

ARAPAHOE COUNTY CODE OF ETHICS
Adopted December 13, 2016

Ethics Committee Hotline: 303.738.7995

ARTICLE I – PURPOSE AND AUTHORITY

The Board of County Commissioners of Arapahoe County, Colorado believes that the citizens of this County are entitled to have an ethical, open and accountable local government. The purpose of this Code of Ethics is to provide guidance to the officials and employees of Arapahoe County whenever questions of ethical conflict arise to ensure that Arapahoe County government operates in a manner consistent with appropriate ethical principles and values. This Code of Ethics is also intended to establish a system for reporting possible ethical concerns so that any ethical violation, whether intentional or not, may be discovered and addressed appropriately.

The Code of Ethics is intended to be adopted in accordance with the applicable provisions of the Colorado Constitution, Colorado statutes, and internal Arapahoe County policies, and shall supersede the prior Ethical Principles and Guidelines adopted by the Board of County Commissioners on April 11, 2000. This Code of Ethics is not intended to supersede specific provisions of law or other County policies regarding ethical conduct. A determination, recommendation, or action taken under this Code of Ethics will not conclude or prevent action by the Colorado Independent Ethics Commission or the District Attorney’s Office, as may be appropriate. This Code of Ethics is not intended to limit the ability of county officials and employees from seeking advice from the County Attorney’s Office.

ARTICLE II – APPLICABILITY

This Code of Ethics is applicable to the officials and employees of Arapahoe County. “Employee” shall mean all members of the Arapahoe County workforce, including but not limited to full-time, part-time and temporary employees, and volunteers. “Official” shall mean a person in an elected or appointed position in Arapahoe County, including members of county boards, committees and commissions.

ARTICLE III – ETHICAL CONDUCT

All County officials and employees are expected to adhere to all state ethics laws, including Article XXIX of the Colorado Constitution (Amendment 41, Ethics in Government); Title 24, Article 18 of the Colorado Revised Statutes (Standards of Conduct); and Title 18, Article 8 of the Colorado Revised Statutes (Offenses—Governmental Operations). County officials and employees are also to comply with County guidelines and policies, including the Arapahoe County Finance Department Purchasing Policy No. 4.1, as amended.

Summaries of the most commonly applicable provisions of the above-referenced state ethics laws which County officials and employees are required to adhere to, are as follows:

1. No official or employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty-nine dollars (\$59) in any calendar year (this is the amount as of July 2016 - the exact dollar amount is periodically adjusted by the Colorado Independent Ethics Commission), without the person receiving lawful consideration of equal or greater value in return from the official or employee who solicited, accepted or received the gift or other thing of value. Gifts include but are not limited to loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, and special discounts. Exceptions to the gift ban include campaign contributions, gifts from relatives or personal friends, and payments and reimbursements from certain non-profits for reasonable expenses associated with attendance at a convention or fact-finding mission or trip. Colorado Constitution Article XXIX, Section 3(2); C.R.S. § 24-18-104(1)(b) and (3).
2. No official or employee shall solicit, accept, or agree to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another, or for having otherwise exercised discretion in his or her favor. C.R.S. § 18-8-303(a). In addition, no official or employee shall solicit, accept or agree to accept any pecuniary benefit from another in exchange for appointing or nominating another as a candidate for public office. C.R.S. § 18-8-305(b).
3. No official or employee shall be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees. For purposes of this section, "be interested in" does not include holding a minority interest in a corporation. It can include being an owner, an employee or prospective employee, a debtor, or an officer or director, of a contracting party. "Contract" does not include contracts awarded to the lowest responsible bidder based on competitive bidding procedures. Colorado Constitution Article XXIX, Section 1(1)(d); C.R.S. § 24-18-201(1); C.R.S. § 24-18-102(4).
4. An official or employee shall not perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent. An "official action" means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority. Colorado Constitution Article XXIX, Section 1(1)(d); C.R.S. § 24-18-108.5(2); C.R.S. § 24-18-109(2)(b).
5. An official or employee shall not engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties. C.R.S. § 24-18-109(2)(a).
6. An official or employee shall not accept goods or services for his own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means by which the person receives payment or other compensation from the local government, unless the totality of the circumstances attendant to the acceptance of the goods or services

indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the official or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally. C.R.S. § 24-18-104(2)(b); C.R.S. § 24-18-109(2)(c).

7. An official or employee shall not disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests. C.R.S. § 24-18-104(1)(a); C.R.S. § 18-8-402
8. An official or employee who has a personal or private interest in any manner proposed or pending before the governing body shall disclose such interest to the governing body, shall not vote thereon, and shall refrain from attempting to influence the decisions of the other members of the governing board. An official or employee may nonetheless vote if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the disclosure procedures under C.R.S. § 24-18-110. C.R.S. § 24-18-109(3).
9. An official or employee who exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction, must give seventy-two (72) hours advance written notice to the secretary of state and to the governing body of the government which employs the official or employee of the existence of any known “potential conflicting interest.” A “potential conflicting interest” exists when the official or employee is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction. C.R.S. §18-8-308.
10. A former employee may not, within six months following the termination of his employment, contract with or be employed by an employer who contracts with a state agency or any local government involving matters with which he was directly involved during his employment. C.R.S. § 24-18-201.

