



COLORADO
Department of Agriculture

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

Delivery Method: USPS and email

March 4, 2026

Rich Guggenheim



Re: Notice of Rule 6-10 Meeting

Dear Rich:

I have received information about your performance or conduct that concerns me, and I am considering taking disciplinary action. I am scheduling a meeting with you pursuant to State Personnel Board Rule 6-10, to be held on Thursday, March 12, 2026 at 9 am in the Big Thompson meeting room, 305 Interlocken Parkway, Broomfield, Colorado. At that meeting, we will discuss the information that causes me to believe that disciplinary action may be appropriate, which includes, but is not limited to, the following:

Allegations that:

- During a manager's meeting on November 6, 2025, you engaged in a back-and-forth argument with your division director about DEI being illegal and about being silenced, disrupting the meeting for about five minutes.
- During a January 7, 2026, meeting, you refused to stop discussing the investigation being conducted into your behavior and implied legal action against investigation participants, and after [REDACTED] left the meeting, you saying [REDACTED] is part of a "coverup," and stated, "[REDACTED] will seek any opportunity she can to throw her co-workers under the bus."
- 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 as evidence that CDA is using USDA funds for DEI programs.

The reason for this meeting is to gather all relevant information and to provide you with an opportunity to present any information and mitigating circumstances you would like me to consider before I make a decision. You have the right to present information at this meeting and to have a representative of your choice accompany you to the meeting. You may also bring any documents that you want me to review prior to making my decision. You will be allowed seven (7) days after the meeting to provide me with any additional information relating to the issues we will discuss.

You also have the right to review any available documentation and evidence that will be discussed in the Rule 6-10 meeting, unless prohibited by law, at least two business days in advance of the Rule 6-10 meeting. The documents that will be discussed at the 6-10 meeting are included with this letter.

Please contact me before the meeting at jordan.beezley@state.co.us if you have questions.

Sincerely,

Jordan Beezley

Jordan Beezley
Deputy Commissioner of External Affairs
Appointing Authority

Enc:

CC: Personnel File

INVESTIGATION REPORT
Confidential Information
Not for Distribution

To: Hollis Glenn, Deputy Director
Colorado Department of Agriculture (“CDA”)

Subject: Investigation of Complaint re: Rich Guggenheim and Countercomplaints by
Rich Guggenheim

Conducted by: Suzanne Pariser, Senior Investigator
Employment Matters LLC Flynn Investigations Group

Date of Report: February 5, 2026

Investigation
Active: December 18, 2025 to February 5, 2026

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Procedure

[REDACTED] Director of HR for CDA, and [REDACTED] Deputy Director of CDA, contacted Mark Flynn of Employment Matters LLC Flynn Investigations Group (“EMFIG”) to investigate concerns regarding Rich Guggenheim’s conduct at a November 6, 2025 meeting, as well as Rich Guggenheim’s objections related to the same meeting. Mr. Flynn reviewed the investigation process with [REDACTED] and [REDACTED] and clarified the investigator’s role and the necessary expectations in this process as communicated to all participants and referenced below.

The undersigned, Suzanne Pariser, assumed the role of investigator in this matter. I prepared written summary statements for each witness. I communicated similar introductory remarks to each witness addressing the purpose of the investigation, my role as a neutral fact finder, the expectation to treat the entire matter confidentially, CDA’s policy against retaliation for participation in the investigation and/or making complaints under applicable policies, and the expectation to be truthful. Each witness had the opportunity to review their statement in electronic format. I encouraged each witness to make any additions, deletions, or other modifications necessary to accurately reflect their perspective. I asked each witness to review their statement to ensure completeness and accuracy and attest thereto by affirming the accuracy of the statement via email.

Interviews

All interviews took place remotely.¹ I interviewed the following individuals on the dates noted:

Name	Title/Position	Date Interviewed
[REDACTED]	Division Director for the Plant Industry Division	December 18, 2025
[REDACTED]	CDA Field Service Section Chief	December 22, 2025
[REDACTED]	Data Systems Coordinator and Product Owner	December 22, 2025
[REDACTED]	Pest Enforcement Manager	December 22, 2025
[REDACTED]	Pesticide Applicator Coordinator	December 23, 2025
[REDACTED]	Pesticide Registration Coordinator	December 23, 2025
[REDACTED]	Phytosanitary and Potato Health Program Manager	December 23, 2025
[REDACTED]	Pesticide Section Chief for the Division of Plant Industry	January 6, 2026

¹ Interviews were recorded. Recordings are available upon request of CDA.

[REDACTED]	Program Assistant	December 19, 2025
[REDACTED]	Plant Health Team	December 30, 2025
Rich Guggenheim	Plant Health Program Manager	January 22, 2025

Attachments

Documents provided by CDA:

1. November 6, 2025 Incident Report by [REDACTED] [REDACTED]
2. November 6, 2025 email re: FYI (email from R. Guggenheim re: Complaint to Pam Bondi and Garcia case)
3. November 6, 2025 email from Rich Guggenheim to [REDACTED] [REDACTED] re: Letter to Pam Bondi and attachment (Complaint to Pam Bondi)
4. November 6, 2025 Agenda
5. December 5, 2025 email re: Notice
6. December 5, 2025 email re: Fwd: CDA Employee Alleges Retaliation for Protected Speech in DEI Training Discussion, Files Federal Complaint
7. December 8, 2025 Chat message to team
8. December 8, 2025 email re: Half hour time off request
9. December 8, 2025 email re: Out of Office
10. December 8, 2025 email from [REDACTED] Fwd: Chat in [REDACTED]
11. December 8, 2025 email from [REDACTED] re: Concerns about a colleague
12. [REDACTED] Complaint re: 1-7-2026 meeting and Rich Guggenheim Complaint re: [REDACTED]
13. Meeting notes and Transcript of 1-7-2026 meeting (provided by Rich Guggenheim to [REDACTED] [REDACTED])
14. January 9, 2025, email re: Formal Complaint Letter to Division Director and HR Director

