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MEMORANDUM

TO: Mayor Adam Morehead and Councilmembers
City of Dacono

FROM: Kathleen M. Kelly /s/

DATE: April 12, 2023

RE: Recommendation to City Council Concerning Alleged
Violation of Council Rules of Procedure

This memo is provided to the City Council pursuant to Section 8.1 of the Council Rules of Procedure, which requires the City Attorney to make a recommendation concerning alleged violations of the Council Rules of Procedure by Councilmembers Wittman, Long, Turini, and Thomas.

I. Introduction and Request for Investigation.

Section 3-1 of the City of Dacono Home Rule Charter requires the City Council to adopt rules governing the procedure of its meetings, and on February 13, 2006, the City Council adopted the Council Rules of Procedure. Several amendments have been made to these Rules of Procedure since that time; the current version of the Council Rules of Procedure were adopted on June 22, 2020 by Resolution No. 20-52 (which amended the Rules of Procedure to adopt a remote and hybrid meeting policy).

Rule 8 of the Rules of Procedure addresses Compliance and Enforcement. Pursuant to Rule 8.1.1, if a violation of the Rules of Procedure is alleged to have occurred, the Mayor may direct the Chief of Police to investigate the allegation. On February 23, 2023, Mayor Morehead sent a request for investigation of the following alleged violations of the Rules of Procedure to Dacono Police Department Chief of Police Matthew B. Skaggs:

- **Rule 4.1.1, which provides in pertinent part: Members of the Council will assure fair and equal treatment of all persons, claims and transactions coming before the City Council.**

At the February 13, 2023 City Council meeting, Mayor pro tem Wittman made a motion to terminate the City Manager, which was not an item on the City Council meeting agenda. Wittman's motion was followed by an immediate second by Councilmember Turini, and an immediate request to "call the question" by Councilmember Long (which motion is not recognized in the Council's Rules of Procedure, but the purpose of which appeared to be to prevent any discussion on the motion), and then an affirmative vote by Wittman, Turini, Long, and Thomas. These actions strongly suggests these four Councilmembers had planned this termination of the City Manager outside a public meeting of the City Council, in violation of the Open Meetings Law.

If Mayor pro tem Wittman and Councilmembers Long, Turini, and Thomas discussed and decided to terminate the employment of the City Manager outside a public meeting of the City Council, such actions likely violated the Open Meetings Law, which provides "the formulation of public policy . . . may not be conducted in secret." C.R.S. § 24-6-401. Even if these discussions and determination occurred by a series of private one-on-one meetings at which public business was discussed and/or decisions reached, this would be a violation of the Open Meetings Law. *See Marshall v. Douglas County Board of Education*, 2022CV30071 (Douglas County District Court March 9, 2022).

The hiring and firing of the City Manager is clearly a matter of public business; both the discussion by Councilmembers and the ultimate decision must occur at public meetings. It appeared from their course of action at the February 13 City Council meeting that a prior decision of these four Councilmembers was only formalized at the February 13 meeting. Similar to the finding of the Douglas County District Court when issuing an injunction against the Douglas County Board of Education in the *Marshall* case, the fact that no discussion on the motion to terminate the City Manager was permitted at the February 13th meeting is additional evidence of Wittman, Turini, Long, and Thomas's commitment to their course of action. By terminating a City employee in violation of the Open Meetings Law, Wittman, Turini, Long, and Thomas failed to treat the City Manager fairly in the matter of the City Council's decision regarding whether to terminate his employment, in violation of Rule 4.1.1 of the Council Rules of Procedure.

- **Rule 5.3.1, which provides in pertinent part: All members of the City Council shall exercise their responsibilities collectively rather than individually.**

At a January 23, 2023 work session of the Dacono City Council, the Council engaged in discussion of "the Presentation in Connection with DRCOG Grant Support for CR10 Interchange and Hwy. 52." Rule 1.5.4 of the Council Rules of Procedure provides: "No business shall be transacted and no formal action may be taken at a work session; however, the Council may by consensus provide City staff with direction concerning agenda related items."

Because the City Council was discussing this matter at a work session, and so therefore could not take formal action, the City Council by consensus directed the City Manager to complete the Request for Peer Agency Support form requested by the Town of Erie, indicating the City generally supported the Highway 52 application, with the understanding that the City Council had not yet taken any formal action and had not committed any financial support. The City Council did not support the CR10 interchange, and the direction was to convey that to Erie administrative staff.

On January 26, 2023, Mayor pro tem Wittman sent an email from a non-City of Dacono email address to Carlos Hernandez, an Erie staff person, with a subject line “FW: Support of Erie Grants – Additional Signatures.” This email was purportedly signed by Wittman, Long, Turini, and Thomas, all in their official capacities as City of Dacono Councilmembers. The email, which was not sent with the approval or direction of the City Council as developed at any public meeting, expressed support for both grant applications, contrary to the direction of the City Council at the public January 23 work session. This, too, was an apparent violation of the Open Meetings Law, and was an attempt by Wittman, Long, Turini, and Thomas to act individually and circumvent the collective action of the City Council in violation of Rule 5.3.1 of the Council Rules of Procedure.

- **Rule 5.3.3(6), which provides in pertinent part: Each Councilmember shall check with the Mayor before sending correspondence to another entity to determine if an official City response has already been sent or is being prepared.**

Wittman, Long, Turini, and Thomas did not check with Mayor Adam Morehead before sending the January 26, 2023 email to Carlos Hernandez, an employee of another entity, which violated Rule 5.3.3(6) of the Council Rules of Procedure. They also did not copy anyone with the City of Dacono on this correspondence, in an apparent attempt to hide their action from Dacono elected officials and administrative staff.

- **Rule 5.3.3(7), which provides in pertinent part: Councilmembers retain their right to express a personal point of view in their individual correspondence, but shall not make any reference therein to their official position as Councilmember.**

The January 26 email from Councilmembers Wittman, Long, Turini, and Thomas cannot be understood to express only their personal points of view regarding the two Erie grant applications, since they each signed with reference to their official positions as Councilmembers.

- **Rule 5.3.3(11), which provides in pertinent part: Each Councilmember shall inspire public confidence in Dacono government by demonstrating honesty and integrity in every action and statement.**

By their actions set forth above, Wittman, Long, Turini, and Thomas have eroded the public confidence in Dacono government by violating the Open Meetings Law and not displaying honesty and integrity in their actions and statements, both oral and written, and have therefore violated Council Rule of Procedure 5.3.3(11).

- **Rule 5.3.4(2), which provides in pertinent part: Each Councilmember shall refrain from making promises or commitments that bind or appear to bind the City, or provide any assurances concerning pending or future action by the City.**

The January 26 email from Councilmembers Wittman, Long, Turini, and Thomas appeared to commit the City to supporting a grant application concerning a new interchange on Interstate 25 at Weld County Road 10, including providing financial support through a future agreement, which the City Council as a body at its January 23rd work session did

not support. And the recipient of that email, Erie staff member Carlos Hernandez, understood this email to express these commitments. By email reply to Wittman, Mr. Hernandez stated “Based on your e-mail we would submit the attached forms with the DRCOG grant applications tomorrow morning. The forms indicate the City of Dacono’s fiscal support in year 2025 at the levels we presented Monday night. See box 9 to 13 in both forms.” By making a promise or commitment that appeared to bind the City, and in direct contradiction to the City Council’s direction regarding the WCR 10 interchange, Wittman, Long, Turini, and Thomas violated Section 5.3.4(2) of the Council Rules of Procedure.

Due to the inherent conflict involved with investigating a majority of the members of the City Council, which Council appoints and removes the Chief of Police pursuant to the City’s Charter, Chief Skaggs requested the Colorado Bureau of Investigation (“CBI”) investigate the matter.

II. Legal Authority.

As noted, the City’s Home Rule Charter required the City Council to enact rules governing its meetings. Pursuant to Rule 8 of the adopted Rules of Procedure, the City Council has the authority to consider these allegations during a public meeting and by motion determine whether one or more violations of the Rules of Procedure has occurred.

Several of the alleged violations of the Rules of Procedure include actions alleged to have violated the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* The following specific provisions of the Open Meetings Law appear relevant to the allegations:

- A. The formation of public policy is public business and may not be conducted in secret. C.R.S. § 24-6-401.
- B. The Dacono City Council is a “local public body” under the Open Meetings Law. C.R.S. §§ 24-6-402(1)(a)(I) and -402(1)(c).
- C. A “meeting” is any kind of gathering, convened to discuss public business, in person, by telephone, electronically (including by email), or by other means of communication. C.R.S. § 24-6-402(1)(b).
- D. A meeting of three or more members of the Dacono City Council at which public business is discussed is a public meeting that must be open to the public at all times. C.R.S. § 24-6-402(2)(b).
- E. Full and timely notice to the public is required prior to any meeting at which four or more Councilmembers are in attendance or expected to be in attendance, and at which the adoption of any proposed policy, position, resolution, rule, regulation, or any other formal action occurs. C.R.S. § 24-6-402(2)(c)(I).
- F. “Full and timely notice” is deemed to have been given when notice of the meeting is posted on the City’s website at least 24 hours prior to the meeting. C.R.S. §§ 24-6-402(2)(c)(I) and -402(c)(III).

- G. The posted notice of the public meeting shall include specific agenda information where possible. C.R.S. § 24-6-402(2)(c)(I).

Enforcement of the Open Meetings Law is reserved to the Colorado state courts, which may issue injunctions to enforce its provisions upon application by any citizen of Colorado. C.R.S. § 24-6-402(9). However, the City Council may find its Rules of Procedure are violated by actions that also violate the Open Meetings Law. The sanction for such finding is limited to that set forth in Section 8.2 of the Rules of Procedure, as further addressed in Section VI of this memorandum.

III. Investigation Results.

Agent Patrick Ness from the CBI conducted the investigation. Agent Ness interviewed former Dacono City Manager AJ Euckert, Councilmembers Crespo and Plain, Mayor Morehead, Dacono Community Development Director Jennifer Krieger, and Erie Town Administrator (incorrectly referenced in the CBI report as Erie Account Manager) Malcolm Fleming.

According to the CBI report, Councilmembers Wittman and Long did not respond to Agent Ness's request to interview them. Councilmember Thomas declined to be interviewed, stating she wanted to wait until a new city attorney was appointed. Councilmember Turini informed Agent Ness he wanted to speak with his attorney before being interviewed, and ultimately was not interviewed.

The results of the CBI investigation are attached to this memorandum and were also sent to Mayor Morehead and all Councilmembers by Chief Skaggs on April 11, 2023 as required by Rule 8.1.1 of the Council Rules of Procedure. Because this may become an issue at the public meeting, I have also attached an email Councilmember Turini sent after receiving a copy of the CBI report and Agent Ness's response (Subject: Re: FWD: 2nd Request for Interview), regarding Agent Ness's attempts to interview Councilmember Turini.

IV. Public Meeting.

Rule 8.1.2 of the Council Rules of Procedure provides if the Mayor has a reasonable basis to believe a violation has occurred, the matter may be placed on the agenda for discussion at a regular meeting. I have conferred with Mayor Morehead; he has found, and I concur, that such a reasonable basis exists as to the allegations contained in Mayor Morehead's request for investigation and the same should be scheduled for further action by the City Council in accordance with Rule 8.

The CBI investigator also found a factual basis for an additional violation of the Open Meetings Law not contained in the request for investigation, when Councilmember Wittman lured newly-appointed Councilmember Crespo to a meeting with her and Councilmember Turini. Councilmembers Wittman and Turini discussed public business with Councilmember Crespo, including their desire to terminate City Manager AJ Euckert, Community Development Director Jennifer Krieger and City Attorney Kathleen Kelly. When Councilmember Crespo expressed concern that their meeting violated the Open Meetings Law, Councilmember Wittman told Councilmember Crespo it was a "lie" that three Councilmembers discussing public business was a meeting under the Open Meetings Law, that four Councilmembers were required to constitute a meeting.

As with the other alleged violations of the Council Rules of Procedure that involve alleged violations of the Open Meetings Law, this meeting orchestrated by Councilmembers Wittman and Turini may violate the following Council Rules of Procedure: Rule 4.1.1 (requiring fair and equal treatment of those coming before City Council); Rule 5.3.1 (City Council shall act collectively instead of individually); and Rule 5.3.3(11) (Councilmembers shall inspire public confidence in Dacono government by demonstrating honesty and integrity in every action and statement). These additional allegations should be considered by the City Council at the public meeting regarding this matter.

At that public meeting, Rule 8.1.2 requires the City Council to review the CBI report and this recommendation of the City Attorney concerning the alleged violations. Councilmembers Wittman, Long, Turini, and Thomas will have the opportunity to rebut the allegations through their own statements, the testimony of other witnesses, and by the presentation of documentary evidence. Councilmembers Wittman, Long, Turini, and Thomas may also be represented by legal counsel of their choice at their own expense.

Note this is not a “public hearing” at which residents or other persons who may be interested in these proceedings have a right to speak or otherwise participate. This presentation and discussion must occur at a regular City Council meeting, which meetings are always open to the public, and Councilmembers Wittman, Long, Turini, and Thomas may call specific persons as witnesses to provide testimony to the City Council. However, this is a City Council matter concerning governance of its membership under its adopted Rules of Procedure, not a hearing at which rules of evidence or other procedures used for judicial or quasi-judicial proceedings apply. The Mayor will serve as the presiding officer but will only vote in case of a tie vote, as set forth in Section 2-9 of the City’s Home Rule Charter.

V. Council Action.

After considering the allegations, the CBI report, and any testimony, documentary evidence, or other information provided by Councilmembers Wittman, Long, Turini, and Thomas, Rule 7.1.3 (sic) provides the City Council shall by motion determine whether a violation of the Rules of Procedure has occurred.

As we have previously advised the City Council, Section 3-6(b) of the City’s Home Rule Charter prohibits any Councilmember from voting on any question concerning the official’s own conduct. Therefore, Councilmembers Wittman, Long, Turini, and Thomas may participate in the presentation and discussion as it relates to allegations against each of them, but they may not vote on the question of whether their conduct violated the Rules of Procedure and, if so, whether sanctions are appropriate. Therefore, Councilmembers Crespo and Plain will need to fulfill the duties of the City Council in this matter.

To ensure each of the allegations are addressed, at the conclusion of the evidence and discussion, we recommend the City Clerk take a roll call vote on each of the following questions:

- Did Councilmember Wittman violate Rule 4.1.1 of the Council Rules of Procedure, which provides in pertinent part: Members of the Council will assure fair and equal treatment of all persons, claims and transactions coming before the City Council?

- Did Councilmember Long violate Rule 4.1.1 of the Council Rules of Procedure, which provides in pertinent part: Members of the Council will assure fair and equal treatment of all persons, claims and transactions coming before the City Council?
- Did Councilmember Turini violate Rule 4.1.1 of the Council Rules of Procedure, which provides in pertinent part: Members of the Council will assure fair and equal treatment of all persons, claims and transactions coming before the City Council?
- Did Councilmember Thomas violate Rule 4.1.1 of the Council Rules of Procedure, which provides in pertinent part: Members of the Council will assure fair and equal treatment of all persons, claims and transactions coming before the City Council?
- Did Councilmember Wittman violate Rule 5.3.1 of the Council Rules of Procedure, which provides in pertinent part: All members of the City Council shall exercise their responsibilities collectively rather than individually?
- Did Councilmember Long violate Rule 5.3.1 of the Council Rules of Procedure, which provides in pertinent part: All members of the City Council shall exercise their responsibilities collectively rather than individually?
- Did Councilmember Turini violate Rule 5.3.1 of the Council Rules of Procedure, which provides in pertinent part: All members of the City Council shall exercise their responsibilities collectively rather than individually?
- Did Councilmember Thomas violate Rule 5.3.1 of the Council Rules of Procedure, which provides in pertinent part: All members of the City Council shall exercise their responsibilities collectively rather than individually?
- Did Councilmember Wittman violate Rule 5.3.3(6) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall check with the Mayor before sending correspondence to another entity to determine if an official City response has already been sent or is being prepared?
- Did Councilmember Long violate Rule 5.3.3(6) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall check with the Mayor before sending correspondence to another entity to determine if an official City response has already been sent or is being prepared?
- Did Councilmember Turini violate Rule 5.3.3(6) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall check with the Mayor before sending correspondence to another entity to determine if an official City response has already been sent or is being prepared?
- Did Councilmember Thomas violate Rule 5.3.3(6) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall check with the Mayor before sending correspondence to another entity to determine if an official City response has already been sent or is being prepared?
- Did Councilmember Wittman violate Rule 5.3.3(7) of the Council Rules of Procedure, which provides in pertinent part: Councilmembers retain their right to express a personal

point of view in their individual correspondence, but shall not make any reference therein to their official position as Councilmember?

- Did Councilmember Long violate Rule 5.3.3(7) of the Council Rules of Procedure, which provides in pertinent part: Councilmembers retain their right to express a personal point of view in their individual correspondence, but shall not make any reference therein to their official position as Councilmember?
- Did Councilmember Turini violate Rule 5.3.3(7) of the Council Rules of Procedure, which provides in pertinent part: Councilmembers retain their right to express a personal point of view in their individual correspondence, but shall not make any reference therein to their official position as Councilmember?
- Did Councilmember Thomas violate Rule 5.3.3(7) of the Council Rules of Procedure, which provides in pertinent part: Councilmembers retain their right to express a personal point of view in their individual correspondence, but shall not make any reference therein to their official position as Councilmember?

- Did Councilmember Wittman violate Rule 5.3.3(11) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall inspire public confidence in Dacono government by demonstrating honesty and integrity in every action and statement?
- Did Councilmember Long violate Rule 5.3.3(11) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall inspire public confidence in Dacono government by demonstrating honesty and integrity in every action and statement?
- Did Councilmember Turini violate Rule 5.3.3(11) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall inspire public confidence in Dacono government by demonstrating honesty and integrity in every action and statement?
- Did Councilmember Thomas violate Rule 5.3.3(11) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall inspire public confidence in Dacono government by demonstrating honesty and integrity in every action and statement?

- Did Councilmember Wittman violate Rule 5.3.4(2) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall refrain from making promises or commitments that bind or appear to bind the City, or provide any assurance concerning pending or future action by the City?
- Did Councilmember Long violate Rule 5.3.4(2) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall refrain from making promises or commitments that bind or appear to bind the City, or provide any assurance concerning pending or future action by the City?
- Did Councilmember Turini violate Rule 5.3.4(2) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall refrain from making promises or commitments that bind or appear to bind the City, or provide any assurance concerning pending or future action by the City?
- Did Councilmember Thomas violate Rule 5.3.4(2) of the Council Rules of Procedure, which provides in pertinent part: Each Councilmember shall refrain from making promises

or commitments that bind or appear to bind the City, or provide any assurance concerning pending or future action by the City?

Since the Rules of Procedure specifically require the City Council make its determination of whether violations of the Rules have occurred, we recommend the following motion if one or more of the above questions is answered with a majority of “YES” responses:

“I make a motion pursuant to Rule 8 of the City Council Rules of Procedure that the City Council find violations of the Rules of Procedure have occurred in such manner and by such Councilmembers as reflected in those responses to the foregoing questions.”

VI. Sanctions.

Regarding sanctions for any violations, Rule 8.2 provides the City Council may issue a reprimand or formal censure of the member at a regular City Council meeting. Neither “reprimand” nor “formal censure” are defined in the Rules of Procedure, but both are procedures by which the City Council expresses its disapproval of a Councilmember’s conduct.

Generally speaking, a formal censure is considered to be a more serious form of disapproval than a reprimand and could take the form of a written statement read into the record of the City Council meeting. Councilmembers may vote to find that certain conduct violated the Rules of Procedure and, by motion, continue the matter to a subsequent Council meeting for imposition of sanctions if time to draft a statement of formal censure is desired. The City Council could also find that some violations warrant reprimands and other violations warrant formal censure, or that some violations occurred but sanctions are not appropriate or warranted.

VII. Legal Representation for the City at the Public Meeting,

As noted, the Rules of Procedure permit Councilmembers Wittman, Long, Turini, and Thomas to be represented by counsel at the public meeting where these allegations will be considered. This would be an attorney that they select and pay for.

Our contract for City Attorney services ends on April 15, 2023, and currently no Interim City Attorney has successfully been appointed by the City Council. The City Council should consider hiring special counsel to represent the City at this public meeting, to assist those Councilmembers who will be considering these allegations and voting in this matter, and to provide advice regarding questions or any areas of legal uncertainty that may arise during this public meeting.

The City’s insurer, the Colorado Intergovernmental Risk Sharing Agency (“CIRSA”), may be able to recommend qualified attorneys for the City Council’s consideration. Because this retention would relate to consideration of their own conduct, Councilmembers Wittman, Long, Turini, and Thomas would not be able to vote on the retention of special counsel to assist the City Council in this matter.

Please let me know if you have any questions.



Colorado Bureau of Investigation

INITIAL 2023-70

Report Date: 03/08/2023

Primary Information

Description:	Dacono City Council Open Meetings Act Violations
Occurrence From:	02/13/2023 00:00
Occurrence To:	02/13/2023 00:00
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	03/21/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Narrative begins on the following page.

SYNOPSIS:

On March 8th, 2023 I was assigned to conduct an investigation regarding alleged violations of the Colorado Open Meetings Act. Officials from the city of Dacono requested the Colorado Bureau of Investigations conduct an investigation to determine whether members of the Dacono City Council violated the open meetings act.

ACTION TAKEN:

On March 9th, 2023 I met with Dacono police Chief Matthew Skaggs at the Dacono government center. Chief M. Skaggs told me the request for our investigative assistance generated from the results of a City Council meeting on February 13th, 2023. At the conclusion of this city council meeting, the City Council voted to terminate then current city manager, AJ Euckert. Chief M. Skaggs said this action by the City Council had never been discussed in any official meetings by the City Council that he was aware of, and the fact the motion to terminate was immediately brought up at the end of the meeting and received an almost immediate “second”, could be an indication the City Council members had spoken of this official act outside of the confines dictated by the Colorado Open Meetings Act.

The following is a descriptive narrative of what occurred at city council meeting on February 13th as written by Chief M. Skaggs within his email to request our assistance:

“On Monday, February 13th, 2023, City Manager, AJ Euckert, was present at a regularly scheduled city council meeting. At the meeting the Mayor of the City of Dacono, presented AJ with a 20 year achievement award. The meeting was conducted in the normal manner, based on a prescribed agenda. At the end of the meeting, when the Mayor was going to call for a motion to adjourn, Dacono City council member and Mayor Pro-Tem Kathryn Wittman called for a motion to terminate the contract of the City Manager. That motion was immediately followed by a second motion, submitted by council member Jim Turini.

Upon the motion and a second to the motion, there was evident and obvious surprise and anger by other council members. The city attorney, Kathleen Kelly, intervened and made a statement that before proceeding, the city council should convene an executive session to discuss the matter. There was no executive session convened and eventually the Mayor, Adam Morehead called for a vote.

Four council members, Kathy Wittman (Mayor Pro-Tem), Jim Turini, Jackie Thomas and Danny Long voted yes to terminate. Two council members, Doris Crespo and Kevin Plain, voted no. This resulted in a passing vote to terminate the contract.”

Based on this information, I have scheduled interviews with persons who have been identified as having information regarding these allegations. Further information will be documented on supplemental reports.

ATTACHMENTS:

None



Colorado Bureau of Investigation
INVESTIGATIVE SUPPLEMENT 2023-70/1

Report Date: 04/03/2023

Primary Information

Description:	Dacono City Council continuing Investigation
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	04/10/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Synopsis

As part of the investigation of alleged violations of the Colorado Open Meetings Law by Dacono City Council members, I interviewed the following persons identified as possibly having information regarding the facts of the allegations.