The actual language of the constitutional and statutory ethics provisions are attached to this Ethics Code for reference purposes. Also attached are provisions of the statutes which, although not mandatory, are intended by the legislature as ethical guidelines.

ARTICLE IV - ETHICS COMMITTEE

Ethics Committee Hotline: 303.738.7995

1. Purpose and Applicability

The purpose of the Ethics Committee is to respond to inquiries and issue interpretations and advisory opinions regarding this Code of Ethics, to review and investigate ethics complaints, and to submit findings and recommendations to the Board of County Commissioners if the Ethics Committee determines that this Code of Ethics has been violated.

If any County official or employee is in doubt as to the applicability of this Code of Ethics, he or she is encouraged to ask the Ethics Committee to review the situation and provide an advisory opinion. If anyone believes that an Arapahoe County official or employee is or may be in violation of this Code of Ethics, that person may submit a complaint to the Ethics Committee. Ethics complaints may be submitted by members of the public. Complaints may be submitted anonymously.

Ethics inquiries and/or complaints may be submitted through the Ethics Committee Hotline: 303.738.7995.

2. General Organization

- (a) The Ethics Committee shall be appointed by the Board of County Commissioners pursuant to County Resolution.
- (b) The Ethics Committee shall consist of five members. Each County Commissioner is to appoint one member to the Ethics Committee.
- (c) The term of appointment shall correspond with the appointing commissioner's term of office. The appointing commissioner may at any time withdraw his or her appointment of an individual and appoint a different person to the Ethics Committee.
- (d) The Ethics Committee shall self-elect a Chairman and Vice-Chairman from its membership. To the extent possible, the Chairman and Vice-Chairman shall be from different political parties, preferably parties with opposing political views (e.g., Republican and Democrat).

3. Conduct of Business-General

- (a) Meetings of the Ethics Committee shall comply with the provisions of the Colorado Open Meetings Law, C.R.S. Sections 24-6-401, *et seq.*, as amended.
- (b) The Chairman of the Ethics Committee shall schedule meetings or proceedings as the Committee deems necessary, on a case-by-case basis. Teleconferencing shall be permitted.
- (c) An attorney from the County Attorney's Office will attend Ethics Committee meetings at the request of the Chairman of the Ethics Committee.
- (d) Any action taken by the Ethics Committee shall require a majority vote of a quorum present. A quorum shall be three (3) or more members of the Ethics Committee. No member of the Ethics Committee may vote by proxy.
- (e) The Ethics Committee can at any time request legal input from the County Attorney's Office on issues related to the Code of Ethics.

4. Inquiry Process

- (a) When an inquiry is received, the Chairman and Vice-Chairman will consult in confidence to conduct an initial review. If the response to the inquiry is clear without further investigation or evaluation, a response shall be provided to the person making the inquiry. The members of the Ethics Committee shall be notified of the inquiry and the response.
- (b) If the inquiry requires further investigation or evaluation, then the Ethics Committee shall be convened. The Committee shall determine what investigation or other action is necessary to properly respond to the inquiry.
- (c) At the discretion of the Ethics Committee, the response to the inquiry may be in the form of a written advisory opinion. A copy of all written advisory opinions shall be provided to the Board of County Commissioners.

5. Complaint Process

- (a) The Chairman and the County Attorney's Office will coordinate to ensure that whenever a complaint is received, each person alleged to have violated this Code of Ethics will be notified of the complaint and of any action or decision of the Ethics Committee. Unless a complaint was submitted anonymously, the complainant will be notified of any final decision.
- (b) Upon receipt of a complaint, the Chairman and Vice-Chairman will consult in confidence to conduct an initial review. The Chairman and Vice-Chairman may immediately dismiss a complaint if it is, on its face, or after the initial review, clearly frivolous, groundless, brought for purposes of harassment, or the alleged violation, if true, clearly would not constitute a violation of this Code of Ethics. A complaint may also be dismissed if the Ethics Committee had previously issued an advisory opinion that identified the conduct as not being in violation of the Code of Ethics.
- (c) If a complaint is not dismissed during the screening process, the Ethics Committee shall promptly convene a meeting to consider the allegations and determine an appropriate course of action. The Ethics Committee is allowed flexibility and the use of discretion in determining the appropriate course of action for resolution of complaints.
- (d) If an investigation is warranted, the Ethics Committee may conduct the investigation or it may make assignments for carrying out any investigation. At the conclusion of the investigation, the Ethics Committee shall determine if there is proof beyond a reasonable doubt that this Code of Ethics has been violated.
- (e) If the Ethics Committee determines that this Code of Ethics has been violated, it shall prepare a written report containing its findings and any recommendations for the Board of County Commissioners. Such report shall be a confidential work product and shall not be subject to public disclosure as an inter-agency advisory or deliberative report assembled for the benefit of the Board of County Commissioners which expresses an

opinion or is communicated for the purpose of assisting the Board in reaching a decision within the scope of the Board's authority. *See* C.R.S. § 24-72-202(6.5).