Interview Statements:

15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]
24. [REDACTED]
25. Rich Guggenheim
26. Transcript of interview with Rich Guggenheim on January 22, 2026

Documents provided by [REDACTED]

27. March 31, 2023 memo re: Decision re: Potential Disciplinary Action
28. April 5, 2023 PIP
29. April 13, 2023 Letter of Apology
30. May 18, 2023 notes re: PIP follow up
31. August 22, 2023, email from [REDACTED] re: Rich Guggenheim's behavior
32. August 23, 2023 email from [REDACTED] re: Concern with Rich's behavior
33. September 11, 2023 email from [REDACTED] re: Rich interaction with [REDACTED]
34. February 5, 2024 Corrective Action
35. March 26, 2024, Memo re: Response to your Grievance
36. Annual reviews for 2023, 2024, 2025

Other Attachments:

37. November 6, 2025 meeting recording
38. December 8, 2025 Rocky Mountain Voice article
39. Caroline Baty-Bar's Notes from the November 6, 2025 meeting
40. Guggenheim's X posts and January 23, 2026 email re: MAGA Rally

Background and Scope Summary

[REDACTED] is the Division Director for the Plant Industry Health Division of CDA. Rich Guggenheim is the Plant Health Program Manager. Guggenheim reports to [REDACTED]. Guggenheim supervises four employees: [REDACTED].

On November 6, 2025, [REDACTED] facilitated a bi-monthly Plant Health Division manager's meeting that included Guggenheim and 10 other CDA employees. The meeting agenda included information from various departments outside Plant Health, including items from HR Director [REDACTED]. One agenda item states: "We are organizing the 2026 Inclusive Leadership Cohort. Please have employees who are interested contact [REDACTED]" (Attachment 4) It is undisputed that, in response to [REDACTED] communication to the group about the Inclusive Leadership program, Guggenheim wrote in the Google Meet Chat, "DEI on Steroids." (Attachment 1) [REDACTED] responded to Guggenheim's comment, and a verbal interaction between [REDACTED] and Guggenheim ensued. At the end of the meeting, Guggenheim wrote a private chat to [REDACTED] representing to have "Pam Bondi and President Trump's cell phone number," and had "already sent the text message to Pam Bondi." (Id.) Later that day, Guggenheim purportedly transmitted a complaint about [REDACTED] conduct to the Department of Justice and provided his

complaint to [REDACTED] and [REDACTED]. Following these events, [REDACTED] verbally reported the incident and Guggenheim's chat message threatening to report him to Pam Bondi to [REDACTED] and then created a written summary. (Id.) This investigation commenced to evaluate the November 6, 2025, incident and associated conduct.

This investigation also evaluates two complaints arising from a subsequent January 7, 2025, meeting with Guggenheim and his direct reports. Following that meeting, [REDACTED] [REDACTED] reported concerns to [REDACTED] about Guggenheim's conduct during the meeting and [REDACTED] concerning an article Guggenheim published, which contains her name and work email/phone number. Guggenheim filed his own complaint regarding [REDACTED] [REDACTED] comments and conduct at the meeting.

Standard of Proof

The standard of proof applied to the allegations addressed in this report is the preponderance of evidence standard applied in most civil court cases addressing equal employment opportunity matters. A preponderance of evidence means that a version of facts or causes is deemed more likely than not the correct version. Thus, the findings articulated here employ the language, "more likely than not" or its counterpart, "less likely than so" in the absence of unqualified corroboration of the subject allegation, such as an admission by the respondent. Inconclusive findings might result in the rare instance when the issue or competing version of facts or causes appears equally balanced or when there is insufficient information to support a finding.

Summary of Findings

- Allegation 1: This investigator finds it more likely than not that during a manager's meeting on November 6, 2025, Rich Guggenheim posted a message in the chat, "DEI on Steroids," stated to [REDACTED] [REDACTED] that he "didn't care" when [REDACTED] told Guggenheim that his message was inappropriate, and then engaged in a back-and-forth argument with [REDACTED] about DEI being illegal and about being silenced, disrupting the meeting for about five minutes. (Page 12)
- Allegation 2: This investigator finds it more likely than not that during a January 7, 2026, meeting, [REDACTED] [REDACTED] stated, "He [Trump] is a piece of shit." This investigator finds it more likely than not that [REDACTED] appropriately left the meeting after Guggenheim refused to stop discussing the investigation and implied legal action against investigation participants. This investigator finds it more likely than not that, after [REDACTED] left the meeting, Guggenheim deemed [REDACTED] part of a "coverup," and stated, [REDACTED] [REDACTED] will seek any opportunity she can to throw her co-workers under the bus." (Page 15)
- Allegation 3: This investigator finds it more likely than not that Guggenheim provided information for an online article that contained a screenshot of a draft report

containing [REDACTED] [REDACTED] name and work contact information, and misrepresented the report as evidence that CDA is using USDA funds for DEI programs. (Page 17)

Executive Summary

[REDACTED] Guggenheim, and most witnesses report similar accounts of the events at the November 6, 2025, manager's meeting. It is undisputed that Guggenheim responded to [REDACTED]'s promotion of an Inclusive Leadership training by writing "DEI on Steroids" in Google Chat. This remark reflected Guggenheim's political stance, which opposes DEI because he believes it is discriminatory toward white employees and violates an Executive Order by President Trump. [REDACTED] response during the meeting—calling the remark "inappropriate"—and his request that Guggenheim not discuss DEI further seem justified given the desire to keep the meeting on track and avoid a quasi-political discussion of the merits or legality of State DEI initiatives. Guggenheim's reply to [REDACTED] statement that the remark was inappropriate, "I don't care," followed by a continued diatribe about the legality of DEI and threats to report [REDACTED] to the DOJ, presents as polarizing and inflammatory, which may conflict with CDA's core values of service, professionalism, and respect. The evidence suggests that [REDACTED] offered to discuss DEI outside the meeting, which should have de-escalated the meeting, but it did not. Ultimately, this interaction was brief—likely lasting up to five minutes—and the meeting moved forward without further disruption.

