THE DEPARTMENT OF NATURAL RESOURCES AND ITS DIVISIONS

POLICY FOR ETHICS, INCLUDING ACCEPTING GIFTS AND DONATIONS

This policy is based on the ethics rules in Colorado State government as prescribed in the Colorado Revised Statutes 24-18-101 and Governor Owens' Executive Order on Ethics, D 001 99.

Gifts

Employees may not accept a gift, compensation, or payment of expenses if it improperly influences you in your official duties or if you know that it is primarily for the purpose of rewarding you for an official action you have taken. Basically, employees may not accept or solicit bribes.

A "reasonable person" standard applies, which means that even if an employee is not actually influenced, or did not actually know the gift was a reward for his/her actions, the gift cannot be accepted if a reasonable person would be influenced or would know from the circumstances that the gift is improper.

Some gifts do not violate the statute and may be accepted if the gift does not improperly influence an employee or reward the employee for official action. These gifts include:

- Properly donated campaign contributions (see Administrative Order DNR 04-05, June 22, 2004);
- An occasional gift that is insignificant in values (e.g., coffee mugs, etc.);
- A publicly presented award given to an employee by a non-profit organization in recognition of public service (but not a monetary award);
- Payment or reimbursement for travel expenses when attending a meeting where an employee is scheduled to participate in an official capacity;
- Items that are perishable or have non-permanent value, including meals, lodging, tickets to sporting, recreational, educational, or cultural events;
- Compensation for speeches reported pursuant to Colorado Revised Statutes 24-6-203;
- Payment of salary from other employment, although you must disclose the employment to your immediate supervisor and the employment cannot interfere with your performance.

Conflicts of Interest

Employees may not use their position to obtain preferential benefits for the employee, family members, or friends/acquaintances.

The Governor's Code of Ethics prohibits the following:

- Engaging in an activity or business transaction with someone you inspect, regulate or supervise in the course of your official duties;

- Using an employee's authority to give preference to family members or those in a business or social relationship with the employee;

- Using state property, equipment, or supplies for private use;

- Receiving payment (or contingent fee) from a person in exchange for helping that person obtain a contract, claim, license, or economic benefit.

Colorado Revised Statutes 24-18-105 state that employees may not:

- Perform an official act that directly and substantially benefits a business in which the employee has a substantial financial interest or is engaged as counsel, consultant, representative or agent. An employee may not take an action to the detriment of a business if he/she has a financial interest in a competing business;

- Acquire or hold an interest in a business if the employee has reason to believe that it may be directly and substantially benefited by official action of an agency if the employee has substantive authority over that agency.

Confidential Information

An employee may not disclose or use confidential information acquired in the course of official duties for private gain.

Post Employment

Employees may not take another job with an entity that has a contract with the State agency where the employee worked within six months of leaving that job. An employee may not take a job with an entity where there would be an advantage of confidential information with which the employee was directly involved during employment.

Disclosure

ELECTED OFFICIALS have statutory requirements for personal financial disclosure and reporting of gifts, honoraria and other benefits;

HEADS OF PRINCIPAL DEPARTMENTS AND GOVERNOR'S OFFICE SENIOR STAFF have disclosure and reporting requirements under the Governor's Executive Order D 001 99.

<u>Consequences of Violating the Law</u>

- Board of Ethics – The Governor's Board of Ethics can review complaints of ethical violations. The Board can also advise the Governor and his staff on a situation before potentially unethical action is taken.

- Civil – In many cases where these ethical requirements are violated, the State can sue employees for breach of fiduciary duty.

- Criminal – Taking or soliciting bribes is a Class 3 felony.

Employees are required to report corruption or impropriety or seek legal counsel where there is doubt.

This order will remain in affect until revised or rescinded.

HARRIS SHERMAN Date
Executive Director
Colorado Department of Natural Resources