- (f) Upon review of the Ethics Committee's report, the Board of County Commissioners will determine whether to accept or deny the committee's recommendation and whether any further action is necessary.

§1. Purposes and findings

(1) The people of the state of Colorado hereby find and declare that:

(a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people;

(b) They shall carry out their duties for the benefit of the people of the state;

(c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated;

(d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and

(e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.

(2) The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.

§2. Definitions

As used in this article, unless the context otherwise requires:

(1) “Government employee” means any employee, including independent contractors, of the state executive branch, the state legislative branch, a state agency, a public institution of higher education, or any local government, except a member of the general assembly or a public officer.

(2) “Local government” means county or municipality.

(3) “Local government official” means an elected or appointed official of a local government but does not include an employee of a local government.

(4) “Person” means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.

(5) “Professional lobbyist” means any individual who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying. “Professional lobbyist” does not include any volunteer lobbyist, any state official or employee acting in his or her official capacity, except those designated as lobbyists as provided by law, any elected public official acting in his or her official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

(6) “Public officer” means any elected officer, including all statewide elected officeholders, the head of any department of the executive branch, and elected and appointed members of state boards and commissions. “Public officer” does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

§3. Gift ban

(1) No public officer, member of the general assembly, local government official, or government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who accepted or received the money, forbearance or forgiveness of indebtedness.

(2) No public officer, member of the general assembly, local government official, or government employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$50) in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who solicited, accepted or received the gift or other thing of value.

(3) The prohibitions in subsections (1) and (2) of this section do not apply if the gift or thing of value is:

(a) A campaign contribution as defined by law;

(b) An unsolicited item of trivial value less than fifty dollars (\$50), such as a pen, calendar, plant, book, note pad or other similar item;

(c) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Admission to, and the cost of food or beverages consumed at, a reception, meal or meeting by an organization before whom the recipient appears to speak or to answer questions as part of a scheduled program;

(f) Reasonable expenses paid by a nonprofit organization or other state or local government 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 state or local government, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;

(g) Given by an individual who is a relative or personal friend of the recipient on a special occasion.

(h) A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

(4) Notwithstanding any provisions of this section to the contrary, and excepting campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any public officer, member of the general assembly, local government official, or government employee, or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public officer, member of the general assembly, local government official or government employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offering or giving to a public officer, member of the general assembly, local government official or government employee who is a member of his or her immediate family any such gift, thing of value, meal, beverage or other item.

(5) The general assembly shall make any conforming amendments to the reporting and disclosure requirements for public officers, members of the general assembly and professional lobbyists, as provided by law, to comply with the requirements set forth in this section.

(6) The fifty-dollar (\$50) limit set forth in subsection (2) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar. The first adjustment shall be done in the first quarter of 2011 and then every four years thereafter.

§4. Restrictions on representation after leaving office

No statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly, for a period of two

years following vacation of office. Further restrictions on public officers or members of the general assembly and similar restrictions on other public officers, local government officials or government employees may be established by law.

§5. Independent ethics commission

(1) There is hereby created an independent ethics commission to be composed of five members. The purpose of the independent ethics commission shall be to hear complaints, issue findings, and assess penalties, and also to issue advisory opinions, on ethics issues arising under this article and under any other standards of conduct and reporting requirements as provided by law. The independent ethics commission shall have authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article and any other standards of conduct and reporting requirements as provided by law. The general assembly shall appropriate reasonable and necessary funds to cover staff and administrative expenses to allow the independent ethics commission to carry out its duties pursuant to this article. Members of the commission shall receive no compensation for their services on the commission.

(2)(a) Members of the independent ethics commission shall be appointed in the following manner and order:

(I) One member shall be appointed by the Colorado senate;

(II) One member shall be appointed by the Colorado house of representatives;

(III) One member shall be appointed by the governor of the state of Colorado;

(IV) One member shall be appointed by the chief justice of the Colorado supreme court; and

(V) One member shall be either a local government official or a local government employee appointed by the affirmative vote of at least three of the four members appointed pursuant to subparagraphs (I) to (IV) of this paragraph (a).

(b) No more than two members shall be affiliated with the same political party.

(c) Each of the five members shall be registered Colorado voters and shall have been continuously registered with the same political party, or continuously unaffiliated with any political party, for at least two years prior to appointment to the commission.

(d) Members of the independent ethics commission shall be appointed to terms of four years; except that, the first member appointed by the Colorado senate and the first member appointed by the governor of the state of Colorado shall initially serve two year terms to achieve staggered ending dates.

(e) If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.

(f) Each member shall continue to serve until a successor has been appointed, except that if a member is unable or unwilling to continue to serve until a successor has been appointed, the original appointing authority as described in this subsection shall fill the vacancy promptly.