Guggenheim's claim that [REDACTED] "humiliated" him in the presence of his peers by attempting to silence him is not convincing. Guggenheim created the situation with his initial antagonistic chat message, then escalated the exchange by saying, "I don't care," in response to his supervisor's admonition. This investigator does not make legal findings about Guggenheim's claim that CDA [REDACTED] violated his First Amendment rights or engaged in "viewpoint discrimination." Regarding Guggenheim's "retaliation" claim, asserting that [REDACTED] complained to [REDACTED] because Guggenheim asserted that DEI is illegal, that does not appear to represent [REDACTED] motivation. Rather, [REDACTED] report to [REDACTED] about these events seems justified, if only based on Guggenheim's retort of, "I don't care." Guggenheim's further threat of legal action against [REDACTED] alongside Guggenheim's questionable conduct overall in the exchange, supports [REDACTED] asserted concern for unnecessary disruption. Guggenheim's declaration that he is a "whistleblower" under these circumstances is not apparent. Guggenheim's further assertion that an investigation into these events amounts to adverse action against him is plainly without merit.

Aside from two witnesses, this group of CDA employees has not observed Guggenheim make any other controversial remarks about his political views during group meetings or in private. Neither have these individuals observed [REDACTED] publicly admonish Guggenheim for any statements [REDACTED] deemed inappropriate. However, two employees report overhearing private, consensual conversations between Guggenheim and [REDACTED] [REDACTED] about transgender individuals and Muslims, which could be perceived as objectively offensive and implicate a protected

characteristic in employment. [REDACTED] says the comments were not offensive to him as he agrees with Guggenheim's political leanings.

The events of the January 7, 2026, meeting demonstrate unprofessional conduct by both Guggenheim and [REDACTED] Guggenheim's subordinate. During this meeting, Guggenheim opened the door to a potential political discussion by telling his employees he would be out of the office because he had been invited to the White House. [REDACTED] responded with remarks critical of President Trump: "[The White House is] the last place on earth I'd rather be right now away in hell," and "He's a piece of shit [referring to Trump]." Guggenheim appears unfazed by [REDACTED]'s comments and continues to explain the potential reason for his White House visit, noting that he filed a complaint with the DOJ about this investigation and CDA's DEI initiatives. In that context, Guggenheim informs [REDACTED] and the other three employees present that participants in this investigation might be "parties" to retaliation and discrimination against him. [REDACTED] asks Guggenheim to stop talking about the investigation, and reminds Guggenheim that the investigation is supposed to remain confidential five times. Guggenheim refuses to stop speaking about the investigation, and [REDACTED] rightfully so, leaves the meeting. Guggenheim's discussion of the investigation and subtle legal threats against participants may violate CDA's expectation to keep the investigation confidential and avoid retaliation, as communicated to employees by [REDACTED]. After [REDACTED] departure, Guggenheim describes how [REDACTED] has "thrown" him and others "under the bus" on other occasions. Guggenheim's discussion of [REDACTED] with her colleagues is plainly unprofessional and demonstrates poor leadership.

Lastly, [REDACTED] complaint that Guggenheim misrepresented a report template as proof that CDA is engaging in DEI practices with Federal grant funds appears substantiated. The report appears in an article from an online news source, The Rocky Mountain Voice. The article describes the November 6, 2025, meeting, this investigation, and how the State of Colorado and CDA are engaging in DEI practices contrary to Trump's executive order on DEI. The report template also includes [REDACTED] name, work email address, and work phone number, which is not so concerning given her status as a public employee. Overall, it seems most concerning that a CDA employee appears to be actively jeopardizing the organization's Federal grant funding by claiming that CDA is illegally violating the law, when the available information indicates otherwise.

Investigator Findings

This section identifies the pertinent allegations, followed by identification and analysis of sources of relevant information toward the Investigator's findings. The most comprehensive understanding of the issues and information addressed here derives from review of each of the interview statements and other materials obtained and identified in this Investigation Report. Unless otherwise noted, all information quoted below derives from summary statements obtained in the investigation process.

Allegation 1: It is alleged that during a manager’s meeting on November 6, 2025, Rich Guggenheim put a message in the chat, “DEI on Steroids,” stated to [REDACTED] [REDACTED] that he “didn’t care” when [REDACTED] told Guggenheim that his message was inappropriate, and then engaged in a back-and-forth argument with [REDACTED] about DEI and about being silenced, disrupting the meeting for about five minutes.

Analysis:

[REDACTED] version of events is largely undisputed by Guggenheim. Witnesses also generally corroborate these events, although most witnesses do not recall anyone’s exact words. There is no recording of the entire meeting. One witness recorded the last one minute of this interaction, capturing the end of Guggenheim’s remarks about DEI. [REDACTED] can be heard saying, in a calm, measured voice, “Can you now mute yourself, and then can I proceed?” Guggenheim remarks, “You can go ahead and proceed but I’m just going to be honest with everybody so that they know what this is—they need to know.” The meeting then proceeds. (Attachment 37)

[REDACTED] says the entire interaction lasted about five minutes, while Guggenheim insists it was less than one minute. [REDACTED] confirms that the meeting continued afterward and concluded as scheduled. Considering that the meeting recording captures only one minute of the conversation, [REDACTED] estimate that the interaction lasted around five minutes seems most plausible.

[REDACTED] explains that the November 6, 2025, meeting was a regular manager’s meeting in which they discussed agenda items and provided updates. [REDACTED] provides the meeting agenda, which includes an update from [REDACTED] [REDACTED] indicating that spots are available in the upcoming “Inclusive Leadership” cohort.