- **Former City Manager AJ Euckert**
- **Erie Account Manger Malcom Fleming**
- **Mayor Adam Morehead**
- **City Councilor Doris Crespo**
- **Community Development Director Jennifer Krieger**
- **City Counselor Kevin Plain**

I also reviewed videos footage of a city counsel meeting and neighborhood surveillance as well as correspondence and emails to and from city counsel members and city staff.

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As part of the investigation of alleged violations of the Colorado Open Meetings Law by Dacono City Council members, I interviewed the following persons identified as possibly having information regarding the facts of the allegations.

- Former City Manager AJ Euckert
- Erie Account Manger Malcom Fleming
- Mayor Adam Morehead
- City Councilor Doris Crespo
- Community Development Director Jennifer Krieger
- City Counselor Kevin Plain

I also reviewed videos footage of a city counsel meeting and neighborhood surveillance as well as correspondence and emails to and from city council members and city staff.

ACTION TAKEN:

On March 21, 2023 I interviewed AJ Euckert over the telephone. I informed AJ Euckert of my assignment to obtain facts regarding possible violations of the Colorado open meetings law by the Dacono city Council. AJ Euckert informed me he had information regarding violations of the Colorado open meetings laws by some Dacono city councilmembers.

AJ Euckert confirmed he had been terminated at the end of the city Council meeting on February 13, 2023. He also said this came as a surprise to everyone because this specific action was not detailed on the meeting agenda put out by the city of Dacono as required. AJ Euckert deduced, based on the rapid motion procedures by three of the city councilmembers, they had discussed this meeting action before the actual meeting occurred. AJ Euckert did say he had no firsthand knowledge that this occurred, but the quickness of the motions and the denial to meet in executive session, convinced him the city councilmembers colluded beforehand.

AJ Euckert had knowledge of an open meetings law violation which occurred in 2022 and which was reported to the city and addressed by the city attorney and the city's insurance company, CIRSA. AJ Euckert had knowledge of emails sent to the city of Erie by individual councilmembers apart from the official authority to do so.

AJ Euckert said he had never been approached by any city council member nor had any information during any city Council meeting that there were specific issues the city council had with the actions he was taking as city manager.

AJ Euckert had knowledge that four city councilmembers engaged in a neighborhood canvass and represented themselves as city councilmembers. The four members were captured on neighborhood surveillance video conducting the canvass.

The details of AJ Euckert's interview are documented in a supplemental interview report and a copy of the interview transcription is attached and made a part of this case file.

On March 21, 2023, I interviewed Malcolm Fleming over the telephone. Malcolm Fleming confirmed he is the Account Administrator for the town of Erie Colorado.

Malcolm Fleming told me he has not had contact with individual Dacono city councilmembers regarding actions they may or may not take as a government body. Malcolm Fleming said he received a call from city Council member Whitman where she asked if the Erie town staff could be present for a Dacono city special meeting regarding grant applications both towns were involved with. Malcolm Fleming did not have any recollection of being contacted by individual city councilmembers regarding official action which may have been considered by the city council.

The details of Malcolm Fleming's interview are documented in a supplemental interview report and a copy of the interview transcription is attached and made part of this case file.

On March 22, 2023, I interviewed city council Mayor Adam Morehead. This interview took place at 8800 Sheridan Blvd. Adam Morehead told me he had initiated this investigation after the events on February 13 which resulted in the termination of city manager AJ Euckert. Adam Morehead said, in his opinion, open meetings law violations had occurred and he wanted the facts of those violations uncovered. Adam Morehead said it was clear that four city councilmembers colluded with each other before the actual February 13 meeting to terminate the contract of the city manager. Adam Morehead said this action had not been added to the agenda before the meeting occurred. He also had knowledge of four city councilmembers conducting a neighborhood canvass together, talking about a possible official recall election which is prohibited by the Colorado open meetings law.

The details of Adam Morehead's interview are documented in a supplemental interview report and a copy of the interview transcription is attached and made part of this case file

On March 22, 2023 I interviewed city Councilmember Doris Crespo. The interview occurred at the Colorado Bureau of investigation at 690 Kipling St.

Doris Crespo told me she had been invited by councilmember Katherine Whitman to have lunch on October 26, 2022. Doris Crespo and Catherine Whitman drove to lunch and after they arrived, Doris Crespo saw city councilmember Jim Turini already at the restaurant. Doris Crespo raised the concern regarding the Colorado open meetings law where three or more councilmembers cannot meet outside of an official city council meeting. Katherine Whitman assured her the law actually stated four or more members. The discussion at the table involved official city business. Doris Crespo subsequently informed the mayor and the city attorney regarding this meeting.

The details of Doris Crespo's interview are documented in a supplemental interview report and a copy of the interview transcription is attached and made part of this case file.

On March 22, 2023, I interviewed Jennifer Krieger at the Dacono city government offices. Jennifer Krieger is the community development director. Jennifer Krieger said she had knowledge of violations of city government policy regarding emails by individuals of the current city council to the town of Erie regarding grant proposals. She told me city councilmembers are prohibited from taking action as a group outside decisions made at official public meetings. Jennifer Krieger provided copies of emails from city councilmember Jim Turini to the city of Erie as well as an email trying to solicit a private business to relocate in Dacono. Jennifer Krieger also had knowledge of emails sent to the city Erie by

councilmembers Turini, Long, Whitman, and Thomas. Jennifer Krieger had firsthand knowledge from staff members who reported Katherine Whitman using her influence as a city councilmember to effect quasi-judicial land use proposals and code violations.

The details of Jennifer Krieger's interview are documented in a supplemental interview report and a copy of the interview transcription is attached and made a part of the case file.

On March 28, 2023, I interviewed Kevin Plain at his residence in Dacono. Kevin Plain is a city councilmember for the Dacono city council. He said he is convinced that four members of the Dacono city council colluded to terminate the contract of the city manager outside of any official public meeting and therefore is a violation of the Colorado open meetings law. He came to this conclusion by the way the motion for the termination of the contract occurred and how it was immediately called for a vote. Kevin Plain also had knowledge of the neighborhood canvass by councilmembers Whitman, Turini, Long, and Thomas.

The details of Kevin Plain's interview are documented on a supplemental interview report and a copy of the interview transcription is attached and made a part of the case file.

During the investigation I watch the YouTube video which had streamed the February 13, 2023 city council meeting. I observed that at the seemingly end of the meeting council member Kathy Whitman stated she wanted to make a motion and then made the motion that the contract of the city manager be terminated immediately. Council member Jim Turini "seconded" the motion and then council member Danny Long stated "call the question". This all occurred in five seconds. This action ultimately forced a vote among the council and the city manager was terminated on a 4-2 vote.

As part of the investigation, I was given a flash drive, which had 14 video files. These video files, documented, in part, a neighborhood canvass, which occurred on March 4, 2023. These video files were camera footage, taken within the sweet grass housing division according to information to ride from earlier interviews.

The video footage showed several subjects, some who were caring paperwork on clipboards, and for subjects whom I identified as, Kathy Whitman, Jim Turini, Danny Long, and Jackie Thomas. I made this identification based on video documentation of prior city council meetings.

The accumulation of the video shows these people going "door to door" and approaching people in an effort to have the residents of this neighborhood to not participate in a petition calling for the recall of two city council members.

I was able to screenshot a video shot of a time where all four before mentioned city council members conferring with each other. There is no audio associated with this video file. This screenshot and video are attached and made a part of this case file. The attachment for the video file is identified as "March, 4 2023 1141 AM 3242 Meadowbrook".

I observed another file which documented councilmember Jim Turini, approaching a residence, where video and audio footage was captured on surveillance camera. It appears the resident was speaking to Jim Turini through the surveillance system intercom and not in person. Jim Turini informed the resident his desire not to have them sign a petition calling for the recall election of two city council

members, one of which is Jim Turini. A female voice informed Jim Turini that she would be signing the recall petition because of her opinion regarding the termination of the city manager was improper and was not noticed to the public. The resident also told Jim Turini the process was not transparent. Jim Turini responded by saying transparency was the reason the council did not go into executive session. It is obvious this conversation began with facts about a potential recall election and went into the facts of an official city council meeting.

During the investigation I obtained several documents including correspondence and emails to and from the Dacono city councilmembers and city staff. These emails and correspondence are detailed in the interview and investigative reports and they are attached and made a part of this case file.

I sent emails to all Dacono City Council members on their city email addresses to request dates and times for interviews if they chose to do so. The email sent also stated the interviews were voluntary.

Doris Crespo and Kevin Plain consented to interviews and their interviews are documented in this report. Council member Jackie Thomas emailed me and said she wanted to wait until a new city attorney was appointed. I informed her the report would be submitted before that and to notify me if her position changed. Jim Turini emailed me and stated he was waiting to speak to his attorney. I informed Jim Turini the report was going to be submitted no later than April 11. Ultimately Jim Turini was not interviewed.

Kathy Whitman and Danny Long did not respond to my emails regarding interviews.

ATTACHMENTS:

PN1-1 Surveillance video of the neighborhood canvass

PN1-2 Screenshot of four city council members together during the canvass

PN1-3 Emails and correspondence



Colorado Bureau of Investigation
INVESTIGATIVE SUPPLEMENT 2023-70/2

Report Date: 04/09/2023

Primary Information

Description:	AJ Euckert Interview Report
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	04/10/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Narrative begins on the following page.

SYNOPSIS:

On March 21, 2023 I interviewed AJ Euckert. This interview was audio recorded. A transcription was also completed and attached.

ACTION TAKEN:

On March 21, 2023 I interviewed AJ Euckert. This interview was audio recorded and was done over the telephone as AJ Euckert was out of state at the time of the interview. The following is a synopsis of the interview.

AJ Euckert confirmed he had been the former city manager for the city of Dacono, and was terminated at the conclusion of a city Council meeting on February 13, 2023. AJ Euckert told me that he was initially appointed city manager in 2012 and has been employed at the city of Dacono beginning as an intern in 2002.

AJ Euckert told me he was present at the February 13 meeting and the meeting was associated with a published agenda. The agenda prior to the meeting had no mention of city personnel or AJ Euckert specifically. He stated the council had actually removed an action item from the agenda regarding official business regarding a grant application from the town of Erie. At the end of the meeting a surprise motion was made by councilmember Kathy Whitman to terminate AJ Euckert's employment effective immediately. There was an immediate second of the motion by councilmember, Jim Turini. The motion took everyone by surprise, and the mayor consulted with the city attorney, who recommended the council go into executive session. After the second of the motion had been made, councilmember Danny Long, said "Call the question". AJ Euckert said this is used to close down any discussion regarding the motion and that it is a phrase used in Roberts Rules of Order. He told me the city Council, and or the city of Dacono has never adopted Roberts Rules of Order to conduct meetings and that it's not usually a council policy to not allow discussion regarding an action or vote put before the city council. (The vote was subsequently passed by the mentioned council members and council member Jackie Thomas).

AJ Euckert told me he is convinced that the four council members who voted for his termination had orchestrated this action before the meeting because of the "rapid fire to just hammer it through". I confirmed with AJ Euckert that he did not have specific knowledge of any conversations between any council members regarding his termination before the meeting. He also told me that since this action item was not on the agenda, it was not properly noticed, and therefore a violation of the open meetings law.

AJ Euckert told me about an incident which had occurred in late January or early February where he was told by councilmember Danny Long that he (AJ Euckert), Jennifer Krieger and city attorney Kathleen Kelly "were a problem". He said this conversation took him by surprise and said that there should be discussion about this if council members think that three key staff members are a problem.

AJ Euckert described a violation of the open meetings law from the same four council members that occurred over a town of Erie grant situation. AJ Euckert stated the council had a publicized council meeting, and then work session to discuss the grant, which consisted of two grant applications. During the work session, the city Council gave AJ Euckert direction to proceed with one of the grants but not

the other. On January 26, 2023 AJ Euckert was sent an email by councilmember Kathy Whitman giving direction to him that was contrary to what was discussed at the work session. This email was also to staff members of the town of Erie. Afterwards, this letter was used as an example to instruct the city council on violating the open meetings law by the Dacono city attorney. Mayor Adam Morehead also scheduled a meeting between the city Council and CIRSA, the city of Dacono's risk management insurance company, to also train the city council on what is allowed and what is prohibited by the open meetings law. This meeting never occurred because AJ Euckert was terminated, and the meeting was canceled. I asked him, which four council member signed the letter to the Erie staff members, and he replied, Kathy Whitman, Danny Long, Jim Turini, and Jackie Thomas.

AJ Euckert said that since the February 13 meeting and his termination, there has been a media response and inquiries regarding the action of the city council members. He said that councilmember Jackie Thomas was quoted in a news article in the Longmont Times Call newspaper, where she said the decision to fire him had been several months in the making. AJ Euckert use this to argue the fact that, since none of this was discussed in official meetings, there was an inference the four council members who voted for his termination had spoken of this outside a public meeting.

AJ Euckert said that he has been present for every city council meeting and special session so he would have known about any issues or problems that would've been brought up regarding his employment for the city. Since he has been present for every official meeting and has never been made known of any issues or problems with his employment, the motion made by Katherine Whitman should have been the first time anybody on the rest of the city council would have heard anything about this termination.

AJ Euckert said he has knowledge but has never seen neighborhood surveillance video footage of the same four council members working as a group canvassing a neighborhood. I asked him if canvassing a neighborhood would constitute a violation of the open meetings law. He responded by saying "when you have four council members out there, talking about city business, former employees, the reasons why terminations occurred, that would seem to be a violation of the open meetings law".

For details of this interview refer to the audio file and the transcription which are attached and made a part of this case file.

ATTACHMENTS:

PN2-1-Audio file of Interview

PN2-2 Transcription



Colorado Bureau of Investigation
INVESTIGATIVE SUPPLEMENT 2023-70/3

Report Date: 04/09/2023

Primary Information

Description:	Malcom Fleming Interview Report
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	04/10/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Synopsis

On March 21, 2023 I interviewed Malcolm Fleming. This interview was conducted over the telephone and was audio recorded.

Narrative begins on the following page.

SYNOPSIS:

On March 21, 2023 I interviewed Malcolm Fleming. This interview was conducted over the telephone and was audio recorded. A transcription of this interview is attached.

ACTION TAKEN:

On March 21, 2023 I interviewed Malcolm Fleming. This interview was conducted over the telephone and was audio recorded. The following is a synopsis of the interview.

Malcolm Fleming is the Account Administrator in Erie, Colorado. I asked Malcolm Fleming if he had ever been contacted by any member of the Dacono city council regarding any contract or agreement between the two towns. Malcolm Fleming said he went through his records and observed an email generated on January 17, 2023. The email was from councilmember, Kathy Whitman, inquiring if he or other staff members from Erie could attend a special Dacono city council meeting regarding the applications for grant projects. Malcolm Fleming informed Kathy Whitman that staff from the town of Erie, would be happy to come and present their pursuit of these grant projects. He said he had only spoken to Katherine Whitman at a regional sub forum, and the conversation was generally about various proposals for grants. I asked Malcolm Fleming if any city council members had contacted him, or had given him information regarding actions, which may be in front of the city council including votes or positions of the city council on any given issue. Malcolm Fleming recalled corresponding with AJ Euckert and Mayor Morehead regarding the same projects, where he was told the city of Dacono was “getting out ahead of Dacono’s process for considering those projects“ and that there was some misunderstanding.

Malcolm Fleming said other than that, he had not been contacted by the city council or individual members regarding these projects.

For details of this interview, refer to the attached audio file and transcription which are attached and made a part of the case file.

ATTACHMENTS:

PN3-1 Malcom Fleming Audio file

PN3-2 Malcom Fleming Interview Transcription



Colorado Bureau of Investigation
INVESTIGATIVE SUPPLEMENT 2023-70/4

Report Date: 04/09/2023

Primary Information

Description:	Adam Morehead Interview Report
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	04/10/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Synopsis

On March 22, 2023, I interviewed Dacono mayor Adam Moorehead. This interview took place at 8800 Sheridan Blvd. The interview was audio recorded.

Narrative begins on the following page.

SYNOPSIS:

On March 22, 2023, I interviewed Dacono mayor Adam Morehead. This interview took place at 8800 Sheridan Blvd. The interview was audio recorded.

ACTION TAKEN:

On March 22, 2023, I interviewed Dacono mayor Adam Morehead. This interview took place at 8800 Sheridan Blvd. The interview was audio recorded. The following is a synopsis of the interview.

Adam Morehead confirmed he is the current mayor of the city of Dacono. He told me he had been the catalyst to request the Colorado Bureau of Investigation to investigate violations of the Colorado open meetings law based on a Dacono city council meeting which occurred on February 13, 2023. He told me the reason for this investigative request was he is convinced that four city council members colluded in a clear violation of the open meetings laws to terminate the Dacono city manager. Adam Morehead said this action was completed without cause and without discussion. He told me he felt it was his responsibility to limit the liability for the city of Dacono to “cure those violations“ and limit the liability from the behavior of the four council members.

I asked Adam Morehead why he was convinced these four city council members colluded outside of the city council meeting. He stated, “They obviously colluded together, either as a group or individually one on one, to fire the city manager. You have a motion, immediate second, no discussion. At least three of them are using Roberts Rules of Order which(city council member) Kathy Whitman knows we don’t use“.

Adam Morehead told me he had been aware of a rumor a few weeks prior to the meeting of what was going to occur at the meeting. There were 12 or 14 residents at the meeting from the same neighborhood where Kathy Whitman, Jim Turini, and Danny Long reside. He said these people were invited by Kathy Whitman to witness the termination. He also said to have this many people at a city council meeting is unusual.

I asked Adam Morehead what his understanding is regarding not having the termination action noticed on the public agenda giving the public prior notice to the termination. He said that a city council member can make a motion of this type without it being on the agenda, but it is highly unusual, and he (Morehead) should’ve asked for an amendment to the agenda before the actual vote for termination.

Adam Morehead told me of neighborhood surveillance video footage of these four council members conducting a neighborhood canvass after the February 13 meeting regarding a recall petition which was circulating. The recall petition was asking for a recall election for council members Jim Turini, and Jackie Thomas. The surveillance footage shows these four council members asking residents not to sign the petition.

I asked Adam Morehead about an incident where the Dacono city attorney had to admonish the city council for violating the open meetings law, and he said he could not comment because this information was attorney client privileged.

Adam Morehead told me of an email signed by the four city council members to the town of Erie regarding grant projects which involves funds from the city of Dacono. They sent this email without any official action from the city after they had been advised not to do so. Adam Morehead reiterated the fact the city council has to act as a body and not as individuals or even a group of four.

Adam Morehead told me there had been a scheduled meeting on February 23 with the city's litigation and liability insurance company, CIRSA, to come and talk to the city council regarding continued violations of the open meetings act, but this meeting was canceled because they did not have a city manager.

For details of this interview, refer to the audio file and transcription, which is attached and made a part of this case file.

ATTACHMENTS:

PN4-1 Adam Morehead Audio file

PN4-2 Adam Morehead Interview Transcription



Colorado Bureau of Investigation
INVESTIGATIVE SUPPLEMENT 2023-70/5

Report Date: 04/09/2023

Primary Information

Description:	Doris Crespo Interview Report
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	04/10/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Synopsis

On March 22, 2023. I interviewed Doris Crespo. The interview occurred at the Colorado Bureau of investigation headquarters located at 690 Kipling St. The interview was audio recorded.

Narrative begins on the following page.

SYNOPSIS:

On March 22, 2023. I interviewed Doris Crespo. The interview occurred at the Colorado Bureau of investigation headquarters located at 690 Kipling St. The interview was audio recorded.

ACTION TAKEN:

On March 22, 2023. I interviewed Doris Crespo. The interview occurred at the Colorado Bureau of investigation headquarters located at 690 Kipling St. The interview was audio recorded. The following is a synopsis of the interview.

Doris Crespo confirmed she is a current city council member for the city of Dacono and she was appointed to that position in the middle of June, 2022. Doris Crespo said since she is a new council member she is “still learning a lot“ and relies on other city council members for guidance.

I informed council member Crespo that I was investigating allegations of the open meetings law violations which stemmed from the unusual city council meeting on February 13. I asked Doris Crespo if she knew of any open meetings law violations, or more specifically if she knew where three or more council members had convened to talk about policies outside of an official city council meeting. Doris Crespo told me she did have first-hand knowledge.

Doris Crespo said that a few months after she started, all she had done was go to meetings, learn what was being voted on, and leave after the meeting was completed. Doris Crespo did not talk to anybody else “for months“. In or around September or October, city council member Kathy Whitman began to invite Doris Crespo to lunch. Kathy Whitman made numerous requests to have lunch with Doris Crespo, but Doris Crespo declined because of her busy schedule with work and her children’s sports. Kathy Whitman continued to make numerous proposals to Doris Crespo to meet until finally Doris Crespo agreed. Kathy Whitman suggested they meet at a local restaurant and suggested the meeting was “because you (Doris Crespo) need some protection“. On the day of the planned lunch meeting, Kathy Whitman called and suggested they meet somewhere else for lunch because the original location had “too many ears and eyes“.

Kathy Whitman picked up Doris Crespo and went to a restaurant off of Highway 7. Once Doris Crespo and Kathy Whitman entered the restaurant, Doris Crespo saw another city council member, Jim Turini. Immediately Doris Crespo recalled being instructed about the open meetings law that three or more council members could not meet outside of official city council meetings. Doris Crespo voiced her concerns, and Kathy Whitman stated, “They’ve told you that, but it’s four, it’s a lie, actually four not three“. Doris Crespo said she took Kathy Whitman’s word for it because she (Doris Crespo) was new.

The three of them sat at a table in the restaurant, and Kathy Whitman and Jim Turini began to discuss city business, including the salaries of the city manager, and other staff members at the head of other departments. The discussion included, specifically, what AJ Euckert made monetarily, and that this was “too much money“. Kathy Whitman, and Jim Turini also talked about how they wanted Jennifer Krieger and the city attorney, Kathy Kelly “To go“. Doris Crespo was still feeling uncomfortable, so she did not engage in the conversation, and she got the feeling Kathy Whitman, and Jim Turini noticed

she was not engaged. The conversation changed to generic inquiries about family members and other non-official facts.

After this meeting, Doris Crespo self reported this incident to AJ, Euckert and the city attorney, Kathleen Kelly. Doris Crespo said these staff members confirmed to her the law actually is three or more members and not four. Doris Crespo did not have first-hand information about what Kathleen Kelly did to address the open meetings violation, but if she thinks Kathy Whitman denied the meeting ever took place.

Doris Crespo looked at her calendar and confirmed this lunch meeting took place on October 26, 2022.

On a reflection of what occurred on February 13 and what had happened to her on October 26, Doris Crespo assumes that Kathy Whitman and other city council members do confer with each other on official business outside of city council meetings.

I asked Doris Crespo, if she knew of anyone else who had first-hand knowledge of city council, members meeting or conferring with each other outside of city council meetings. She said that on the night the city council terminated the city manager, there were a group of people from "The Glenn's" neighborhood who seem to know the city manager was going to be terminated. As far as other people having information, Doris Crespo stated, "I mean, I know, certain people don't want to get on her (Kathy Whitman) bad side, for whatever they like her, or they you know, but for me, it's just, I think I want to do what's right".

For details of this interview, refer to the audio file and transcription, which is attached and made a part of this case file.

ATTACHMENTS:

PN5-1 Doris Crespo Audio File

PN5-2 Doris Crespo Interview Transcription



Colorado Bureau of Investigation
INVESTIGATIVE SUPPLEMENT 2023-70/6

Report Date: 04/09/2023

Primary Information

Description:	Jennifer Krieger Interview Report
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	04/10/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Synopsis

On March 22, 2023. I interviewed Jennifer Krieger. This interview was conducted at the city of Dacono administration offices. This interview was audio recorded.

Narrative begins on the following page.

