



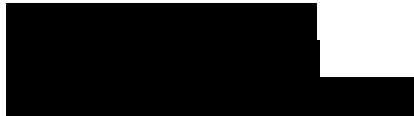
**COLORADO**  
Department of Agriculture

305 Interlocken Parkway  
Broomfield, CO 80021  
(303) 869-9000

Delivered Via: Email and Certified Mail

May 8, 2026

Rich Guggenheim



Re: Disciplinary Action

Dear: Rich Guggenheim

This disciplinary action is taken under the authorization of the State Personnel Board Rules, chapters six and seven. For the reasons set forth below, I have decided to terminate your employment, effective May 8, 2026.

On March 12, 2026, and continued on April 15th, 2026, we met to conduct an informal, information-gathering meeting pursuant to State Personnel Board Rule 6-10. You attended these meetings with your representative, Stephan McKenna. I was present with my representative, Madison Murphy. The purpose of the meetings was to discuss information concerning the allegations in the February 5, 2026 Investigative Report written by Suzanne Pariser, Senior Investigator, Employment Matters LLC Flynn Investigations Group, and to present you with documentation showing you approved the USDA CAPS 2025 Performance Report, to discuss your performance as a supervisor charged with submitting that report and to give you an opportunity to respond.

At the meetings, I presented information about the investigative findings related to your misconduct and poor performance, including: 1) that during a manager's meeting on November 6, 2025, you engaged in a back-and-forth argument with your division director, which disrupted the meeting for about five minutes 2) that during a January 7, 2026, meeting you refused to stop discussing an ongoing investigation being conducted into the November 6th meeting and implied legal action against

investigation participants, and after [REDACTED] left the meeting, you said [REDACTED] is part of a “coverup,” and stated, “[REDACTED] will seek any opportunity she can to throw her co-workers under the bus” and 3) that you provided information for an online article that contained a screenshot of a draft report containing Aja Bos’s name and work contact information, and misrepresented the draft report as a final report. You were also presented with information about the USDA CAPS 2025 Performance Report, and your performance as a supervisor regarding that report.

In response to Finding 1, you said that the exchange lasted approximately 1 minute, not the 5 minutes referenced in the report. You also refuted the characterization that the interaction was disruptive and that you had a duty to bring the information forward in the meeting. You also stated that you believe that you were being professional and respectful during the meeting.

In response to Finding 2, you said that you believe that the investigation constitutes whistleblower retaliation and that anybody who participates in the investigation is party to the retaliation. You also refuted the investigators' characterization of how [REDACTED] left the meeting. You said that the statement that [REDACTED] will take any opportunity to throw her coworkers under the bus is separate from this instance. You then went on to say that she has done that to numerous employees at the Department, including filing HR complaints that use up a lot of resources when she doesn't get her way. You stated you believe your conduct in this meeting met established standards of workplace professionalism and conduct, as outlined in the Colorado State Personnel Board Rules, and that it created a professional, respectful, and collaborative environment. You also stated that you were aware that the Colorado Anti-Discrimination Act requires that supervisors not retaliate against employees for engaging in protected activity, including participating in investigations that concern complaints of discrimination. You then stated that you never tried to stop anyone, just that this is a situation that constitutes whistleblower retaliation, that anyone who participates becomes a party to it, and that you were protecting your employees against potential legal action for participating in illegal activity. You also stated that you wanted the participants in the meeting to know that if they participate in the investigation, they will be party to a future lawsuit. You also stated that people in your chain of command have a right to participate in a legal investigation. When asked if you thought your statements could be intimidating, you stated that, “if the investigation is illegal, being made aware of the consequences of participating in illegal behavior could be seen as such or maybe I don't participate in illegal behavior if the investigation is legal.” When asked if you were attempting to suppress these employees' participation, you stated, “No, I'm [sic] just wanted them to know the

concept, the bigger picture of what's going on and what could happen. I'm being transparent with my employees.”

In response to Finding 3, you said Aja submitted the CAPS report, that you rejected the report, and that Gabriel (Leverance) said you had to submit the report after the deadline to submit it had passed. You went on to state that you never approved the report that was provided for the newspaper article. You also state that you did not make your supervisor or anyone in the Commissioner's Office aware of your concerns about the report, and that once you rejected the report, you didn't know what happened to it at that point.

I originally gave you until March 19, 2026, to provide me with additional oral or written information, which was then extended to April 22, 2026. On March 19, 2026, you provided me with additional information, including a letter addressing the allegations and comments on a draft of the investigative report. You provided an additional letter on April 6, 2026, addressing the CAPS report timeline. In our continuation meeting on April 15, 2026, you stated that Gabriel Leverance sent you an email sometime in November directing you to submit the report to the USDA. When I asked Mr. Leverance about the email, he denied sending it. I then requested that Mr. Leverance provide me with all email exchanges between the two of you from November 1, 2026, through December 5, 2026, and reviewed the emails he provided. I could find no such email; therefore, on April 16, 2026, I also searched the email account of Rich Guggenheim and did not find any emails matching those described by you.