According to [REDACTED] around 30 minutes into the meeting, as [REDACTED] began informing the group about the Inclusive Leadership cohort and encouraged new employees to sign up, Guggenheim wrote a message in the Google Meet chat, visible to all participants, “DEI on Steroids.” [REDACTED] recalls that after Guggenheim’s chat message, he immediately told Guggenheim, who was initially muted and off camera, “That’s inappropriate to bring this to the meeting.” [REDACTED] recalls that in response to his statement, Guggenheim stated, “I don’t care,” and then continued to talk about DEI being part of a “woke agenda.” [REDACTED] recalls telling Guggenheim at that point something like, “This is not appropriate for the meeting, and you are talking about this on record with all attendees at the meeting.” [REDACTED] recalls asking Guggenheim to mute himself, and that Guggenheim then “attacked” and “blamed” him for not allowing him to continue speaking, and said, “I am not welcoming of differing opinions.”

[REDACTED] says he reported Guggenheim’s conduct to [REDACTED] later that day, after Guggenheim sent him a complaint he had purportedly sent to Pam Bondi, the US Attorney General. [REDACTED] says he felt the issue was “beyond his scope” at that point. When asked about what law or policy Guggenheim may have violated via this interaction, [REDACTED] states, “I believe Rich violated the policy regarding professional conduct because there is a pattern of complaints about making unwelcome political statements that offend his colleagues and are disruptive when made in the

workplace.” [REDACTED] provides two disciplinary documents as well as emails complaining about Guggenheim’s conduct from various employees. (Attachments 27 through 34) These documents include a 2024 corrective action, which concerns a post on Guggenheim’s X (f/k/a Twitter) account purportedly stating, about a transgender employee, “As a manager, in my job, new hires are on a one-year probationary period. If he tried that with me, by the end of week one, I’d simply say, “You know, I appreciate your time; however, this isn’t going to work out. And dismiss without cause. It’s perfectly legal in Colorado.” (Attachment 34) Another proposed corrective action from 2023 concerns Guggenheim’s allegedly “offensive” remarks at a “ProGreen” Conference, EPIC meeting, and in a Facebook post criticizing invasive pest policies, “denigrating” master gardeners, and referring to the “Tree of Heaven as the Ghetto Palm.” (Attachment 27) Additional emails from colleagues circa 2023 to [REDACTED] reasonably demonstrate a pattern of Guggenheim making negative remarks about [REDACTED] and other employees behind their backs and engaging in arguments with coworkers that seem disruptive for their abrasive nature. (Attachments 31, 32, 33).

Guggenheim acknowledges much of the interaction described by [REDACTED] in the November 6th meeting. He admits to writing the chat message, “DEI on Steroids,” in response to [REDACTED] announcement to the group about the inclusive leadership program. Guggenheim explains that he is opposed to DEI on the grounds that it is “radical discrimination” toward white people and because it is illegal under President Trump’s executive order. He contends that talking about CDA’s alleged non-compliance with Trump’s executive order is a pertinent topic to raise and discuss at a meeting like this. Guggenheim also acknowledges saying to [REDACTED] “I do not care,” after [REDACTED] told him his chat comment was inappropriate or that this was not the appropriate time/place to discuss that topic. At the same time, Guggenheim contends that [REDACTED] did not plainly inform him that this meeting was not the appropriate forum for this discussion. In addition, Guggenheim acknowledges that, when [REDACTED] told him to mute his microphone and that his remarks were inappropriate, he replied, “No, it’s on record that you will openly engage in viewpoint discrimination and silence anyone who is not willing to go along with your agenda.” [REDACTED] recalls offering to discuss Guggenheim’s concerns about DEI after the meeting, while Guggenheim denies that [REDACTED] made such an offer. One witness who took contemporaneous notes of the interaction documented “After more from Rich about the [ILT] program, [REDACTED] offered to speak with RG about it another time,” and that Guggenheim said, “he was glad to have it on the record that [REDACTED] did not want him to speak out...” (Attachment 39) It appears most likely, based on [REDACTED] recollection and the contemporaneous notes, that [REDACTED] did offer to discuss Guggenheim’s concerns outside of the manager’s meeting.

Guggenheim asserts that [REDACTED] telling him to “silence” himself is an “unlawful order” and that [REDACTED] is “attempting to physically suppress protected speech and reporting on federal violations in a public meeting.” Guggenheim says he has a “fiduciary responsibility to make people aware of what is happening” and “I won’t be complicit in legal violations.” Guggenheim’s assertion that the ILT constitutes illegal DEI is outside the scope of this investigation. Guggenheim refutes that his behavior and/or remarks during the meeting were disruptive, seemingly focused on what he deems the protected nature of his comments and perspective as most relevant. Guggenheim further asserts that [REDACTED] publicly humiliated him by telling him to stop speaking in front of his peers.

The investigator interviewed nine out of ten attendees who witnessed the interaction between [REDACTED] and Guggenheim. Every witness corroborates the gist of the interaction. Witnesses recall that the interaction lasted between one and five minutes. Witnesses describe elevated voices by both Guggenheim and [REDACTED] short of unprofessional yelling.

