



Stateline

The Publication for
Colorado State Employees
July/August 2006

Published by the Department of Personnel & Administration •
www.colorado.gov/dpa/stateline • Email: Stateline@state.co.us

WITH A LITTLE HELP FROM HIS FRIENDS

BY BILL THOENNES
PIO, CDLE

It's a great life lesson: you don't have to move mountains to make great things happen. In fact, if you start with goals that are too grandiose, you may just find yourself overwhelmed and unable to accomplish anything. And you'll miss the joy of what you're trying to accomplish. Start with modest goals and watch what happens. It only takes a handful of energized people to turn modest goals into something big. Think about that. Small acts really can add up to a big transformation.

A few years ago, shortly before she retired from the Division of Workers' Compensation, Karen Hoppes shared with co-workers her dream of getting a wheelchair for one of her employees in the Records Information Unit. Stephen Christy has cerebral palsy and in the almost twenty years

he has been with the Division, has always used crutches to navigate the file room, the offices and hallways.



Steve Christy with his CDLE co-workers.

"Karen would say, 'if only we could get him a chair to help him get around,'" Terry Nakayama recalls. "Then, after she retired, I got to thinking, well, why not? I talked to MaryAnn Whiteside who was director of the Division of Workers' Compensation, about the possibility of doing a small fundraiser."

With MaryAnn's approval, staff told Steve their idea in late 2005, sometime before Christmas. "They really had to talk me into it," Steve says, "I mean, it's such a big gift! But they convinced me that it was something they wanted to do."

Please see HELP p. 5



KNOW YOUR RIGHTS

BY JEFF WELLS
EXECUTIVE DIRECTOR, DPA

TWO UNRELATED, BUT HOT TOPICS: CAMPAIGN LAWS & TOTAL COMPENSATION

This is part of a continuing series of articles intended to provide guidance to employees on issues they may face during their career with the State.

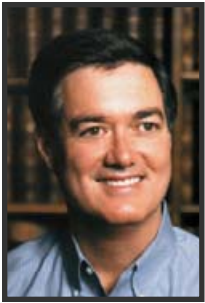
PUBLIC EMPLOYEE CAMPAIGN PARTICIPATION

With Colorado's campaign season hitting full stride, I thought it might be a good idea to remind state employees of their rights, as well as some prohibitions that apply to them regarding political campaign activity. First and foremost, we enjoy the liberties that come from living in a free nation based on self-government, including the right to vote for or against whichever candidate or initiative we

choose. Additionally, on our own time and with our personal resources, we are free to oppose or support any candidate or issue.

However, as public employees there are restrictions placed on us in our professional lives. One of the tenets of our system is that government may not be involved in any campaign effort - - the government does not mandate or even advise its citizens how to vote. Thus, as a public employee you may *not* use state resources to support or oppose any political candidate or ballot issue. State resources include your office, your office phone, your office computer, your office paper, ink, or any other office equipment or supplies, and most importantly your time while at work, or while engaged in the business of the State.

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DEDICATION OF A NEW STATE FACILITY

BY GOVERNOR BILL OWENS

spearheaded the campaign to build a power plant next door. In 1945, Merrick purchased five lots next to the four he had bought twenty-seven years early, and then led the charge to build the State Services Building thereon.

When workers ventured into the basement on the northeast corner of Colfax and Sherman to connect utilities to the State Services Building, they discovered that James Merrick had cut a hole in the foundation 40 years prior, in anticipation of future construction. In 1959, at the age of 77, James Merrick retired after 42 years of service.

Earlier this month, I took part in a dedication ceremony for the new parking facility across the street from the State Capitol Building. The facility is a beautiful structure that will serve Colorado's state employees for decades to come. But just as significant as the building itself, is the name that adorns its entrance – James Merrick.



From left to right: DPA Executive Director Jeffrey Wells, Governor Bill Owens, and James Merrick's Grandson Paul Boner with the plaque that will adorn the new parking structure.

