

Sex Offender Management Board Conflicts of Interest Policy
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DRAFT 2-27-19

I. PURPOSE

The purpose of this policy is to:

- ensure that the activities of the Board remain transparent to the public;
- protect the public's interest when the Board is contemplating a decision or action that would benefit the private interest of a Board Member;
- assure that all individuals who, by virtue of their position, can influence decisions affecting work of the Board, perform their duties in an open and transparent manner;
- acknowledge that the Members of the Board were appointed based upon a balance of their expertise and representation of rural and urban areas – this background should not be considered a conflict so long as the personal financial interests of a particular Board Member do not influence their ability to be objective; and
- clarify the duties and obligations of Board Members in the context of potential, apparent, or actual conflicts of interest and, further, to provide such individuals with a method for disclosing and resolving such conflicts of interest.

This policy is intended to supplement state laws that may be otherwise applicable.

II. COMPLIANCE WITH STATE ETHICS LAWS

CONDUCT OF BOARD MEMBERS. The public must have faith and confidence in state government. Board Members must serve with integrity, honesty, and in keeping with the highest standards of ethical conduct in the discharge of their duties.

ETHICS IN GOVERNMENT. Each Board Member shares in the responsibility of maintaining the public's trust and confidence in the Board and its conduct. Each Board Member shall conform his/her conduct to the applicable requirements of Article XXIX, Ethics in Government, of the Constitution of the State of Colorado, and Title 24, Article 18 of the Colorado Revised Statutes, Code of Ethics.

III. POLICY STATEMENT

This Board has been established pursuant to the laws of the State of Colorado. It is the policy of this Board that Members of the Board, including its committees and staff, undertake their respective responsibilities with an unbending duty of loyalty and fidelity to the Board and the State of Colorado. Board Members are to perform the affairs of this Board honestly and

openly, exercising their best care, skill and judgment for the benefit of the Board and the general public of the State of Colorado.

Board Members have an obligation to make full disclosure of all interests, actions, or relationships which might result in, or have the appearance of, a conflict of interest in satisfying their obligations to this Board. In that regard, it is the policy of this Board to ensure the disclosure of all potential, apparent or actual conflicts of interest in a timely manner.

IV. DEFINITIONS

ACTUAL CONFLICT. A currently ripe situation where a Board Member's ability to act fairly, impartially and in the best interests of the Board and the general public of the State of Colorado is compromised.

APPARENT CONFLICT. A situation where it would appear to a reasonable person that a Board Member's ability to act fairly, impartially and in the best interests of the Board and the general public of the State of Colorado is compromised.

BUSINESS. Any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

CONFLICT OF INTEREST. A Conflict of Interest exists where a Board Member's Official Action may have a Direct Economic Benefit on a Business or other undertaking in which such Member has a direct or substantial Financial Interest.

DIRECT ECONOMIC BENEFIT. A Board Member has a Direct Economic Benefit if he or she has, or his or her spouse has, any Financial Interest in any entity which may be affected in a direct and substantial way by the actions of the Board.

FINANCIAL INTEREST. A substantial interest held by an individual which is:

- (a) An ownership interest in a Business;
- (b) A creditor interest in an insolvent Business;
- (c) An employment or a prospective employment for which negotiations have begun;
- (d) An ownership interest in real or personal property;
- (e) A loan or any other debtor interest; or
- (f) A directorship or officer position in a Business.

OFFICIAL ACT OR OFFICIAL ACTION. Any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

POTENTIAL CONFLICT. A situation that has not yet ripened into a Conflict, but which could ripen into a situation where a Board Member's ability to act fairly, impartially and in the best interests of the Board and the general public of the State of Colorado is compromised.

V. PROCEDURES

DUTY TO DISCLOSE. In the event of any potential, apparent, or actual conflict of interest, the Board Members must disclose the existence and nature of his or her Financial Interest to the Board prior to the consideration of the matter to be considered by the Board.

BOARD ACTION. After disclosure of a potential, apparent, or actual conflict of interest, the Board shall consider what, if any, impact the conflict of interest shall be given in connection with any matters pending before the Board.

A Board Member shall not automatically be considered to be disqualified from consideration by the Board solely because a Board Member has a potential, apparent, conflict of interest. However, all potential conflict of interests must be disclosed in a timely manner.

FAILURE TO TIMELY DISCLOSE CONFLICTS OF INTEREST. If the Board, or any Member thereof, has reasonable cause to believe that a Member of the Board has failed to disclose a potential, apparent, or actual conflict of interest, it shall inform the Board Member of the basis for such a belief and afford such person an opportunity to explain the alleged failure to disclose.