SYNOPSIS:

On March 22, 2023. I interviewed Jennifer Krieger. This interview was conducted at the city of Dacono administration offices. This interview was audio recorded.

ACTION TAKEN:

On March 22, 2023. I interviewed Jennifer Krieger. This interview was conducted at the city of Dacono administration offices. This interview was audio recorded. The following is a synopsis of this interview.

Jennifer Krieger confirmed she is the current community development Director for the city of Dacono. She described this position as being the Director in charge of land-use, planning, and development in the city. I asked Jennifer Krieger if she had knowledge of any open meetings law violations and she told me she did.

Jennifer Krieger referred to a file containing copious notes and emails.

Jennifer Krieger described an incident involving the collaboration of the town of Erie and Dacono, regarding government grants. Jennifer Krieger produced emails, which showed city council members and Erie town staff collaborating on these grants. Jennifer Krieger said the city's rules of procedure outline how city council members are to interact as a group and not operate individually. These emails suggested a position of the city council, which was not collectively and should have been addressed in a public meeting. The emails showed contact with the town of Erie from council members Jim Turini, Danny Long, Kathy Whitman, and Jackie Thomas. I read the email provided by Jennifer Krieger and observed the email was from a private email address, which I understood to be Kathy Whitman's private email. The email was either electronically signed by the other council members, or their names were added with or without their knowledge, stating they were supporting both "Erie projects as written that were presented last Monday night before the board for the following reasons". The email goes onto state reasons for excepting these proposals.

I asked Jennifer Krieger what occurred on the previous Monday meeting mentioned in the email, and she told me the meeting was a work session which means no votes or action will take place, but would be an information gathering event. Jennifer Krieger said the decision at the meeting was to support one of the grants but not the other which is in contrast to what the email from Kathy Whitman stated. This email was followed by another email by City manager AJ Euckert to the town of Erie clarifying what had actually occurred on Monday's meeting.

Jennifer Krieger said there had been several instances where this type of behavior by these four members of the city council occurred. She said that each one might be considered a "one off" but when put together, it indicates a pattern of behavior. Jennifer Krieger went on to say she has knowledge that Kathy Whitman had inserted herself in some code enforcement issues where she approached city staff at their offices during the workday inquiring about city permits being denied as well as land-use violations. Jennifer Krieger provided an email from a city staff member stating they felt pressured by Kathy Whitman during one of these interactions. I saw the email was dated May 6, 2022 from Donna Case to AJ Euckert, and Jennifer Krieger. The email stated that Kathy Whitman had come into City

Hall the day before and had used profanity stating she was not happy with the way things were going. Another email from Donna Case approximately one hour later, detailed a second visit to the city offices where Kathy Whitman was upset with Jennifer Krieger for turning down an electrician for an electrical permit. Jennifer Krieger said this type of activity is prohibited by city policy because some of these decisions are quasi-judicial issues.

Jennifer Krieger produced an email authored by councilmember Jim Turini to an outside company in the attempt to have the company relocate to Dacono. The email was from Jim Turini's personal email address. Jennifer Krieger explained this activity is prohibited by city policy stating a single city council member cannot represent themselves apart from the entire city council as a group. This email was dated December 12, 2022. Jennifer Krieger supplied another example of council member Jim Turini inquiring if the city had received an application to change the "old Ford dealership" into a church. Jim Turini voiced his opposition to this, and Jennifer Krieger stated this was an issue which was quasi judicial and city council members were prohibited from pre-judging land use applications before evidence presented at a public hearing.

For details of this interview, refer to the audio file and transcription, which is attached and made a part of this case file.

ATTACHMENTS:

PN6-1 Jennifer Krieger Audio

PN6-2 Jennifer Krieger Interview Transcription



Colorado Bureau of Investigation
INVESTIGATIVE SUPPLEMENT 2023-70/7

Report Date: 04/09/2023

Primary Information

Description:	Kevin Plain Interview Report
Reporting LEO:	Ness, Patrick AGT (DENVER / COLORADO BUREAU OF INVESTIGATION)
Report Status:	Approved
Report Status Date:	04/10/2023
Approved By:	SLATER, GREGG AIC (CBI - Pueblo - Investigations)

Synopsis

On March 28, 2023 I interviewed Kevin Plain. The interview was conducted at his residence in Dacono, Colorado. The interview was audio recorded.

Narrative begins on the following page.

SYNOPSIS:

On March 28, 2023 I interviewed Kevin Plain. The interview was conducted at his residence in Dacono, Colorado. The interview was audio recorded.

ACTION TAKEN:

On March 28, 2023 I interviewed Kevin Plain. The interview was conducted at his residence in Dacono, Colorado. The interview was audio recorded. The following is a synopsis of the interview.

Kevin Plain confirmed he is a current council member for the city of Dacono. Kevin Plain said he was first elected in 2007 and had been re-appointed once and re-elected again.

Kevin Plain told me he had never been himself involved in a violation of the open meetings law, but he is aware of a incident which occurred, but was protected by attorney client privilege. Kevin Plain told me the incident could be detailed by requesting records from the town of Erie between their town staff and Dacono city council members.

Kevin Plain told me he was aware of an open meeting violation which had been told to him by fellow councilmember Doris Crespo. Kevin Plain said Doris Crespo reported this incident to the mayor.

I asked Kevin Plain about his recollections of the February 13, 2023 city Council meeting, where the city manager was terminated. Kevin Plain recalled the motion by Kathy Whitman, to terminate the contract for the city manager and the second of the motion by councilmember Jim Turini. Kevin Plain also recalled the phrase "called the question" made by councilmember Danny Long. Kevin Plain said these three things happened very rapidly, and this action was "done without discussion". Kevin Plain said this action should have been put on an agenda so the public would have been made aware of it. Kevin Plain said he had no foreknowledge of this action and had never been aware of council members wanting to terminate the city manager.

Kevin Plain said he was aware of a rumor that the city Council was going to terminate the city manager, and replace him with Lori Saine. He said he had heard rumors like this before, but did not take them seriously but when it actually happened at the February 13 meeting, he described it as "surreal". Kevin Plain said he was angry about the fact that the other city council members demanded no debate regarding this decision because, in his opinion, the city Council should be discussing actions like this. Kevin Plain said he is convinced these four city council members had "figured it out before hand". Kevin Plain said he had no firsthand knowledge of this but because of the way the motion and vote occurred, he had come to this conclusion.

Kevin Plain said he had never heard the phrase "call the question" before in any city Council meeting. He said he only knows what it means now because he had to look it up. Kevin Plain says the phrase is from the Roberts Rules of Order booklet, which is not what the Dacono city council uses as a means to organize public meetings and the phrase is used to end all debate.

Regarding other open meetings law violations, Kevin Plain said he was aware of media articles and video footage of Jim Turini, Kathy Whitman, Danny Long, and Jackie Thomas, conducting an

organized canvass in a city neighborhood. I asked Kevin Plain if this was a violation of the open meetings law, and he said, "well it depends, What are they talking about, something that's coming up in front of the city Council. I told Kevin Plain it was about the recall election, and he said he would leave that up to a court or judge to decide if this was a violation of the open meetings law. Kevin Plain did say he would not have engaged in this activity because he would err on the side of caution, so as not to give the wrong impression.

I asked Kevin Plain if these four city council members always voted as a block and he said they sometimes vote as individuals on one time but then the next they will vote as a block.

Kevin Plain said that taking action without cause is not good practice because it can open the city up for litigation.

For details of this interview, refer to the audio file and transcription, which is attached and made a part of this case file.

ATTACHMENTS:

PN7-1 Kevin Plain Audio File

PN7-2 Kevin Plain Interview Transcription

Interview of AJ Euckert on March 21, 2023

1 Agent Patrick Ness: Uh, today is March 21st, 2023. The time is 8:02 a.m. here in Denver. I'm
2 speaking to AJ, is it Euckert?

3

4 AJ Euckert: Yeah, correct. That's how you pronounce it.

5

6 Agent Patrick Ness: Okay, and you go by AJ?

7

8 AJ Euckert: I do.

9

10 Agent Patrick Ness: Okay, and so as, as far as purposes for the transcription, uh, AJ is in
11 Florida right now. This is being done over the phone. Uh, and uh, AJ, uh, spell, spell you name
12 for me, your first and last.

13

14 AJ Euckert: Uh, it's A period J period, Euckert, E-U-C-K-E-R-T.

15

16 Agent Patrick Ness: Okay. And my name is Agent Patrick Ness, P-A-T-R-I-C-K, last name,
17 Ness, N-E-S-S, and I am currently at the CBI headquarters, uh, on Kipling Street in Denver,
18 Colorado. So, AJ, I spoke to you yesterday when we scheduled this phone conversation, uh, and
19 up until recently, you were the City Manager for the town of Dacono, was that correct?

20

21 AJ Euckert: Uh, that, that's correct. The City of Dacono.

22

23

Interview of AJ Euckert on March 21, 2023

1 Agent Patrick Ness: Okay. And uh, uh, we have been tasked with, uh, CBI has been tasked
2 with investigating some allegations, uh, violations of the open meetings act and so uh, so I know
3 that there was a city council meeting where, uh, there was a vote to terminate your contract, so
4 tell me everything about that night and the process with that.

5
6 AJ Euckert: Sure, uh, yeah, on, uh, Monday, February 13th, uh, we had a regularly, regularly
7 scheduled city council meeting, um, with a published agenda, and um, on that agenda, there was
8 not a notice of, uh, any employment action regarding me or any other city staff member. Um, so
9 we had concluded all of our business during that meeting. Uh, we had several sections on our
10 agenda. Um, consent agenda, general business, um, no employment action, um, regarding me
11 was added to the agenda during the meeting. Um, which is typically what we do, um, to add
12 items to the meeting. It's all done by motion, and as a matter of fact, we had actually removed an
13 action item from general business, uh, that night regarding a grant application, uh, from the
14 Town of Erie. Uh, so that was formally removed, uh, motion made and, and vote by council, and
15 then during the, um, uh, council members, the mayor and council members report, which is never
16 where we take any action, um, especially of this magnitude. Um, a surprise motion was made by
17 Mayor Pro Tem Kathy Whitman to terminate my employment effective immediately. There was
18 an immediate second by, uh, Council Member Jim Turini and, um, once, kinda, you know, it
19 really took everybody surprise, um, and then once, uh, we kinda realized what was going on, our
20 city attorney and, and mayor tried to jumped in and say, uh, you know, let's talk about this, uh,
21 the attorney, uh, City Attorney Cathleen Kelley recommended they go to an executive session to
22 talk about employment matters, and I think even before that, um, and hopefully you'll have
23 access to the video. I mean, it's online. Um, Counsel Member Danny Long, uh, said, call the

Interview of AJ Euckert on March 21, 2023

1 question. Uh, there should be no discussion on this, and that's in reference to, uh, something
2 called Roberts Rules of Order, which are how some organizations, it's a, you know, a book, a big
3 book that some organizations adopt.

4
5 Agent Patrick Ness: Yep.

6
7 AJ Euckert: Um, to run their meetings. The city has not adopted, um, Roberts Rules of Order,
8 so even though that is a thing you can do, call the question, that's not a council policy or practice
9 to not have discussion. As a matter of fact, our council, uh, rules of procedures, um, that council
10 did adopt has a specific, built in process to discuss motions that are made. So, that's what
11 happened, um, I was gonna say briefly, but I think I was longwinded there. Um, on
12 February 13th, um, I immediately, uh, went over to my office, gathered just a few personal
13 effects, not everything, and uh, then uh, left. Uh, as I, uh, was, was terminated, um, so that's
14 what happened on February 13. They, um, eh, again, this was, this was very out of line with any
15 practice or rules or procedure, and I think it's reasonable to assume, uh, that it was all
16 orchestrated, uh, before the movie with the, before the meeting with the three members, uh,
17 really, right, one after another in rapid fire trying to just, just hammer it through, um outside of
18 our normal practice.

19
20 Agent Patrick Ness: Okay, do you, are you privy to any specific conversations that these three
21 city council members had prior or any evidence that they had spoken about this prior or is this
22 because the way it happened, you, uh, you deduce that this probably occurred.

Interview of AJ Euckert on March 21, 2023

1 AJ Euckert: Yeah, I believe it's reasonable to assume it's occurred, um, that that occurred, um,
2 uh, it was just orchestrated, so um, so specifically. I, I did have a discussion with Council
3 Member, uh, Danny Long, um, and then I do apologize. I don't have that note in front of me. It
4 was either late January of this year, uh, or early February, um, I was giving him a, uh, laptop
5 computer he had gotten a replacement computer, and this conversation took place out in front of
6 City Hall, um, where we were just generally talking about, um, his, uh, lack of frustration or his
7 frustration with, with development in the city, um, and then he, he said that myself, uh, Jennifer
8 Krieger, and City Attorney Cathleen Kelley, uh, were a problem and that we should talk about
9 the problem, and it really took me by surprise. I, I said this is really, you know, taking me, uh,
10 took me off guard, and yes, we should absolutely talk about it if, if a council member thinks that,
11 three key staff members are a problem and, and he didn't really elaborate what that problem was.
12 Um, that, uh, yes, we should, we should talk about it, and as a matter of fact, I had to run another
13 part of his computer or, or a case for his laptop over to his house, uh, later, later that week or the
14 following week and, and I said, I really wanna follow up with you on, on the comments you
15 made during our conversation. Um, uh, so that's, that was a conversation that I had with him that
16 probably would have been the first indication that there was something brewing. Um, one of our
17 council members, uh, Doris Crespo, she relayed to me, um, that Mayor Pro Tem Kathy Whitman
18 was, uh, having conversations with residents around town, uh, about firing me. Um, this was a
19 February 7th conversation of this year. Um, and then, uh, we had, and not, not to go too far off,
20 uh, off track with at least an open meetings violation. There have been an open meetings
21 violation, um, with these same four council members that occurred over this Erie grant situation.
22 We had a publicized, uh, uh, council meeting and then after that, we had a work session to
23 discuss that grant, uh, two grant applications, and uh, at a, at that work session, I was given

Interview of AJ Euckert on March 21, 2023

1 direction to follow up with the town of Erie, um, on, on that matter and then, uh, let me see, uh,
2 there was a let me get the date right here. Um, um, oh, there was a, um, January 26th, um, 2023,
3 um, I was then sent an email by Mayor Pro Tem Kathy Whitman, um, directing me to, giving me
4 direction that was contrary to the direction I was given, um, during the, uh, oh, open, uh,
5 transparent work session, and I was, uh, I forwarded this email to, uh, both our city attorney,
6 Cathleen Kelley, and our mayor, Adam Morehead, um, and then uh, our city attorney addressed,
7 uh, addressed this in a, in a confidential email, um, to the, the counsel members and included me,
8 um, and our City Clerk, uh, about this open meetings violation, and there was some case law also
9 forwarded later, um, about some consequences of what happens, uh, should open meetings law
10 violations, uh, occur.

11

12 Agent Patrick Ness: Okay. Do you have that email?

13

14 AJ Euckert: I, I do have, uh, I do have that E, that email both from, um, Kathy Whitman, um,
15 uh, eh, sent to me and that same email was sent to, uh, two staff members from the town of Erie,
16 um, causing some confusion because they had believed, uh, they were receiving official, uh,
17 support from the city when that had happened.

18

19 Agent Patrick Ness: Okay.

20

21 AJ Euckert: Um, I, I do have that email from Cathleen Kelley, but it's, as I understand, it's, it's
22 privileged and confidential. So, I, I –

23

Interview of AJ Euckert on March 21, 2023

1 Agent Patrick Ness: Okay.

2

3 AJ Euckert: – I can't share it, but –

4

5 Agent Patrick Ness: But you had –

6

7 AJ Euckert: – I believe the City Council could waive that privilege in the vote, but I'm –

8

9 Agent Patrick Ness: Okay.

10

11 AJ Euckert: – I'm, that's a little over my, uh, paygrade.

12

13 Agent Patrick Ness: Right, and so if someone wanted to get that, they would go through, uh,

14 Ms. Kelley?

15

16 AJ Euckert: Yes, yeah, Cathleen Kelley.

17

18 Agent Patrick Ness: Cathleen Kelley, okay. And that was addressed by, uh, Cathleen Kelley in

19 uh email, uh, to city council members and, uh, copied to staff members regarding this as an open

20 meetings violation and here's the consequences for this. Here's the possible consequences. Is

21 that correct?

22

23 AJ Euckert: That is correct, yes.

Interview of AJ Euckert on March 21, 2023

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Agent Patrick Ness: okay, and what was the feedback from any of the city council members?

AJ Euckert: There, there was no, there was no reply all to that. Um, and it was never really mentioned again. Um, but you know, after this incident occurred, which is, which is very serious in the, in the uh, you know, local government world, um, well, and, and just government world in general, we had, um, at the direction of the mayor, um, Adam Morehead, we had, uh, begun to schedule a, um, a training session I'll say, or, or a presentation by our insurance company, CIRSA, C-I-R-S-A, uh, and forgive me, I, I don't remember that acronym off the, what it means off the top of my head, but it's a government insurance agency that many municipalities use. Their, um, we had a conversation, um, with our, with their executive director, um, Tami Tanoue, um, and that's T-A-M-I, T-A-N-O-U-E, um, regarding, um, the, a presentation on February 23, um, about some instances where city council members were acting outside of their scope, um, you know, the coun, we have adopted counsel rules and procedure, they were acting outside of that, um, and we wanted to, they wanted to address that and, and Tami was, was more than happy to do that. She had served as city attorney for the city, oh, uh, many, many years ago, so she, she was familiar with the city, um, and that woulda been in the mid-to-late 90s, 1990s. Um, so we were going to address this, uh, this issue, this..some of these general issues and then when this, uh, potential open meetings violation regarding the town of Erie grant occurred, we had a follow up conversation with her and, uh, let them know about, um, what had happened with, with this, you know, email that was sent to me, signed by these four counsel members, um, and her, her word, uh, and it was through an email, and then a subsequent phone conversation, um, that

Interview of AJ Euckert on March 21, 2023

1 that action was egregious, so, um, even our insurance company agreed that, uh, uh, that was, uh,
2 really outside the bounds.

3

4 Agent Patrick Ness: Okay, did Tami Tanoue, is that her name, Tanoue?

5

6 AJ Euckert: Yeah –

7

8 Agent Patrick Ness: Uh –

9

10 AJ Euckert: – Tanoue, T-A-N-O-U-E.

11

12 Agent Patrick Ness: T-A-O-U-N-E?

13

14 AJ Euckert: T-A-N-O-U-E.

15

16 Agent Patrick Ness: Okay.

17

18 AJ Euckert: Tanoue.

19

20 Agent Patrick Ness: Um, did she have a copy of the email sent by these, and who are the four
21 city council members. Is cath, Kathleen Whitman, or Kathy Whitman, uh –

22

23

Interview of AJ Euckert on March 21, 2023

1 AJ Euckert: Yeah, the four city council members, um, who signed the email, um, forwarded
2 by Kathy Whitman, um, and it was forwarded from her personal email address, colkat, C-O-L-K-
3 A-T at Hotmail dot com, and that was sent on, uh, Thursday, January 26. Um, yes, I did forward
4 a copy of that. Um, before our, uh, conversation, I forwarded a copy of that email to, uh, Tami
5 Tanoue with CIRSA.

6
7 Agent Patrick Ness: Okay, and that was regarding, uh, who, which, which four city council
8 members signed onto that?

9
10 AJ Euckert: Oh, yeah, so sorry. It was, uh, it was, uh, Mayor Pro Tem Kathy Whitman, and
11 council members, uh, Danny Long, uh, Jim Turini, and Jackie Thomas.

12
13 Agent Patrick Ness: Is Jackie Thomas a male or female?

14
15 AJ Euckert: A female.

16
17 Agent Patrick Ness: Okay. Okay. and then, what, so there was this email sent on January 26
18 to, uh, to the, uh, a staffer in Erie saying, which was contrary to what had been talked about in
19 the city council meetings regarding the contract or, uh, with Erie, and then after that, your
20 attorney, uh, or city attorney, Cathleen Kelley addressed this and, uh, said you, you can't do this
21 and this is also the same incident where, uh, Tami Tanoue said that it's egregious. Is that
22 correct?

23

Interview of AJ Euckert on March 21, 2023

1 AJ Euckert: That is correct.

2

3 Agent Patrick Ness: Okay. Okay, and then, uh, anything happen between January 26th and
4 February 13th?

5

6 AJ Euckert: Uh, let's see.

7

8 Agent Patrick Ness: I mean other, I, I, I know there was like discussion or you, you were gonna
9 set up this workshop. What happened to the workshop? Did it ever go through.

10

11 AJ Euckert: I, I understand that the work, that the work session was, uh, cancelled.

12

13 Agent Patrick Ness: Okay.

14

15 AJ Euckert: I don't believe they, they ever had that work session, uh, because, well, I'm, I'm,
16 my guess is because of the incident that happened with me was, um, kind of over the top of an
17 open meetings law violation, so, um, my guess is that our insurance company, um, was just, uh,
18 maybe taking a hands-off approach or maybe expecting some action or claim to be filed.

19

20 Agent Patrick Ness: Okay.

21

22 AJ Euckert: Um, about uh, you know, one or more of these incidents.

23

Interview of AJ Euckert on March 21, 2023

1 Agent Patrick Ness: Okay, so, specifically, on February 13th, um, how, regarding what
2 happened at the city council meeting, is that a violation of the open meetings act, and if so, how
3 so?

4
5 AJ Euckert: Um, the, the violation of the open meetings act, again, is uh, it's reasonable to
6 infer it happened, just based on the orchestration.

7
8 Agent Patrick Ness: Okay.

9
10 AJ Euckert: Um, uh, but there is some, you know, case law, uh, well, eh, and actually in the,
11 you know, the Sunshine Law, the Colorado Open Meetings Law, um, it has a section in there
12 about, uh, full and timely notice, um, and meetings being posted and, and listing things on the
13 agenda. Again, this was not, this item was not listed on the agenda. It was not added to the
14 agenda, so uh, regarding the Colorado Open Meetings Law, it's just, just the fact that it wasn't on
15 there, um, it wasn't added properly, um, or noticed, is a violation of the Open Meetings Law.

16
17 Agent Patrick Ness: Okay.

18
19 AJ Euckert: Eh, eh, in my understanding.

20
21 Agent Patrick Ness: And who has the, where could I get a copy of the agenda for
22 February 13th?

23

Interview of AJ Euckert on March 21, 2023

1 AJ Euckert: Um, you could get that on our website if you dug around or our City Clerk, uh,
2 Valerie Taylor, um, would, would, could provide that to you.

3

4 Agent Patrick Ness: Okay.

5

6 AJ Euckert: And she could also provide, now that that meeting has, has passed and the
7 subsequent meeting occurred. She could also provide you with meeting minutes, uh, from that
8 same meeting.

9

10 Agent Patrick Ness: Okay. Okay.

11

12 AJ Euckert: And uh, I know your focus is Colorado Open Meetings Law, um, and, and again,
13 as I mentioned, it, it's also a violation of our own adopted council rules of procedure.

14

15 Agent Patrick Ness: Okay. Um, so we covered January 26. We covered February 13, uh, any
16 other information you have?

17

18 AJ Euckert: Um, uh, uh, no. Uh, other than what I've read in the, in the news, um, you know,
19 there's, there was, um, I guess, uh, Council Member Jackie Thomas, um, released a written
20 statement, um, and this appeared in a Times Call article, a long Times Call article that she, uh,
21 the quote in the, in the paper, and I don't have the statement, um, says that I have several months
22 ago arrived at the decision that the City Manager's vision for the city was not consistent with the
23 feedback that I continually received from business and, and residents and consensus, uh, was that

Interview of AJ Euckert on March 21, 2023

1 a change was needed, so um, it's reasonable to believe that there had been, she admitted she has
2 had discussions with, uh, the public or other council members. I don't know where this
3 consensus, uh, is, is from or who it, who it, who it represents, but um, it, it would seem to me
4 that this has been talked about from the statement that, that she released, a council member
5 released.