(3)(a) Any person may file a written complaint with the independent ethics commission asking whether a public officer, member of the general assembly, local government official, or government employee has failed to comply with this article or any other standards of conduct or reporting requirements as provided by law within the preceding twelve months.

(b) The commission may dismiss frivolous complaints without conducting a public hearing. Complaints dismissed as frivolous shall be maintained confidential by the commission.

(c) The commission shall conduct an investigation, hold a public hearing, and render findings on each non-frivolous complaint pursuant to written rules adopted by the commission.

(d) The commission may assess penalties for violations as prescribed by this article and provided by law.

(e) There is hereby established a presumption that the findings shall be based on a preponderance of evidence unless the commission determines that the circumstances warrant a heightened standard.

(4) Members of the independent ethics commission shall have the power to subpoena documents and to subpoena witnesses to make statements and produce documents.

(5) Any public officer, member of the general assembly, local government official, or government employee may submit a written request to the independent ethics commission for an advisory opinion on whether any conduct by that person would constitute a violation of this article, or any other standards of conduct or reporting requirements as provided by law. The commission shall render an advisory opinion pursuant to written rules adopted by the commission.

§6. Penalty

Any public officer, member of the general assembly, local government official or government employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state or local jurisdiction for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law.

§7. Counties and municipalities

Any county or municipality may adopt ordinances or charter provisions with respect to ethics matters that are more stringent than any of the provisions contained in this article. The requirements of this article shall not apply to home

rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by this article.

§8. Conflicting provisions declared inapplicable

Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be preempted by this article and inapplicable to the matters covered by and provided for in this article.

§9. Legislation to facilitate article

Legislation may be enacted to facilitate the operation of this article, but in no way shall such legislation limit or restrict the provisions of this article or the powers herein granted.

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.

§18-8-301. Definitions

The definitions contained in [section 18-8-101](#) are applicable to this part 3, unless the context otherwise requires, and, in addition to those definitions:

- (1) “Benefit” means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.
- (2) “Party officer” means a person who holds any position or office in a political party, whether by election, appointment, or otherwise.
- (3) “Pecuniary benefit” is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.
- (4) “Public servant”, as used in [sections 18-8-302](#) to [18-8-308](#), includes persons who presently occupy the position of a public servant as defined in [section 18-8-101\(3\)](#) or have been elected, appointed, or designated to become a public servant although not yet occupying that position.

§18-8-302. Bribery

- (1) A person commits the crime of bribery, if:
 - (a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or
 - (b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.
- (2) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.
- (3) Bribery is a class 3 felony.

§18-8-303. Compensation for past official behavior

(1) A person commits a class 6 felony, if he:

(a) Solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised a discretion in his favor, whether or not he has in so doing violated his duty; or

(b) Offers, confers, or agrees to confer compensation, acceptance of which is prohibited by this section.

§18-8-304. Soliciting unlawful compensation

A public servant commits a class 2 misdemeanor if he requests a pecuniary benefit for the performance of an official action knowing that he was required to perform that action without compensation or at a level of compensation lower than that requested.

§18-8-305. Trading in public office

(1) A person commits trading in public office if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant or party officer upon an agreement or understanding that he or a particular person will or may be appointed to a public office or designated or nominated as a candidate for public office; or

(b) While a public servant or party officer, he solicits, accepts, or agrees to accept any pecuniary benefit from another upon an agreement or understanding that a particular person will or may be appointed to a public office or designated or nominated as a candidate for public office.

(2) It shall be an affirmative defense that the pecuniary benefit was a customary contribution to political campaign funds solicited and received by lawfully constituted political parties.

(3) Trading in public office is a class 1 misdemeanor.

§18-8-306. Attempt to influence a public servant

Any person who attempts to influence any public servant by means of deceit or by threat of violence or economic reprisal against any person or property, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or

action concerning any matter which is to be considered or performed by him or the agency or body of which he is a member, commits a class 4 felony.

§18-8-307. Designation of supplier prohibited

(1) No public servant shall require or direct a bidder or contractor to deal with a particular person in procuring any goods or service required in submitting a bid to or fulfilling a contract with any government.

(2) Any provision in invitations to bid or any contract documents prohibited by this section are against public policy and void.

(3) It shall be an affirmative defense that the defendant was a public servant acting within the scope of his authority exercising the right to reject any material, subcontractor, service, bond, or contract tendered by a bidder or contractor because it does not meet bona fide specifications or requirements relating to quality, availability, form, experience, or financial responsibility.

(4) Any public servant who violates the provisions of subsection (1) of this section commits a class 6 felony.

§18-8-308. Failing to disclose a conflict of interest

(1) A public servant commits failing to disclose a conflict of interest if he exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction without having given seventy-two hours' actual advance written notice to the secretary of state and to the governing body of the government which employs the public servant of the existence of a known potential conflicting interest of the public servant in the transaction with reference to which he is about to act in his official capacity.