Witnesses recall that Guggenheim's comment, "DEI on Steroids," began a tense or "contentious" interaction between Guggenheim and [REDACTED] in which [REDACTED] communicated to Guggenheim that his comment was inappropriate or that the meeting was an inappropriate forum to discuss opposition to DEI. Witnesses also generally recall that Guggenheim said DEI was illegal, and that when [REDACTED] told Guggenheim to stop talking, Guggenheim said [REDACTED] was silencing him and that he would file a complaint with the DOJ. Several witnesses recall Guggenheim becoming "animated" or "angry," and [REDACTED] becoming "defensive" and showing "frustration" at Guggenheim's refusal to stop talking and at Guggenheim's subsequent threats to report [REDACTED] to the DOJ. No one describes outright yelling, but most witnesses perceive elevated and defensive voices on both sides. One witness, who acknowledges agreeing with the positions that Guggenheim champions,² recalls that Guggenheim's response was "sharp," and that voices were raised on both sides. In his opinion, neither Guggenheim nor [REDACTED] demonstrated unprofessional or insubordinate behavior. Another witness, who is offended by Guggenheim's political views, perceives that Guggenheim, but not [REDACTED] behaved inappropriately because "Guggenheim could have said [he disagreed with DEI] professionally rather than posting 'DEI on Steroids' in the chat. It was a cartoonish way of speaking. The other reason he behaved inappropriately is that he threatened to report [REDACTED] to the Department of Justice. This felt like going from 0-100. There was no reason to escalate like that." Most witnesses lean toward experiencing Guggenheim's behavior as disruptive for a brief period, "less than professional," or "uncalled for."

Importantly, most witnesses have not observed any similar contentious interactions between [REDACTED] and Guggenheim surrounding politics in a group setting. Additionally, most witnesses, to the extent Guggenheim has spoken to them about his political views, indicate they take no offense.

However, two employees report overhearing Guggenheim make offensive comments during private conversations between Guggenheim and [REDACTED] [REDACTED] in [REDACTED] office. [REDACTED] describes Guggenheim showing his book, "Escaping the Rainbow Plantation," to [REDACTED] during the workday and reading excerpts to [REDACTED] [REDACTED] in [REDACTED] office with the door open, where he overheard their discussion. [REDACTED] reported his concerns to [REDACTED] months after the alleged conduct, once this investigation commenced. (Attachment 11) According to [REDACTED] who is offended by the contents of the book, Guggenheim made remarks such as "Trans people

² Guggenheim is an outspoken opponent of transgender rights and "gender ideology." Guggenheim has published a book, available on Amazon.com, "Escaping the Rainbow Plantation." The Amazon description states: "Guggenheim now confronts the hijacking of the movement he helped build. His bold declaration—"don't sterilize gay kids"—sparked a firestorm: banned from Denver gay bars, smeared as a bigot, and targeted with death threats by so-called "queer revolutionaries." This is not just Rich Guggenheim's personal story; it's a clarion call to reclaim truth, family, and freedom from the grip of gender ideology."

are responsible for a lot of mass shootings,” “it’s not okay for a child to be trans,” “queer and trans people brainwash gay men to believe what they believe,” and “[Guggenheim] talked about two trans women who threw rocks at Stonehenge being actually pedophiles (this is a debunked conspiracy theory).” [REDACTED] recalls one other conversation between [REDACTED] and Guggenheim in [REDACTED] office, where they discussed transgender people or “gender ideology.” [REDACTED] says the discussions were consensual and inoffensive to him. However, [REDACTED] concerns about such conversations within earshot of others are reasonable, and, given that gender identity is a protected characteristic in employment, such behavior is risky because it could reasonably offend an employee in or outside that protected class.

[REDACTED] [REDACTED] also describes Guggenheim making offensive comments to [REDACTED] [REDACTED] that she overheard. She recalls overhearing Guggenheim stating, “Muslim culture doesn’t mix with the West, and that’s why we should not have Muslims here.” The investigator asked Guggenheim about these comments, but he refused to answer questions directly, instead saying his views on transgender people are “publicly searchable,” which is no denial of bringing such remarks to the workplace. Regarding the alleged comments about Muslim individuals, Guggenheim’s attorney stated, “It’s the thought police,” and then Guggenheim stated, “Yeah, it’s Marxism.” Witnesses reporting these comments do not appear to have an apparent motive to fabricate allegations, aside from disagreeing with Guggenheim’s political views and commentary. Guggenheim also refuses to provide any information on whether any employees/witnesses had a motive to embellish or fabricate, leaving the investigator to conclude that these witness observations are credible.

On a spectrum of unprofessional behavior, Guggenheim’s conduct during the November 6, 2025, meeting seems to fall somewhere in the middle. Guggenheim’s initial comment, “DEI on Steroids,” is not as politically polarizing as his views on “gender ideology,” for instance. It demonstrates his political leanings, which oppose DEI. Apparently, a major political party in our Country opposes DEI, suggesting that a broad segment of the population does not support it. Guggenheim’s response to [REDACTED] telling him that his comment was inappropriate, or that this was not the forum to discuss this, “I don’t care,” is an objectively rude reaction to one’s supervisor. Guggenheim’s brief statements about DEI being illegal or “woke ideology” after [REDACTED] asked him not to discuss the topic in that setting are polarizing, seem intentionally antagonistic, and do not contribute to the meeting’s agenda or purpose. Guggenheim’s accusation that [REDACTED] is trying to silence his political views along with his threats to report [REDACTED] to the DOJ are inflammatory and seem uncalled for in the context of a workplace meeting. These remarks appear to align with Guggenheim’s strategy, akin to ‘the best defense is a good offense.’³ Guggenheim’s remarks and [REDACTED] responses did not seriously delay the meeting from concluding on time. It was a relatively brief interlude, around five minutes, and the meeting moved on as scheduled. Still, the lingering impact on [REDACTED] is understandable given the threat of legal action.

³ For instance, Guggenheim informed this investigator that since she is investigating his conduct, she is now complicit in discrimination against him. When the investigator asked questions about alleged inappropriate comments about Muslims and Transgender people, Guggenheim would not answer and accused the investigator of being the “thought police.”

Regarding Guggenheim's claim that [REDACTED] 'attacked' him by "humiliating" him in front of his colleagues, that seems exaggerated. Guggenheim initiated the conflict by first raising the DEI issue and then refusing to stop discussing the topic when asked by his supervisor. It seems most accurate to recognize that Guggenheim's confrontational tone toward [REDACTED] simply led [REDACTED] to firmly tell Guggenheim to be quiet. The exchange is not reasonably characterized as significantly quashing Guggenheim's speech.

