

Ethics Complaint

8/9/2021

March Chapman
River Cliff Realty
419 Main St
Lyons CO 80540

To: Town of Lyons Administrator V. Simonson, BOT, Mayor N. Angelo

RE: Trustee Wendy Miller

I am reaching out because I have been the recent target of unprovoked, vile, defaming, and hurtful online attacks by a Board of Trustees member, Wendy Miller. These attacks, which have been directed towards me personally and my business violate many of the Codes of Ethical Standards for Officers of the Town of Lyons.

The violations occurred when Trustee Miller launched an early morning tirade against my business 8/3/2021, on the "Lyons Happenings" and "Lyons Open Discussions" Facebook pages, with an extremely biased post which she libelously titled "This is unethical behavior by a local landlord". I am sure that most, if not all of you have already seen it on the aforementioned pages, as has a significant portion of the population of Lyons by now.

She was reposting a news story she had found regarding an eviction court case between my company and one of our residents. The case had already been decided the week prior with the judge ruling in my company's favor. For some unknown reason she was personally dissatisfied with the judgment decided by a court of law, and was eager to retry the case in the court of public opinion in an effort to shame me and my business publicly everywhere she could.

She initially succeeded in her attempt to publicly embarrassing me and getting others to spew hateful ignorant comments about the how I operate my business. She made sure to continue commenting throughout the threads supporting and promoting more untruths about the situation creating a wave of negative comments towards me. Unfortunately, after being backed into a corner with no other way to defend myself I had to divulge, to the entire viewing public, all the details from the court proceeding, clarifying that tenant's exact situation, just to save my reputation and my business. After the true facts were revealed, fortunately, many people understood what really happened and apologized to me for their comments, amended, or deleted them. Some then turned to reprimand the tenant and Trustee Miller for promoting such a misleading story.

It is unfathomable how anyone in such position of power within a small community would deem it acceptable to target a small, minority owned, Main St. business, who's owner has operated peacefully in Lyons, for the past 12 years and has never had the Sherriff evict anyone in Lyons the entire time. My reputation has suffered significantly from this event and I am still attempting to repair my public image.

Trustee Miller's actions are incongruent with the spirit our town government as a whole, which consistently promotes its unwavering support for local business. For this reason, I believe she should be removed from the BOT.

Below are the specific codes Wendy Miller violated, with a brief commentary highlighting the corresponding relationship between those codes and this particular situation in RED.

The Town of Lyons Ordinance 858

The code of eth states it was adopted to assure that the residents of the town have confidence in the integrity of the town government.

Codes:

1 Purpose

E. Promote public confidence in the integrity of the Town Officers

Hostile promotion of negative opinions, and targeting specific locals hinders accomplishment of this goal.

2 General Policies

A. Trustees have a duty to refrain from using their positions in any manner for personal gain or detrimental to the public good.

Sadly no one benefited from that whole day of chaos and bitter exchanges. It served no one to publicize something which was already decided in court. Ultimately, the situation has remained unchanged, with tenant now receiving the brunt of the ridicule. There was no public good.

5 Ethical Standards

4). Town Officers are to refrain from promoting personal agendas that conflict or do not align with the best interest of the town.

It is not within the best interest of the town to stoke public divisiveness. We are left to surmise there was a personal agenda for that barrage of negativity, seeing as how Trustee Miller was neither a party to the court case nor personally impacted by the court's decision.

6). Town Officers are to be honest and truthful and to act with integrity at all times while displaying the highest standards of ethical behavior.

11). Town Officers are not to use the authority of their position or information gained through their position in such a way that be unfair or could reasonably perceived as being unfair to any citizens of Lyons or it neighbors. In this case “unfair” pertains to both preferential treatment as well as negative or even vindictive treatment.

Trustee Miller, used her position in a way to show preference to one citizen, and was “unfair” by not being willing to communicate with me or have a meaningful conversation. I was subjected to both blatantly negative and vindictive treatment. This is unethical behavior.

