employee, alleging that the city employee filed numerous frivolous zoning and animal control complaints against the citizen, threatened to make an unjustified complaint to the Internal Revenue Service, made a number of other threats and took other harassing actions. The Board of Ethics stated that it "believes that Denver city employees should be good citizens and good neighbors, should not expect special treatment from city agencies and should not file complaints in a retaliatory way." However, the Board dismissed the complaint, finding that it does not have jurisdiction over allegations of this type. The Board also recommended that the two neighbors engage in mediation through Denver Mediation and urged both neighbors to "reduce your level of hostility and use your best efforts to co-exist as peaceful neighbors."

Case 08 – 63 (outside employment and conflict of interest)

An employee of the Department of Aviation requested an advisory opinion. He has been asked by an airline company to consider an outside consulting job to help the company evaluate future options for one of its private facilities in Denver. One of several options would be to relocate the facility to Denver International Airport from its current non-DIA location. The employee is responsible for developing non-airline revenue for the Department of Aviation and also for airline leases and property. Before he joined the city, the employee worked for the same airline company as a financial analyst and then as manager of scheduling and director of sales and marketing for the facility in question.

The employee advised the Board of Ethics that the airline company might consider relocating the facility to DIA. He said that his city job does not involve any dealings with the division of the airline company that involves the specific facility. However, he also advised the Board that, if the airline company did decide to relocate the facility to DIA, that would involve his division at DIA and he "would need to be involved."

The Board decided that the employee would need to obtain written approval from his appointing authority to do the outside consulting, as required by Section 2-63 of the Code of Ethics. The Board then reviewed any potential conflicts of interest, which are regulated by Section 2-61 of the Code of Ethics:

Sec. 2-61. Conflict of interest while employed.

(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 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

(7) 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…

(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.

(g) No officer, employee or official may have any other employment or position which is incompatible with his or her duties or that adversely affect the

interests of the city…

The Board determined that nothing in Section 2-61 would prohibit the employee from doing consulting work for the airline company. If, however, he did the consulting work for the company and then the company decided to propose to relocate the facility to DIA, he would then be prohibited by Section 2-61(a)(1) from taking any direct official action (such as negotiating or approving or administering a lease or contract) with the company. Section 2-61(f) describes the steps he would have to take in light of the substantial conflict of interest. The employee indicated to the Board that it would be very difficult for him or his appointing authority to assign his duties to someone else in this particular matter.

In summary, the Board of Ethics advised the employee that:

1. he must comply with 2-63 by obtaining his appointing authority's written approval for the consulting job with the company;
2. he is not prohibited by the Code of Ethics from doing consulting work for the company, so long as he complies with Section 2-63;
3. a conflict would be created if the company decided to consider relocating the facility to DIA and the employee would then be unable to take any direct official action regarding the matter on behalf of the City. If there was no one else who could be assigned the matter, Section 2-61(g) might be implicated, as he would apparently have taken employment which is incompatible with his duties and responsibilities for the City.

Case 08 – 64 (gifts)

A city Fire Protection Engineer, who reviewed plans and was helpful in obtaining approval for a temporary facility used during the Democratic National Convention unexpectedly received a bottle of rare scotch whisky after the conclusion of the convention in gratitude from the non-profit organization that hosted the venue. He requested an advisory opinion about what to do with the gift, which was valued at more than $25. Gifts are regulated by Section 2-60 of the Code of Ethics:

Sec. 2-60. Gifts to officers, officials, and employees.