This investigator does not make legal conclusions regarding Guggenheim's claim concerning "retaliation" and "viewpoint discrimination." This investigator notes that the investigation was initiated after [REDACTED] sought advice from HR on how to address Guggenheim's conduct and his subsequent threat to report [REDACTED] CDA to the Department of Justice, not only about the inclusive leadership program but also for purportedly "silencing" his objection to DEI. An investigation into [REDACTED] concerns does not amount to an adverse action. [REDACTED] concerns about Guggenheim's conduct at the meeting, rather than animus against Guggenheim for threatening legal action, appears to be the impetus for [REDACTED] outreach to [REDACTED]

This investigator notes that CDA's "Core Values" include "Service: We care about each other and our customers and strive for every interaction to be a positive one," "Professionalism: We represent the Department proudly and hold ourselves and each other accountable," and "Respect: We recognize differences in people and communities touched by our work and treat all with dignity." This interaction with [REDACTED] was not positive and demonstrates Guggenheim's adversarial stance toward [REDACTED] which includes notes of unprofessionalism and disrespect, further evidenced under the next allegation.

Finding: This investigator finds it more likely than not that during a manager's meeting on November 6, 2025, Rich Guggenheim put a message in the chat, "DEI on Steroids," stated to [REDACTED] [REDACTED] that he "didn't care" when [REDACTED] told Guggenheim that his message was inappropriate, and then engaged in a back-and-forth argument with [REDACTED] about DEI and about being silenced, disrupting the meeting for about five minutes.

Allegation 2: Guggenheim alleges that during a January 7, 2026, meeting, [REDACTED] stated, "He [Trump] is a piece of shit," and inappropriately left the meeting without permission from Guggenheim. It is also alleged that during a January 7, 2026, meeting, Guggenheim made negative remarks about [REDACTED] [REDACTED] in the presence of her co-workers after she left the meeting.

Analysis:

On January 7, 2026, Guggenheim emailed [REDACTED] and [REDACTED] reporting a "Formal Complaint of Viewpoint Discrimination, Hostile Work Environment Based on Political Affiliation, and Request for Equal Application of Investigative and Disciplinary Processes; Documentation of Ongoing Retaliation and Sham Investigation." He also proposed issuing [REDACTED] a reprimand based on her conduct.

On January 14, 2026, [REDACTED] one of the participants in the January 7, 2026 meeting, contacted this investigator and [REDACTED] to report Guggenheim's perceived inappropriate behavior toward [REDACTED] at that meeting. [REDACTED] also complained that Guggenheim had misrepresented a report template she had worked on in an online article, and had published her name, work email, and work phone number. CDA determined that the subject investigation would include evaluation of these concerns. Bos's concern regarding the online news article is addressed in Allegation 3.

Guggenheim's complaint arrived at [REDACTED] inbox first, and follows. Guggenheim alleges that during the January 7, 2026, meeting, after he explained the reasons for his upcoming trip to Washington, D.C., [REDACTED] "created a hostile work environment" when she said it was "a terrible time to go to the white house because President Trump is a piece of shit." Guggenheim claims this "vulgar, derogatory remark targeted my implied political affiliation and support for the administration, creating an immediate atmosphere of hostility and intimidation," which "poisoned" the discussion. Guggenheim further states that "the department's failure to address this [REDACTED] actions] symmetrically (while subjecting me to scrutiny) demonstrates selective enforcement..." (Attachment 13 and 14) This investigation demonstrates CDA's efforts to investigate complaints made by and against Guggenheim, contradicting his claim of "selective enforcement."

[REDACTED] acknowledges becoming "irritated" when Guggenheim began talking about his upcoming trip to Washington D.C. to meet with President Trump, stating something like, "Why do you want to go out to DC with that asshole [meaning Trump]." She states, "I don't like the Trump administration. I should be able to speak my mind about it. If Rich can make these types of comments, I should be able to as well."

Guggenheim's complaint does not tell the entire story of this meeting, based on the transcript provided by him. The transcript demonstrates that around minute six of the meeting, Guggenheim tells the group (comprised of his direct reports: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] that he will be out of the office the next week, and that he was invited to the White House on January 15, 2026. [REDACTED] asks Guggenheim what he will be doing there. Before Guggenheim can answer, [REDACTED] says, "Just don't get caught up with all the ... crazy stuff there," and [REDACTED] states something like, "The last place on earth I'd rather be right now [,] away in hell." The transcript shows [REDACTED] stating something like, "I want to be in that White House with who belongs to that White House," though [REDACTED] recalls saying, "Why would you want to be in the white house with whoever is in there now." Without responding to [REDACTED] comments, Guggenheim says he will be speaking before the Supreme Court as well. [REDACTED] interrupts and states, "He's a piece of shit," seemingly referring to President Trump. Guggenheim then finishes his statement about speaking at the Supreme Court. [REDACTED] asks him whether he means the Colorado Supreme Court or the US Supreme Court. Guggenheim answers that he will be speaking about "Title Nine protections."⁴ Then, Guggenheim explains that he could be going to the White House because he "submitted information to the Department of Justice about some things going on here at the Department of Agriculture and the subsequent

⁴ The U.S. Supreme Court held oral arguments regarding state bans on transgender athletes in women's sports on Tuesday, January 13, 2026. Guggenheim is a critic of transgender athletes in women's sports.

investigation [which] constitutes whistleblower retaliation...So anybody participating in that is party to violating federal and state law, and that is now before the Department of Justice as well as the congressional ombuds office....”