6
7 Agent Patrick Ness: Okay, and the newspaper, what is the newspaper?

8
9 AJ Euckert: It's the Longmont Times Call.

10
11 Agent Patrick Ness: Okay.

12
13 AJ Euckert: And if, eh, I could, I could email you a link to that. Um –

14
15 Agent Patrick Ness: Yes.

16
17 AJ Euckert: – if that's appropriate. Um –

18
19 Agent Patrick Ness: – yeah, I'll take the link.

20
21 AJ Euckert: Okay.

22
23 Agent Patrick Ness: Um, are you –

Interview of AJ Euckert on March 21, 2023

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AJ Euckert: What's your email address?

Agent Patrick Ness: Well, let's, uh, well, we can, I'll give it to you after the interview.

AJ Euckert: Okay.

Agent Patrick Ness: Okay.

AJ Euckert: Gotcha. Gotcha.

Agent Patrick Ness: Um, what was, how long had you, up until the February 13th, how long had you worked as City Manager for the town of Dacono?

AJ Euckert: Um, for the, uh, uh, I was appointed, uh, City Manager in 2012. Prior to that, um, I had started in 2002, uh, as an intern, and that was a 2-year program. Um, and then they created a position for me, uh, after the internship ended. That was the Assistant City Manager. Um, and that was approximately 2004, and then uh, I was Assistant City Manager, the Interim City Manager twice and then 2012, I was appointment the City Manager.

Agent Patrick Ness: Okay. And what's, what was the conflict. What, what's were the city council members upset with you about?

Interview of AJ Euckert on March 21, 2023

1 AJ Euckert: Uh, that is, you know, other than what I've read in the, um, read in the newspaper
2 and, and the media, um, uh, uh, with the statement from Jackie Thomas, um, my belief is that I
3 guess, let me say first, they never addressed that with me. They never addressed that with the
4 mayor, um, you know, other than, than me hearing, you know, conversations out in the
5 community about I'm a problem along with our city attorney and our community development
6 director, that we're, you know, problems. Um, there's never, there's never been given a reason to
7 me, um, why there was, uh, as Jackie Thomas put it, a, uh, consensus that a change was needed.
8 Um, I, the mayor handles my, um, performance evaluation. I've never received a bad
9 performance evaluation through, uh, three mayors. Um, there's never been, we've had, um, last
10 year we had a counsel retreat that was, um, uh, on site. We did it in our, in our, uh, city annex
11 building. Uh, none of those council members. They were all present at that meeting, uh, nobody
12 ever brought up any, you know, big issues or, or changes that need to be, to be addressed, um,
13 we've had, we had budget work sessions where we approve a new compensation plan for, um,
14 eh, eh, employees. Uh, none of those council members had any concerns that, that council
15 members weren't, or that city staff, um, were, uh, not performing as they expected, so nothing
16 was ever, uh, brought up, uh, about any, you know, concerns or anything. This is all, uh, eh,
17 from what I understand, just come out, these two things in the media afterwards.

18

19 Agent Patrick Ness: Okay. Do you, when they go into executive session, do you go in there
20 with them?

21

22 AJ Euckert: Uh, yes. I, I do go into executive session.

23

Interview of AJ Euckert on March 21, 2023

1 Agent Patrick Ness: Okay, so there's never a time during a city council meeting or during
2 executive session or any kind of formal session where they would get together to discuss policy,
3 there would never be a time where you weren't present as well, is that correct?
4

5 AJ Euckert: That's, that's correct.
6

7 Agent Patrick Ness: Okay, have you ever heard them talk about terminating your contract in
8 any meeting prior to this?
9

10 AJ Euckert: No.
11

12 Agent Patrick Ness: Okay. And if they would have spoken about this, it would have been in
13 your presence because you've been there for every official meeting there is. Is that correct?
14

15 AJ Euckert: Yes. It, it would have been in my presence, um, eh, and again, this is new, you
16 know, unfamiliar territory for me, unless I would have said, uh, it would have been definitely in
17 the attorney's presence, unless I would have said, you know, oh, you, you know, if there's, if
18 there's the desire to terminate my agreement, um, you know, uh, I can excuse myself from the
19 room, um, but I, from what I understand, I, I have the right to be in that meeting.
20

21 Agent Patrick Ness: Right. Um, so because of the way the open meetings act is laid out, the
22 first, um, when Kathy Whitman made the motion to terminate your contact, that would have been
23 the first time that any other counsel member would have heard about that, is that correct?

Interview of AJ Euckert on March 21, 2023

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AJ Euckert: Um, officially, yes.

Agent Patrick Ness: I mean, if they, if they adhered to the open meetings act strictly, that would have been the first time any other council member would have heard those words come out of her mouth or that she was upset with you or wanted to terminate your contract.

AJ Euckert: Yes.

Agent Patrick Ness: Okay. Okay. Uh, anything else, Mr., eh, Euckert?

AJ Euckert: Uh, no. Um, there is, um, you know, there's, there's uh, this Robert's Rules of Order issue. Um, you know, Kathy Whitman is, uh, she's , she hands out these, uh, little sheets like a.. summary sheets. She handed one out to, uh, a council member, Doris Crespo, um, and I, I believe she, she booked, she sent her an email, and she handed it out, um, at a meeting, um, that three, three council members had in, um, October, um, Kathy invited, Kathy Whitman invited, uh, Doris Crespo, uh, to a meeting, uh, to a lunch meeting and then when they arrived at this lunch meeting, uh, uh, Council Member Jim Turini was present and Doris Crespo, our council member, was concerned that if three or more council me, members are meeting to discuss anything about the city, that that wasn't permitted, and, and that's accurate. Three or more –

Agent Patrick Ness: Right.

Interview of AJ Euckert on March 21, 2023

1 AJ Euckert: – cannot meet. Um, and I do know that, uh, when Doris Crespo told that, that she,
2 she, she mentioned that after a meeting to both, uh, Mayor Adam Morehead and myself, and I
3 encouraged, uh, Council Member Doris Crespo to talk to, um, the city attorney, Cathleen Kelley,
4 about that, uh, issue, and I, I do believe they had a conversation.

5
6 Agent Patrick Ness: Okay.

7
8 AJ Euckert: Uh, I've also been made aware of, uh, Doorbell, um, camera footage. I, I hope
9 that it includes audio, uh, and video, of those four council members, um, Jim Turini, Kathy
10 Whitman, Danny Long and Jackie Thomas, uh, going door to door in Dacono, um, and the, the
11 clip that I was made aware of, uh, the video clip has, uh, Jim Turini talking to a, uh, Council
12 Member Jim Turini talking to a resident saying that the reason they, the reason they fired me, uh,
13 terminated me at the meeting they way they did was the only way they could do it, and that they
14 didn't wanna air the city's, uh, I believe he said dirty laundry. Um, I, I've been ..I don't have that
15 video clip, it was just shown to me. Um, so I don't have it recorded or documented, but I've, um,
16 I've been told that the person who had that clip, um, was going to send it to our police chief,
17 Brian Skaggs, so –

18
19 Agent Patrick Ness: Okay.

20
21 AJ Euckert: – uh, hopefully, you, you, you can see that, but –

22
23 Agent Patrick Ness: Is that –

Interview of AJ Euckert on March 21, 2023

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AJ Euckert: – uh –

Agent Patrick Ness: – eh, is that a violation of the Open Meetings Act?

AJ Euckert: Yeah, when you have, um, you know, four council members out there talking about city business, former employees, the reasons why terminations occurred that, that, that would seem to be a violation of the open meetings. Uh, act.

Agent Patrick Ness: Okay. Okay. Anything else?

AJ Euckert: That's all. Uh, that's all I can think of, uh, at this point.

Agent Patrick Ness: Okay.

AJ Euckert: I've reviewed my notes as well.

Agent Patrick Ness: Okay. Um, well, we'll conclude this interview. Uh, the time is 8:33 a.m.

Interview of AJ Euckert on March 21, 2023

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Interview of Doris Crespos on March 22, 2023

1 Agent Patrick Ness: This is Agent Patrick Ness with the Colorado Bureau of Investigation.

2 Today is Wednesday, March 22, 2023. The time is 1:36 p.m. I'm speaking with Doris Crespo.

3 Doris Crespo: Right.

4 Agent Patrick Ness: And Doris, we have these transcribed, so spell your first and last name.

5 Doris Crespo: First name is D-O-R-I-S. Last name is Crespo, C-R-E-S-P-O.

6 Agent Patrick Ness: E-S-P-O, okay. And you are currently a member of the Dacono City
7 Council?

8 Doris Crespo: I am.

9 Agent Patrick Ness: Okay. How long have you been in that position?

10 Doris Crespo: Hmm, I've been there for, since like the middle of June of last year. So, I was
11 appointed. So, I haven't been there very long.

12 Agent Patrick Ness: Okay.

13 Doris Crespo: Still learning a lot.

14 Agent Patrick Ness: Yeah, I would imagine. So, uh, so, uh, we'd spoken before, and when I
15 scheduled this. I'm investigating the allegations, which that's what they are right now is just
16 allegation.

17 Doris Crespo: Mm hmm.

18 Agent Patrick Ness: That members of the City Council violated, uh, the Open Meetings Act
19 which, um, mainly says that three or more commissioners can't get together and speak about, um,
20 official business.

21 Doris Crespo: Mm hmm.

22 Agent Patrick Ness: And, uh, if you have, you're gonna take some official business, uh, it's
23 supposed to be on an agenda which is supposed to be published 24 hours in advance.

Interview of Doris Crespos on March 22, 2023

1 Doris Crespo: Mm hmm.

2 Agent Patrick Ness: My understanding now there might be some, uh, ways that you can amend
3 the agenda at the time of the meeting and then vote on things. I don't know. So, um, and that's
4 probably not going to be where we figure that out.

5 Doris Crespo: Mm hmm.

6 Agent Patrick Ness: So, um, specifically this happened after a city council meeting from what
7 I'm getting.

8 Doris Crespo: Mm hmm.

9 Agent Patrick Ness: And what I've been told, the city council on February 13th, where the
10 agenda was addressed and then at the end of the agenda, city council member Katherine –

11 Doris Crespo: Wittman.

12 Agent Patrick Ness: – Katherine Wittman, is it Katherine or Kathy?

13 Doris Crespo: No, it's Katherine.

14 Agent Patrick Ness: Katherine Wittman made a motion to terminate the city manager, which
15 was seconded, and a vote was taken, and that terminated him. So, there was some concern that
16 the way it happened you could assume and you know what assume does but you could infer that
17 some city council members had spoken about that before the meeting.

18 Doris Crespo: Mm hmm.

19 Agent Patrick Ness: Okay. So, um, you have, and this is a tricky question 'cause you're on the
20 council, have you, do you have any knowledge that city council members have gotten together
21 where there's three or more to talk about policies and, uh, talked about some official business?

22 Doris Crespo: Well, yes.

23 Agent Patrick Ness: Okay.

Interview of Doris Crespos on March 22, 2023

1 Doris Crespo: Actually, yes. So, uh, a few months after I started, and that again I'd like to try to
2 stay, I try to stay away from, honestly, from drama and all that sort of stuff.

3 Agent Patrick Ness: Sure.

4 Doris Crespo: Most of the time, all I've done is I go to meetings. I learn what I'm voting on,
5 what we're talking about and I leave. I usually don't talk to anybody else for, for months. And
6 so, for, hmm, let's see, June, July, August, I don't know around September, October maybe, for
7 months I've known Kathy for years. And friends no but known yes. So, um, she kept inviting
8 me to lunch. She kept inviting me to lunch, hey, girl, when do you have time for lunch, when do
9 you have time for lunch. I was like I'm so busy, like I'm so busy, you know, with council and
10 literally, I got appointed at council on Tuesday and I got offered the job on Wednesday. So,
11 now, I have like, I was like oh if I don't get one thing we'll get the other. I ended up getting both.
12 And so, I had a lot of learning to do, and then kids in sports and with five kids, it's crazy. So,
13 she's like do you have time to go to lunch, do you have time to go to lunch. I was like, no, I
14 don't. And like honestly I don't have any, I turned down everything and I had the messages that I
15 have is just do you have time for lunch, hey do you have time for a quick call, hey do you have
16 time for a question, and like no, I'm working today. I get off at this time, but then I gotta do this,
17 but then I gotta do that. So, then she, um, she said I told my husband in effect you know what,
18 she's been inviting me for lunch. I'm just gonna go meet with her. And so, I, I said okay, I can
19 do it tomorrow, what time. And she said well, let's meet at Casa Cortez, um, 'cause you need
20 some protection. I was like okay. I'm like I don't know what's happening, but it didn't matter.
21 And then so, the next day she calls me and says hey, I was thinking that we could go somewhere
22 else for lunch, and this was like before I got off work. So, I'm thinking it was around 2, 2
23 maybe, 2:00. And she said then we could meet somewhere else for lunch instead of Casa Cortez.

Interview of Doris Crespos on March 22, 2023

1 She called me, she didn't text me, but she called me. And I said, yeah, like I don't care, it doesn't
2 matter. And she's like yeah, I think there's too many ears and eyes at Casa Cortez. So, let's just,
3 um, we can go to that place on 7, on Highway 7, which I don't even know what it's called but its
4 like a Mexican place. And so, she goes I'll pick you up around 5, and I was like okay, 5:30 or
5 something. And so, she picked me up. And, um, she's like how do you like it on city council.
6 We haven't had time to talk. And I was like no, it's interesting. And we just kind of nothing.
7 And then as we're getting close to the location, um, she's like, oh, by the way, I invited Jim, Jim
8 will be there. And so, I was like.

9 Agent Patrick Ness: And this is Jim Turini.

10 Doris Crespo: This is Jim Turini.

11 Agent Patrick Ness: Who is also a city council member.

12 Doris Crespo: He's also a city council member, so then I was like, um, I thought three or more
13 can't meet. She's like no, it's actually four. They've told you that, she goes, but it's four, it's a lie,
14 actually, four not three. And I was like oh, me being new.

15 Agent Patrick Ness: Right.

16 Doris Crespo: Me knowing her and thinking I'm getting counsel or guidance from this person
17 that I trust. I was like oh, I was like okay. But in the back of my head I was like, I thought they
18 said three. You know, like I, I just, you know, so then we get there and Jim is there, and then,
19 um, Jim's at the bar, sitting at the bar and we got a table. I was just very uncomfortable because
20 I just had a feeling it wasn't right. But then she's telling me no, it's, you know, it's okay. And so,
21 they kinda started talking about different things, but the conversation changed after I didn't
22 engage. You know, one of the things that Jim was like, well, you know, I've talked to people
23 about the salaries, you know, the city manager makes too much and people at head departments

Interview of Doris Crespos on March 22, 2023

1 make too much, and you know, and then Kathy was, but I think they got the hint that because I
2 wasn't participating, I wasn't, you know, I think if you give people that engagement or oh yes, I
3 agree with you, people are gonna –

4 Agent Patrick Ness: Right.

5 Doris Crespo: And I just, you know, and I was like, um, so I was kinda going along how are
6 your kids. I'm like no, they're doing good.

7 Agent Patrick Ness: Okay

8 Doris Crespo: And so, um, we left, so we, there was some stuff discussed there. It was mostly
9 that they wanted, that A.J. had to go, definitely what's her name, they wanted Jennifer to go, and
10 that the lawyer had to go. Just why, I don't know. I know for A.J. it was more about that he did
11 whatever he wanted, and he was making too much money, and to me, uh, you know, I told them
12 I'm sorry, that's like I'm learning, I don't know. I haven't seen, and again from the date that I was
13 there, I didn't have any problem with A.J., I didn't see him not working. Um, I mean, I thought
14 he was there weekends. I thought, you know, if I have any questions I'd text him and so, I don't
15 know, I don't know what brought them or made them..and I guess for me, I'm more of a person
16 that I've been in the real world. When you have that kind of knowledge, if you're applying for a
17 city manager position, you have the education.

18 Agent Patrick Ness: Right.

19 Doris Crespo: So, you have a right to make money.

20 Agent Patrick Ness: Mm hmm. Right.

21 Doris Crespo: I mean, you know, that's why I guess I didn't agree with like what they were
22 telling me.

23

Interview of Doris Crespos on March 22, 2023

1 Agent Patrick Ness: They were basically, they were talking about official business that actually
2 later on was brought up to terminate his contract. So, this was a discussion they were having
3 with you, with three of you in a restaurant, um, and so, June, July, August.

4 Doris Crespo: I have a text of the day before so I can get the exact date.

5 Agent Patrick Ness: Okay.

6 Doris Crespo: If that's needed 'cause I know that she's saying these things.

7 Agent Patrick Ness: Yeah.

8 Doris Crespo: Um, but, so, I asked her that, I just got home and I felt very uncomfortable, and
9 so, uh, right away, um, I told A.J. and I told the mayor, and I told them what had happened, and I
10 told them that I felt really sad that this was a person I kinda looked up to, and kinda believed and
11 kind of, and I felt like I was put in a position because she had more knowledge than me. You
12 know, so, um, after that, honestly, you know, but A.J. was like talk to Kathleen, which is the
13 lawyer. He was let her know what happened because now, now after I confirmed that it was like
14 are you guys sure it's three 'cause I was told it was four, and somebody told me it was three, and
15 somebody four, and they're like no Doris, it's three. So, okay, so, this is, you know, this is what
16 happened. I ended up going to lunch with them. Um, and they're like, yeah, Doris it's three.
17 And then, so, when I talked to the lawyer, she said there's nothing you can do about it now. I
18 mean, you know, some months that happened. So, but, um, I will talk to Kathy about it. The
19 lawyer said she'd talk to Kathy about it and make sure she knows that it's three. And, you know,
20 but I'm thinking, she knows, like she knew, you know. But, um, I think, and uh, the lawyer did
21 talk to Kathy, and she denied it, she's like oh, we never went anywhere.

22 Agent Patrick Ness: Okay.

23

Interview of Doris Crespos on March 22, 2023

1 Doris Crespo: And so, I was like I mean, I could totally see if they say no, we never did, it's her
2 word against us. But I mean for me, I mean you think it's not embarrassing that I ended up going
3 to a meeting with you guys without knowing. I mean, I really wanted to totally deny it and say
4 nothing happened. But that's not the truth.

5 Agent Patrick Ness: Right.

6 Doris Crespo: I mean, I told A.J. knows about it.

7 Agent Patrick Ness: Uh huh.

8 Doris Crespo: Adam knows about it. The lawyer knows about it. So, no, I don't have anything
9 to hide, so.

10 Agent Patrick Ness: Okay.

11 Doris Crespo: But that was the only time. Other than that, after that, honestly, they really didn't
12 reach out to me anymore. They never really, I think they realized I was not with them or on their
13 side or, I don't know. I'm assuming, you know, they must have gotten the feeling of, well, she's
14 not engaging, she's not, and that's kind of how they kinda stopped all, she stopped texting me
15 honestly. We just kinda talk on the phone there. Let's see. I think it might have been October,
16 and her text message...it was October 25th, and we were meeting the next day, so it would have
17 been October 26th.

18 Agent Patrick Ness: October 26th?

19 Doris Crespo: Mm hmm.

20 Agent Patrick Ness: Okay. Um, and since then, nothing else like that has happened?

21 Doris Crespo: No.

22 Agent Patrick Ness: Okay.

23

Interview of Doris Crespos on March 22, 2023

1 Doris Crespo: No. Not at all. I don't talk to them. I don't anything. But I get, just because of
2 what happened to me, I can totally see that they, they probably do talk, they probably do get
3 together.

4 Agent Patrick Ness: Okay.

5 Doris Crespo: I think (inaudible) probably be part of it.

6 Agent Patrick Ness: Okay.

7 Doris Crespo: I just, like I said, I told them I'm still knowing people, I'm still learning, and so
8 I'm not gonna go based on your information. He's a bad manager, he does whatever he wants
9 and I've finally learned now that he works on our behalf so, when you're a good leader as the
10 council should be, you take the blame for if that city manager did something, stand up to it and
11 say it was our fault. It was. You know, because he works at our pleasure.

12 Agent Patrick Ness: Right.

13 Doris Crespo: But I don't know. I guess I'm learning things, but I could be wrong.

14 Agent Patrick Ness: Um, so this, um, do you have any other knowledge. I know that you didn't
15 participate, any other knowledge you just said you wouldn't be surprised. Is there any specific
16 knowledge that you have, or somebody would know that they actually did get together, that I
17 could talk to other than them.

18 Doris Crespo: Um, I know there is people from the coalition from the Glens. Um, that she
19 specifically asked to be at one, be at the meeting where they fired A.J.

20 Agent Patrick Ness: Okay.

21 Doris Crespo: She personally invited them, that was Kathy, She invited them, and some of the
22 people there who know, they're like, you know, we found out that they know they were together.
23 Now how many people want to get involved and be a part of it? I mean, I know certain people

Interview of Doris Crespos on March 22, 2023

1 don't want to get on her bad side, for whatever, they like her or they, you know, but for me, it's
2 just, I think I want to do what's right.

3 Agent Patrick Ness: Uh huh.

4 Doris Crespo: There shouldn't be anything.

5 Agent Patrick Ness: Right. Um, so they got together, and I know that there's some video out
6 there where they got together in a subdivision, Sweetgrass.

7 Doris Crespo: Mm hmm. I saw that in the paper.

8 Agent Patrick Ness: Okay. Um, where, uh, they were together and doing canvassing or
9 whatever, telling people not to sign the petition or whatever. So, I already know about that. Is
10 that what you're talking about or is there something different?

11 Doris Crespo: No, this is something different.

12 Agent Patrick Ness: Okay.

13 Doris Crespo: This is something. There's a, there's a place where, Kathy used to volunteer a lot
14 with Habitat in that area, and she still keeps in contact with a lot of people. Sometimes she'll
15 come to some of the, you know like meetings and stuff. She doesn't often anymore as she used
16 to. But I know that when there's something going on, I mean she tells people, and people talk,
17 and I mean, if I'm so surprised that this is such a small town and this kind of stuff is happening.
18 Like, I don't know, to me its not too exciting like.

19 Agent Patrick Ness: Right.

20 Doris Crespo: Yeah.

21 Agent Patrick Ness: Okay, but you have no other direct knowledge of –

22 Doris Crespo: Mm mmm. No.

23

Interview of Doris Crespos on March 22, 2023

1 Agent Patrick Ness: Okay. Okay. Anything else? I understand that this incident that you
2 talked about came to light and that the city attorney took action. I can't, just 'cause it's attorney
3 client privilege and she represents the town, but took some action, and so this, that's not a secret,
4 it's like people in the city government know what you just talked about, this meeting at the, okay.

5 Doris Crespo: Yeah. Well, I'm assuming, and I forgot to call her before I told to talk to you if
6 that was, uh, you know, I did talk to her about that. So, I don't know.

7 Agent Patrick Ness: The city attorney? I heard she's not even there anymore.

8 Doris Crespo: (inaudible), you know.

9 Agent Patrick Ness: Someone, the mayor told me that the city attorney quit the day after –

10 Doris Crespo: Well, she put her notice.

11 Agent Patrick Ness: Oh, okay.

12 Doris Crespo: So, she put her notice and she's hanging in there until the 4th –

13 Agent Patrick Ness: Okay.

14 Doris Crespo: The something of April, 10th of April, and then that's her last day.

15 Agent Patrick Ness: As far as my knowledge is that she knows that this investigation is
16 happening since you're not an attorney, she is –

17 Doris Crespo: Mm hmm.

18 Agent Patrick Ness: – so she has rules and regulations that she's bound by that you're not. So,
19 unless you've been ordered by a judge not to talk about it, you can feel free to tell me or not tell
20 me.

