

COLORADO INDEPENDENT ETHICS COMMISSION

Complaint No. 21-30

---

RESPONSE AND REQUEST TO DISMISS COMPLAINT

---

COMPLAINANT: JAMES SHIRES

v.

RESPONDENT: JEFFERSON COUNTY SHERIFF JEFF SHRADER

---

Jefferson County Sheriff Jeff Shrader (“Sheriff Shrader”), by and through his undersigned counsel, Eric T. Butler of the Jefferson County Attorney’s Office, hereby respectfully submits his response to the Complaint (hereinafter defined) and requests dismissal of the instant matter. If necessary, Sheriff Shrader requests permission to file a motion for summary judgment regarding the allegations made in the Complaint pursuant to Independent Ethics Rule of Procedure 7.5(H) prior to any hearing. In support, Sheriff Shrader offers the following:

**STATEMENT OF THE CASE**

Sheriff Shrader is a local government official, currently serving in an elected position as Jefferson County Sheriff.

On January 21, 2022, notice was sent to Sheriff Shrader regarding a complaint submitted to the Independent Ethics Commission (“IEC”) by James Shires (“Mr. Shires”), alleging violations of Article XXIX, Section 1 of the Colorado Constitution (the “Complaint”). The Complaint alleges that Sheriff Shrader realized a financial gain when the Jefferson County Sheriff’s Office (“JCSO”) provided services related to a funeral escort to Crown Hill Cemetery for his brother, Dr. Jon Shrader (“Funeral Escort Services”). Further, the Complaint requests that Sheriff Shrader pay the costs of the Funeral Escort Services, which Mr. Shires has estimated were at least \$5,000.

Sheriff Shrader denies all allegations in the Complaint inconsistent with the facts and conclusions contained in the Argument and Conclusion Sections below.

### **FACTS**

Sheriff Shrader's brother, Dr. Jon Shrader, was a veteran officer of the U.S. Naval Reserves, where he provided medical treatment for the women and men of the United States Military. Later, he practiced as a family medical doctor in Clovis, New Mexico. On December 18, 2020, Dr. Shrader unfortunately passed away after suffering from COVID for seven weeks, likely as a result of his care for his patients.

Sheriff Shrader and his older brother, Jerry, went to Clovis to make arrangements and assist Dr. Shrader's widow, children, and mother. Dr. Shrader was to be buried at Crown Hill Cemetery in Arvada. Sheriff Shrader learned from Jerry that, due to COVID restrictions, Crown Hill had limited services, including limited escort services.

The JCSO often provides "extra duty" services to private persons and entities for a reasonable charge – for example, security at concerts and traffic controls for road races. Sheriff Shrader contacted JCSO Commander Brad Ingermann ("Commander Ingermann") to inquire if the JCSO motorcycle team had availability to assist with his brother's funeral escort to Crown Hill Cemetery in Arvada, where he would be buried. Commander Ingermann advised there was availability.

The funeral was held at Arvada Covenant Church on December 29, 2020. The size of the service was limited to 60 participants. Only family and close friends of Dr. Shrader were permitted to attend. Contrary to the allegations in the Complaint no JCSO staff attended the service. After the service concluded, about 30 cars were escorted by five JCSO motorcycles to Crown Hill Cemetery, the Funeral Escort Services.

After the initial contact, Sheriff Shrader did not have further contact with Commander Ingermann, or any member of the JCSO motorcycle team, regarding the escort services other than to request an invoice for the Funeral Escort Services, which was promptly provided one week after the services were provided. See January 5, 2021 Invoice, attached as **Exhibit A**. Sheriff Shrader was under no obligation to provide for an escort, but did so as a gift to the family of his brother. Paramount to the allegations in the Complaint, Sheriff Shrader paid the JCSO Business Office \$559.20 for the Funeral Escort Services with personal funds within one day of receiving the invoice. See January 5, 2021 Check, attached as **Exhibit B**.

Sheriff Shrader did not direct the number of officers or any resources involved in the Funeral Escort Services. Further, he did not make any requests to other jurisdictions for participation. Although Sheriff Shrader has subsequently learned that other agencies participated as a result of a request by a deputy as a way of showing respect, that participation was voluntary and not at Sheriff Shrader's request.

Services such as the Funeral Escort Services are rare, as in the absence of public health emergencies cemeteries and funeral homes typically have escort services available. However, the services requested by Sheriff Shrader and provided by the JCSO would be considered for any citizen who requested them, depending upon the availability of resources and are almost always provided for reimbursement. JCSO has even provided such services free of charge for community events and to charitable organizations. Regardless, JCSO does not have any policies prohibiting assisting with private events, and often does so via extra-duty service paid for by private parties.

The charges paid by Sheriff Shrader are also reasonable and consistent with fair market value. For instance, one website indicates that:

The Mecklenburg County Sheriff's Office in North Carolina charges a flat **\$150** for a funeral escort, and AAA Motorcycle Escort Service of California charges **\$125-\$480** for one to four motorcycles.

<https://personalfinance.costhelper.com/funeral-processions.html>.

### **ARGUMENT**

Colo. Rev. Stat. Const. Art. 29, § 1(1) provides that:

(a) [t]he 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) [t]hey shall carry out their duties for the benefit of the people of the state; (c) [t]hey 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) [a]ny effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and (e) [t]o ensure propriety and to preserve the public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.”

Private or personal financial gain is defined as:

any money, forbearance, forgiveness of indebtedness, gift, or other thing of value given or offered by a person seeking to influence an official act that is performed in the course and scope of the public duties of a public officer, member of the general assembly, local government official, or government employee.