(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, or 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;…

The Board of Ethics decided that the city employee was in a position to take "direct

official action" regarding the owner or tenant of the venue through "issuing, enforcing or regulating permits" and the city did have a "regulatory relationship" with the donor. Therefore, a gift over the value of $25 from the entity sponsoring the venue to the city employee would normally be prohibited, since none of the exceptions in Section 2-60 apply to this situation. However, the Board reviewed prior decisions, finding that Cases 04-44 and 05-6 are quite similar to this case in that: 1) the city employee was in a position to take direct official action concerning the donor; 2) the gifts were unsolicited and modest in value; 3) the gifts were given after the service was rendered by the city employee and 4) the apparent motivation for giving the gift was gratitude and not an intent to influence any decision or action of the city employee. Because the same conditions apply to this case, the Board decided that the Code of Ethics would not be violated if the employee accepted the whisky.

Case 08 – 65 (outside employment)

The Auditor requested an advisory opinion to determine whether Section 2-63 of the Code of Ethics, regarding "outside employment" or "outside business activity" requires that city employees who wish to work temporarily for other city agencies to obtain written approval from their appointing authorities. In particular, he was concerned about employees of the Auditor's Office who wish to volunteer (and obtain overtime pay) to help with snow emergencies at Denver International Airport either: 1) by working for the Department of Aviation-run snow program or 2) by working for a private company under contract with the Department of Aviation for assistance in snow removal.

Section 2-63 of the Code of Ethics provides:

> **Sec. 2-63. Contemporaneous or outside employment.**
>
> (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.

In addition, Career Service Authority Rule 15-51 provides:

> Any employee desiring to take outside employment or engage in other business activities must submit a written request to his or her appointing authority before the outside employment or business activities commence. The appointing authority will not approve outside employment that compromises an employee's ability to perform effectively or to accept overtime or travel assignments. Outside employment or business activities shall not be incompatible with an employee's duties, nor shall the outside employment or business activities create an actual or apparent conflict of interest.

Section 1.2.8 of the Denver Charter also provides:

> No employee or appointed Charter officer shall have other employment or hold any public office that is incompatible with his or her duties.

The Board of Ethics believes that any city employee's appointing authority should be made aware and should be able to discuss with the employee whether outside employment would pose a conflict of interest and/or whether it would interfere with the employee's work for his or her agency, which should be of paramount importance. These are the reasons underlying Section 2-63 of the Code of Ethics and CSA Rule 15-51.

The Board of Ethics decided that temporary work for another city agency is not to be considered "outside employment or outside business activity," within the meaning of Section 2-63 because that section is intended to cover paid employment outside the City. An employee working for another agency within the City would be in the nature of a loan of personnel from one agency to another and should be considered a management issue between the agencies. On the other hand, if a city employee wishes to obtain outside employment with a private contractor that is engaged in assisting with snow removal at DIA, that employee must comply with section 2-63 of the Code of Ethics.

Case 08 – 67 (outside employment, subsequent employment, on-call employees)

A former city employee at the Department of Aviation, who retired in July 2008, requested an advisory opinion. For the last 3 years of his city employment, he was a contract compliance technician with the Airport Property Office. He advised the Board of Ethics that his duties were clerical and that he did not negotiate any insurance requirements or other provisions of any contract with any tenant. The former employee applied for Colorado licenses to sell life, health, property and casualty insurance products and anticipates receiving the licenses in December 2008. He wished to contact various tenants, such as concessionaires, at Denver International Airport and in order to sell insurance policies to some of them. The former employee also began an appointment as an on-call employee with the City on December 1, 2008, performing inventory work in the DIA Engineering Division Records Management Section. He wished to know if and how the Code of Ethics will impact: 1) his ability to sell insurance to DIA tenants as a retired city worker and 2) his ability to sell insurance to DIA tenants as an on-call employee for the Department of Aviation.

The section of the Code of Ethics that applies to retired employees is:

> **Sec. 2-64. Subsequent employment.**
>
> (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 determined that the employee did not take any "direct official action" regarding any tenants (or anyone else) at DIA, since his work was clerical in nature. Therefore, if he took no "direct official action," he would not be prohibited by Section 2-64 as a retired city employee from trying to sell insurance to DIA tenants. In addition, the 6-month period following his retirement, will expire on December 31, 2008.