21 Doris Crespo: Oh, okay.

22 Agent Patrick Ness: Does that make sense?

23

Interview of Doris Crespos on March 22, 2023

1 Doris Crespo: No, yeah, that makes sense. No, she didn't say anything. No, and I never, I don't
2 know, to me it wasn't, you know, it was, I mean –

3 Agent Patrick Ness: Well, without getting 'cause I don't want to get her jammed up, without
4 getting to that, this meeting was addressed by the city.

5 Doris Crespo: Yeah.

6 Agent Patrick Ness: Yes, okay.

7 Doris Crespo: Yeah.

8 Agent Patrick Ness: And specifically, the city attorney?

9 Doris Crespo: Yeah.

10 Agent Patrick Ness: Okay.

11 Doris Crespo: Yeah.

12 Agent Patrick Ness: Anything else?

13 Doris Crespo: No. I think that's it.

14 Agent Patrick Ness: This concludes this interview. The time is 1:53.

15

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Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: ...keep you from having to type and take notes.

2 Agent Patrick Ness: Exactly. So, uh, my name is Patrick Ness. I work for the Colorado
3 Bureau of Investigation, and today is Wednesday, March 22. Uh, the time is 3:01. I'm at the
4 Dacono City Offices, and I'm speaking to Jennifer Krieger?

5 Jennifer Krieger: Krieger.

6 Agent Patrick Ness: Okay. Could you spell your first and last names?

7 Jennifer Krieger: Sure. Jennifer, J-E-N-N-I-F-E-R, Krieger, K-R-I-E-G-E-R.

8 Agent Patrick Ness: Okay. Uh, my name is Patrick, P-A-T-R-I-C-K, last name Ness, N-E-S-S.
9 Um, so we, Jennifer, I've never met you before. I just talked to you, like, 3 minutes ago about
10 I'm here to investigate allegations of the Open Meetings Act violation by some, all, none city
11 council members. Um, and so, um, are you familiar with the, uh, I'm assuming you are, but let's
12 back up. What is your title here?

13 Jennifer Krieger: Community Development Director.

14 Agent Patrick Ness: Okay, and what is that?

15 Jennifer Krieger: Uh, I am the director in charge of land use, planning, and development in
16 the city.

17 Agent Patrick Ness: Okay. So, you're in the middle of any housing developments that come in
18 and any businesses that come in that wanna build or that sort of thing? Okay. Um, are you
19 familiar with the Open Meetings Act and what can, what is and what is not allowed to?

20 Jennifer Krieger: Yeah, yes.

21 Agent Patrick Ness: Okay, are you, do you have direct knowledge of any, uh, activity by the
22 city council members or by anybody that would violate either the city policy or the Open
23 Meetings Act?

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: Yes.

2 Agent Patrick Ness: Okay. Tell me all about that.

3 Jennifer Krieger: Sure. Can I look through...

4 Agent Patrick Ness: Yeah. So, she has some, uh, you have a file in front of you with some, uh,
5 uh –

6 Jennifer Krieger: Notes and emails, etc.

7 Agent Patrick Ness: Notes and emails, okay.

8 Jennifer Krieger: Um, do you wanna start with the February 13th meeting? I was in
9 attendance at the meeting.

10 Agent Patrick Ness: Okay. Is there anything before that, that you know of?

11 Jennifer Krieger: Sure. Um, leading up to that meeting, um, the city council had been, um,
12 anxious to have the city, uh, support, um, some DRCOG the Denver Regional Council of
13 Government Transportation's, uh, uh, grant applications by the Town of Erie, and we had, um, it
14 was brought to our attention that, um, the, and handful of council members wanted to,
15 particularly, support two applications. Um, city staff, um, did not feel one of the applications
16 was in the best interest of the city long term, and that would be the I25 County Road 10
17 Interchange, um, and the other application was, I believe, a planning grant for State Highway 52.
18 Um, leading up to that, there was some discussion and certainly email being exchanged, um,
19 among several council members and representatives from the Town of Erie, specifically, Carlos
20 Hernandez, who's the transportation planner, and Malcolm Fleming, who is the town manager.
21 Um, some of those included, uh, then city manager, AJ Euckert. Um, a handful of 'em did not.
22 They were primarily between certain members of the city council and Town of Erie staff. Um,
23

Interview of Jennifer Krieger on Wednesday, March 22

1 that was both email and telephone calls, and those are documented in various emails that I can
2 provide.

3 Agent Patrick Ness: Yes. I'll take anything that you have.

4 Jennifer Krieger: Okay.

5 Agent Patrick Ness: Um, is that unusual?

6 Jennifer Krieger: Um, well, our form of government and just good government protocol in
7 terms of city manager to city manager, um, is that our rules of procedure outline how city council
8 members are to, um, interact, um, uh, specifically, um – do you want me just to kind of reference
9 a couple of those?

10 Agent Patrick Ness: Yes.

11 Jennifer Krieger: Um, those would be, um, that city council members should exercise
12 collectively as a group, not, uh, operate individually.

13 Agent Patrick Ness: Okay.

14 Jennifer Krieger: Um, council members should, um, have a consensus before they go off
15 and do things on their own, um, again, going back to the operate collectively. Um, but decisions
16 to do things should be in a public meeting.

17 Agent Patrick Ness: Mm hmm.

18 Jennifer Krieger: Um, and direction given to the city council should come – or to the city
19 manager, excuse me – should come from the council as a whole, not select members, and that's
20 what was occurring.

21 Agent Patrick Ness: Okay, and that, and occurring in the form of emails and phone calls?

22 Jennifer Krieger: Phone calls. We also have an instance where one particular council
23 member, Turini, actually showed up at the Town of Erie, um, town hall to speak with, um, uh, he

Interview of Jennifer Krieger on Wednesday, March 22

1 attempted to speak with the town manager, Malcolm Fleming, um, and that was documented in
2 the email from, I believe, Carlos Hernandez.

3 Agent Patrick Ness: Okay. Okay, and, uh, you have that or I'll get with Carl –

4 Jennifer Krieger: I do, yep.

5 Agent Patrick Ness: Okay. Okay, so I'll have, can you pull it up?

6 Jennifer Krieger: Yep, and that was on January 25th, 2023. Let me find it in there.

7 Agent Patrick Ness: So, I'm reading email from Carlos Hernandez to AJ Euckert dated January
8 25, 2023. Um, it said, AJ, here is the current draft. We are submitting the final on Friday
9 morning. Dacono City Councilor Turini stopped by in person this afternoon. He, was, checked
10 in on a letter of support. He left his card. He talked with Malcolm's admin staff. I was in a
11 meeting. I called him back before I left this evening. I asked him to call you about the status of
12 the letter.

13 Jennifer Krieger: Um, and then regarding –

14 Agent Patrick Ness: And, uh, what is this letter?

15 Jennifer Krieger: Sure, I have an email. Um, it is, uh, a series of emails that were sent from
16 council member, Turini, Long, Whitman, and Thomas to former city manager, AJ Euckert,
17 directing him to, uh, provide letters of support, um, that were different from the council direction
18 that was provided, uh, in a meeting in January, and that is these emails. Um, con, just the
19 context of this, it was, the series of email was forwarded to, uh, Tammy Tanoue who is with
20 CIRSA the risk management agency, –

21 Agent Patrick Ness: Mm hmm.

22 Jennifer Krieger: – um,

23 Agent Patrick Ness: So, I know that I'm asking you to assume a lot of things

Interview of Jennifer Krieger on Wednesday, March 22

- 1 Jennifer Krieger: Sure.
- 2 Anne – or, uh, speculate.
- 3 Jennifer Krieger: Mm hmm.
- 4 Agent Patrick Ness: So, um, this letter from Kat Cole, which I understand is Katherine
5 Whitman's private email, um, to AJ Euckert – and actually, the letter is signed by her and, uh,
6 electronic signature from Daniel Long, Jim Turini, and Jackie Thomas, um, stating, we are
7 informing you we're supporting – We are informing you we are supporting both Erie projects as
8 written that were presented last Monday night before the board for the following reasons, and she
9 gives her, re, or they give their reasons. So, that was different than the Monday night meeting?
- 10 Jennifer Krieger: Correct, um –
- 11 Agent Patrick Ness: Okay, what happened at the Monday night meeting?
- 12 Jennifer Krieger: – the meeting, the direction from the council at the time was, uh, to
13 support State Highway 52 grant application but not County Road 10 on the 25 Interchange, and I
14 do have an email with that direction also that summarized, –
- 15 Agent Patrick Ness: Okay.
- 16 Jennifer Krieger: – uh, that was sent from AJ Euckert to, um, city manager or town
17 manager, Malcolm Fleming that summarized the, the council's direction that was provided at that
18 meeting.
- 19 Agent Patrick Ness: Okay. And so, and was voted on at the –
- 20 Jennifer Krieger: Um, it was a study session, so you, they can't vote. They can only provide
21 direction.
- 22 Agent Patrick Ness: Okay. So, it wasn't a council meeting?
- 23 Jennifer Krieger: It was, it was a work session which is still required to be noticed, but yes,–

Interview of Jennifer Krieger on Wednesday, March 22

1 Agent Patrick Ness: Okay.

2 Jennifer Krieger: – I believe it was a work session.

3 Agent Patrick Ness: Was it, um, so you, you're educating me right now. So, a work session is
4 not a city council meeting; they're two different things?

5 Jennifer Krieger: Correct.

6 Agent Patrick Ness: Okay. But a work session is, uh, must adhere to the Open Meetings Act?

7 Jennifer Krieger: Correct.

8 Agent Patrick Ness: Okay. Is it a public, uh, is the public, can the public sit there and watch
9 what's happening or –

10 Jennifer Krieger: Absolutely.

11 Agent Patrick Ness: Okay. Um, so what's the difference between, the big difference between a
12 work session and a city council meeting?

13 Jennifer Krieger: The ability to take action –

14 Agent Patrick Ness: Okay.

15 Jennifer Krieger: – on the items. So, we have a published agenda –

16 Agent Patrick Ness: Okay.

17 Jennifer Krieger: – um, with action items in a city council meeting.

18 Agent Patrick Ness: Okay, and so a work session is you gather a lot of information; you talk
19 about things, but you don't vote; you don't take any action?

20 Jennifer Krieger: Correct. You can only provide direction.

21 Agent Patrick Ness: Okay. And at, let's say the direc – how does, how are the, how is the
22 direction documented?

23

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: There are not, typically, minutes that are provided, um, from, uh, a work
2 session or a study session. They're, they're not kept. Um, typically, they are not recorded either.
3 Um, it is just, you know –

4 Agent Patrick Ness: Okay.

5 Jennifer Krieger: – those in attendance which typically includes staff. We take notes.

6 Agent Patrick Ness: Okay. So, me not being there, um, you're telling me that, uh, the
7 supporting both Erie projects was different than what was decided or what, the direction that was
8 given, uh, at the work session meeting was different? They, they wanted one but not the other?

9 Jennifer Krieger: Correct.

10 Agent Patrick Ness: Okay. How would I take that to somebody who's gonna look at this case
11 and prove to you, prove to them that that's what happened? So, we have this –

12 Jennifer Krieger: Mm hmm.

13 Agent Patrick Ness: – the sheet, this is –

14 Jennifer Krieger: Sure.

15 Agent Patrick Ness: – the second part of it. So, what do, what do I give them that would say
16 that this is different than what happened at the work session?

17 Jennifer Krieger: There is not a document that you could provide. You would have to speak
18 to all of those in attendance, which include the, the city council, the city attorney, the city
19 manager, myself. Uh, Bobby Reds, the public works director, was in attendance and, I believe,
20 Mark Doering –

21 Agent Patrick Ness: And you said you have a –

22 Jennifer Krieger: (inaudible).

23 Agent Patrick Ness: – a, a email or –

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: I –

2 Agent Patrick Ness: – something saying this is what you decided?

3 Jennifer Krieger: Yes. I have an email that was sent by AJ Euckert to, uh, uh, again, coun,
4 uh, town manager, Malcolm Fleming and, I believe, Carlos Hernandez, that indicated, uh, what
5 the direction was, of, of council.

6 Agent Patrick Ness: Okay.

7 Jennifer Krieger: I got a lot of emails here.

8 Agent Patrick Ness: I can see that.

9 Jennifer Krieger: Right here.

10 Agent Patrick Ness: Okay.

11 Jennifer Krieger: This part right there.

12 Agent Patrick Ness: So, I'm reading a email, uh, given to me by, uh – can I call you Jennifer?

13 Jennifer Krieger: Sure.

14 Agent Patrick Ness: Okay, Jennifer, from AJ Euckert sent to Carlos Hernandez and Malcolm
15 Fleming, um, and Adam Morehead saying, Carlos – and this is dated January 26th, 2023 at 8:26
16 p.m., and that would – so, let me back up. So, the letter from the private email from Katherine
17 Whitman to AJ Euckert saying, we inform you that we're supporting both Erie projects. That
18 was January 26th at 14 minutes after midnight. So, this letter or email from AJ Euckert to Carlos
19 Hernandez and those other people, wa, was about 4 hours earlier or 3 ½, no more than 3 ½ hours
20 earlier and it says, the purpose of this, of this email is to clarify the support offered by the City of
21 Dacono for the Highway 52 study. Um, as you know, the city council has only met in a work
22 session to discuss Erie's request for support and, thus, no formal action has been taken by the city
23 council. During the work session, the city council expressed general support of the Highway 52

Interview of Jennifer Krieger on Wednesday, March 22

1 study application and authorizing me as city manager to convey this general support on a form so
2 long as it was clear that the city council has taken no formal action. The city council has made
3 no commitments regarding funding. The city council does not support the I25 Corridor
4 application. Please revise the support forms for both applications. Okay, so that's different – 4,
5 4 ½ hours earlier, or 3 ½ hours earlier, is different than this email which comes – let me get this
6 right. No, this is first. Right?

7 Jennifer Krieger: Yeah, it was discussed a couple of times, I, I'm, the date on that one is
8 January, and then this is January 20 –

9 Agent Patrick Ness: So, they're both the same day.

10 Jennifer Krieger; Is that –

11 Agent Patrick Ness: This is 14 minutes after –

12 Jennifer Krieger: Okay.

13 Agent Patrick Ness: – it turned–

14 Jennifer Krieger: Yeah, okay.

15 Agent Patrick Ness: – midnight, and this is 8:26.

16 Jennifer Krieger: Right, so he sent that at the conclusion of the study session.

17 Agent Patrick Ness: Okay.

18 Jennifer Krieger: And then –

19 Agent Patrick Ness: Do you know, do you know if he knew about the letter from, uh, Whitman
20 to the, to AJ –

21 Jennifer Krieger: Uh –

22 Agent Patrick Ness: – when he sent this?

23 Jennifer Krieger: – did I know about this?

Interview of Jennifer Krieger on Wednesday, March 22

1 Agent Patrick Ness: No, did –

2 Jennifer Krieger: Oh.

3 Agent Patrick Ness: – do you know if Euckert knew –

4 Jennifer Krieger: Oh.

5 Agent Patrick Ness: – about this before he sent this?

6 Jennifer Krieger: Not, I, I don't know.

7 Agent Patrick Ness: Okay, okay. Okay. Um, can, so what else do you know?

8 Jennifer Krieger: Um, that is –

9 Agent Patrick Ness: That was in January.

10 Jennifer Krieger: Correct. Um, events, you know, leading up to the, the termination I

11 honestly don't have a lot of insight, um, into that, –

12 Agent Patrick Ness: Okay.

13 Jennifer Krieger: – in, in terms of any meetings that –

14 Agent Patrick Ness: Okay.

15 Jennifer Krieger: – occurred or any correspondence –

16 Agent Patrick Ness: Okay.

17 Jennifer Krieger: – or anything like that.

18 Agent Patrick Ness: All right. Um, and as far as your job and your position –

19 Jennifer Krieger: Mm hmm.

20 Agent Patrick Ness: – from what you've either seen yourself or heard, –

21 Jennifer Krieger: Mm hmm.

22 Agent Patrick Ness: – we talked about, um, this, which is emails, –

23 Jennifer Krieger: Mm hmm.

Interview of Jennifer Krieger on Wednesday, March 22

1 Agent Patrick Ness: – you said there were some phone calls or something like that.

2 Jennifer Krieger: Um, it –

3 Agent Patrick Ness: Is it all referenced the same thing?

4 Jennifer Krieger: Yeah, and I, I think they were referenced, –

5 Agent Patrick Ness: Okay.

6 Jennifer Krieger: – in, in many –

7 Agent Patrick Ness: All right.

8 Jennifer Krieger: – of those.

9 Agent Patrick Ness: All right, this phone call right here. Okay, anything else?

10 Jennifer Krieger: Um, you, you know, I've been (inaudible) things since you're investigating

11 largely violations of rules of procedure, and I don't know if its just limited to the events between

12 January and February, but I guess what I would add is just that there has been a pattern, you

13 know, –

14 Agent Patrick Ness: Huh.

15 Jennifer Krieger: – really over the, the last year or so. Um, you know, if you'd look at them

16 individually, you would call them just one off –

17 Agent Patrick Ness: Right.

18 Jennifer Krieger: – and okay, but you put them together and you begin to see a pattern of –

19 Agent Patrick Ness: Of, of –

20 Jennifer Krieger: – being here –

21 Agent Patrick Ness: – this type of stuff?

22 Jennifer Krieger: Yeah, and I'll just document a few of my own instances, if that's okay?

23 Agent Patrick Ness: Yeah.

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: Um, you know, starting with I think it would be May of last year where
2 we had an incident with Councilwoman, uh, Whitman inserting herself into some code
3 enforcement issues. Um, we had a, a, uh, a local business owner property owner that had, uh,
4 many unlawful uses on there that they weren't fixing and she had some interaction with that
5 gentleman, um, who she happened to speak to during her campaign, um, and she tried to insert
6 herself into a code violation and –

7 Agent Patrick Ness: How so?

8 Jennifer Krieger: Um, by suggesting that staff shouldn't be enforcing local ordinances, um,
9 and that was right here.

10 Agent Patrick Ness: Who's in charge of enforcing that particular code?

11 Jennifer Krieger: Me.

12 Agent Patrick Ness: You?

13 Jennifer Krieger: Well, uh, zoning violations that we –

14 Agent Patrick Ness: Zoning, right.

15 Jennifer Krieger: – literally work with the police department and we have a special
16 prosecuting attorney that –

17 Agent Patrick Ness: For that stuff?

18 Jennifer Krieger: Yeah, –

19 Agent Patrick Ness: Okay.

20 Jennifer Krieger: – yeah, so, –

21 Agent Patrick Ness: Did she –

22 Jennifer Krieger: – um, –

23 Agent Patrick Ness: – who did Whitman tell, so to me as a cop –

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: Sure.

2 Agent Patrick Ness: – I, uh, you find out, not you, but someone –

3 Jennifer Krieger: Sure.

4 Agent Patrick Ness: – finds out that I'm investigating a person; I might give them a ticket –

5 Jennifer Krieger: Mm hmm.

6 Agent Patrick Ness: – for trash or, or cars parked on the lawn or whatever, –

7 Jennifer Krieger: Right.

8 Agent Patrick Ness: – and then, uh, someone comes up to me and says, you know what, I

9 wouldn't write that ticket per you and kinda pressured me, –

10 Jennifer Krieger: Mm hmm.

11 Agent Patrick Ness: – is that what we're talking about?

12 Jennifer Krieger: Yeah.

13 Agent Patrick Ness: Okay.

14 Jennifer Krieger: I, I think it's just more of and again, you can read the second paragraph.

15 Agent Patrick Ness: This is from Donna Case. Who is that?

16 Jennifer Krieger: She is the community development technician. Um, She's like an admin

17 professional, and –

18 Agent Patrick Ness: So, she works for the city?

19 Jennifer Krieger: Yes.

20 Agent Patrick Ness: Okay. Uh, this says Katherine, talking about Katherine Whitman stated

21 she had a call from Andy Winfrey, and she was upset with Jennifer for turning down an

22 electrician for an electrical permit for a company doing business at the Winfrey property. I

23 informed Katherine that it wasn't Jennifer but it was me that denied the permit; then she

Interview of Jennifer Krieger on Wednesday, March 22

1 mentioned that Jennifer turned the guy down in a meeting. I was in that meeting too. It was with
2 Al Avalos with ADB Companies and there they stated they cannot bring in new business because
3 they're in violation of subdivision agreement. Not only that, but it wasn't an approved use for
4 that zone. I asked her later how she knew Andy and she said she met him while she was
5 campaigning. She stated that Andy is a valuable asset to the city 'cause they employed a lot of
6 citizens and something to the effect that we should be helping businesses, not standing in their
7 way. Then Andy is the, the violator?

8 Jennifer Krieger: Correct.

9 Agent Patrick Ness: Okay. What was he doing?

10 Jennifer Krieger: Um, he was leasing out land without the appropriate land use –

11 Agent Patrick Ness: Okay.

12 Jennifer Krieger: – approval. But my intent is just to demonstrate that we've had sort of
13 these one offs that –

14 Agent Patrick Ness: Right.

15 Jennifer Krieger: – have been leading up to –

16 Agent Patrick Ness: Can, again I just asking –

17 Jennifer Krieger: Sure.

18 Agent Patrick Ness: – is this against policy? Is this against open – I don't think it's against –

19 Jennifer Krieger: It, it's not –

20 Agent Patrick Ness: – open meeting laws.

21 Jennifer Krieger: – it's rules and procedure –

22 Agent Patrick Ness: Right.

23

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: – which is what the investigation is and it, it has to do with Rules 5.3, .4
2 which is, Council members shall refrain from making contact with or dealing with any person
3 seeking any permit or approval from or other action, um, or communicating with any such per,
4 person –

5 Agent Patrick Ness: Okay.

6 Jennifer Krieger: – um, for the sole purpose of referring, um, appropriate administrative
7 staff member to just interfering or meddling –

8 Agent Patrick Ness: Okay.

9 Jennifer Krieger: – instance is one of the issues.

10 Agent Patrick Ness: All right.

11 Jennifer Krieger: Um, we've also had ongoing quasi-judicial issues which is basically
12 conduct, council conduct during public hearings related to land use. Um, all of our land use
13 applications generally follow a, a quasi-judicial process. Um, which is a very regimented
14 process about how we, um, interact with applicants, um, not only from the staff, but from the
15 council position, ex parte contact, um, and in quasi judicial, our land use hearings that are kinda
16 run like a courtroom.

17 Agent Patrick Ness: Mm hmm.

18 Jennifer Krieger: We receive evidence, you deliberate, and you make a decision. Um, and,
19 but it really started to get bad about November of 2022, and you know, AJ and I worked with our
20 city attorney to try and educate and, and bring highlight those issues, you know, about how you
21 should be conducting yourself, ex parte contact, outside influence etcetera.

22 Agent Patrick Ness: And so who was, who was violating those, who was going outside of the
23 ****, let me back up. So, this quasi judicial, is that part of city policy?

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: Yes.

2 Agent Patrick Ness: That's how you do thing?

3 Jennifer Krieger: That is part of the rules –

4 Agent Patrick Ness: Okay.

5 Jennifer Krieger: – and procedure.

6 Agent Patrick Ness: For city-

7 Jennifer Krieger: Council members.

8 Agent Patrick Ness: Okay.

9 Jennifer Krieger: Yeah.

10 Agent Patrick Ness: And then not to have contact or insert yourself ex parte contact –

11 Jennifer Krieger: Mm hmm.

12 Agent Patrick Ness: – which means third-party –

13 Jennifer Krieger: Uh huh.

14 Agent Patrick Ness: Oh, okay. Um, and then, uh, give me some examples of what was
15 happening that you were concerned.