It was Henry Kissinger who said, "Leaders must invoke an alchemy of great vision." James Merrick was a leader whose alchemy of great vision led to a golden age of service in Colorado. His is a vision that lives on.

Russian-born author and philosopher Ayn Rand once said, "Throughout the centuries there were men who took first steps, down new roads, armed with nothing but their own vision." James Merrick was one of those men.

The dictionary defines vision as "unusual competence in discernment or perception." Chuck Swindoll defined it as "the ability to see above and beyond the majority." James Merrick's vision was both. Over the span of four decades, he single-handedly shaped the future and face of Colorado's state government.

It started in July of 1918, when Merrick purchased four lots on the corner of Colfax and Sherman streets for \$38,500 – not for a specific purpose, but because he foresaw that the State would someday find them useful. A year later, the General Assembly authorized the purchase of the land across the street to construct the building that today serves as headquarters for the Colorado Department of Education.

Eighty-seven years ago, connecting utilities to a new building wasn't as simple as a phone call to Xcel. The builders were confronted with the question of how to bring heat and electricity from the State Museum Building, a full quarter mile away. James Merrick had the answer. He proposed and fought for an 800-foot, underground tunnel, connecting the two buildings. Despite heavy opposition, Merrick won his fight, and the tunnel remains in use today, nearly nine decades later.

Over the next twenty years, James Merrick continued to change the face of Capitol Hill. He was responsible for the construction of the Capitol Annex at 14th and Sherman. He

Each and every day, public employees continue the mission of James Merrick. Throughout Colorado, at all levels of government, they help ensure the highest level of service to Coloradans. Like James Merrick's tunnel underneath the east steps of the State Capitol, your contributions aren't always in plain sight, but your vision and hard work provide motive power to the citizens of this State.



From left to right: DPA Deputy Executive Director Paul Farley, Paul Boner, Governor Bill Owens, and DPA Executive Director Jeffrey Wells cut the ribbon on the new parking structure.

STATELINE
 is published by the
Department of Personnel & Administration
 633 17th Street, Suite 1600, Denver, CO 80202
 Stateline@state.co.us

DO'S AND DON'TS - THE HATCH ACT

As public employees we are subject to the federal Hatch Act (U.S.C. § 1501-1508) if the department, agency, or program for which we work is a direct or indirect recipient of any federal funds. As you might have guessed that includes the vast majority of state employees.

What does the act prohibit?

1. Covered public employees may not run for public office in a partisan election.
2. Covered public employees may not use their official authority or influence to interfere with or affect the results of an election.
3. Covered public employees may not directly or indirectly coerce contributions from subordinates in support of, or opposition to, any political party or candidate.

What does the act allow?

1. Public employees may run for public office in nonpartisan elections. For example, running for a seat on a school board is perfectly acceptable, but only if all campaign work is done on the employee's own time.
2. Public employees may run for and hold office in political clubs and organizations.
3. Public employees may participate in partisan campaign activities on their own time.

COLORADO FAIR CAMPAIGN PRACTICES ACT

Colorado's Fair Campaign Practices Act (CRS § 1-45-117) prohibits *all state agencies* and *political subdivisions* from expending any public monies to encourage people to vote for or against any statewide ballot issue, local ballot issue, referred measure, or recall measure. A public employee may respond to questions about a ballot issue *but only if* the employee did not solicit the question. A public employee who has policy-making responsibilities may not expend more than \$50 of public money in the form of letters, telephone calls, or other incidental activities in expressing an opinion on a ballot issue. Each election season we see complaints filed with DPA's Office of Administrative Courts alleging violations of the FCPA by state agencies or employees because of alleged election activities during work time and with public resources.

WHAT'S HAPPENING WITH TOTAL COMPENSATION?

We are only a little over a month into the 06-07 fiscal year, and yet on August 1, I had to make my recommendation to the Governor and the JBC for the 07-08 fiscal year.