If, after hearing the response of such person and after making such further investigation as may be warranted in the circumstances, the Board determines that a Board Member has in fact failed to disclose a conflict of interest, it may take appropriate corrective action, including referral to the Board Member's appointing authority or requiring recusal pursuant to Article VI below.

VI. RECUSALS

MANDATORY RECUSAL. A Board Member is disqualified and shall recuse themselves from any official duty, responsibility, or privilege, when an actual conflict of interest exists.

PERMISSIVE RECUSAL. A Board Member may, in their own discretion, recuse themselves from any official duty, responsibility, or privilege, when a potential or apparent conflict of interest exists.

- a. A Board Member considering whether to permissively recuse should take into account the particular circumstances giving rise to the potential or apparent conflict of interest and whether failure to recuse would erode the public trust or the Board Member's fairness, impartiality, objectivity, and integrity.

- b. A Board Member who does not recuse themselves when there exists a potential or apparent conflict of interest should disclose that fact to the Board and, if permitted under the Board’s confidentiality requirements, to the public. Such a disclosure should explain the reasons why fairness, impartiality, objectivity, and integrity will not or are not expected to be adversely impacted.
- c. A potential or apparent conflict of interest that ripens into an actual conflict of interest requires mandatory recusal.

MANNER OF RECUSALS. When a Board Member recuses himself or herself, he or she shall do so by making a public announcement of the recusal, if and when possible, or by making an announcement of the recusal to the Board immediately after entering executive session if that is the case. For a recusal occurring during deliberation, the affected Board Member should leave the room in which the deliberation is occurring. In addition to a Board Member’s voluntary recusal, the Chair of the Board, or two Board Members, may ask the Board to consider and vote on whether a Member has a conflict of interest that requires recusal, and vote to require recusal of the affected Member in such case.

VII. RECORDS OF CONFLICTS OF INTERESTS

The minutes of the Board shall contain the names of all persons who disclosed a Financial Interest in connection with any matter that may be considered by the Board, and the nature of the interest in question including whether the Financial Interest amount to a conflict of interest, and if so whether such conflict of interest requires recusal. The minutes of the Board shall also contain any concerns that were raised regarding an undisclosed potential, apparent, or actual conflict of interest and the response of the involved Board Member.

While it is the Board’s policy to hold all deliberations and decision making in public view, any matter which may disclose personal information that would fall within the personal information exemption, or other exemption, under the Colorado Open Meetings Act, may result in the Board holding its deliberation in Executive Session. Records of such discussions may also not be available for disclosure under the Colorado Open Records Act.

VIII. STATEMENTS PERTAINING TO CONFLICTS OF INTEREST

The Board shall present each Board Member with a copy of the attached “Statements Pertaining to Conflicts of Interest.” The purpose for such statements shall be to accomplish disclosure of all potential, apparent or actual conflicts of interest in advance. If a Board Member becomes aware that a potential, apparent, or actual conflict may exist which has not been disclosed previously on such a statement, it shall be the responsibility of that Board Member to disclose the conflict of interest to the Board in a timely manner prior to any further Board discussions or actions with respect to the relevant issue. The Board shall retain all Statements Pertaining to Conflicts of Interest filed by Board Members.

**STATEMENT PERTAINING TO THE
Sex Offender Management Board
CONFLICTS OF INTEREST POLICY**

I have received a copy of the Conflicts of Interest Policy, have read and understand the Conflicts of Interest Policy, and in signing this document, I hereby agree to comply not only with the Conflicts of Interest Policy’s literal expression, but also with what I believe to be its intent.

My spouse and I may have certain financial interests which may give rise to a potential, apparent, or actual conflict of interest, as set forth below. The nature of those interests, the specific issues that the Board may consider or is considering to which such conflicts may exist, and the reasons why such interests may give rise to a potential, apparent, or actual conflict of interest are as follows:

Please write “none” if applicable at the time of signing. Please attach additional sheets if additional space is needed.

I also hereby certify that if any possible matter should be considered in the future with respect to which I have a potential, apparent, or actual conflict of interest, and which has not been disclosed in this Statement, I will promptly disclose the circumstances to the Board, update this form with a subsequent written disclosure, and will comply with the Conflicts of Interest Policy in all regards with respect to such matter.

Printed Name: _____

Signature: _____

Date: _____