(2) A "potential conflicting interest" exists when the public servant is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction.

(3) Failing to disclose a conflict of interest is a class 2 misdemeanor.

[West's Colorado Revised Statutes Annotated](#)

[Title 18. Criminal Code \(Refs & Annos\)](#)

[Article 8. Offenses--Governmental Operations \(Refs & Annos\)](#)

[Part 4. Abuse of Public Office \(Refs & Annos\)](#)

§18-8-401. Definitions

The definitions contained in [sections 18-8-101](#) and [18-8-301](#) are applicable to this part 4, unless a different meaning is plainly required.

§18-8-402. Misuse of official information

(1) Any public servant, in contemplation of official action by himself or by a governmental unit with which he is associated or in reliance on information to which he has access in his official capacity and which has not been made public, commits misuse of official information if he:

(a) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or

(b) Speculates or wagers on the basis of such information or official action; or

(c) Aids, advises, or encourages another to do any of the foregoing with intent to confer on any person a special pecuniary benefit.

(2) Misuse of official information is a class 6 felony.

§18-8-403. Official oppression

(1) A public servant, while acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity, commits official oppression if, with actual knowledge that his conduct is illegal, he:

(a) Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, or lien; or

(b) Has legal authority and jurisdiction of any person legally restrained of his liberty and denies the person restrained the reasonable opportunity to consult in private with a licensed attorney-at-law, if there is no danger of imminent escape and the person in custody expresses a desire to consult with such attorney.

(2) Official oppression is a class 2 misdemeanor.

§18-8-404. First degree official misconduct

(1) A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly:

-
- (a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or
 - (b) Refrains from performing a duty imposed upon him by law; or
 - (c) Violates any statute or lawfully adopted rule or regulation relating to his office.
- (2) First degree official misconduct is a class 2 misdemeanor.

§18-8-405. Second degree official misconduct

- (1) A public servant commits second degree official misconduct if he knowingly, arbitrarily, and capriciously:
- (a) Refrains from performing a duty imposed upon him by law; or
 - (b) Violates any statute or lawfully adopted rule or regulation relating to his office.
- (2) Second degree official misconduct is a class 1 petty offense.

§18-8-406. Issuing a false certificate

A person commits a class 6 felony, if, being a public servant authorized by law to make and issue official certificates or other official written instruments, he makes and issues such an instrument containing a statement which he knows to be false.

§18-8-407. Embezzlement of public property

- (1) Every public servant who lawfully or unlawfully comes into possession of any public moneys or public property of whatever description, being the property of the state or of any political subdivision of the state, and who knowingly converts any of such public moneys or property to his own use or to any use other than the public use authorized by law is guilty of embezzlement of public property. Every person convicted under the provisions of this section shall be forever thereafter ineligible and disqualified from being a member of the general assembly of this state or from holding any office of trust or profit in this state.
- (2) Embezzlement of public property is a class 5 felony.

§18-8-408. Designation of insurer prohibited

(1) No public servant shall, directly or indirectly, require or direct a bidder on any public building or construction contract which is about to be or has been competitively bid to obtain from a particular insurer, agent, or broker any surety bond or contract of insurance required in such bid or contract or required by any law, ordinance, or regulation.

(2) Any such public servant who violates any of the provisions of subsection (1) of this section commits a class 1 petty offense.

(3) Any provisions in invitations to bid or in any contract documents prohibited by this section are declared void as against the public policy of this state.

(4) Nothing in this section shall be construed to prevent any such public servant acting on behalf of the government from exercising the right to approve or reject a surety bond or contract of insurance as to its form or sufficiency or the lack of financial capability of an insurer selected by a bidder.

(5) This section shall apply only to contracts entered into on or after July 1, 1977.

§18-8-409. Violation of rules and regulations of judicial nominating commissions not subject to criminal prosecution

A person who violates a rule or regulation promulgated by any judicial nominating commission shall not be subject to criminal prosecution.

[West's Colorado Revised Statutes Annotated](#)
[Title 24. Government--State](#)
[Administration](#)
[Article 18. Standards of Conduct \(Refs & Annos\)](#)
[Part 1. Code of Ethics \(Refs & Annos\)](#)

§24-18-101. Legislative declaration

The general assembly recognizes the importance of the participation of the citizens of this state in all levels of government in the state. The general assembly further recognizes that, when citizens of this state obtain public office, conflicts may arise between the public duty of such a citizen and his or her private interest. The general assembly hereby declares that the prescription of some standards of conduct common to those citizens involved with government is beneficial to all residents of the state. The provisions of this part 1 recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

§24-18-102. Definitions

As used in this part 1, unless the context otherwise requires:

- (1) "Business" means 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.
- (2) "Compensation" means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another.
- (3) "Employee" means any temporary or permanent employee of a state agency or any local government, except a member of the general assembly and an employee under contract to the state.
- (4) "Financial interest" means 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 officership in a business.

(5) “Local government” means the government of any county, city and county, city, town, special district, or school district.