The 2007-08 Annual Compensation Report reveals that it would take an additional \$76.1 million in the budget for state employees to maintain prevailing market conditions

for salary structure adjustments, funding of performance pay at the level of the previous 2.2% step system, and to bring the health/life/dental employer contribution up to 85% of the market level. The information from the Annual Compensation Report is always a double-edged sword in that it sets the bar for us, but it also must be tempered by the reality of the State's budget limitations. To be candid, our budget realistically is limited to around \$62.8 million. Not wanting to "tilt at windmills" and ask for more than is possible, I have recommended to Governor Owens and the Joint Budget Committee that this additional \$62.8 million be added to the state budget for employee total compensation increases beginning July 1, 2007. The compensation findings and my recommendation may be updated in early December as we gather additional market data and have more accurate and last minute state revenue projections.

Occupational Group	8/1/2007 Salary Adjustment Findings	Total # of Employees
Enforcement and Protective Services	3.2%	5,200
Troopers subgroup*	3.5%	682
Financial Services	2.5%	1,766
Health Care Services	3.9%	3,484
Labor/Trades/Crafts	2.2%	5,242
Administrative Support and Related	2.5%	4,643
Professional Services	3.6%	8,046
Physical Sciences and Engineering	3.4%	1,917
Teacher**	3.6%	241

* In accordance with C.R.S. 24-50-104(1)(a)(III)(A), There is a 3.5% structure movement and a 6.2% actual pay difference between the State and the Troopers' market (top three highest-paid large jurisdictions). The latter would be used for Trooper's salary survey adjustment if the recommendation were approved.

** Due to the lack of survey data for the Teacher group, the Professional Services occupational group increase is used.

This recommendation includes a statewide *average* increase of 4.42%, which includes pay structure and salary adjustments for the occupational groups, performance pay, system maintenance studies, and individual class adjustments. Of this amount, 3.5% is for salary structure adjustments and .92% is for pay for performance. Remember, while probably no single state employee will

Please see KNOW YOUR RIGHTS, p. 4

receive exactly a 3.5% adjustment, the combination or average of all of the occupational group salary structure adjustments, plus maintenance studies and class adjustments will be 3.5%.

Performance Pay, with a new twist...

Performance pay has only been partially funded twice over the past five years: 0.8% for FY 2002-03, and 1% for FY 2004-05. I know this frustrates employees; I share in that frustration. The only consolation is that despite the tough economic times of the past five years, we've still managed to put some money toward modest performance pay increases. However, as the economy improves, we cannot continue to underfund pay for performance, or we risk falling further behind in our ability to attract and retain the best employees possible.

What we need is a reward policy that can be consistently applied statewide and that both the workforce and legislature can embrace. After listening to the concerns of many employees and departments, this year I'm proposing a new performance pay methodology I've labeled "Performance Steps." In private industry, employers provide a mechanism to move salaries through pay ranges, typically based on performance. In keeping with DPA's five-year strategic plan, our goal is to effectuate the statutory policy by proposing a model of combining the old step mechanism to move salaries through the ranges, with an emphasis on an employee's performance; thus, "performance steps." It is my belief that "performance steps" will have a higher likelihood of being funding by the Legislature than our current system. We will have more details to report to you on this in the months ahead.

And finally, let's not forget group insurance...

This is the area I am most proud of. With the encouragement of the Governor and the concurrence of the Legislature, we have made some excellent progress over the last few years by moving the State's health/life/dental contribution from 48% of prevailing to 75% beginning July 1, 2006, but we still have a way to go. An additional \$10,218,868 is needed for the next plan year to bring the employer's contribution up to 85% of market. This increase builds on last year's progress and is in line with our five-year strategic plan is to reach prevailing contribution levels and to allow state employees the flexibility of choosing the compensation package that best meets their needs.

As I noted earlier, we have to be realistic. All of these proposed increases — in salaries, performance pay, or group benefit plans — must be tempered by budget constraints, so we have to set sensible priorities to cope with any fiscal shortfall, as experienced in any business. Please know that DPA will continue to present the issues of concern for state employees, to make your salaries and benefits competitive with the rest of the market.