With that, [REDACTED] tells Guggenheim, “I wish you would not talk about it, Rich, because it’s confidential...Every communication we’ve been getting has said that [the investigation] is supposed to remain confidential, so please keep it.” The transcript shows Guggenheim interrupting [REDACTED] and stating, “[REDACTED] I will speak on what I want to speak on and I have gone to the media about this and everything that I have said because it is a public [] agency [that] is subject to CORA and I’m not going to be silenced when this agency...is violating federal law.” [REDACTED] attempts to interject again about confidentiality, and Guggenheim states, “The investigation is part of a public record...and I want to make clear that you understand that I will discuss it in the meeting.” [REDACTED] [REDACTED] then says, “Confidential,” “I’m not going to discuss this in our meeting,” and leaves the meeting.

At that point, [REDACTED] asks whether there is a reason [REDACTED] is concerned. Guggenheim says, amongst other things, “because HR is trying to cover up what they’re doing...and HR knows that there is a lawsuit coming and every attorney that I have talked to has said that there’s going to be a substantial payout for it...she’s part of it...” Guggenheim then tells the remaining attendees, “She’s part of it. And both of you know that this is not the first time that [REDACTED] has taken the opportunity to throw me under the bus.” [REDACTED] agrees with Guggenheim and says he has also had some “rough” interactions with [REDACTED]. Guggenheim repeats, “Yep. She will seek any opportunity she can to throw her co-workers under the bus.” Guggenheim then states, about [REDACTED] leaving the meeting, “That’s her objective or prerogative. I’m not going to stop her...But this is where I want you all to know what is happening. And I have seen the investigation. The investigation that they are doing seeks to decouple me from blowing a whistle which is federally protected and protected by State Statute. And they’re trying to say that it was Rich being insubordinate and Rich is threatening to disrupt State functions.” Guggenheim then informs the group that he has made a CORA request and that his employees should be prepared to provide emails and documents. At about minute 14 of the meeting (about six minutes later), they resume the meeting and discuss work-related updates.

[REDACTED] comments are about the White House and President Trump, not Guggenheim. Neither do [REDACTED] comments target Guggenheim as a member of any protected class.⁵ [REDACTED] comment about a controversial public figure does not insult Guggenheim or attack Guggenheim’s beliefs directly. Moreover, a single political statement or insult toward a political figure does not create a pattern of inappropriate remarks aimed at Guggenheim because of his political affiliation or beliefs. The power dynamic between [REDACTED] and Guggenheim makes [REDACTED] comments less serious as well, since [REDACTED] holds no power over Guggenheim’s employment. However, [REDACTED] comment, like some of Guggenheim’s, appears not appropriate in the workplace, where there are likely divergent political opinions and affiliations. It is ironic that Guggenheim, who has made inflammatory comments about DEI and transgender people under the guise of “free speech” and

⁵ Guggenheim identifies as a gay man, politically aligned with President Trump. Political affiliation is not listed by State or Federal law as a protected status under Title VII, CADA, or the POWR Act. Guggenheim does not connect [REDACTED] comment with his sexual orientation, nor is any connection implicated.

“whistleblowing,” is now alleging that his subordinate should not enjoy the same freedom of speech he declares for himself.

The transcript also demonstrates that Guggenheim’s conduct during this meeting is more disruptive and concerning than [REDACTED]. First, Guggenheim’s discussion of this investigation, including telling the group that anyone participating is a potential “party” to “violating federal and state law,” most likely violates CDA’s expectation that the investigation remain confidential during its pendency. Moreover, Guggenheim’s statement, indicating that anyone participating in that investigation is a “party” to violating the law, is subtly threatening toward the employees [REDACTED] and [REDACTED] who participated in the investigation as well as potential witnesses, which might also implicate retaliation prohibitions. Under those circumstances, [REDACTED] appears well justified in leaving the meeting. Second, Guggenheim’s statements about [REDACTED] made after she leaves the meeting, are unprofessional and disregard basic employee relations recommendations. Making negative remarks about subordinates in the presence of other team members can damage the employee’s reputation, create a disrespectful atmosphere that harms team morale, and expose the organization to potential liability, especially since [REDACTED] participated in the workplace investigation into Guggenheim’s conduct. Guggenheim’s proposed reprimand of [REDACTED] for exiting the meeting under these circumstances appears unjustified and arguably indicative of retaliation for her participation in this investigation.

Finding: This investigator finds it more likely than not that during a January 7, 2026, meeting, [REDACTED] stated, “He [Trump] is a piece of shit.” This investigator finds it more likely than not that [REDACTED] appropriately left the meeting after Guggenheim refused to stop discussing the investigation and implied legal action against investigation participants. This investigator finds it more likely than not that, after [REDACTED] left the meeting, Guggenheim deemed [REDACTED] part of a “coverup,” and stated, “[REDACTED] will seek any opportunity she can to throw her co-workers under the bus.”

Allegation 3: [REDACTED] alleges that Guggenheim published or provided information for an online article that contained a screenshot of a draft report containing her name and work contact information, and misrepresented the report as evidence that CDA is using USDA funds for DEI programs.

Analysis:

[REDACTED] contacted the investigator and [REDACTED] on January 14, 2026, to report that Guggenheim contributed to an online article that included her name, work phone number, and work email in the context of a draft report that she submitted to the USDA. The article represents Guggenheim’s determination that the report evidences misuse of Federal funds for DEI. [REDACTED] states, “[Guggenheim] has demonstrated a pattern of malice and incompetence toward his employees. This is best exemplified by his unprofessional outburst directed at [REDACTED] [at

the January 7, 2026 meeting], the derogatory comments he made to me regarding [REDACTED] and [REDACTED] and, most recently, the publication of this newspaper article.”⁶

The article by author Jen Schumann, entitled “Caught between two governments: Whistleblower says Colorado's DEI system collides with a federal ban,” is dated December 8, 2025. The article describes the November 6, 2025, meeting assessed in Allegation 1, and Guggenheim’s claim that he is being investigated in retaliation for his “whistleblower” activity; i.e., raising concerns about CDA’s DEI programs.