(6) “Local government official” means an elected or appointed official of a local government but does not include an employee of a local government.

(7) “Official act” or “official action” means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

(8) “Public officer” means any elected officer, the head of a principal department of the executive branch, and any other state officer. “Public officer” does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

(9) “State agency” means the state; the general assembly and its committees; every executive department, board, commission, committee, bureau, and office; every state institution of higher education, whether established by the state constitution or by law, and every governing board thereof; and every independent commission and other political subdivision of the state government except the courts.

§24-18-103. Public trust--breach of fiduciary duty

(1) The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees. A public officer, member of the general assembly, local government official, or employee shall carry out his duties for the benefit of the people of the state.

(2) A public officer, member of the general assembly, local government official, or employee whose conduct departs from his fiduciary duty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the state or local government. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such public officer, member of the general assembly, local government official, or employee.

§24-18-104. Rules of conduct for all public officers, members of the general assembly, local government officials, and employees

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust. A public officer, a member of the general assembly, a local government official, or an employee shall not:

(a) Disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests; or

(b) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:

(I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or

(II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.

(2) An economic benefit tantamount to a gift of substantial value includes without limitation:

(a) A loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services; or

(b) The acceptance by a public officer, a member of the general assembly, a local government official, or an employee of goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the state or a local government under a contract or other means by which the person receives payment or other compensation from the state or local government, as applicable, for which the officer, member, official, or employee serves, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the officer, member, official, or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally.

(3) The following are not gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this section:

(a) Campaign contributions and contributions in kind reported as required by [section 1-45-108, C.R.S.](#);

(b) An unsolicited item of trivial value;

(b.5) A gift with a fair market value of fifty-three dollars or less that is given to the public officer, member of the general assembly, local government official, or employee by a person other than a professional lobbyist.

-
- (c) An unsolicited token or award of appreciation as described in [section 3\(3\)\(c\) of article XXIX of the state constitution](#);
- (c.5) Unsolicited informational material, publications, or subscriptions related to the performance of official duties on the part of the public officer, member of the general assembly, local government official, or employee;
- (d) Payment of or reimbursement for reasonable expenses paid by a nonprofit organization or state and local government in connection with attendance at a convention, fact-finding mission or trip, or other meeting as permitted in accordance with the provisions of [section 3\(3\)\(f\) of article XXIX of the state constitution](#);
- (e) Payment of or reimbursement for admission to, and the cost of food or beverages consumed at, a reception, meal, or meeting that may be accepted or received in accordance with the provisions of [section 3\(3\)\(e\) of article XXIX of the state constitution](#);
- (f) A gift given by an individual who is a relative or personal friend of the public officer, member of the general assembly, local government official, or employee on a special occasion.
- (g) Payment for speeches, appearances, or publications that may be accepted or received by the public officer, member of the general assembly, local government official, or employee in accordance with the provisions of [section 3 of article XXIX of the state constitution](#) that are reported pursuant to [section 24-6-203\(3\)\(d\)](#);
- (h) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the general assembly or by reason of service in other public office;
- (i) A component of the compensation paid or other incentive given to the public officer, member of the general assembly, local government official, or employee in the normal course of employment; and
- (j) Any other gift or thing of value a public officer, member of the general assembly, local government official, or employee is permitted to solicit, accept, or receive in accordance with the provisions of [section 3 of article XXIX of the state constitution](#), the acceptance of which is not otherwise prohibited by law.
- (4) The provisions of this section are distinct from and in addition to the reporting requirements of [section 1-45-108, C.R.S.](#), and [section 24-6-203](#), and do not relieve an incumbent in or elected candidate to public office from reporting an item described in subsection (3) of this section, if such reporting provisions apply.
- (5) The amount of the gift limit specified in paragraph (b.5) of subsection (3) of this section, set at fifty-three dollars as of August 8, 2012, shall be identical to the amount of the gift limit under [section 3 of article XXIX of the state constitution](#), and shall be adjusted for inflation contemporaneously with any adjustment of the constitutional gift limit pursuant to [section 3\(6\) of article XXIX](#).

§24-18-105. Ethical principles for public officers, local government officials, and employees

(1) The principles in this section are intended as guides to conduct and do not constitute violations as such of the public trust of office or employment in state or local government.

(2) A public officer, a local government official, or an employee should not acquire or hold an interest in any business or undertaking which he has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he has substantive authority.

(3) A public officer, a local government official, or an employee should not, within six months following the termination of his office or employment, obtain employment in which he will take direct advantage, unavailable to others, of matters with which he was directly involved during his term of employment. These matters include rules, other than rules of general application, which he actively helped to formulate and applications, claims, or contested cases in the consideration of which he was an active participant.

(4) A public officer, a local government official, or an employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking.

(5) Public officers, local government officials, and employees are discouraged from assisting or enabling members of their immediate family in obtaining employment, a gift of substantial value, or an economic benefit tantamount to a gift of substantial value from a person whom the officer, official, or employee is in a position to reward with official action or has rewarded with official action in the past.