16 Jennifer Krieger: Sure. We had a, a, somewhat controversial, uh, subdivision application,
17 um, that was ad, adjacent to a, a county commissioner. Um, and she was very upset. She didn't
18 like it. It had a through street going through her neighborhood, um, and so she was contacting,
19 we believe, contacting council members outside of the public hearing, which is the ex parte, and
20 trying to exert outside influence, um, to stop –

21 Agent Patrick Ness: Right.

22

23

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: – the land use application, um, that the council ultimately passed, but it, it,
2 sort of led to this...not riling up, but getting a group of our council members, um, to be what
3 feels like, you know, anti-staff because of –

4 Agent Patrick Ness: Okay.

5 Jennifer Krieger: – the, the controversy, and I have a copy of the email, if you want that, –

6 Agent Patrick Ness: Yes.

7 Jennifer Krieger: – that the city attorney sent to, um, council with, you know, the, the
8 concerns. Um, it was provided with –

9 Agent Patrick Ness: And before you show it to me, it this, have you cleared this with your city
10 attorney that you can give me this?

11 Jennifer Krieger: It, mm, –

12 Agent Patrick Ness: Because, the only reason I said that is because she has said –

13 Jennifer Krieger: Council.

14 Agent Patrick Ness: – that some of the things that she, can't talk about some things because of
15 attorney/client privilege.

16 Jennifer Krieger: Okay, we'll clear it and we'll make sure –

17 Agent Patrick Ness: Okay.

18 Jennifer Krieger: – if I can. I'll just, I'll just make sure. Um, um, so ag, again, just, you
19 know, maybe if it was a one off it wouldn't be a big deal, but put together we, you know start to
20 see a pattern –

21 Agent Patrick Ness: So, when you have city council members who violate these things, and
22 you got, I mean, you got ru, rules adopted by the town, or the City of Dacono and, uh, those

23

Interview of Jennifer Krieger on Wednesday, March 22

1 were put into place, and then you have city council members who are elected, um, and they're
2 like, I'm not gonna follow those. What happens?

3 Jennifer Krieger: Well, again, I, I, our city attorney generally takes a bit of a measured
4 response. She'll send out correspondence, just hey, reminder, you know, you can't do this, you
5 know, this is the type of conduct that we have to have, um, she, in this particular email, she cited
6 some recent caselaw with Douglas County about what constitutes a meeting, um, and those type
7 of things. We were working towards, before all of this happened, um, bringing in CIRSA for
8 some custom training.

9 Agent Patrick Ness: Right. And if I'm the city council, I'm gonna say I don't care what you tell
10 me.

11 Jennifer Krieger: Yeah, well we hope that's not the case, but.

12 Agent Patrick Ness: it could be.

13 Jennifer Krieger: Our, our, our goal is, is you know, we, uh, one thing about having a, a
14 quasi-judicial land use process, is that it's meant to be very, very transparent.

15 Agent Patrick Ness: Right.

16 Jennifer Krieger: Um, we sacrifice a little bit of speed for transparency.

17 Agent Patrick Ness: Yeah, yeah.

18 Jennifer Krieger: To make sure everything's done in public for financial—

19 Agent Patrick Ness: So if you bring in a risk management, is there some, some violating these..

20 Does it open you up to lawsuits? Does it open you up to litigation, or?

21 Jennifer Krieger: I think the idea that it helps prevent it by hopefully, you know, informing,
22 um, and, and educating, you know, the council members, um, that if you don't act appropriately,
23 it certainly could, um, open up the city, as well as them as individuals.

Interview of Jennifer Krieger on Wednesday, March 22

1 Agent Patrick Ness: Let's say I don't have a permit. I wanna get a permit. I think, I'm a big
2 land developer, I wanna get a permit, and I go through your, your, um, process. And, uh, I find
3 out later that, let's say I didn't get it, or it took you longer to get it to me than it should have, and I
4 find out later that a city council member was getting together and rounding people up against it
5 because they don't like it. Um, and then, so either I don't get it, so I lose a lot of money, or I lose
6 money because I don't get it as soon, can I come back and sue you guys for that?

7 Jennifer Krieger: Um,—

8 Agent Patrick Ness: That, maybe that's a question for an attorney.

9 Jennifer Krieger: Yeah, potentially. Maybe, you know, Colorado might do want a fixed
10 review on it, 'cause it's quasi-judicial, and land use applications and make sure we follow process
11 and procedures. One of the problems that we have is that, um, a lot of members of the council
12 aren't, uh, doing deliberations. They just vote no, and they don't provide any explanation after
13 their no vote. Which could cause problems, because you, we, we make land use decisions based
14 on criteria, and it's—

15 Agent Patrick Ness: Is that during a city council meetings? Or quasi hearings?

16 Jennifer Krieger: Um, yes. It's all encompassed during—

17 Agent Patrick Ness: So you say now, do they have to give a reason?

18 Jennifer Krieger: Um, generally, if it's going to be voted down, yes. Because staff will
19 typically come back with at the next meeting with a resolution explaining why, and we need to
20 know why you voted no.

21 Agent Patrick Ness: Okay. But they don't have to. They could just say no.

22 Jennifer Krieger: Um, it, yeah, I mean it's—

23 Agent Patrick Ness: I'm not saying—

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: No, yeah. It's, it's, it's best practices, and we train them.

2 Agent Patrick Ness: Okay.

3 Jennifer Krieger: Regularly as to how it should be handled.

4 Agent Patrick Ness: If they say no without a reason, is that outside city policy?

5 Jennifer Krieger: No.

6 Agent Patrick Ness: Okay.

7 Jennifer Krieger: No.

8 Agent Patrick Ness: Just not—

9 Jennifer Krieger: It sets the city up for potential liability because of those things.

10 Agent Patrick Ness: All right.

11 Jennifer Krieger: Um, do you want me to just give you the other ones, or is it not important?

12 Agent Patrick Ness: No, it's all important.

13 Jennifer Krieger: Okay. Um, okay. Um, then we also have an issue with Councilman
14 Turini, um, on a, occasion, again, just working outside of rules and procedure. Um, you know,
15 contacting businesses to come to Dacono and expand, just asking again as an individual, um, not
16 a city council member.

17 Agent Patrick Ness: Who has power.

18 Jennifer Krieger: I'm sorry?

19 Agent Patrick Ness: Act as a individual if you're coming to me and I wanna come in here and
20 make money, you're just not some citizen asking me to bring my high priced coffee shop down
21 here. You're a city council member.

22 Jennifer Krieger: Right.

23 Agent Patrick Ness: Okay.

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: Right, and—

2 Agent Patrick Ness: And that's why the rules are in place.

3 Jennifer Krieger: Exactly. They should act collectively, and that's really a, a staff function,
4 you know, so just again, um, collectively rather than individually. Um, and then you know, just
5 most recently at the February 27th meeting.

6 Agent Patrick Ness: Oh, hold on. You said Jim Turini did that.

7 Jennifer Krieger: Yeah.

8 Agent Patrick Ness: And you have a specific example.

9 Jennifer Krieger: Yeah, I do. Um, I have an email that he sent to Aldi to come to Dacono,
10 um,—

11 Agent Patrick Ness: Aldi?

12 Jennifer Krieger: Aldi.

13 Agent Patrick Ness: What's that?

14 Jennifer Krieger: Um, it's a midwest discount grocer type thing. Um,—

15 Agent Patrick Ness: Okay.

16 Jennifer Krieger: And then, um, this is a, another quasi-judicial by Mr. Turini, and—

17 Agent Patrick Ness: This is from jim.turini, msn.com is personal, I would imagine.

18 Jennifer Krieger: Yes.

19 Agent Patrick Ness: Do they have emails for the, for the city?

20 Jennifer Krieger: Yes.

21 Agent Patrick Ness: Okay.

22 Jennifer Krieger: They are supposed to use them.

23

Interview of Jennifer Krieger on Wednesday, March 22

1 Agent Patrick Ness: Okay. Um, to Ryan Stemmins at Aldi.us. I'm excit, I have an exciting
2 opportunity for Aldi in Colorado, basically saying come here. The land, talking about, my name
3 is Jim Turini, I'm in the city council, our community is experiencing extensive growth, 2000
4 developments for 600 plus, I'm including our city plan to expand our commercial residential,
5 okay. If the Kroger-Albertson merger goes through our area, we will have single source access
6 to grocery stores. Has plans to build a new store. It would be ideal to have some competition to
7 Kroger. Um, okay.

8 Jennifer Krieger: And, and the problem with doing that is first of all, the city doesn't own
9 any land, so I don't really know what land he's talking about or where he wants them to go, um,
10 but yeah, just acting individually, which is a violation of the rules of procedure.

11 Agent Patrick Ness: Okay. That is dated December, no, Monday, December 12, 2022.

12 Jennifer Krieger: Right.

13 Agent Patrick Ness: Okay.

14 Jennifer Krieger: And then this is another instance of Mr. Turini, um, in this particular
15 instance, um, this has to do with a recent quasi-judicial public hearing where he was prejudging
16 an application we had an old Ford dealership and a church was going to occupy it, um, which I
17 don't, based on that, it appears he didn't like that. Um, and so it was again, just a violation of
18 quasi-judicial procedure.

19 Agent Patrick Ness: So this is, uh, from, the original message is from Jim Turini to Adam
20 Morehead. Who's, I think you told me, Valerie Taylor?

21 Jennifer Krieger: She's a city clerk.

22 Agent Patrick Ness: Okay. Um, so the mayor, Mayor pro-tem to city manager, planning and
23 development, and then city clerk, which says, uh, do you know the status of the old Ford

Interview of Jennifer Krieger on Wednesday, March 22

1 dealership building? I seem to recall (inaudible) a church wanted to go into it. If a large mega
2 church wanted to go in, would that come before city council? Personally I think it would not
3 financially be the best for the city to allow large tax exempt entity to set up at the entrance of our
4 prime commercial tax revenue development area. Okay. Um, and so, he, he's, education. He's
5 not supposed to. Is it individual? And this is his personal email, can't talk to you guys as an
6 individual? Is that how that works?

7 Jennifer Krieger Um, he shouldn't be pre-judging land use applications. He should
8 formulate an opinion based upon the evidence that's presented at a public hearing.

9 Agent Patrick Ness: Okay.

10 Jennifer Krieger: And certainly shouldn't put it in writing. Particularly since he voted no for
11 it. Should that have failed, that would have been a liability to the city to have-

12 Agent Patrick Ness: Okay.

13 Jennifer Krieger: Um, a record of a-

14 Agent Patrick Ness: So at this point, no one had discussed what was happening with this Ford,
15 this was just a rumor that he heard?

16 Jennifer Krieger: Um, it was published, uh, notice of public hearing, but he hadn't, hadn't
17 heard yet.

18 Agent Patrick Ness: Heard yet. Okay, and so he's supposed to wait to get all the, he can't go in
19 and find out stuff himself.

20 Jennifer Krieger: Right.

21 Agent Patrick Ness: Okay.

22 Jennifer Krieger: Correct.

23 Agent Patrick Ness: Okay.

Interview of Jennifer Krieger on Wednesday, March 22

1 Jennifer Krieger: So, um, and the—

2 Agent Patrick Ness: That's January 21st, 2023.

3 Jennifer Krieger: Yeah. Right. Um, and then, you know, maybe just the last thing that I
4 would mention is just most recently on February 27th, we had a lot of public comments at the
5 start of the, the meeting about people who were upset about the actions of the council. Some for,
6 some against, so it was a mixed bag. And Councilman Thomas, her husband, who is a local
7 pastor, spoke at that. Um, in reference to a, um, 2019, uh, conversation that we had had with
8 respect to um,—

9 Agent Patrick Ness: Who's we?

10 Jennifer Krieger: Uh, um, Pastor Thomas and myself.

11 Agent Patrick Ness: Okay.

12 Jennifer Krieger: Had regarding the future expansion of their church, and, um, if you
13 watched the video, and I can give you the time and the date of, of, of where in the video it is, it,
14 my interpretation of it, and this is just me, was that it was a bit of a veiled threat to me about
15 enforcing, once again, code, the zoning code, um, on his property, because his wife was a
16 councilwoman. Um, and just the context of the meeting and the rest of his comments.

17 Agent Patrick Ness: What did he say?

18 Jennifer Krieger: Uh, he, well he just, well I can give you an extra, he referenced me. Um,
19 he was talking about being anti-business or anti-friendly and then turned to me and said, and
20 Jennifer, you know you and your 10 feet, um, regarding just he had a setback issue. He wanted
21 to build on the front of his church, and we have, 'cause there's a lot line, for example, you have to
22 stay back a certain distance. And when he built on to the front of the church, he was gonna go
23 into that required distance. There was a work around. There was a way to make it happen for

Interview of Jennifer Krieger on Wednesday, March 22

1 him, but he never did it, and I think it was he didn't want to have to go through the process. And
2 just, uh, I was surprised to hear that, just again, in the context of his, his comments and what that
3 meeting was about to reference something from 2019 that had.

4 Agent Patrick Ness: He was still upset that you—

5 Jennifer Krieger: Yeah, had been—

6 Agent Patrick Ness: You told him he can't do it.

7 Jennifer Krieger: He could do it. He just couldn't do it—

8 Agent Patrick Ness: The way he wanted—

9 Jennifer Krieger: That he wanted to. And, and again, I just, given everything that had gone
10 on, and, and just you know, some of the conversations and talk, I felt it was, you know, again,
11 was it a threat? Was he trying to intimidate me, was he, you know.

12 Agent Patrick Ness: Put you on notice—

13 Jennifer Krieger: Yeah, that was exactly I think when I walked away from, um, which you
14 know, again, is a—

15 Agent Patrick Ness: It wasn't a physical threat.

16 Jennifer Krieger: No. No. I was sitting at a table and he was at the podium speaking. Um,
17 but the takeaway, again, was, you know, that with his wife on the council, that perhaps all those
18 rules don't apply to them.

19 Agent Patrick Ness: When, at the time that he wanted to build his church, was she on the
20 council?

21 Jennifer Krieger: Yes.

22 Agent Patrick Ness: Okay.

23 Jennifer Krieger: She was.

Interview of Jennifer Krieger on Wednesday, March 22

1 Agent Patrick Ness: All right.

2 Jennifer Krieger: Um, and that video's on our YouTube channel and available for
3 consumption.

4 Agent Patrick Ness: Okay. Um, anything else?

5 Jennifer Krieger: Um, nope. I think those are, you know, um, again, kind of one off, but I
6 think they just provide some context in which, you know, how, how we perhaps have gotten
7 here.

8 Agent Patrick Ness: Right.

9 Jennifer Krieger: Over the last year.

10 Agent Patrick Ness: Okay. I appreciate that.

11 Jennifer Krieger: Sure.

12 Agent Patrick Ness: Uh, this concludes the interview. The time is 3:37.

13

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Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: Today is, uh, February 20, no, March 28th, –

2

3 Kevin Plain: Yes.

4

5 Agent Patrick Ness: – 2023, and my name is Agent Patrick Ness with the Colorado Bureau of
6 Investigation. I'm speaking with –

7

8 Kevin Plain: Kevin Plain, city councilman, Dacono.

9

10 Agent Patrick Ness: Okay, and can, for the transcriptionist, can you spell your first and last
11 name?

12

13 Kevin Plain: First name is K-E-V-I-N. Last name is P-L-A-I-N.

14

15 Agent Patrick Ness: Okay, and we are at your residence in Dacono, um, –

16

17 Kevin Plain: Yes, 4723 Wild Grass Place.

18

19 Agent Patrick Ness: Okay. And so, uh, you, uh, we, we had spoken just a little before, and,
20 the, so everything that we talked about that's relevant to this, be, beforehand, wanna get it on
21 tape, and at the end, if, if you think that there's something that needs to be said that is relevant,
22 you can surely add on, uh, if you don't think I answered the questions or didn't ask the right
23 questions.

Interview of Kevin Plain on March 28, 2023

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Kevin Plain: Any, anything you need.

Agent Patrick Ness: Okay. So, uh, how long have you been on, uh, Dacono city council?

Kevin Plain: I was first elected, uh, 2007. I served 9 years, took some time off after being term limited, got reappointed, uh, did about another 2 years, uh, left again for about a year, got reappointed for another couple years, roughly – I'm just approximate there – and then, uh, this last November, I was reelected because I am no longer term limited.

Agent Patrick Ness: Okay.

Kevin Plain: So, uh, I still have, uh, so just, you know, I've got, uh, uh, you know, most of my term left.

Agent Patrick Ness: Okay. Um, and you, you know that the CBI has been asked to investigate anything, uh, any violations of the open meetings, Colorado Open Meetings Law, um, and so, do you have any firsthand knowledge or were, have you, have you yourself ever been involved or know of any violations?

Kevin Plain: I myself have not been involved, but I am aware of a violation that is covered under, uh, an email that was attorney, client privilege.

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: Okay, and so, without attorney, client privilege being broken, where, who,
2 who it, who's the custodian of that email right now?

3

4 Kevin Plain: Well, I, I do know that, um, you might be able to obtain, obtain information from
5 the City of Erie, Colorado.

6

7 Agent Patrick Ness: Okay.

8

9 Kevin Plain: Um, so if somebody were to do an open records request for Erie, Colorado for any
10 emails between their staff and our councilmembers, they should provide that if they are
11 following the rules.

12

13 Agent Patrick Ness: Okay, and what specific, without mentioning names or facts, what specific
14 violations do you know occurred?

15

16 Kevin Plain: It, it, uh, see that's, that's the part that's in the attorney, client privilege.

17

18 Agent Patrick Ness: Oh.

19

20 Agent Patrick Ness: And I, I don't, I, I would say just go get whatever, uh, emails were back
21 and forth between councilmembers and, and that, that will explain it –

22

23 Agent Patrick Ness: Okay.

Interview of Kevin Plain on March 28, 2023

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Kevin Plain: – all for itself.

Agent Patrick Ness: Okay. So, um, any be, before February 13th, and we'll talk about February 13th here in a sec. Before February 13th do you know of any open meetings, uh, law violations?

Kevin Plain: You mean, uh, related to the termination of AJ Euckert, the city manager, or –

Agent Patrick Ness: Uh, no.

Kevin Plain: – or something else?

Agent Patrick Ness: Uh, uh, not related to that. Uh, any other – my information has –

Kevin Plain: No, not really.

Agent Patrick Ness: – that there was – okay.

Kevin Plain: I mean, uh, other than, uh, just something that Doris Crespo had told me about, but she reported that immediately to the mayor.

Agent Patrick Ness: Okay.

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: And, you know, and as far as I'm concerned, that is for her to, that's her story to
2 tell.

3
4 Agent Patrick Ness: Okay.

5
6 Kevin Plain: Yeah.

7
8 Agent Patrick Ness: Um –

9
10 Kevin Plain: 'Cause it would be hearsay from me.

11
12 Agent Patrick Ness: Right, okay. Were you ever, was the city council ever admonished or
13 spoken to about that particular, uh, violation?

14
15 Kevin Plain: Again, that's attorney, client privilege.

16
17 Agent Patrick Ness: Okay.

18
19 Kevin Plain: You know, sorry, I, I'd really love to talk about it, but it's not my information to
20 give.

21
22 Agent Patrick Ness: Okay.

23

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: And, uh, I would not wanna violate the city's protections there.

2

3 Agent Patrick Ness: Okay. Okay, let's jump forward to February 13th. Um, so as you
4 understand the Open Meetings Law, nothing can be discussed with three or more city
5 councilmembers when it comes to, uh, things that might come before the city council, is that
6 correct?

7

8 Kevin Plain: Correct. Any, any, any, any topics really, uh, that are of public relevance, right,
9 that, that, that might be in front of the council or is, is, is coming in front of the city council.
10 Yeah, I mean, yeah, you, you, uh, three people shouldn't, or more, should not be discussing that.

11

12 Agent Patrick Ness: Okay, and, uh, on February 13th, as you well know, as, as I do too, um,
13 there was a motion to terminate the, uh, contract for the city manager, AJ Euckert, effective
14 immediately, and that motion was made by a Kathryn Whitman.

15

16 Kevin Plain: Correct.

17

18 Agent Patrick Ness: Seconded by Jim Turini, is that correct?

19

20 Kevin Plain: Yes, I do believe that's correct.

21

22 Agent Patrick Ness: And, and, uh, there was, uh, a phrase “call to
23 the question” or something to that effect by, uh, –

Interview of Kevin Plain on March 28, 2023

1

2 Kevin Plain: Danny Long.

3

4 Agent Patrick Ness: – Danny Long.

5

6 Kevin Plain: Yeah.

7

8 Agent Patrick Ness: Okay.

9

10 Kevin Plain: And, and those three things happened, in, in my view, very rapidly. Um, in my
11 opinion, I mean, you know, something this momentous, something this impactful to your city is
12 not something that should just be done without discussion. It shouldn't be done through just a
13 simple motion. It should have been put on the agenda, at the very least. I'm not sure if they're
14 required by law to put that on the agenda, but I mean this is a pretty impactful thing, and I think
15 members of the public should be allowed to be aware of. I, I would really have liked to have
16 been aware of it ahead of time by seeing it on the agenda or, or at least in a, an executive session
17 saying hey, we're gonna go talk about personnel issues or something.

18

19 Agent Patrick Ness: Mm hmm.

20

21 Kevin Plain: Right. Um, but I mean I, I, I wanna make sure it's on record, I, I, I was told about
22 a rumor. Um, the mayor said he heard a rumor from AJ that the council was gonna fire him and
23 replace him with Lori Saine, uh, the, the Texas Lori, but we, we know it's Lori Saine, and, uh,

Interview of Kevin Plain on March 28, 2023

1 you know, I've heard AJ make, uh, tell me about rumors before. I've never believed them 'cause
2 they never happened until now, and, and then this added twist of Lori Saine being involved,
3 which just sounded too crazy, and so, my response to the mayor was kind of flippant and, and I
4 forgot about it. And then Monday rolled around and we're almost, it seemed like we were about
5 to adjourn. We were just kind of sitting there and suddenly Kathryn Whitman makes this
6 motion, and in my head I'm like oh, no, oh, no, this can't be happening. Is this what she's really
7 gonna – and sure enough, that's what she was doing, and I'm just, I'm, I'm like I'm floating in my
8 chair. I'm surreal. It's just, and, and, and like I said, you know, I got to rewatch the, the, the
9 YouTube video of the meeting just to even remember what was coming out of my mouth that
10 night 'cause I was just blabbing. You know, I just, I was search, I, I'm searching my mind for
11 what the charter says and, and throwing it out there and failing miserably and, and, uh, you
12 know, and then Jim Turini called to question or whatever, and finally the mayor he's like well,
13 I've got a motion. I guess he'll have to go through the vote on it, and, of course, I voted no, uh,
14 angrily. I don't know if it showed up in my voice, but, um, and then after they had done it I was
15 so, so angry, um, because it was obvious to me that, that, that – you don't just, you know, get a
16 motion or second that fast in this, and then demanding no debate, no discussion. That, that's
17 enough to make me mad, right, because we should be discussing things like this, you know,
18 before we take momentous action, and so yeah, I, I said at the end, um, very sarcastically, very
19 angrily, you know, that well, gee, it's something to – I'm paraphrasing myself, but, you know,
20 wow, it's good you had it figured out beforehand, and that was an accusation, uh, essentially
21 from me. I was angry in the moment, um, because that's what it seemed like to me in the
22 moment, and I still believe it, but that's my opinion.

23

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: Right.

2

3 Kevin Plain: So, I mean as a witness to what they did.

4

5 Agent Patrick Ness: What's – you're saying your opinion because of the way things were done,
6 because of the speed, uh, –

7

8 Kevin Plain: yea.

9

10 Agent Patrick Ness: – but you don't have firsthand knowledge.

11

12 Kevin Plain: Correct. I have no, no knowledge that they discussed this or they planned this or
13 anything. I have no idea if they did or not. I didn't even have a, a real serious impression that
14 they, that they hated the guy or didn't want the guy, or whatever. I mean I, uh, you know. I, I, I
15 don't know. I mean they don't like me either.