The draft grant application appears in a section of the article, “Grant reporting and the DEI question.” That section describes how a USDA-funded Cooperative Agricultural Pest Survey report from September 2025 lists “Equity and Diversity and Inclusive Leadership alongside pest survey workshops and technical trainings.” The article states, “That inclusion put DEI programs inside federal grant activity, which current federal directives do not permit.” The article includes the following screenshot of a “Report Template:”

Pest Detection / CAPS Infrastructure Accomplishment Report Template – FY 2025

Year:	2025
State:	Colorado
Cooperative Agreement Name:	Infrastructure
Cooperative Agreement Number:	AP24FPQF0000C378
Project Funding Period:	03/01/2025 – 02/28/2026
Project Report:	PD / CAPS Infrastructure Report
Project Document Date:	9/24/2025
Cooperator's Project Coordinator:	State Survey Coordinator (SSC)
Name:	[REDACTED]
Agency:	Colorado Department of Agriculture
	305 Interlocken Parkway
City/ Address/ Zip:	Broomfield, CO 80021
Telephone:	303-229-8144
E-mail:	[REDACTED]

Quarterly Report	<input type="checkbox"/>
Semi-Annual Accomplishment Report	<input checked="" type="checkbox"/>
Annual Accomplishment Report	<input type="checkbox"/>

- and Plant Care series.
- **Training:** CLEAR Training, Equity and Diversity, cyber security, ESRI, Inclusive Leadership, Franklin Covey
 - **Other:** Response to Japanese Beetle in Grand Junction

**Indicates information is required per 7 CFR 3016.40 and 7 CFR 3019.51*

[REDACTED] explains that her job is to manage a team of temporary employees who conduct invasive insect trapping and study, and report those findings to the grant funders, in this case, the USDA. She says her job is funded solely by the grant that Guggenheim calls out in the article as an example of CDA potentially violating an executive order. [REDACTED] explains that Guggenheim trained her how to complete the 2024 report template, which already existed and listed the cited

⁶ According to [REDACTED] Guggenheim has talked to her about [REDACTED] [REDACTED] poor performance and his perception that [REDACTED] is “gaming” the system using the ADA or FMLA leave.

trainings. [REDACTED] says she used the same report training her predecessor had used for 2025, simply changing the date and leaving all the remaining information the same. [REDACTED] explains that this screenshot shows the potential training programs the grant manager could be eligible for, which were included in the 2024 draft report template before Trump's 2025 executive order on DEI. [REDACTED] says that a USDA colleague who reviewed the draft report in September 2025 reached out and informed her that she would now need to remove all references to EDI/DEI, which she did. [REDACTED] says that no grant funding was actually used for any DEI trainings after Trump's 2025 executive order. [REDACTED] says that Guggenheim "put her job in jeopardy" by identifying this grant to argue that CDA is engaging in DEI practices in violation of an executive order, and that Guggenheim is "misconstruing the actual situation." She primarily objects to Guggenheim, her supervisor, "actively working to make my job harder." She states, "I can't understand why someone so inconsiderate would be employed here. There are no consequences, which is very, very frustrating." [REDACTED] frustration appears aggravated by the fact that, had Guggenheim inquired of his subordinate, he could have learned that a USDA colleague intervened to correct the draft. [REDACTED] also points out that Guggenheim should have reviewed the draft report she uploaded to the USDA and could have also identified this issue before she transmitted the report, demonstrating his inadequate supervision.

Guggenheim refused to answer questions outside the scope of the November 6, 2025 meeting, despite repeated instructions that scope determinations were not for him to make, but his employer's purview. Still, Guggenheim demanded a second meeting after the conclusion of the investigation into the November 6, 2025 meeting events. After consulting with CDA, it was determined that the investigator could rely on the available information, including the transcript supplied by Guggenheim, without his further participation. Thus, this investigator did not hear Guggenheim's side of the story on this or the preceding allegation. Regardless, the information provided by [REDACTED] indicating that this report template is being misrepresented as proof that CDA is using Federal money for DEI, appears credible. The screenshot includes [REDACTED] name, work email, and work phone number, leaving her open to public criticism and questions. However, her information would likely be accessible to the public or to the DOJ if they wanted to contact her about this grant, so that inclusion is not particularly concerning. In any case, [REDACTED] upset about potentially being implicated in a DOJ investigation also appears reasonable.

Finding: This investigator finds it more likely than not that Guggenheim provided information for an online article that contained a screenshot of a draft report containing [REDACTED] [REDACTED] name and work contact information, and misrepresented the report as evidence that CDA is using USDA funds for DEI programs.

Conclusion

Based on the foregoing, it is more likely than not that Rich Guggenheim has engaged in a pattern of confrontational and sometimes inflammatory behavior that has disrupted meetings briefly, undermined supervisory authority, negatively impacted workplace trust, and demonstrated a lack of professionalism. His November 6, 2025 conduct showed poor judgment and further disregard for his supervisor's direction. His actions at the January 7, 2026 meeting—including continued

discussion of the investigation despite confidentiality expectations and disparaging remarks about a subordinate in front of co-workers—exhibits unprofessional leadership and created unnecessary risk for CDA. Additionally, his apparent role in providing information for an online article that mischaracterized a federal grant report and exposed a subordinate employee to unwanted public scrutiny reflects a willingness to advance his personal political and legal narrative at the expense of organizational interests and team cohesion. In his defense, Guggenheim advances a host of legal conclusions about his First Amendment rights and unpersuasive assertions of “retaliation.”

Final Analysis

Ultimately, decision-makers for CDA are responsible for assessing whether the facts of this matter support the allegations presented here or otherwise establish unacceptable conduct. This investigation report is intended to be a primary tool for that analysis by identifying the relevant allegations, providing analysis, and offering a finding under a preponderance of evidence standard. It is important to recognize that another person, such as a judge, a juror, or a decision maker for CDA might reach conclusions different than those made by this investigator based on the same or additional information.

END REPORT

Respectfully submitted,



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Flynn Investigations Group