Based upon all the information I have received, including your statements at the meetings, and the additional information you provided, I have reached the following conclusions.

In relation to Finding 1, during a manager's meeting on November 6, 2025, you put a message in the chat, generating discussion and briefly interrupting the meeting.

In relation to Finding 2, in a meeting with employees you supervise, you told them that participating in the ongoing investigation conducted by Flynn Investigations meant participants were violating federal and state law. These and other statements made during the meeting did not meet established standards of workplace professionalism and conduct and did not create a professional, respectful, and collaborative environment. Your statements to your subordinate employees degraded morale and were intended to interfere, intimidate, and dissuade your employees'

participation in the investigation, a protected activity under the Colorado Anti-Discrimination Act and the Colorado State Employee Protection Act. These actions could reasonably deter your employees from reporting wrongdoing, cooperating with an investigation, and engaging in protected activities. Your belief that the investigation was “illegal” does not relieve you of your legal responsibilities as a supervisor, nor does it eliminate the rights of your employees under the law.

In relation to Finding 3, a review of the ezFedGrants system shows that you submitted the report in question to the USDA on December 4, 2025, and again on December 5, 2025, not Aja Bos, your employee. You acknowledge this in your April 6th letter when you state that you submitted the report “as is” on December 4, 2025.

You said that on November 1st, you reviewed the report and returned it to your employee with the direction that the ““Inclusive Leadership” and “Equity and Diversity” training language be removed because it violated federal grant rules and the post-2025 Executive Orders prohibiting the use of federal funds for DEI programs.” You went on to say that the report was submitted following the direction of the “grants coordinator” because of the approaching federal deadline. According to your timeline, 34 days passed between the time you acknowledged the need to remove the wording and the time you submitted the same report, knowing it had not yet been corrected. In those 34 days, you neither corrected the report yourself nor ensured your employee corrected it. You further claim that you were directed to submit the report as is, but this is disputed by the person you say directed you, and a search of both Gabriel Leverance’s and your email accounts did not turn up any such record. Even if such an email or communication existed, the content of the report was ultimately your responsibility. Moreover, although you thought the report violated grant rules and executive orders, you submitted the report without raising the issue to anyone within your chain of command. Based on your own timeline and description of events, you did not provide adequate supervision by failing to ensure that the work product of your employee was correct and accurate, by failing to correct the report yourself, and by formally submitting the report that you knew to contain errors to the USDA ezFedGrants system on December 4, 2025.

Your actions and behavior violate the following department policies, directives, and Core Values of Partnership: We bring people together and use our collective knowledge to continually achieve better results, Service: Focusing on positive interactions and caring for customers and colleagues, Professionalism: Holding the department and staff accountable while representing it with pride, Proactivity: We are forward-thinking in our work and take early action to address emerging needs,

and Respect: Treating all people and communities with dignity while recognizing differences. Your actions and behavior also violate C.R.S. §24-34-402, C.R.S. §24-50-116, Board Rules 1-12 and 6-1, and the state universal policy regarding non-discrimination. I find these violations constitute willful misconduct and failure to comply with Board Rules, Director's Procedures, department rules and policies, state universal policies, or other departmental directives as set forth in Board Rules 6-12B2 and 6-12B3.

As a result, I have decided to take disciplinary action, to terminate your employment effective May 8, 2026. In making this decision, I considered the factors in Board Rule 6-11, including:

1. The nature, extent, seriousness, and effect of the performance issues or conduct:

Your conduct and statements in relation to Finding #2 were intended to influence employees under your supervision and to dissuade them from participating in an ongoing investigation, which is a protected activity under the Colorado Anti-Discrimination Act. This created an inappropriate power dynamic between you, as the supervisor, and your employees, which you exploited to further your personal agenda rather than foster a respectful working environment. You continued to discuss the investigation with intimidating statements toward your employees despite ██████ asking you to stop and to respect the confidentiality of the investigation. After the meeting, you proposed a reprimand to ██████ for properly asserting her right to participate in an investigation free from retaliation by her supervisor.

Your failure to recognize this conduct as unlawful retaliation during the 6-10 meeting further demonstrates the seriousness of this conduct. Your failure to take accountability for your conduct, to recognize your legal responsibilities as a supervisor, and to recognize that, like you, your employees have the right to engage in protected activity, greatly undermines my confidence in your ability to conduct yourself appropriately as a supervisor, to role model our core values, and to respect the rights of our employees.

Further, your statements about ██████ after she left the meeting demonstrate a flagrant lapse in judgment as a supervisor. You chose to disparage your subordinate in front of her coworkers rather than properly address any concerns with her in private. Your statements further implied potential

retaliation for your subordinates who engage in protected activity and created an atmosphere of disrespect that is harmful to team morale.