The Board then addressed his status as an on-call employee. The Code of Ethics applies to all city employees and the Code defines "employee" as:

Sec. 2-52. Definitions.

(a) *Employee* means any person in the employ of the city or of any of its agencies or departments and any person employed without compensation under the terms and provisions of chapter 18, article II, division 19 of this Code….

The Board of Ethics determined that the definition of "employee" does include on-call employees, as well as permanent and probationary employees. Therefore, during any period when he is an on-call employee, he will need to comply with Section 2-63, which requires approval of any outside employment or outside business activity by the employee's appointing authority. If he does obtain such approval, he should not do any outside work during city work time and should not use city resources for the outside work. He should also not use any city records or lists for his insurance business.

Case 08 – 69 (subsequent employment)

A City Council aide planned to leave city government effective December 31, 2008 to seek private-sector employment as a contract consultant working "in community relations and outreach as well as governmental relations." She said that she planned "to do subcontracted work mostly with existing, larger consulting firms." The aide requested an advisory opinion about which type of clients she can work for and which types of tasks she can perform "related to the city" and be in compliance with the Denver Code of Ethics. She indicated that she currently did not have a specific employment proposal from any particular group.

The section of the Code of Ethics which regulates subsequent employment is:

Sec. 2-64. Subsequent employment.

(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 definition of “direct official action” is:

Section 2-52 (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, 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.

(2) Enforcing laws or regulations or issuing, enforcing, or regulating permits;

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

(4) Appointing and terminating employees, temporary workers, and independent contractors.

(5) Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are provided in connection with that officer's, official's, or employee's performance of (1) through (4) above.

The Board of Ethics decided that the aide was prohibited by Section 2-64(a) from work during the first six months after leaving city government in which she would take direct advantage, unavailable to others, of matters with which she took direct official action during her service with the city. Since she may have done research for and/or made recommendations (both of which are defined as “direct official action”) to her City Council member on a number of topics, including leases or large contracts that City Council must vote upon, as well as legislation, the Board found that she should not take any consulting or lobbying jobs for six months regarding any matters regarding which she did research or made recommendations while she worked for her City Council member. This includes lobbying or attempting to educate or persuade City Council members or any other city employees or elected officials or members of the public. This prohibition would include work as a sub-contractor working under any city contract on which she had done research and/or made recommendations before the contract was approved by City Council.

The Board also recommended, in order to avoid the appearance of impropriety, that she should not lobby or attempt to persuade her former employer on any matters on behalf of a client during the first six months after leaving city government. This would reduce the likelihood that an employer would engage her in the hope of bringing special influence

on the Council member through the efforts of the former employee.

Case 08 – 73 (outside employment)

A traffic engineer in the Public Works Department requested an advisory opinion. As a result of her work for the city on traffic issues related to the Democratic National Convention, she had been asked to do outside work to help in traffic planning for two major events in other cities – the inauguration of the new president and the All-Star game of the National Hockey League. She was also considering doing other transportation-related consulting in the future. She advised the Board of Ethics that, so long as she is a city employee, she will not do any outside consulting jobs for events inside the City and County of Denver.

The Board of Ethics found that the employee must obtain written approval for any other outside consulting jobs in order to comply with section 2-63 of the Code of Ethics. Because such jobs could possibly interfere with her city work, depending on the timing and duration and location of each job, she should ask for approval of each job individually, rather than on a general basis. In addition, the employee and her appointing authority and/or the human resources office in the Public Works Department will need to be sure that the city rules regarding vacation time or leave without pay are complied with.

The Board of Ethics did not find any conflict of interest, so long as the employee does not do any outside consulting work for events or projects inside the City and County of Denver, which would pose a conflict of interest. The Board also determined that she should abstain, in her city job, from working on any project relating to any of her outside consulting clients. The Board of Ethics also strongly recommended that she not use any city resources or city time for any outside consulting work