

# State of Colorado

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**Sarah Mercer**, *Chair*  
**Daniel Wolf**, *Vice-Chair*  
**Elizabeth Espinosa-Krupa**, *Commissioner*  
**Cole Wist**, *Commissioner*  
**Lori Laske**, *Commissioner*

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**Dino Ioannides**, *Executive Director*

## **Letter Ruling 25-01** (Interests in Contracts)

**Summary:** Under the facts and circumstances of this request, it would not be a violation of Article XXIX or the statutory standards of conduct for Requestor to accept other government employment or become self-employed as a backflow assembly tester in the six months following his government employment. Nor would it be a violation for Requestor to contract with or be employed by an entity that contracts with a state agency or local government, unless it involves matters with which he was directly involved during his employment.

### **I. Jurisdiction**

Requestor is a former local government employee who worked as a cross-connection control specialist for a municipality. As a local government employee, Requestor was subject to the post-employment restrictions set forth in section 24-18-201, C.R.S. Section 24-18-201, C.R.S., sets forth standards of conduct relating to activities that could allow covered individuals to improperly benefit financially from their public employment. Therefore, the IEC has jurisdiction over those standards of conduct. Colo. Const. art. XXIX, § 5; *Gessler v. Smith*, 419 P.3d 964, 967 (Colo. 2018).

Any person who is not a public officer, member of the general assembly, local government official, or government employee may submit a request to the IEC for a letter ruling concerning whether potential conduct of the person making the request satisfies the requirements of Article XXIX.<sup>1</sup> See § 24-18.5-101(4)(b)(III), C.R.S. The Commission considers such requests pursuant to IEC Rule 3.

### **II. Factual Background**

Requestor seeks to understand the types of employment he may accept following his employment as a cross-connection control specialist for a municipality. Requestor's employment for the municipality ended in February 2025, and Requestor obtained multiple certifications during his employment in that field. In particular, Requestor is considering the following employment opportunities:

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<sup>1</sup> Because Requestor is no longer a local government employee, the Commission considers this request as a letter ruling rather than as an advisory opinion.

- 1) Starting his own business offering services similar to those performed as a cross-connection control specialist;
- 2) Participating on a board with public or private sector entities involving regulation compliance and consulting;
- 3) Applying for environmental consulting positions contracted with governmental entities;
- 4) Applying for employment as a Water Distribution Operator for another municipality; or
- 5) Applying for employment as a cross-connection control specialist for another municipality.

Generally, Requestor is “interested in using the certifications [he has] obtained in the past year as a local government employee.” Requestor’s employment experience is in backflow testing to help water purveyors comply with the Colorado Department of Health and Environment’s Policy 7 and Regulation 11. According to Requestor, his specialty is a relatively niche market.

### **III. Applicable Law**

Section 24-18-201(1) of the Colorado Revised Statutes provides, “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.” The statute contains an explicit exception to that prohibition for contracts that are “awarded to the lowest responsible bidder based on competitive bidding procedures.” *Id.* § 24-18-201(1)(b)(I), C.R.S.

### **IV. Discussion**

Most of Requestor’s proposed employment opportunities would not violate the six-month “cooling off period” codified in Section 24-18-201. Applying for other, similar governmental employment is not prohibited by the statute. Similarly, Requestor is not prohibited from starting his own business to provide services similar to those previously performed in his municipal role.

Requestor may also seek to contract with a state agency or local government—either in his capacity as an independent contractor, if he starts his own business; or if hired in an environmental consulting position for a private entity that contracts with state agencies or local governments. That conduct is permissible, so long as his new employment does not involve matters in which he was “directly involved” during his government employment. In the context of Requestor’s work as a cross-connection control specialist, that means that Requestor may not participate in projects on which he previously worked. However, the IEC interprets the statute to allow Respondent to work generally on matters that involve backflow testing to ensure compliance with CDPHE regulations, outside the context of projects with which Respondent was directly involved. And, if any potential contracts Requestor or his employer enter go through a process in which contracts are awarded to the lowest responsible bidder based on competitive bidding procedures, the six-month cooling off period does not apply, even if the contract involves projects with which Requestor was directly involved during his local government employment. *See* § 24-18-201

## **V. Conclusion**

Under the facts and circumstances of this request, it would not be a violation of Article XXIX for Requestor to seek other employment that is in the same field, and uses the same certifications, as his prior municipal employment. Nor would it be a violation for Requestor to contract with, or being employed by an employer that contracts with, a state agency or local government, so long as the contract does not involve projects with which Requestor was directly involved during his employment.

The IEC cautions that this opinion is based on the specific facts presented herein, and that different facts could produce a different result. The IEC encourages individuals with particular questions to request more fact-specific advice through requests for advisory opinions and letter rulings related to their individual circumstances.

### **The Independent Ethics Commission**

Sarah Mercer, *Chair*

Daniel Wolf, *Vice-Chair*

Elizabeth Espinosa Krupa, *Commissioner*

Lori Laske, *Commissioner*

Cole Wist, *Commissioner* (not participating)

Dated: April 4, 2025