16

17 Agent Patrick Ness: Mm hmm.

18

19 Kevin Plain: And yet they're polite to me.

20

21 Agent Patrick Ness: Right. Um, has this – I think I know the answer, but did any discussion
22 about the city manager or terminating his contract ever occur as a city council, and can you talk
23 about executive sessions, what happens in there.

Interview of Kevin Plain on March 28, 2023

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Kevin Plain: See, we're not allowed to talk about executive sessions and a lot of times those are attorney, client privilege as well.

Agent Patrick Ness: Okay.

Kevin Plain: But I do not – I, I'll just say this, I don't remember ever having a discussion as a council terminating AJ. Don't remember ever having that.

Agent Patrick Ness: Okay.

Kevin Plain: And if they did, I would have said I disagree with you, but I would respectfully give them advice on if you're go – uh, and I did, of course, this never happened. I never got this opportunity, but if they were, I would have given them good advice on how they should proceed because I give everybody good advice on how to proceed.

Agent Patrick Ness: Mm hmm.

Kevin Plain: That's, that's why I'm the insufferable know-it-all.

Agent Patrick Ness: Mm hmm.

Kevin Plain: Right, so.

Interview of Kevin Plain on March 28, 2023

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Agent Patrick Ness: So, making a motion and having it seconded is common –

Kevin Plain: It, it, it –

Agent Patrick Ness: – for the City of Dacono, right?

Kevin Plain: Right, a motion and a second and a quick second is, is common.

Agent Patrick Ness: Okay.

Kevin Plain: Right, because there's, - it's like make a motion, blah, blah, blah, second. I mean that, that happens pretty fast or commonly, but this call to question thing and no debate, that is just bizarre.

Agent Patrick Ness: So –

Kevin Plain: Because you would think if Danny made that demand, that other councilmembers would have objected like I did, like the mayor did. I think Doris, she's a little new on council, so she was probably caught like not knowing what to say, right, but you would think over councilmembers like Kath, Kathryn Whitman, who'd been on council a long time or Jackie Thomas who's been on a long time, would say oh, wait a minute, you know, let's discuss this.

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: Okay.

2

3 Kevin Plain: But it's just weird.

4

5 Agent Patrick Ness: So, call-.

6

7 Kevin Plain: It's, uh, it's, it's odd.

8

9 Agent Patrick Ness: Okay, call to question, is that something you're familiar with, that phrase?

10

11 Kevin Plain: No, not, not, not prior, not prior to that night.

12

13 Agent Patrick Ness: So, let me get this right, you can correct me, so prior to that night you
14 have never heard any councilmember from the years that you've been on ever use the phrase
15 "call to question" during a procedure, a city council is that right.

16

17 Kevin Plain: I do not recall ever hearing those specific words in that order, uh –

18

19 Agent Patrick Ness: How, how do you know what it means now?

20

21 Kevin Plain: Well, I, I looked it up.

22

23 Agent Patrick Ness: Okay.

Interview of Kevin Plain on March 28, 2023

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Kevin Plain: Right, I mean after, after this I'm like, you know, Robert's Rules. I mean, you know, 'cause some – I think, I think, uh, some – and I forget who, it might've been the mayor, the mayor who said that was Robert Rules or somethin'. I don't know who told me. It might not have been the mayor, okay, s, but somebody told me that, that was Robert's Rules. I'm like really, okay, so I'm looking it up, um, and I'm not entirely sure if I ever actually saw that 'cause I didn't read the whole Robert's Rules like manual or anything. I get bored with it in 5 seconds.

Agent Patrick Ness: Mm hmm.

Kevin Plain: But, um, but no, I've never heard that and, and, and the reason I know I've never heard that because I've never heard anybody demand an, an end to debate and, and, and call for an immediate vote. I don't recall. If, if it ever happened, then I don't remember it, but I don't remember that ever occurring in a council meeting before. Usually we give all the councilmembers all the opportunity to discuss and debate, uh, out of respect.

Agent Patrick Ness: Mm hmm.

Kevin Plain: Right, um, so that's – I don't think I've ever heard that or any, even anything similar to that.

Agent Patrick Ness: Right.

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: It's, it was just bizarre. How, how can they demand that. In fact, here's, here's the
2 thing, you notice the mayor did not ask for a vote until he was good and ready 'cause he's not
3 obligated, as far as I know, right. He's, he's the guy that calls the vote. Like the city clerk was
4 just sitting there. She didn't start asking for votes until he said all right, you know.

5
6 Agent Patrick Ness: Um, and Robert's Rules of Order is not what you guys use?

7
8 Kevin Plain: No, that's, uh, we have the Dacono rules of procedure or something and I, I have
9 an old copy of it, and it has all these motions laid out, and it has something similar in there about,
10 uh, ending debate and calling for a vote, but –

11
12 Agent Patrick Ness: What's it called?

13
14 Kevin Plain: But –

15
16 Agent Patrick Ness: What's that called?

17
18 Kevin Plain: I don't remember. I'd have to –

19
20 Agent Patrick Ness: What would you have to say to say it.

21
22 Kevin Plain: I don't remember.

23

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: Okay.

2

3 Kevin Plain: I mean I, I'd have to go look it up because, you know, I, I – it's in there
4 somewhere.

5

6 Agent Patrick Ness: Right.

7

8 Kevin Plain: Um, let me think, –

9

10 Agent Patrick Ness: But that's –

11

12 Kevin Plain: Yeah, I don't know what.

13

14 Agent Patrick Ness: The reason I ask that –

15

16 Kevin Plain: I don't know.

17

18 Agent Patrick Ness: – is because in watching the video, Kathryn Whitman, Councilwoman
19 Whitman says it's, I believe she said something to the effect, it's Robert's Rule of Order.

20

21 Kevin Plain: Oh, I don't remember that.

22

23

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: And then the attorney says what, could you repeat that as a question for
2 me, and she said I didn't, I don't have a question for you, and then –

3

4 Kevin Plain: Oh, you know why I didn't get that because it was m, it was muffled. It was kind
5 of – I remember that 'cause, 'cause – I remember Kathleen asking is that a question for me, and
6 she goes no or something. I don't, I didn't make out what Kath –

7

8 Agent Patrick Ness: Right.

9

10 Kevin Plain: – Kathryn said.

11

12 Agent Patrick Ness: So she said, she said it's Robert's Rules of Order –

13

14 Kevin Plain: Oh, okay.

15

16 Agent Patrick Ness: – of order. Um –

17

18 Kevin Plain: Okay, I was not aware of that.

19

20 Agent Patrick Ness: – so, that's when the attorney said I didn't hear you Counc, Councilman
21 Whitman, uh, was that a question for me, and she said no, I don't have a question, and then –

22

23 Kevin Plain: Okay, I just –

Interview of Kevin Plain on March 28, 2023

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Agent Patrick Ness: So, –

Kevin Plain: don't remember that.

Agent Patrick Ness: Right.

Kevin Plain: Like I said, I had to rewatch that video –

Agent Patrick Ness: Right.

Kevin Plain: – to even hear what I said.

Agent Patrick Ness: Right.

Kevin Plain: 'Cause I, I just, I was –

Agent Patrick Ness: Yeah.

Agent Patrick Ness: So where I'm, where I'm going with this and I'm asking you.

Kevin Plain: Yeah.

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: Um, she mentioned Robert's Rules of Order at the, the same motion that
2 happened rapidly that, uh, Long, Councilman Long used a quote from Robert's Rules of Order.
3 Is that how you understand that?

4
5 Kevin Plain: That's how I understand it now.

6
7 Agent Patrick Ness: Right.

8
9 Kevin Plain: At the time I had no idea.

10
11 Agent Patrick Ness: Okay, and, but, and that's not what you guys use?

12
13 Kevin Plain: Uh, no. We use, we use the, uh, uh, the blah, Dacono's rules of procedure and it,
14 and it has all the motions. You, you can table stuff. You can, you know, move to approve, uh,
15 and then there is one in there that's, that's supposed to end debate. I just can't remember the exact
16 wording 'cause I would never use it.

17
18 Agent Patrick Ness: Supposed to end debate or is supposed to prevent debate?

19
20 Kevin Plain: End debate, I believe.

21
22 Agent Patrick Ness: Okay.

23

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: I mean, uh, I mean I don't wanna, uh, uh, make your tape or your recording any
2 longer, but I could probably find it. I was thinking that –

3

4 Agent Patrick Ness: I can get it. I can look at it.

5

6 Kevin Plain: Well, yeah, I could find it for you. I, I have an old copy that AJ Euckert sent to
7 me years and years ago on my old email before the city gave us emails, and –

8

9 Agent Patrick Ness: I think that the main question is –

10

11 Kevin Plain: I mean, we, well –

12

13 Agent Patrick Ness: – that they're, they're using –

14

15 Kevin Plain: I don't, I don't know a password. My two accounts, I can't get it.

16

17 Agent Patrick Ness: two people, two people on that council, two members of the council, city
18 council are using Robert's Rule of Order when you guys don't use it.

19

20 Kevin Plain: And-

21

22 Agent Patrick Ness: And they're usin' it at the same time that they're firing the manager.

23

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: Right, and, and, and, and, and as Kathy also mentioned, now you got three, right.

2

3 Agent Patrick Ness: Well, I'm including her.

4

5 Kevin Plain: Okay, so it's –

6

7 Agent Patrick Ness: I mean, well, I didn't –

8

9 Kevin Plain: 'Cause, 'cause I think, 'cause, 'cause I'm –

10

11 Agent Patrick Ness: A, a motion is –

12

13 Kevin Plain: – Long said, or not, not long, uh, Turini said the question is – actually he said, he
14 said the question has been called, if I remember correctly.

15

16 Agent Patrick Ness: Okay. Is that a phrase that you're familiar with?

17

18 Kevin Plain: No, no.

19

20 Agent Patrick Ness: Okay.

21

22 Kevin Plain: No.

23

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: All right. Um, and since that time have you had any direct knowledge of –

2

3 Kevin Plain: But, but, just to clarify.

4

5 Agent Patrick Ness: Yeah.

6

7 Kevin Plain: I looked it up afterwards, but I, at the time...

8

9 Agent Patrick Ness: Right, at the time you don't know what – they're sayin' stuff you don't
10 understand.

11

12 Kevin Plain: No.

13

14 Agent Patrick Ness: 'Cause you never heard it before.

15

16 Kevin Plain: No, not prior.

17

18 Agent Patrick Ness: Okay.

19

20 Kevin Plain: No.

21

22 Agent Patrick Ness: And you've been on the city council for how long?

23

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: A long time, thir, uh, uh, uh, 14 probably out of 16 years, if –

2

3 Agent Patrick Ness: Okay.

4

5 Kevin Plain: From 2007 to, to now, to now.

6

7 Agent Patrick Ness: Uh huh.

8

9 Kevin Plain: With 2 years off.

10

11 Agent Patrick Ness: Okay. Okay, yeah, any other knowledge of violations?

12

13 Kevin Plain: I, uh, well, it, it, I saw on the Times Call that they'd gone around in the
14 neighborhood, and, of course, everybody was talking about it and –

15

16 Agent Patrick Ness: So they, there is this –

17

18 Kevin Plain: I, I did not see them –

19

20 Agent Patrick Ness: Right.

21

22

23

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: – walking around the neighborhood and I'll be honest, if I did, I would have
2 probably turned my truck around and driven the other way because then you'd have five us
3 together. It would be even worse.

4

5 Agent Patrick Ness: Okay.

6

7 Kevin Plain: So that, my, my kneejerk reaction, if I saw two of 'em together at the grocery
8 store, I might wave and walk the other way.

9

10 Agent Patrick Ness: Yeah.

11

12 Kevin Plain: Right, because I'd be like one, two, three, I'm out of here.

13

14 Agent Patrick Ness: Okay.

15

16 Kevin Plain: Right, never would that happen.

17

18 Agent Patrick Ness: Is a, so it's, this, what I've been told is this film or this footage shows them
19 together, um, telling or asking people not to sign this petition, uh, for a recall election.

20

21 Kevin Plain: I'm not entirely sure what they were saying –

22

23 Agent Patrick Ness: Yeah.

Interview of Kevin Plain on March 28, 2023

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Kevin Plain: – to people.

Agent Patrick Ness: Okay. So, if they're doing that, if they're going 'cause one of the – I read a news article and I don't, you know, like you said, the media doesn't get things right, but one of 'em had said, uh, well, we're just out here, um, exercising our 1st Amendment right.

Kevin Plain: Yeah, I think that was Matt from the Times Call.

Agent Patrick Ness: Uh huh.

Kevin Plain: And I believe he was outside the city council, uh, building, where we meet, um, some night after they'd been around the, the neighborhood, um, so, so he, I think he tried to catch 'em outside. Uh, I didn't see 'em.

Agent Patrick Ness: Mm hmm.

Kevin Plain: Um, I'm tryin' to think. I think –

Agent Patrick Ness: So, so is that a –

Kevin Plain: –I think he told me. I think Matt from the Times Call probably told me.

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: Is that a violation, I mean, if you're there going door to door canvassing,
2 saying don't sign this petition?

3

4 Kevin Plain: Okay, so, it, it, this, this is where it's kind of weird, right. Technically, I mean
5 you want to avoid any appearance of, of ba, of bad behavior, right, so you would want to tell the
6 city clerk that we're gonna be together at a certain location, maybe having dinner, and then the
7 clerk would notice it properly so the public is aware. Um, and, and when I heard about it, I did
8 call the city clerk and I said did they notice that, and she said no. And I said do, do they have a
9 petition that they certified with you, and she said no. So, whatever they were goin' around with
10 on their clipboards is who knows what, right. Um, is it a violation? Well, it depends. What are
11 they talking about, you know, something that's coming up in front of the council, something
12 that's –

13

14 Agent Patrick Ness: Let's say they're just talking about, two of 'em are getting recalled or
15 they're petitioned to get recalled and let's just say that they are what they s, what the news says
16 they said they are.

17

18 Kevin Plain: Okay, so obviously they're goin' around talking to people about the recall.

19

20 Agent Patrick Ness: Mm hmm.

21

22 Kevin Plain: Is that a public matter? Sure it is. Is it a violation? Uh, I would leave that maybe
23 to a court or a judge or somebody to d, decide, but for me personally, I would not engage in such

Interview of Kevin Plain on March 28, 2023

1 behavior like that. I, I think that that, for me, that crosses a line, but I would leave it to a judge to
2 decide if they, if that crosses a line 'cause I'm not a, I'm not a lawyer.

3

4 Agent Patrick Ness: Mm hmm.

5

6 Kevin Plain: And I'm going to err on the side of caution, for me personally, and I wished that
7 they had erred on the side of caution for them too.

8

9 Agent Patrick Ness: Okay.

10

11 Kevin Plain: Because it's embarrassing to, to see, you know, pictures in the newspaper of them
12 going around and you can clearly make out that it's them.

13

14 Agent Patrick Ness: Mm hmm. Okay. Any other things?

15

16 Kevin Plain: I don't know. Um, the other thing that's really strange are, you know, the mayor's
17 been tryin' to get into executive session, which is a perfectly legitimate tool to discuss private
18 matters, especially personnel matters. Um, I mean in, in the list of things that say why you can
19 go into executive session, like if an employee wishes to have their things discussed privately, it's
20 their right, and, and so in this case, you know, we're talkin' about tryin' to appoint, uh, an interim
21 city manager and, you know, and the mayor's telling us somebody on staff wants to do it, so
22 obvious – and they, and they don't want their name out there, so obviously, we should go into
23 executive session. However, it is the council's right to say no. It just seems really weird to me

Interview of Kevin Plain on March 28, 2023

1 that we get in – uh, I think it's happened twice already where they went down the line and the
2 same four voted no, no, no, no. That just seems to me like more coordination.

3

4 Agent Patrick Ness: Mm hmm.

5

6 Kevin Plain: You know. Um, –

7

8 Agent Patrick Ness: Do they normally vote that, that way? Let's say that for just, I wouldn't
9 say trivial stuff, but –

10

11 Kevin Plain: I am tryin' to think if I ever remember an executive session being proposed and
12 the council saying no. Somebody would, should do some research on that because I don't
13 remember one.

14

15 Agent Patrick Ness: Okay.

16

17 Kevin Plain: But, but it could have happened. Maybe there was some contentious thing that I
18 forgot about.

19

20 Agent Patrick Ness: Yeah, but I'm saying, uh, uh –

21

22 Kevin Plain: But it would be-.

23

Interview of Kevin Plain on March 28, 2023

1 Agent Patrick Ness: That, let's say not even –

2

3 Kevin Plain: It's weird, it's weird.

4

5 Agent Patrick Ness: Not even executive session, so what, what you're insinuating is that they
6 probably talked about this beforehand. That they're –

7

8 Kevin Plain: That they were not going to go into executive session –

9

10 Agent Patrick Ness: Yes.

11

12 Kevin Plain: – to discuss this.

13

14 Agent Patrick Ness: The, the firing of the city manager. They're not goin' in executive session.
15 This seems like coordinated votes.

16

17 Kevin Plain: It seems like-

18

19 Agent Patrick Ness: What I'm tryin' to say is this –

20

21 Agent Patrick Ness: – different from how they usually do business, like if you – hey, let's build
22 a new park at so and so.

23

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: That's interesting you ask because I – after they did this, after they fired AJ, um,
2 I've been listening much more closely to their votes, and, you know, like votes, like for the, the,
3 like a, like the Interstate 4 turning into a church or there was something about, um, like a, you
4 know, I don't know, there's some other things, um, and they were not voting in a coordinated
5 fashion.

6
7 Agent Patrick Ness: Right.

8
9 Kevin Plain: Some were yes, some were no. Um, and, and, and believe it or not, hear me being
10 the optimist I'm thinking hey, maybe they're not voting in lockstep anymore. That's, that's good
11 behavior.

12
13 Agent Patrick Ness: Mm hmm.

14
15 Kevin Plain: Right, um, but the thing is any time you vote no, it's always a good idea to give a
16 reason why and that's because if there's anything quasi-judicial or there's an applicant or, or some
17 question that comes up later, it's better that you give the reason you voted no in the heat of the
18 moment when you voted, rather than, you know, let's say a month later, 2 months later if the
19 applicant wants to sue us. Right, 'cause then you had all that time to invent your reason for
20 saying no, and so, but, but that's just, that's just good form, best practice, if you will.

21
22 Agent Patrick Ness: Mm hmm.

23

Interview of Kevin Plain on March 28, 2023

1 Kevin Plain: Um, you know, it's, it's, it's interesting that, that, uh, Jim Turini had made a
2 comment that, you know, people wanna have this out in the open and so that's why he voted, so I
3 guess he voted, he did give a reason, I guess, so, and in fact, I think some of 'em did, so I take
4 that back. Some – when, when we went into the se, executive session they did, some of 'em
5 voted – they, they, they explained that, you know, that what maybe – I'm tryin' to remember,
6 golly. If they said it before or after the vote, I can't remember, but anyway, somebody did say
7 that, you know, going into executive session doesn't allow the public to witness stuff.

8

9 Agent Patrick Ness: Right.

10

11 Kevin Plain: And, and fundamentally that's a misunderstanding of, of what an executive
12 session can be used for. It's, it's almost a, an intentional twisting of, of what we are allowed to
13 do.

14

15 Agent Patrick Ness: Mm hmm.

16

17 Kevin Plain: You know, and, and, and a funny, and, and I know remember Kathleen making a
18 comment that he, she, she, she was very, Kathleen, the attorney, very happy to see that Turini
19 was now feeling that way, you know, so, and that was obviously sarcasm on her part, so.

20

21 Agent Patrick Ness: All right, yeah.

22

23 Kevin Plain: Yeah. It's, it's bizarre.

Interview of Kevin Plain on March 28, 2023

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Agent Patrick Ness: Right.

Kevin Plain: I, I, I don't understand why they wouldn't go into an executive session. What, what could possibly happen in there that they don't have control over, and they have four votes, right. So, I mean we could go in there. They could just cross their arms and say nothing, go back out, vote however they want anyway.

Agent Patrick Ness: Mm hmm.

Kevin Plain: You know, um, and then some of this accusation that, that, that, uh, Kathryn Whitman said about, you know, that the may, they, they might, that the mayor might redact the resume or something to that effect, redact things and we might not know who we're even talking about, that's crazy. Who would ever hire an interim city manager or a full-time city manager without knowing who they are 'cause you know who they are on the first day of, of the job, and then the four could then, you know, fire that person, right, so it's, uh, nothing of that make sense. It's, it's, it's bizarre.

Agent Patrick Ness: Mm hmm.

Kevin Plain: I don't know. The whole thing has just been surreal.

Agent Patrick Ness: Okay.

Interview of Kevin Plain on March 28, 2023

1

2 Kevin Plain: So I think, that's all I can think of.

3

4 Agent Patrick Ness: Okay.

5

6 Kevin Plain: Uh, if you, if you have any other questions later, feel free to call me, whatever,
7 anything you want.

8

9 Agent Patrick Ness: Okay.

10

11 Kevin Plain: You know, I, I'll provide as much as I can.

12

13 Agent Patrick Ness: Okay.

14

15 Kevin Plain: Uh, if I have emails or texts or whatever you need, just let me know and I'll send
16 it to you.

17

18 Agent Patrick Ness: Okay, I appreciate it.

19

20 Kevin Plain: And I, but I, like I said, the CORA request, the open records request have pretty
21 much gotten everything.

22

23 Agent Patrick Ness: Okay.

Interview of Kevin Plain on March 28, 2023

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Kevin Plain: So.

Agent Patrick Ness: All right, this concludes the interview. The time is –

Kevin Plain: Okay.

Agent Patrick Ness: – 2:41. Unless you got somethin' else?

Kevin Plain: No, I got nothin' else.

Agent Patrick Ness: Okay.

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Custom Filename: Kevin Plain Interview
Date: 03/30/2023

Interview of Malcolm Fleming on (March 21, 2023)

1 Agent Patrick Ness: This is, this is Agent Patrick, hold on. This is Agent Patrick Ness with the
2 Colorado Bureau of Investigation. The day is March 21, 2023 and the time is 1:15, and I'm
3 speaking with Malcolm Fleming; Correct?

4
5 Malcolm Fleming: That's correct.

6
7 Agent Patrick Ness: Okay. And Malcolm, how are you employed right now?

8
9 Malcolm Fleming: I'm Account Administrator in Erie, Colorado.

10
11 Agent Patrick Ness: Okay. Um, and the address there is?

12
13 Malcolm Fleming: 645 Holbrook Street, uh, in Erie, Colorado 80516.

14
15 Agent Patrick Ness: Okay. And, uh, could you spell your first and last name, just for the
16 transcriptionist?

17
18 Malcolm Fleming: Sure. Uh, Malcolm, M-A-L-C-O-L-M, Fleming, F-L-E-M-I-N-G.

19
20 Agent Patrick Ness: Okay. Um, so, uh, Mr. Fleming, like I talked to you yesterday when I
21 scheduled this, uh, we've been contacted by the city of Dacono, uh, to do an investigation
22 regarding allegations of an open meetings act by city council members of the Dacono City
23 Council. And, uh, you were identified as a person who had made, had contact, specifically with,

Interview of Malcolm Fleming on (March 21, 2023)

1 Katherine Whitman, who is the mayor pro tem, um, and, uh, a phone conversation regarding, uh,
2 a contract or an agreement between the two towns. Um, do you remember that phone
3 conversation?

4 Malcolm Fleming: Well, um, yes, let me see. I actually, uh, was looking through my records,
5 and I believe it would have been, um, hang on just a second; yeah, I wanna get the date right.
6 And I did have a follow-up email, uh, so I'm trying to pull that up. Yeah, um, let's see, this
7 would have been on Tuesday, January 17th.