The entire FY 2007-08 annual compensation survey findings can be viewed at www.colorado.gov/dpa/dhr/comp/pay.htm.

This is general guidance only and should not be considered legal advice. For any legal advice you should always consult an attorney.



Workers recently conducted a "dome assessment" by rappelling down the sides of our State Capitol's dome. The assessment will provide information as to the overall condition of the outside of the dome, which hasn't had such a close inspection since the 1950s.

HELP, from p. 1

With Steve's okay, his coworkers were ready to get started. They still didn't know exactly what it would take, how much money would have to be raised, but they knew the right people and they forged ahead.

They turned to Jeanne Hernandez, a Registered Nurse in the Special Funds Unit. Jeanne spoke with Steve about his mobility needs and got a release from him that permitted her to discuss the matter with his insurance company. Her experience in working with insurance companies and her connections with different vendors expedited what otherwise could have been a very lengthy research phase. "Instead, it only took about three months to get the approval from the insurance company and to find the right vendor, a company called Apria," says Steve's supervisor Kathy Jeffers. "With all the special features that were needed, the wheelchair cost \$5,700 and Steve's insurance company covered \$3,000 of those costs."

"So at least we knew that our fundraising activities would have to net \$2,700 if we were to be successful," Terry says. And with that, the ball started rolling. Ernest Hemingway once said that a writer is somebody who writes. That's just as true with fundraising. Sure, it helps to strategize, to think things through, but in the end what counts is action – moving forward, doing something.

People got busy right away. "Terry's husband, Harvey, is known for his cookies," says Kathy. "He suggested to Terry that IMO hold a bake sale." Word quickly spread about the sale and the good cause it supported and employees from all over the Department lined up to buy baked goods. In the Division of Workers' Compensation, a simple little hotdog sale was arranged. In a matter of just a few days, over \$3500 had been pulled in.

The chair arrived on March 30 and was delivered to 633 Seventeenth Street. A representative from Apria visited with Steve that morning and fitted him for the chair so that it was comfortable and adjusted to accommodate his needs. Then Steve went to the twelfth floor conference room and took it for a spin around the room, as his friends and co-workers applauded.

The wheelchair has made a huge impact on Steve's life. "Part of his job duties involve going in and out of the file

room with a variety of folders and making deliveries," Kathy says. "Since we moved into this building, our office space is more spread out and things aren't as close as they used to be, so mobility was a real issue for Steve."

"Some days, it felt like I was covering two football fields. With my physical limitations, this chair has been beautiful," Steve says. "I can't express in words how much better it makes me feel. It really has helped out my back and my knees. Before, when I was walking with the crutches, by the time I got home at the end of the day, I was done. Now when I get home, I have more energy around the apartment."

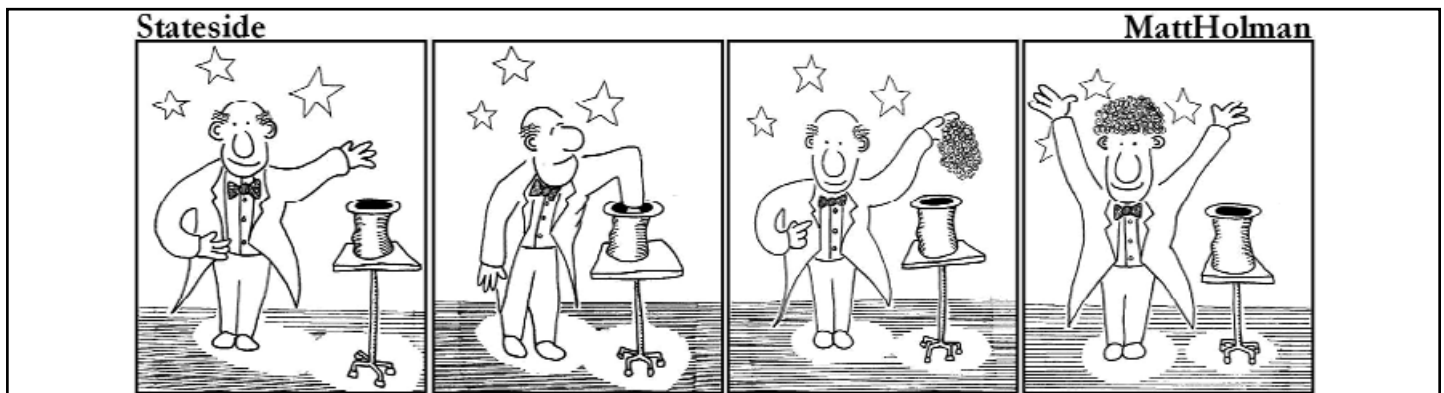
The project still isn't completely finished. Since the fundraiser netted more than the cost of the wheelchair, that money has been set aside for some additional expenditures. Right now, Steve is using the wheelchair exclusively at work and storing it at the office. But when he eventually takes it home, the additional funds will be used to buy insurance for the chair. "And if he ever needs a new battery, we'll have money for that," says Terry.