Colo. Rev. Stat. § 24-18.5-101(5)(b)(II).

Colo. Rev. Stat. Const. Art. 29, § 3 provides that no public official shall receive services without providing lawful consideration of equal or greater value. Colo. Rev. Stat. § 24-18-104(1)(b) requires that it be established beyond a reasonable doubt a local government official accepted a gift of substantial value or economic benefit, which would tend to improperly influence a reasonable person to depart from his/her faithful and impartial discharge of public duties, or he/she knows or a reasonable person in such a position should know is primarily for the purpose of rewarding that person for official action taken.

In IEC Advisory Opinion 14-23, the IEC stated that “[i]n its most basic form, a ‘gift’ is defined as something given without payment in return.” IEC Advisory Opinion 14-23, p. 3, January 5, 2015.

After his initial request for private services, Sheriff Shrader did not have contact with Commander Ingermann, or any member of the JCSO motorcycle team, regarding the Funeral Escort Services other than to request an invoice for the services. See January 5, 2021 Invoice, attached as **Exhibit A**. Sheriff Shrader did not direct the number of officers or any resources involved in the Funeral Escort Services, and he did not make any requests to other jurisdictions for participation in the Funeral Escort Services.

The Funeral Escort Services were not provided to Sheriff Shrader in his official capacity, nor were they provided to improperly influence him or compensate him for action he had previously taken in that capacity, but as a citizen requesting JCSO resources at a private event, in the event they were available. Critical to the allegations in the Complaint, Sheriff Shrader paid for the Funeral Escort Services with **his personal funds**. See January 5, 2021 Check, attached as **Exhibit B**. As a result, no financial gain was realized by Sheriff Shrader.

Moreover, the Funeral Escort Services requested by Sheriff Shrader and provided by the JCSO would be considered for any citizen depending upon the availability of resources and are almost always provided for reimbursement. JCSO does not have any policies prohibiting assisting with private events, and Sheriff Shrader personally compensated JCSO for the Funeral Escort Services at an amount equal to or greater than the apparent fair market value for such services. Thus, JCSO providing the Funeral Escort Services for Dr. Shrader does not create a justifiable impression of impropriety on Sheriff Shrader’s part.

Simply stated, the allegation that \$5,000 or more of tax-payer funds were spent for the Funeral Escort Services and Sheriff Shrader's benefit is completely unfounded and without factual basis; Sheriff Shrader paid for the Funeral Escort Services with his personal funds at an appropriate rate shortly after the event and has not realized any private or personal financial gain from JCSO or any person providing them.

### **CONCLUSION**

The invoice and check attached to this response unequivocally establish that the Funeral Escort Services were not a gift, Sheriff Shrader did not realize a private or personal financial gain from JCSO providing them, and Sheriff Shrader provided lawful consideration of equal or greater value for the Funeral Escort Services to JCSO. Mr. Shires has provided no evidence to rebut these obvious facts with his Complaint, and his allegations of ethics violations in the Complaint are baseless. Moreover, as Sheriff Shrader personally paid for the Funeral Escort Services and did not realize a private or personal financial gain, Sheriff Shrader's conduct is consistent with that required to hold the respect and confidence of the public, he has not violated the public trust, and there is no justifiable impression of impropriety. Therefore, Sheriff Shrader has not violated Article XXIX of the Colorado Constitution or its related statutes as alleged. As a result, the IEC should dismiss the Complaint without further proceedings.

WHEREFORE, based on the foregoing, Sheriff Shrader respectfully requests the IEC issue an order dismissing the Complaint with prejudice. Alternatively, Sheriff Shrader requests time and the opportunity to file a motion for summary judgment prior to any hearing.

Dated February 16, 2022.

JEFFERSON COUNTY ATTORNEY'S OFFICE

By: /s/ Eric Butler  
Eric Butler, #29997

100 Jefferson County Parkway, Suite 5500  
Golden, Colorado 80419  
Telephone: 303.271.8932  
Facsimile: 303.271.8901  
ebutler@jeffco.us  
*Attorney for Jefferson County Sheriff Jeff Shrader*

To the best of my knowledge, information, and belief, the factual statements contained in this response are true.



---

Jefferson County Sheriff Jeff Shrader



Jefferson County Sheriff's Office  
200 Jefferson County Parkway  
Attn: Business Office/Julie Adam  
Golden, CO 80401  
Phone 303.271.5143 Fax 303.271.5357

Date: 1/5/2021

**BILL TO:**

Sheriff Jeff Shrader

**FOR:** Funeral Escort

<b>Date</b>	<b>Deputy Hours</b>	<b>Miles</b>	
12/29/20-Deputy 1	2	24	
12/29/20-Deputy 2	2	24	
12/29/20-Deputy 3	2	24	
12/29/20-Deputy 4	2	24	
12/29/20-Deputy 5	2	24	
Total	10	120	
Rate	\$49.02	\$0.575	
	<b>\$490.20</b>	<b>\$69.00</b>	<b>\$559.20 Amount Due</b>



JEFF SHRADER



8747

82-0214/1070

1/5/2021

DATE

PAY TO THE ORDER OF

JEFFERSON COUNTY

\$ 559<sup>00</sup>

FIVE HUNDRED FIFTY-NINE AND 00/100

DOLLARS



Photo Safe Deposit  
Details on back



BANK OF THE WEST  
BNP PARIBAS

FOR

Funeral Escort Reimbursement

*[Signature]*

MP



4 08747

Harland Clarke

Diana,  
Please deposit  
this check.  
CC 26200/RC 441400