

COLORADO INDEPENDENT ETHICS COMMISSION
Complaint No. 21-31

RESPONSE

IN THE MATTER OF: DAN GIBBS

Respondent Dan Gibbs, Executive Director of the Department of Natural Resources (“Director Gibbs”), respectfully submits this Response pursuant to Rule 5(H)(2) of the Independent Ethics Commission’s (“Commission”) Rules of Procedure.

PROCEDURAL HISTORY

On December 21, 2021, Defend Colorado (“DC”) filed a Complaint before the Commission. After consideration at its May, 2022 meeting, the Commission determined the Complaint (referred to as Complaint 21-31) was “non-frivolous” and could move forward. Following a request by Counsel for Director Gibbs, for good cause shown, the date to respond to the Complaint was extended until July 15, 2022.

BACKGROUND

DC alleges Director Gibbs violated §§ 24-18-103, -105, -108, and -201, C.R.S., and Amendment 41 based on a contract that was awarded on April 22, 2021.

RESPONSE

1. Director Gibbs denies violating § 24-18-103, C.R.S. (Public Trust).

2. Director Gibbs denies violating § 24-18-105, C.R.S. (Ethical Principles for Public Officers).

3. Director Gibbs denies violating § 24-18-108, C.R.S. (Rules of Conduct for Public Officers).

4. Director Gibbs denies violating § 24-18-201, C.R.S. (Interests in Contracts).

5. Director Gibbs denies violating Amendment 41.

6. General denial: Director Gibbs denies any other violation alleged in the Complaint.

DEFENSES

A. The Commission erred in finding the Complaint not to be frivolous. The Complaint is frivolous under § 24-18.5-101(5)(a), as it fails to allege an actual “official act,” “private gain,” or “personal financial gain” by Director Gibbs as those terms are defined in §§ 24-18.5-101(5)(a), -101(5)(b)(I), and -101(5)(b)(II), C.R.S.

B. The Commission erred in finding the Complaint not to be frivolous. The Complaint is frivolous, as it fails to state any claim on which relief could or should be granted.

C. Director Gibbs respectfully reserves the right amend his defenses as the case progresses.

Respectfully submitted this 15th day of July, 2022.

PHILIP J. WEISER
Attorney General

/s/ William V. Allen

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AFFIRMATION OF DAN GIBBS

I affirm, to the best of my knowledge, information, and belief, the statements set out in this Response are true.

/s/ Dan Gibbs

Dan Gibbs

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 2022, a true and correct copy of the foregoing RESPONSE was served via electronic mail upon the following:

Defend Colorado
9615 E County Line Rd., Ste. B-294
Centennial, CO 80112
Email: defend@defendcolo.org

George Brauchler
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s/ John Watson

John Watson