In addition, Sue Sobolik in the Division of Workers' Compensation has a daughter who works with the manufacturers of GPS tracking devices. She has arranged for a vendor with whom she works to donate a GPS for the chair so that if it is ever stolen, the police will be able to locate it quickly.

"I'd just like to thank everybody that was involved with this project," Steve says. "There are so many names, people who helped with the fundraisers, there are so many ..." he says and stops, still overwhelmed at the generosity of his co-workers.

It is definitely a testament to the generosity of the employees of the Department of Labor and Employment – but it's also a testament to the popularity of the recipient of their generosity. "This was one of the best projects I've ever seen as far as state employees coming together," says Kathy.

"The reason the fundraiser was such a success is because everybody knew who Steve was, they knew that they could see the end-result. It was a tremendous morale booster. Now they get to see Steve toolin' around in his chair and it makes them happy to see him happy."





IMPROVING COLORADO'S ELECTIONS - 2006 ELECTION UPDATE

BY GIGI DENNIS
SECRETARY OF STATE

The 2006 election season has officially begun and election officials across the State of Colorado are working diligently to make all the preparations necessary for a successful election. There is so much preparation that goes on behind the scenes and most voters rarely know what is required to make the process work. This year is no different.

The Help America Vote Act (HAVA) was signed by President George W. Bush in 2002 and required sweeping changes to how elections are conducted across the country. HAVA was Congress' response to the voting problems that occurred in Florida in 2000 and was intended to improve voting equipment and technology, streamline the voting and registration process, provide provisional ballots to voters so that no eligible elector is denied the right to vote, and increase election security. While Colorado election officials have already implemented many of the HAVA requirements, one of the most exciting improvements will be seen by voters this election season.



Two new voting machines equipped with the new Voter-Verifiable Paper Audit Trail

While voting for many Coloradans will not be any different from previous years, there will be one community in Colorado that will see a dramatic change to how they vote. For the first time ever, members of the disability community will be able to cast a ballot privately and independently thanks to new voting equipment that is required by HAVA. Every polling place in Colorado must have at least one handicapped accessible voting machine. These new machines allow a voter with any type of disability to cast a ballot without the assistance of another individual. Colorado has already replaced all punch card and lever voting equipment and purchased upgraded equipment to bring our State up to par. In order to alleviate voters concerns that their votes will be lost in cyberspace the new voting machines will be equipped with a (VVPAT) that will allow the voter to verify their vote on a paper record prior to the vote being cast. The VVPAT provides an additional layer of election security to ensure every vote is counted accurately.

The technology used in new electronic voting equipment is intended to allow the counties to more quickly and accurately count votes on election night. Arapahoe and Denver counties have used similar voting devices since 1995 with much success. In addition, El Paso County has

used a form of electronic voting equipment since 1999 and voters have found the equipment user-friendly. Any voting equipment used in Colorado must first pass vigorous testing prior to certification and approval by the U.S. Election Assistance Commission and the Colorado Secretary of State's office.

