

BEFORE THE COLORADO INDEPENDENT ETHICS COMMISSION
STATE OF COLORADO

Complaint No. 17-13

ORDER

IN THE MATTER OF JEFF ALLEN,
Respondent

This matter comes before the Independent Ethics Commission (“Commission”) on Complaint 17-13, filed by M.A.K. Investment Group, LLC (“Complainant”), alleging violations of sections 24-18-109 and 31-4-404, C.R.S. Complainant alleged that Jeff Allen, a councilmember of the city of Glendale, violated “other standards of conduct” under Article XXIX, section 5(1) of the Colorado Constitution by voting on matters in which he had a financial interest. Based on the allegations in the complaint, the Commission found the complaint non-frivolous on October 30, 2017.

At subsequent Commission meetings, the parties raised several factual issues, specifically; the significance of March 1, 2016 Glendale City Council meeting minutes. Complainant alleged that Mr. Allen had voted to approve a consent agenda that, *inter alia*, renewed the liquor license of Bavarian Inn Restaurant, d/b/a/ “Shotgun Willie’s”, a business in which Mr. Allen allegedly had an ownership interest. Complainant’s belief that Mr. Allen had an ownership interest in Shotgun Willie’s was based on City Council minutes from a March 2, 2010 meeting. Mr. Allen contended that the 2010 minutes were incorrect, and that he had never had an ownership interest in Shotgun Willie’s. At its March 5, 2018 meeting, the Commission requested that the parties confer further to determine whether the Complaint had a factual basis. The parties conferred, but were unable to reach a resolution.

At the May 7, 2018 Commission meeting, Mr. Allen produced an affidavit from Glendale’s Deputy City Manager stating that he had reviewed Shotgun Willie’s licensee file, and it did not include Mr. Allen as an owner. That licensee file included the original liquor license application, all forms for reporting changes in corporate structure, and all renewal applications. Mr. Allen also produced a May 1, 2018 resolution adopted by the Glendale City Council correcting the March 2, 2010 meeting minutes. That resolution relied exclusively on a transcript

from the official recording of the March 2, 2010 meeting, which demonstrated that the basis of Mr. Allen's alleged ownership interest was a misstatement by Matt Giacomini, the prior Glendale City Attorney. Although Complainant opposes dismissal of Complaint 17-13, Complainant has not produced any facts to demonstrate that Mr. Allen does in fact have an ownership interest in Shotgun Willie's.

In light of this new information, the Commission finds as a matter of law that Complainant has failed to establish prima facie evidence of a violation of Article XXIX such that this case should proceed to a hearing. Accordingly, the Commission exercises its jurisdiction to dismiss Complaint 17-13.

The Independent Ethics Commission

April Jones, *Chair*

Jo Ann Sorensen, *Vice Chair*

Bill Leone, *Commissioner*

Matt Smith, *Commissioner, dissenting*

DATED: July 10, 2018