12). Town Officers are to remember that they are “ambassadors” of the town of Lyons and as such should interact with all persons and entities whether in public or in private in a respectful and fair manner at all times.

She clearly has not behaved as a Town “ambassador” and was not interacting with me in a fair and respectful manner. To be fair, one would need to listen to both sides and formulate an opinion thereafter. There is no justifiable reason she should have inserted herself publicly into the matter in such a way. Her methodology lacked tact and professionalism.

14). Town Officers will not grant any special consideration, treatment, or advantage to any citizen or resident of the town beyond that which is available to every other citizen, resident, or business of the town.

There was a blatant exhibition of special consideration and treatment to one resident (the tenant). I can not rely on Trustee Miller not to launch a similar online attack against me, on someone else’s behalf because she has already publicly voiced her distain for me.

24). Town Officers will interact with all persons and entities in a respectful and fair manner at all times and should not criticize any member of the public for his or her requests or views.

I was not treated fairly and her Facebook posts cannot be classified as “respectful” in any way.

28). Town Officers will not exhibit other similar conduct which threatens the public in the integrity of the government including but not limited to illegal conduct, conduct which puts self-interest before public interest, or conduct involving dereliction of duties.

Trustee Miller, cannot deny the substantial public influence she has as a member of the BOT no matter the issue. There is a responsibility for accuracy because it is automatically assumed she may be privy to more facts and details, in any particular situation, than the general public. Especially since she was so inclined create a huge uproar. This undermines and threatens the public confidence because people are now aware that she will speak boldly about issues she is not particularly informed about, and has not vetted or confirmed with any credible source.

This section closes out with a pertinent statement about the ethical standards being “applicable at all times” so when she would reply in multiple threads “this has nothing to do with The Town” that was not, in fact, accurate. The section then further expounds that “stress responses” and “heated discussion” are not acceptable reasons to stray from the standards. So there is really no excuse for her behavior especially after it was brought to her attention that this was inappropriate for a BOT member by multiple citizens.

Conduct in General

10). Town Officers should serve as a model of leadership and civility to the community.

An act of civil leadership would have looked like Trustee Miller reaching out to me privately with any questions or concerns regarding my business in an attempt to gain knowledge and understating.

11). Town Officers should seek to inspire public confidence in Lyons Government by demonstrating honesty and integrity in every action and statement.

No Lyons resident can reasonably have confidence in this public official who has no desire to perform the even most minimal amount of due diligence, in order to formulate an unbiased opinion.

Trustee Miller is irresponsible with the power bestowed upon her in her position. She has shown she is comfortable with basing her statements on gossip and hearsay. Also lacking integrity by ignoring facts and documentation.

14). Town Officers should admit mistakes and should not hide or run away from responsibility.

Once Trustee Miller was made aware of the errors in the interview she was disseminating, she refused to admit the error and did not take responsibility for the firestorm she started, or apologize.

Conduct in Other Settings

1). Town Officers should strive to continue respectful behavior when outside of the Board and Commission Meetings and other Town functions. The same level of respect and consideration of different points of view that is deemed appropriate for public discussions should be maintained in private conversations.

There was no respect or consideration from Trustee Miller for my point of view in this discussion she decided to make public.

4). Town Officers must be aware that as elected officials, they are always “on display.” That is, their actions, mannerisms, and language are monitored by people they may not even know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals between individuals will be noted.

6). Town Officers must remember that Lyons is a small town at heart. Town Officers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town of Lyons. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Town Officers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Having served several terms, Trustee Miller is well aware of her continued responsibility regarding her public behavior and comments. Though she repeatedly denied it on Facebook, BOT members are to serve as an example for the town government and constituents.

I have attached some screen shots from some active, and since deleted posts in the threads for reference. I tried to narrow it down to what's most relevant. Please let me know if you would like additional posts or information to assist in your investigation.

Thank you in advance for your time allocated to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'March', with a long, sweeping horizontal line extending to the right.

March