As with any election, public understanding is key to the success of the process. County clerk and recorders throughout the State will be conducting demonstrations of their new voting equipment and I encourage you to attend those educational sessions. As your Secretary of State, my goal is to ensure the accuracy and integrity of the voting process in Colorado. Elections don't happen by themselves. Elections continue to become more and more complex and current reforms are intended to make voting easier and more secure for Colorado's



voters. As Colorado's chief election official, I urge you to get involved in the process and become familiar with the new face of elections.

The Secretary of State's office has a wealth of information relating to all aspects of elections in Colorado. To learn how to become an election judge, register to vote, or request

an absentee ballot, please go to our website at www.GoVoteColorado.com.

Don't forget to vote and let your voice be heard on November 7!

ATTEND WILDLIFE WATCH FREE

Wildlife Watch is a wildlife viewing skills workshop. **State employees and family members** (adults and children over 12) are invited to attend any workshop **free of charge!** Participants must register online at www.wildlifewatch.net or by phone: 303- 291-7258



STATE PERSONNEL BOARD CHANGES: RICH DJOKIC ELECTED AND TROY EID RESIGNS

BY KRISTIN ROZANSKI

STATE PERSONNEL BOARD DIRECTOR



Rich Djokic

The Board is pleased to announce that Rich Djokic has been elected to one of the two State Personnel Board positions chosen by state employees. Upon learning of the election results, Rich stated "It is indeed an honor to have been chosen by state classified employees to serve the citizens of Colorado on the Board. Further, I wish to acknowledge and thank Kathy Newell and Ira Sanders, the other candidates for this position, not only for their commitment to the interests of state classified employees, but also for their service to the people of Colorado over the period of their noteworthy careers with the State."

John Zakhem, Board Chair, stated, "I am excited to have Rich join the State Personnel Board. His extensive experience with the state personnel system will be a tremendous asset to the Board's deliberations."

A Colorado native, Rich was the Board's Director from March 2004 to July 2005 when he retired. He has also served as Deputy Securities Commissioner and as a First Assistant Attorney General in the Business & Licensing Section of the Colorado Attorney General's Office. Rich is an avid hunter, and enjoys fishing and golf.



Troy Eid

Troy Eid, who served in one of the position appointed by the Governor, was nominated by President Bush, and confirmed by the U.S. Senate, to be the United States Attorney for Colorado. As a result, Troy has resigned from the Board. The Board and its staff are sorry to see Troy leave but wish him well in his new and exciting adventure. "Troy's commitment to public service and the breadth of his experience with state government have made him an invaluable Board member," stated John Zakhem. Governor Owens will be appointing someone to serve out the balance of Troy's term which expires June 30, 2009.

OAC SENIOR JUDGE APPOINTED TO NATIONAL ETHICS COMMITTEE

BY JULIE POSTLETHWAIT

COMMUNICATIONS COORDINATOR, DPA

Long-time DPA employee Senior Judge Edwin J. Felter, Jr. was recently appointed to the American Bar Association's (ABA) Standing Committee on Ethics and Professional Responsibility. The ABA is the world's largest voluntary professional association with more than 40,000 members. The association is dedicated to serving the public and the legal profession by promoting justice, professional excellence and respect for the law. They also provide law school accreditation, continuing legal education, information about the law, and programs to assist lawyers and judges in their work.



Edwin J. Felter, Jr. at Hoan Kiem Lake in Hanoi, Vietnam.

The ABA committee to which Judge Felter was appointed works to advance national ethics standards and the drafting of definitive ethics opinions interpreting and applying those standards. The committee is responsible for developing a revised Model Code of Judicial Conduct, adopted by the American Bar Association and now being

widely studied throughout the country. The Committee also provides consultation to other American Bar Association entities, state and local bars, law school communities, the legal news media, and the public on matters of emerging interest in the area of legal and judicial ethics.

