

Ethics Watch

June 30, 2009

Debra Johnson
Aurora City Clerk
5151 E. Alameda Parkway, First Floor
Aurora, CO 80012

RE: Complaint against Council Member Ryan Frazier

Dear Ms. Johnson:

Colorado Ethics Watch (“Ethics Watch”), a nonprofit group organized under Section 501(c)(3) of the Internal Revenue Code that uses legal tools to advocate for ethical behavior and transparency in state and local government, submits this complaint pursuant to Section 54-136(g)(2) of the Aurora Municipal Code (the “Code”), against Council Member Ryan Frazier. Ethics Watch is a “person” for purposes of Section 54-133(g)(2). As set forth in the complaint, Ethics Watch alleges that Council Member Frazier has committed a violation of Section 54-134(1) of the Code by failing to fully disclose his sources of income or losses in his January 9, 2009 disclosure form.

Pursuant to Section 54-136 of the Code, city council members and certain other Aurora officials must file annual disclosures. Council Member Frazier’s January 2004 disclosure form identifies his sources of income as Raytheon Systems Corp. and the Veterans Administration. **Exhibit 1.** Since then, each year Council Member Frazier has filed statements that there have been no changes to his financial disclosure; his statements for 2005 through 2009 are attached as **Exhibits 2 through 6.**

There is evidence, however, that Council Member Frazier’s sources of income and losses have changed since 2004. In a 2006 City Council meeting, Council Member Frazier “announced his recent decision to leave his employment with the Raytheon Corporation to move on to the Avaya Corporation.” Minutes of the Regular Meeting of the Aurora City Council (Sept. 18, 2006) at ¶ 15.b (**Exhibit 7**). An announcement toward the end of a Council meeting is not a substitute for the disclosure statement that the Code requires to be filed with your office each year. Astonishingly, just over two months after announcing his change of employment, for his January 2007 disclosure statement Council Member Frazier sent you an e-mail stating that “there are no changes that I can think of.” This same omission has carried over into the 2008 and 2009 reports, which means that a person reviewing Council Member Frazier’s disclosure reports is given inaccurate information that he is still employed by Raytheon.

Indeed, it is far from clear exactly what Council Member Frazier’s sources of income are today. While he told City Council in 2007 that he was going to work for

Avaya, his U.S. senate exploratory campaign website states that he is a business partner at Takara Systems and that he “previously” worked for Raytheon and Avaya. **Exhibit 8.** It is impossible to know from Council Member Frazier’s disclosures whether he left Avaya and joined Takara before or after January 2009, yet that is precisely the type of information personal financial disclosure statements are supposed to provide.

Section 54-134(1) of the Code requires “full disclosure” from City Council members of the “source of any income or losses.” Council Member Frazier’s disclosure statement for 2009, which reaffirms for the fifth consecutive year that he is still employed by Raytheon, is contradicted by other public statements he has made. The information presented herein is sufficient to support a finding of probable cause that Council Member Frazier’s 2009 disclosure statement violates Section 54-134(1). Thus, pursuant to Section 54-133(g)(2) of the Code, Ethics Watch requests that you provide notice of this complaint to Council Member Frazier and appoint a hearing officer to conduct further proceedings and submit findings of fact and a recommendation to City Council regarding a possible sanction for the failure to disclose.

COLORADO ETHICS WATCH

A handwritten signature in cursive script that reads "Chantell Taylor". The signature is written in black ink and is positioned above a horizontal line.

By: Chantell Taylor, Director