§24-18-106. Rules of conduct for members of the general assembly

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the member of the general assembly committing the act has breached his fiduciary duty and the public trust. A member of the general assembly shall not accept a fee, a contingent fee, or any other compensation, except his official compensation provided by statute, for promoting or opposing the passage of legislation.

(2) It shall not be a breach of fiduciary duty and the public trust for a member of the general assembly to:

(a) Use state facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates;

(b) Accept or receive a benefit as an indirect consequence of transacting state business; or

(c) Accept the payment of or reimbursement for actual and necessary expenses for travel, board, and lodging from any organization declared to be a joint governmental agency of this state under [section 2-3-311\(2\), C.R.S.](#), if:

(I)(A) The expenses are related to the member's attendance at a convention or meeting of the joint governmental agency at which the member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state of Colorado or for some other legitimate state purpose;

(B) The travel, board, and lodging arrangements are appropriate for purposes of the member's attendance at the convention or meeting;

(C) The duration of the member's stay is no longer than is reasonably necessary for the member to accomplish the purpose of his or her attendance at the convention or meeting;

(D) The member is not currently and will not subsequent to the convention or meeting be in a position to take any official action that will benefit the joint governmental agency; and

(E) The attendance at conventions or meetings of the joint governmental agency has been approved by the executive committee of the legislative council or by the leadership of the house of the general assembly to which the member belongs; or

(II) The general assembly pays regular monthly, annual, or other periodic dues to the joint governmental agency that are invoiced expressly to cover travel, board, and lodging expenses for the attendance of members at conventions or meetings of the joint governmental agency.

(3) Notwithstanding any other provision of law, no member of the general assembly shall lobby, solicit lobbying business or contracts, or otherwise establish a lobbying business or practice respecting issues before the general assembly prior to the expiration of his or her term. Where the member tenders his or her resignation prior to the expiration of his or her term, the requirements of this subsection (3) shall apply up through the date of the member's resignation from office.

§24-18-107. Ethical principles for members of the general assembly

(1) The principles in this section are intended only as guides to a member of the general assembly in determining whether or not his conduct is ethical.

(2) A member of the general assembly who has a personal or private interest in any measure or bill proposed or pending before the general assembly shall disclose the fact to the house of which he is a member and shall not vote thereon. In deciding whether or not he has such an interest, a member shall consider, among other things, the following:

(a) Whether the interest impedes his independence of judgment;

(b) The effect of his participation on public confidence in the integrity of the general assembly; and

(c) Whether his participation is likely to have any significant effect on the disposition of the matter.

(3) An interest situation does not arise from legislation affecting the entire membership of a class.

(4) If a member of the general assembly elects to disclose the interest, he shall do so as provided in the rules of the house of representatives or the senate, but in no case shall failure to disclose constitute a breach of the public trust of legislative office.

§24-18-108. Rules of conduct for public officers and state employees

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.

(2) A public officer or a state employee shall not:

(a) Engage in a substantial financial transaction for his private business purposes with a person whom he inspects, regulates, or supervises in the course of his official duties;

(b) Assist any person for a fee or other compensation in obtaining any contract, claim, license, or other economic benefit from his agency;

(c) Assist any person for a contingent fee in obtaining any contract, claim, license, or other economic benefit from any state agency; or

(d) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.

(3) A head of a principal department or a member of a quasi-judicial or rule-making agency may perform an official act notwithstanding paragraph (d) of subsection (2) of this section if his participation is necessary to the administration of a statute and if he complies with the voluntary disclosure procedures under [section 24-18-110](#).

(4) Repealed by [Laws 1991, S.B.91-137, § 2](#).

§24-18-108.5. Rules of conduct for members of boards and commissions

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.

(2) A member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.

§24-18-109. Rules of conduct for local government officials and employees

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust.

(2) A local government official or local government employee shall not:

(a) Engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties;

(b) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(c) Accept goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means by which the person receives payment or other compensation from the local government, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the official or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally.

(3)(a) A member of the governing body of a local government who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.

(b) A member of the governing body of a local government may vote notwithstanding paragraph (a) of this subsection (3) if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the voluntary disclosure procedures under [section 24-18-110](#).

(4) It shall not be a breach of fiduciary duty and the public trust for a local government official or local government employee to:

(a) Use local government facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or

(b) Accept or receive a benefit as an indirect consequence of transacting local government business.

§24-18-110. Voluntary disclosure

A member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses, a member of the general assembly, a public officer, a local government official, or an employee may, prior to acting in a manner which may impinge on his fiduciary duty and the public trust, disclose the nature of his private interest. Members of the general assembly shall make disclosure as provided in the rules of the house of representatives and the senate, and all others shall make the disclosure in writing to the secretary of state, listing the amount of his financial interest, if any, the purpose and duration of his services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his interest. If he then performs the official act involved, he shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

 **§24-18-111. Repealed by Laws 2010, Ch. 405, §2, eff. June 10, 2010**

§24-18-112. Board of ethics for the executive branch--created--duties

(1) There is hereby created a board of ethics for the executive branch of state government in the office of the governor. The board shall consist of five members to be appointed by and serve at the pleasure of the governor.

