

April 12, 2021

Lyons Board of Ethics
c/o Dolores Vasquez, Town Clerk
425 5th Ave.
Lyons CO 80540

Re: Ethics complaint

Dear Board of Ethics:

This is an ethics complaint under part 7.C of the Town of Lyons Code of Ethical Standards ("Ethics Code").

This complaint is against Lyons Trustee Wendy Miller. Trustee Miller has violated part 6.A of the Ethics Code, which provides in relevant part:

A. Declaration. In the event that a Town Officer has an actual or potential conflict of interest in any matter proposed or pending before the Board or Commission of which he or she is a member, the Officer shall declare such interest in a public meeting to the Board or Commission. In the event that any Town Officer is aware that he or she could reasonably be perceived as having such a conflict of interest but is unsure of, or does not believe in, the existence of such a conflict, the Officer shall nevertheless disclose the possibility of such conflict of interest to the Board or Commission.

At the April 5, 2021, Board of Trustees meeting, Trustee Miller actively participated in discussions regarding Planet Bluegrass' ("PB's") alleged non-compliance with the Lyons Municipal Code's lodging tax provisions and with contracts between PB and the Town of Lyons. Trustee Miller vigorously supported PB's position, stating at one point as to enforcement of the Town/PB contracts at issue:

"That thing [the contracts] just needs to be burned at this point and start over."

Trustee Miller is either an employee or a contractor of Planet Bluegrass. She has been classified as each at various times. She is currently being paid by PB to do work at PB's spring concert series and anticipates doing further paid work for PB at summer festivals. This information was obtained from Trustee Miller

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herself, who in an email to me dated April 9, 2021, described her prior and current relationship with PB as follows:

"I work only Festivals with them, and I have been an employee. That part has gone back and forth throughout time between w-4 and I-9 but is such minimal work that it does not matter. They use another cleaning company for their regular cleanings (weddings and such)."

and

"The interesting thing, I suppose, is that I am doing the COVID sanitation bit for them for these teeny tiny shows...."

By failing to disclose at the April 5, 2021, BOT meeting both her prior and current working relationship and compensation received from PB, Trustee Miller violated part 6.A of the Ethics Code. Regardless of whether her relationship with PB and compensation received from PB rose to the level of requiring abstention or recusal, Trustee Miller certainly "could be reasonably perceived as having such a conflict of interest." The phrase "such a conflict of interest" refers back to the prior sentence that says "an actual or potential conflict of interest" creates a duty to disclose.

If a trustee has been an employee or contractor of a prominent local business for years, and especially if compensation in one of those capacities is ongoing, the trustee's participation in Board deliberations and decision-making "could be reasonably perceived" as creating at least a potential, if not an actual, conflict of interest. For Trustee Miller not to have disclosed her past and current connections with PB at the April 5 meeting violated the Ethics Code.

The Board of Ethics is requested to follow the procedures in Part 7 of the Ethics Code to determine what, if any, action may be appropriate with regard to Trustee Miller's Ethics Code violation.

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Mark Browning

Mark Browning
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Lyons CO 80540

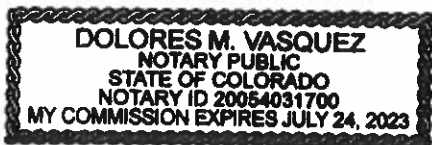
STATE OF COLORADO

COUNTY OF BOULDER

Subscribed and sworn to before me by Mark Browning on this

12th

day of April 2021.



Dolores M. Vasquez

Notary Public
State of Colorado

My commission expires: *7/24/23*