Judge Felter is no stranger to national recognition, in 2003 the U.S. State Department's Office of Assistance and International Development selected him as an international expert on administrative law. He traveled to Vietnam to help the

Vietnamese government build a model to resolve international trade disputes.

In addition to his work with the committee, Judge Felter will continue his duties with the Office of Administrative Courts hearing Workers' compensation cases.



MY BACK PAGES: TUNNEL VISION

BY PAUL FARLEY

In 1909, the Colorado State Capitol was already running short of room.

The Historical Society was using much of the basement and its collections were growing. In addition, smoke from the furnace, boilers, and machinery in the sub-basement was exhausted from a 30-inch stack at the southeast corner of the roof. From there it swirled around, covering the dome with soot and irritating citizens, state employees, and legislators alike. This was compounded by the fact that the boilers needed to be replaced and were being operated below their designed pressures because of the danger of explosion.

The State purchased five lots on the southeast corner of Sherman Street and 14th Avenue for a State Museum Building, and provided for a new boiler and furnace operation in its basement. However, progress was slow, and on May 1, 1917 Governor Julius Gunther appointed James Merrick as Superintendent of Buildings and Grounds at the princely salary of \$150 a month.

Merrick was born on July 17, 1881 in Central City. After earning his engineer's license in 1908, he worked at a number of places in downtown Denver before coming to state government. He remembered that when he started, the custodial staff had little scoops on wheels and brooms to sweep up after the horses and carriages bringing politicians and businessmen to the Capitol (insert your own one-liner here).

Originally, coal was delivered to the Capitol through a chute at 14th Avenue, and transported in ore cars through a short underground passage to the boilers in the subbasement; the tracks can still be seen in some places. To enable the new facilities at the State Museum Building to serve the Capitol, Merrick had the "short tunnel" dug across 14th Avenue, and thus the tunnels were born.

In July 1918, Merrick bought four lots on the northwest corner of Colfax Avenue and Sherman Street, because he thought at some point the State might want them. The next year, the General Assembly authorized the purchase of property for a new State Office Building on the northeast corner of Colfax and Sherman. One of the challenges was to connect the new building to the utility services in the State Museum Building a quarter of a mile away. The original plan called for twisting and turning everything through the subbasement of the Capitol. Merrick successfully argued for an 800-foot "long tunnel" passing directly under the Capitol's east steps.

In 1939 the tunnels were extended to connect the new State Capitol Annex and Power Plant. When construction began on the State Services Building in 1958, the contractor



James Merrick at his retirement party in May, 1959.

examined the basement of the State Office Building to look for a suitable place to put in a connecting tunnel. To their amazement, they found that Merrick had, nearly 40 years earlier, directed the builders of the State Office Building to cut a passage through the foundation and then brick it back up. In addition, he had also had steam line valves and electrical conduit junctions installed, so utility connections for the new building were simple.

Today, the tunnels total over 1300 feet throughout the Capitol Complex, passing under six buildings, reaching from the power plant to the site of the old 1555 Sherman Street parking garage. And all of it exists thanks to James Merrick's vision.

Special thanks to Jim Davis of DPA/Capitol Complex and State Archivist Terry Ketelson for their invaluable assistance in pulling together information for this article.

This and That:

- *"The pessimist sees only the tunnel; the optimist sees the light at the end of the tunnel; the realist sees the tunnel and the light - and the next tunnel."* - Sydney J. Harris, American journalist (1917-1986).
- Shortly after the Capitol opened in November 1894, the State hired a caretaker who lived in what is now House Committee Room 0112. The caretaker owned a cat that naturally had the run of the entire building. Near a wall on the southwest side of the rotunda subbasement you can still see the tiny paw prints, permanent reminders of the cat wandering across the freshly poured floor cement.

And just as a special reward for those of you who not only actually read *Stateline*, but read all the way through the end, a bit of related trivia:

What unusual feature made the Brown Palace the ultimate "full service" hotel from 1892 to 1923?

The first three correct responses from employees of different agencies to Stateline@state.co.us will receive complimentary \$5 gift cards for Colorado's own Peaberry Coffee.