(2) The board of ethics for the executive branch shall:

(a) Comment, when requested by the governor, on each proposed gubernatorial appointment, including the heads of the principal departments and the senior members of the governor's office based upon the provisions of this article;

(b) Upon written request of the governor, review complaints of any violation of the provisions of this article by a member of the executive branch of state government;

(c) Make written recommendations to the governor concerning his requests; and

(d) Review appeals brought before the board of ethics pursuant to [section 24-30-1003\(4\)](#).

§24-18-113. Board of ethics for the general assembly--created--duties

(1)(a) There is hereby created a board of ethics for the general assembly. The board shall consist of four legislative members. One member shall be appointed by and serve at the pleasure of the majority leader of the house of representatives; one member shall be appointed by and serve at the pleasure of the majority leader of the senate; one member shall be appointed by and serve at the pleasure of the minority leader of the house of representatives; and one member shall be appointed by and serve at the pleasure of the minority leader of the senate.

(b) The terms of the members appointed by the majority and minority leaders of the house of representatives and the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the majority and minority leaders of the house of representatives and the senate shall each appoint or reappoint members in the same manner as provided in paragraph (a) of this subsection (1). Thereafter, the terms of members appointed or reappointed by the majority and minority leaders of the house of representatives and the senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the majority and minority leaders of the house of representatives and the senate shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the majority and minority leaders of the house of representatives and the senate shall continue in office until the member's successor is appointed.

(c) The members of the board of ethics for the general assembly are entitled to receive compensation and reimbursement of expenses as provided in [section 2-2-326, C.R.S.](#)

(2) The board of ethics for the general assembly shall, upon written request of a member of the general assembly, issue advisory opinions concerning issues relating to the requesting member's conduct and the provisions of this article.

[West's Colorado Revised Statutes Annotated](#)

[Title 24. Government--State](#)

[Administration](#)

[Article 18. Standards of Conduct \(Refs & Annos\)](#)

[Part 2. Proscribed Acts Related to Contracts and Claims \(Refs & Annos\)](#)

§24-18-201. Interests in contracts

(1) Members of the general assembly, public officers, local government officials, or employees shall not be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees. A former employee may not, within six months following the termination of his employment, contract or be employed by an employer who contracts with a state agency or any local government involving matters with which he was directly involved during his employment. For purposes of this section, the term:

(a) "Be interested in" does not include holding a minority interest in a corporation.

(b) "Contract" does not include:

(I) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;

(II) Merchandise sold to the highest bidder at public auctions;

(III) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;

(IV) A contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than ten percent of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

(V) A contract with respect to which any member of the general assembly, public officer, local government official, or employee has disclosed a personal interest and has not voted thereon or with respect to which any member of the governing body of a local government has voted thereon in accordance with [section 24-18-109\(3\)\(b\)](#) or [31-4-404\(3\), C.R.S.](#) Any such disclosure shall be made: To the governing body, for local government officials and employees; in accordance with the rules of the house of representatives and the senate, for members of the general assembly; and to the secretary of state, for all others.

[§24-18-202. Interest in sales or purchases](#)

Public officers and local government officials shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity.

[§24-18-203. Voidable contracts](#)

Every contract made in violation of any of the provisions of [section 24-18-201](#) or [24-18-202](#) shall be voidable at the instance of any party to the contract except the officer interested therein.

[§24-18-204. Dealings in warrants and other claims prohibited](#)

State officers, county officers, city and county officers, city officers, and town officers, as well as all other local government officials, and their deputies and clerks, are prohibited from purchasing or selling or in any manner receiving to their own use or benefit or to the use or benefit of any person or persons whatever any state, county, city and county, city, or town warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state or any county, city and county, city, or town thereof except evidences of indebtedness issued to or held by them for services rendered as such officer, deputy, or clerk, and evidences of the funded indebtedness of such state, county, city and county, city, or town.

§24-18-205. Settlements to be withheld on affidavit

(1) Every officer charged with the disbursement of public moneys who is informed by affidavit establishing probable cause that any officer whose account is about to be settled, audited, or paid by him has violated any of the provisions of this part 2 shall suspend such settlement or payment and cause such officer to be prosecuted for such violation by the district attorney of the appropriate jurisdiction.

(2) If there is judgment for the defendant upon such prosecution, the proper officer may proceed to settle, audit, or pay such account as if no such affidavit had been filed.

§24-18-206. Penalty

A person who knowingly commits an act proscribed in this part 2 commits a class 1 misdemeanor and shall be punished as provided in [section 18-1.3-501, C.R.S.](#) In addition to the penalties provided in [section 18-1.3-501, C.R.S.](#), the court may impose a fine of no more than twice the amount of the benefit the person obtained or was attempting to obtain in violating a provision of this part 2.