In relation to Finding #3, your failure to do your job and correct the report, your failure to appropriately supervise this employee, and your failure to take accountability for your actions caused a report with errors to be submitted by you to the USDA. Your failure to do your job competently and then attempting to shift the blame for those failures to other employees further degraded employee morale and caused me to lose trust in your ability to act as a leader and role model to the employees you supervise.

2. Type and frequency of prior unsatisfactory performance or conduct, including any prior performance improvement plans, corrective actions, or disciplinary actions:

You received a warning letter from Chris Whitney on March 31, 2023, related to your behavior in a public meeting, a Performance Improvement Plan that ended on April 1, 2023, and a Corrective Action on February 5, 2024, also related to disruptive or inappropriate behavior.

3. The period of time since any prior unsatisfactory performance or conduct:

While it has been two years since your last Corrective Action, there continue to be performance and conduct issues as documented in your annual performance reviews, including:

“I would [sic] like to highlight the following areas for him to continue working on:- Continue supporting your program areas providing your staff with technical support and guidance. I see opportunities for you to expand your positive influence and prepare your program to transition smoothly through [REDACTED] retirement.- Manage your non work related engagement[sic] in the office and be conscious of other staff's time. This is to [sic] based on my and other staff's observations and complaints I received [sic]. I look forward to see [sic] changes while recognizing that you do have the right to talk non-work related personal and other issues at yours and other staff's break time. This will contribute towards building a positive and productive [sic] culture within your team as well as within the division.-You have made improvement in your communication with external stakeholders. I would like to see you further expand this and mend some of the strained relationships [sic] with our external stakeholders.- I

also look forward to see the completion of the AccessGov-ESRI project and take it to the finishline [sic].”

4. Prior performance evaluations:

Prior performance evaluations indicate that you have been effective in your role, with notable issues related to communication and disruptive, inappropriate comments and actions during internal and external meetings.

5. Mitigating circumstances:

You appear to genuinely believe that the investigation at issue was illegal. You cite this as the reason for attempting to dissuade your employees from participating in the investigation. However, based on your own statements and claim of retaliation, you are also aware that the Colorado Anti-Discrimination Act prohibits supervisors from retaliating against employees for engaging in protected activity. While you have a personal belief that the investigation is illegal, this does not permit you to dissuade, or attempt to dissuade, your employees from participating in an ongoing investigation. Your personal beliefs do not excuse violating the legal rights of your employees and exploiting the power dynamic between you and your employees to further your personal cause.

6. Information discussed during the Rule 6-10 meeting, including information you presented.

You provided information in both the March 12, 2026, and April 15, 2026, meetings, as well as additional written information that was helpful in understanding the context of the situations under review, as well as your perspective on those events and actions. This information was considered and has been outlined above.

Ultimately, after carefully weighing these factors, I arrived at my decision because of your serious and flagrant actions that infringed on your employees’ legal rights under the Colorado Anti-Discrimination Act and degraded workplace morale, the lack of oversight of your employee, and your failure to take accountability for any of your actions and inactions. Your failure to recognize your conduct as unprofessional, harmful to the workplace, and unlawful retaliation suggests that you will likely continue to engage in this behavior if you continue in your position as a supervisor.

This could place the Department at serious risk and exposure.

You may appeal this action by filing the standard Colorado State Personnel Board Consolidated Appeal/Dispute Form with the State Personnel Board. This form is available on the State Personnel Board website, <https://spb.colorado.gov/forms-and-filing>. Your appeal must be in writing, signed by you or your representative, and must be faxed, emailed, mailed via US mail, or hand-delivered no later than the tenth calendar day after receipt of this letter. The State Personnel Board's physical address is 1525 Sherman Street, 4th Floor, Denver, CO 80203. The Board's email address is [dpa\\_state.personnelboard@state.co.us](mailto:dpa_state.personnelboard@state.co.us), its fax number is 303-866-5038, and its phone number is 303-866-3300. The ten-day deadline and these appeal procedures also apply to all charges of discrimination.

Further, please be advised:

You will be paid for a full day today, May 8, 2026.

Your final check will be sent to your home address and will arrive by 5 pm on Wednesday, May 13, 2026.

Mary Hunt will make arrangements for you to return all state property. Please return your computer, cell phone, building access badge, the law enforcement-style badge purchased with State funds from Amazon, and any CDA-logoed clothing you possess by May 15, 2026.

For information regarding benefits, please contact Gina Jacquez at 303-869-9000.

Contact the Public Employees Retirement Association (PERA) at 1-800-759-7372 for information concerning your retirement account.

Please contact me at [jordan.beezley@state.co.us](mailto:jordan.beezley@state.co.us) if you have any questions.

Sincerely,



Jordan Beezley  
Deputy Commissioner of External Affairs  
Delegated Appointing Authority

Cc: personnel file