8

9 Agent Patrick Ness: Okay.

10

11 Malcolm Fleming: Um, um, yeah, Mayor Pro Tem Whitman called me, uh, it was about 6:15
12 in the evening, just as I was going into, uh, a town of Erie, Board Meeting, and she inquired if
13 town staff could attend the special meeting that, um, Dacono was having regarding, and now the
14 things I think the proposed, uh, application to DRCOGG for funding to pursue two different
15 projects.

16

17 Agent Patrick Ness: Okay.

18

19 Malcolm Fleming: Um, I, she was asking if, uh, I or another town of Erie staff could attend
20 that meeting and because of, um, conflicts with our schedule, I, I said we couldn't attend that
21 night, but we could come, uh, if they were having a meeting, uh, the following week, we'd be
22 happy to come and present on it. And, uh, that was pretty much the extent of the conversation as
23 I recall it.

Interview of Malcolm Fleming on (March 21, 2023)

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Agent Patrick Ness: Okay. So, there was no, um, talked about policy or how the, she was gonna vote or anything like that?

Malcolm Fleming: Um, no. We, we understood, we being, myself, uh, Carlos Hernandez, um, and we, we understood, based on previous meetings that we had had with DRCOGG and representatives from multiple communities, that Dacono is interested in the projects that we were proposing, and, uh, so, my recollection of the conversation with Mayor Pro Tem Whitman that night was, um, she just wanted to make sure there was an opportunity for us to come present to their city council.

Agent Patrick Ness: Okay. And, uh, that's the only conversation you had with her?

Malcolm Fleming: Um, let's see. I spoke with her very briefly, uh, since then, very briefly at the, at a meeting of the, uh, Southwest Weld Regional Subforum where, um, again all of the communities in the southwest subregion were talking about their various proposals for DRCOGG funding. I spoke with her very briefly at that meeting, um, more just in general... but other than that, I don't, I don't recall other conversations I've had with her.

Agent Patrick Ness: Okay. Um, I think that's all I had for you, so, um, I guess the general question would be have you, has anybody from the city council reached out to you regarding, um, votes or positions of the city council, as an individual instead of a city council?

Interview of Malcolm Fleming on (March 21, 2023)

1 Malcolm Fleming: Um, I did have another, uh, from conversation with Mayor Morehead, um,
2 but it wasn't, it was, um –, let's see, I've got another email on that one, let's see. Yeah, this would
3 have been, um, is in response to some email exchanges that, between AJ Euckert and myself or
4 actually Carlos Hernandez and AJ Euckert and then, uh, AJ sent us an email, again, this
5 regarding the same projects and, um, Mayor Morehead was trying to reach Mayor Brooks in Erie
6 and wasn't able to do that, so he, Mayor Morehead called me and, um, he said, uh, he was
7 considered about these projects. He felt like they were getting out ahead of Dacono's process for,
8 um, considering those projects and, uh, that was a misunder, I, I said I'm sorry for that. I think it
9 was a misunderstanding. We thought because Dacono representatives had attended previous
10 DRCOGG meetings where these projects were being discussed, we found, based on that, that
11 Dacono was supportive of the projects and that, uh, appeared to be a misunderstanding, so. We,
12 I apologized for that and, uh, wanted to try and have an opportunity where we could come
13 present to the, um, city council and that was what, uh, ultimately transpired it to, um, Carlos
14 Hernandez and myself coming to the Dacono City Council and making a presentation on the
15 projects.

16
17 Agent Patrick Ness: Okay. Okay.

18
19 Malcolm Fleming: Other than that, I haven't had any conversations with any other members
20 of the Dacono City Council. I've talked with AJ Euckert about it a few times, um, and that's
21 probably the extent of the conversations back and forth on, on that, on those projects.

22

23

Interview of Malcolm Fleming on (March 21, 2023)

1 Agent Patrick Ness: Okay. Okay. Well, I have no, any other questions unless you got
2 something for me, we'll just go ahead and end this interview?

3

4 Malcolm Fleming: That covers it from my end.

5

6 Agent Patrick Ness: Okay. This concludes the interview. The time is 1:25 p.m.

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Interview of Adam Morehead on March 22, 2023

1 Agent Patrick Ness: This is Agent Patrick Ness with the Colorado Bureau of Investigation.
2 Today is Wednesday, March 22, 2023. The time is 9:13, uh, a.m. I'm in the office, uh, at uh,
3 8800 Sheridan Boulevard, and I'm speaking with, uh, Dacono Mayor, Adam Morehead.

4
5 Adam Morehead: Correct.

6
7 Agent Patrick Ness: Could you, uh, spell your first and last name?

8
9 Adam Morehead: It's Adam Morehead, A-D-A-M, M-O-R-E-H-E-A-D, and I'm the
10 Dacono Mayor

11
12 Agent Patrick Ness: Okay. M-O-R-E-H-E-A-D?

13
14 Adam Morehead: Correct, yes.

15
16 Agent Patrick Ness: Just one O?

17
18 Adam Morehead: Just one O.

19
20 Agent Patrick Ness: Okay. And, got that. So, uh, this is in regard to a request. Obviously, you
21 know, because you made the request that, uh, the CBI has been tasked with investigating, um,
22 allegations against, uh, members of the Dacono City Council regarding Open Meetings Act, –

23

Interview of Adam Morehead on March 22, 2023

1 Adam Morehead: Um-hmm.

2

3 Agent Patrick Ness: – what you told me in violation of city policy, but is that correct? Okay.

4 And so, um, tell me what was the genesis of your request. I know you requested your chief who

5 requested us, but what was the, what was the genesis of your request?

6

7 Adam Morehead: The genesis of my request, um, even though there was, uh, in my opinion,

8 open meetings law violations that occurred before my request, um, we discussed that a little bit.

9 I know you're looking into that. But the genesis was that, that four city council members, in my

10 opinion, colluded in clear violation of open meetings laws to terminate our city manager –

11

12 Agent Patrick Ness: Okay.

13

14 Adam Morehead: – without, without cause and without discussion.

15

16 Agent Patrick Ness: okay.

17

18 Adam Morehead: In fact, refused to discuss it, refused any attempts to even, even try to

19 discuss it behind closed doors, uh, and have yet to really give any, any rational reason as to why

20 he was terminated. Um, and my issue is less with his termination, even though I think it was not

21 proper, and we probably would, could face some, some legal jeopardy, and I, I feel like I need to

22 cover the, the city here, uh, and make sure that, that uh, if we do have these violations that we try

23 to cure those violations and try to, try to, um, to limit the liability that we have, the behavior of

Interview of Adam Morehead on March 22, 2023

1 these four council members, but that's the genesis of my investigation was, was, that culminated
2 in into to the termination of the, the city manager by these four without any explanation.

3
4 Agent Patrick Ness: Okay. What do you, uh, what information do you have, let me back up.
5 Specifically, which Open Meetings Act violations would the, do you think they violated?

6
7 Adam Morehead: Well, I think they obviously colluded together either as a group or
8 individually one-on-one, uh, in the background to fire the city manager. I mean, uh, if, if you, if
9 you watch the meeting from the 13th of, of uh, February, it's clear it was, you know, you have a, a
10 motion, immediate second, no discussion. Um, at least three of them are using Robert's Rules of
11 Order which Kathy Whitman, is our longest serving council member, knows we don't use, but
12 other people are doing the same thing, like calling to order and different things I wasn't familiar
13 with. Um, so, how, how can you not, how can three people all be using Robert's Rules and not
14 have discussed this termination in advance? I mean, in uh, there's, there's just, um, if you look at
15 it you can tell they're, they, that it's, it's clear that they obviously planned it. They, they didn't
16 want to discuss it. They wanted to vote right away. You know, they, they were ready for any
17 kind of, uh, pushback from me as the mayor or the other two council members. Uh, the other
18 two council members had really no idea, um.

19
20 Agent Patrick Ness: Which two are they?

21
22 Adam Morehead: That's Doris Crespo and Kevin Plain.

Interview of Adam Morehead on March 22, 2023

1 Agent Patrick Ness: Okay.

2

3 Adam Morehead: Um, uh, like I told you when we were talking a little bit beforehand, you
4 know, there was a rumor kind of circulating a few weeks out from that. Um, AJ heard a rumor,
5 and then I told you about Doris' interaction with one of her neighbors, um, which I think lends
6 even more credibility to the fact it was being discussed openly amongst some of the neighbors in
7 The Glens of, of Kathy Whitman, Jim Turini and Danny Long all live in the same neighborhood,
8 just in a, a, block of each other. Um, so, they were obviously talking about it publicly before it
9 ever happened. Also, at that meeting there was a group of about 12 or 14 residents from The
10 Glens there that were invited by Kathy Whitman to witness the, the termination. I mean, our
11 meetings are typically zero or maybe a maybe a couple developers there, you know, and uh,
12 contractors. So, we don't have a lot of people at our meetings typically. Most of the city council,
13 we don't have big agendas going. So, to have, you know, 12, 13, 14 people at that meeting all
14 sitting in one corner, uh, Councilwoman Crespo wasn't advised, who did not vote for terminating
15 AJ, um, knew a good chunk of them, and she talked to them afterwards, and they said, oh no,
16 Kathy invited us, told us.

17

18 Agent Patrick Ness: Is it, can a city council member go door to door and, and say something
19 like I think we should terminate the city manager? I mean, I'm asking. Is that against the Open
20 Meetings Act?

21

22 Adam Morehead: No.

23

Interview of Adam Morehead on March 22, 2023

1 Agent Patrick Ness: Okay. But you're using that –

2

3 Adam Morehead: Uh, no, could, could, could –

4

5 Agent Patrick Ness: – just to –

6

7 Adam Morehead: – somebody come to, to, to Kathy Whitman and say, I hate the city
8 manager. You guys should think about terminating him. And, can she talk about that, her
9 personal opinion? I would say sure.

10

11 Agent Patrick Ness: Yeah.

12

13 Adam Morehead: However, if she's colluding to terminate him with other council members
14 without discussion or action, –

15

16 Agent Patrick Ness: Yeah. I get where you're, uh, coming from

17

18 Adam Morehead: Uh, that's my issue.

19

20 Agent Patrick Ness: Yeah, okay. Um, so, what is the, what is the, your understanding of the
21 Open Meetings Act regarding notification or giving out notice that this, you know, that you have
22 to make the agenda public, is that correct?

23

Interview of Adam Morehead on March 22, 2023

1 Adam Morehead: Correct.

2

3 Agent Patrick Ness: And then, uh, if something is going to be added to the agenda, how does
4 that work?

5

6 Adam Morehead: Um, typically the agenda is put together by the city manager, sometimes in
7 consultation with the mayor, um, I, when I talked to the city clerk and, and AJ, who'd been there
8 20 years, he can't remember a city council person ever putting anything on the agenda in his 20
9 years. So, when they put the Erie project on there, Kathy had that, had that put on there, and I
10 talked to the city attorney, and she said, well, there's no real reason why a city council person
11 couldn't put something on the agenda. So, we allowed it to go on there. But it's highly out of the
12 norm. Normally, you, you know, that city, that city council person would probably talk to me
13 and AJ and say, I'd like to put this on the agenda, what do you think, and then we'd kind of make
14 a decision if this is the right meeting or if we're prepared for that, because if you're inviting
15 somebody into the presentation, the city needs to be prepared to, to talk about that, well educated
16 on whatever the topic is that's going to be presented so, so they can give the council feedback on
17 how this impacts our city, our finances. I mean, that's the normal, that's good governance. That's
18 how that works. Well, jamming something onto the agenda that, having our city come in and
19 give us a presentation and not go through the city manager or the city or the mayor is just highly
20 out of order. It just doesn't happen. It doesn't happen.

21

22

23

Interview of Adam Morehead on March 22, 2023

1 Agent Patrick Ness: I'm talking about can someone put something on the agenda the night of,
2 just make a motion, I, like, they'll make a motion that we terminate the city manager. Does that
3 have to be, can they do that if it's not on the agenda because it doesn't meet the notice?

4

5 Adam Morehead: The short answer is yes. Now, being a young mayor, what I should have
6 said, if you want to add an agenda item, we have to vote on it. So, let's say if you want to add
7 the termination of AJ Eukert on tonight's agenda, it needs four affirmative votes to put it on the
8 agenda at the time of the meeting. So, I should have called for that. Now, would it have
9 changed anything? I doubt it. They had four votes to terminate him. They would've, they
10 would've voted to put it on the agenda. The motion would've stood, and the termination could
11 stand.

12

13 Agent Patrick Ness: Okay. So, they don't have to put the 24-hour notice or anything?

14

15 Adam Morehead: No.

16

17 Agent Patrick Ness: Okay.

18

19 Adam Morehead: I mean, again, good governance. Yes.

20

21 Agent Patrick Ness: Right.

22

23

Interview of Adam Morehead on March 22, 2023

1 Adam Morehead: Normally, anything should be on the agenda, it should be publicly out
2 there for, you know, at least 48 hours so public can see it and adjust to it. Um, so, adding things
3 quickly is typically kind of more of an emergency thing.

4
5 Agent Patrick Ness: Okay.

6
7 Adam Morehead: Or, or a, you know, a, something comes up quickly, you can't get up, you
8 know, you just can't afford that kind of notice, and we have to add it for some reason, but
9 typically no. You know, it's just not something.

10
11 Agent Patrick Ness: Okay. Uh, we have knowledge that, uh, or you, you have knowledge that
12 these four council members and they're, go ahead and name them.

13
14 Adam Morehead: Uh, Kathy Whitman, Danny Long, Jim Turini, and Jackie Thomas.

15
16 Agent Patrick Ness: Okay, but those four were in a particular neighborhood doing a canvas.
17 Uh, what do you know about that?

18
19 Adam Morehead: They were, um, and you have videos of them doing that. So, you'll see
20 videos of them kind of huddling and meeting out in the street, um, and then they'll break off into
21 twos. You know, there's audio of them at doors discussing the recall election, or the recall
22 petition at that time. Now, it's a recall election officially. At that time, it was just a petition, had
23 been polled and was circulating.

Interview of Adam Morehead on March 22, 2023

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Agent Patrick Ness: What was the recall petition for?

Adam Morehead: For the recall of Jackie Thomas and Jim Turini.

Agent Patrick Ness: Okay.

Adam Morehead: So, there's videos of doors, and you can hear them talking about, well, you know, but don't, but don't sign that. We just want to bring growth here, and we don't think that this, the city is moving forward. So, they had a message to kind of canvas which they did obviously kind of discuss together, because it was pretty uniform as they went through. They had a list of addresses, because in several of the videos you can hear them, check your addresses, check your addresses. So, they were targeting certain homes –

Agent Patrick Ness: Okay.

Adam Morehead: – for whatever reason. I'm not sure, but you can hear them talking together and you can see them meeting out in the street. I did talk with Councilman Kevin Plain and let him know, because he didn't know they were at Sweetgrass, and so I called him and said, hey, did, did they come to your house today, and he said no. He said, I'm sure on the list not to come to. They know where my house is. One of them is..., but you see my neighbor's house across the street. I have them on my cameras too. It's across the street, but you can't hear them, but, but uh, you can hear them on the video that one of the guys is saying, oh, that's the mayor's

Interview of Adam Morehead on March 22, 2023

1 house right there. But, check your addresses, check your addresses. I mean, coordinating. They
2 were coordinating this thing for, Kevin Plain told me that, uh, he goes, that's interesting because
3 when I passed Jackie's house that's why I saw cars out there. So, he can speak to that, because he
4 told me. But, if you talk to him, it sounds like they, they met at Jackie's house before they
5 started canvassing the neighborhood.

6

7 Agent Patrick Ness: Okay.

8

9 Adam Morehead: So, three of those council members live in The Glens neighborhood, and
10 Jackie lives in Sweetgrass.

11

12 Agent Patrick Ness: Okay. Okay. Um, I'm aware that there was kind of a, I don't want to say
13 it was a censure, but it was a, uh, education moment from your city attorney to the city council
14 on, on or around January 26 regarding Open Meetings Act violation. What do you know about
15 that?

16

17 Adam Morehead: I can't, because it's attorney-client privilege, I can't speak to the content of
18 those messages, but yes, there was at least two that I remember, maybe even three, discussing
19 the, the issues with Erie, and what the meetings law issues of that did effect Erie letter that was
20 sent that you have a copy of and the fact that the four of them were taking, were, were sending
21 direction to Erie and encumbering funds without any official action from the city, and they had
22 been advised not to do that, but they did it anyway.

23

Interview of Adam Morehead on March 22, 2023

1 Agent Patrick Ness: Because of an Open Meetings Act violation or because it's –

2

3 Adam Morehead: Well, not, well, not only that, but they're, they're, they're literally, you, you
4 can't act unless it's official city function. So, you can't. We have to vote on it. You can't just
5 say, well, there's four of us, so we have the majority, so we're going to go ahead and send Erie a
6 letter and say we support these projects when we haven't voted on it, and, and, you know,
7 commit us to \$38,500.00, and we hadn't voted on that either. So, they did that. You can't take
8 action as individuals or even as a, as a group of four. Just because you know four folks doesn't
9 mean you, you now operate outside of the boundaries of council, which is obviously what they
10 did.

11

12 Agent Patrick Ness: Because you have to vote on it.

13

14 Adam Morehead: It has to, it has to be official action, absolutely.

15

16 Agent Patrick Ness: Okay. So, we talked about, and then, what happened –

17

18 Adam Morehead: Not, not only that, and those city council rules and procedure that they're
19 supposed to check with mayor, the mayor, me, and any communications, especially written
20 communications with any person or public entity to see if there's a city position, and none of that
21 occurred. So, that will speak to some of our council rules and procedure violations, but yeah, I
22 wasn't copied on this stuff, and uh, they weren't checking with me with any of these emails to
23 Erie and other, other people, so.

Interview of Adam Morehead on March 22, 2023

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Agent Patrick Ness: Okay.

Adam Morehead: Yeah.

Agent Patrick Ness: Um, and what was the, the result of that? Was that a, did your city attorney address that in a public meeting, or was that just a, how was that addressed?

Adam Morehead: That was, that was a confidential attorney-client privilege email.

Agent Patrick Ness: Okay.

Adam Morehead: Emails.

Agent Patrick Ness: Okay. Um, –

Adam Morehead: So, it was private.

Agent Patrick Ness: – and that was, and that was based on those letters to Erie –

Adam Morehead: Right.

Agent Patrick Ness: – from, from individuals on the city council –

Interview of Adam Morehead on March 22, 2023

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Adam Morehead: Correct.

Agent Patrick Ness: – stating what the, the town's position was, or what their –

Adam Morehead: Correct.

Agent Patrick Ness: – position was. Okay.

Adam Morehead: What they can and can't do, the, the issues of what they tried to do and did.

Agent Patrick Ness: Okay.

Adam Morehead: So, it addressed that stuff.

Agent Patrick Ness: Okay. Um, so we have that, and we have this, this termination, and we have the neighborhood canvas. What else, what other information do you have?

Adam Morehead: Um, we talked a bit about the connection. Again, this is, this is kind of a background thing too with the connection to Lori Saine and her personal residence.

Agent Patrick Ness: How do you spell Lori's name?

Interview of Adam Morehead on March 22, 2023

1 Adam Morehead: It's L-O-R-I, S-A-I-N-E.

2

3 Agent Patrick Ness: Okay.

4

5 Adam Morehead: And there's also going to be, again, background stuff, but this can be
6 connections to developers like John Lee and, and uh, that I think have influenced Kathy and
7 council to vote certain ways and probably to terminate AJ. So, there was influences from outside
8 of just council to terminate him interest. So, but yes, shortly after the violations with Erie, the
9 warnings come out and the next meeting he's terminated.

10

11 Agent Patrick Ness: Oh, so the, this direction from the city attorney about policy violations and
12 that kind of thing, the very next city council meeting was the termination meeting?

13

14 Adam Morehead: Correct.

15

16 Agent Patrick Ness: Okay. How many, when do you have meetings? When do you have
17 scheduled meetings?

18

19 Adam Morehead: Second, or our scheduled city council meetings are second and fourth
20 Mondays of each month.

21

22 Agent Patrick Ness: Okay.

23

Interview of Adam Morehead on March 22, 2023

1 Adam Morehead: We've been having a lot of special meetings lately.

2

3 Agent Patrick Ness: Yeah. Okay. Anything else?

4

5 Adam Morehead: No. I think you know some people to talk to or people like Doris that can
6 give you some other, other leads, and you can kind of see where it spiderwebs from there.

7

8 Agent Patrick Ness: Okay.

9

10 Adam Morehead: I would certainly, um, I'd give Lori Saine a call too. Uh, I, I have her
11 number as well. I wonder if I should give you her cell phone number?

12

13 Agent Patrick Ness: I'll get it later.

14

15 Adam Morehead: Yeah, okay. I'll just say.

16

17 Agent Patrick Ness: Um, okay. Anything else.

18

19 Adam Morehead: I don't think so. I mean, I, I've given you a lot of stuff off the record and
20 background information and, and you obviously have documentation and videos and things like
21 that you can, for you to review, and some others, others to talk to.

22

23

Interview of Adam Morehead on March 22, 2023

1 Agent Patrick Ness: And to clarify what we've talked about before we turned the tape recorder
2 on is, you know, that what was trying to, what was, uh, what were you guys were doing with the
3 Erie and the DRCOGG grants and all that, which just the background information regarding
4 what was going on politically at the time, or not politically, but actions by the both towns and all
5 that, but uh, wasn't directly involved. It was indirectly involved, but it doesn't speak to the actual
6 violations of the policy in the Open Meetings Act. I just don't want you to think that we talked
7 about stuff that's secret or anything like that.

8

9 Adam Morehead: No.

10

11 Agent Patrick Ness: Good. It was just talked about background about how, how people
12 interact and are connected to each other, so.

13

14 Adam Morehead: Yeah. I mean, there's, there's multiple, in my opinion, Open Meetings Act
15 violations with these four going back to, you know, like months ago, and I think you'll find that.
16 So, it's, you know, the culmination of why I asked for the investigation was obviously the
17 termination of AJ, but, you know, we were already, we were already scheduled to have Tami
18 Tenue, our insurance, uh, –

19

20 Agent Patrick Ness: CIRSA.

21

22

23

Interview of Adam Morehead on March 22, 2023

1 Adam Morehead: – CIRSA come in and do a big presentation to council. Um, that was
2 scheduled for the 23rd of February, 23rd of, I want to say 23rd of February, and it got canceled
3 because we, we had no city manager, and we were scrambling at that time.

4
5 Agent Patrick Ness: Okay.

6
7 Adam Morehead: But that was there to educate people to, because of the continued, all the
8 open meetings law violations these three to four people were continuing to do, and so we were
9 gonna try to address that through training.

10
11 Agent Patrick Ness: Right.

12
13 Adam Morehead: But now, it's, you know, obviously, the, the termination of the city
14 manager without, it, it was obviously, in my opinion, preplanned and, and, and behind closed
15 doors by these four and, and they had a, they had a pretty, uh, obviously plan, you could see in
16 the meeting. That, to me, along with these other open meetings law violations leading up to this,
17 it's just a overarching theme of, of this type of, uh, I guess for lack of a better word, corruption. I
18 mean, it's just not how good governments work, and this is not how, –

19
20 Agent Patrick Ness: Yeah.

21

22

23

Interview of Adam Morehead on March 22, 2023

1 Adam Morehead: – you know, cities should not be held hostage by four people who don't
2 operate within the law. And that's why I felt like I had to call for an investigation 'cause it's just,
3 it, it needs to be, it needs to be out there. It needs to be addressed.

4

5 Agent Patrick Ness: What would Lori Saine tell me? I mean, what do you think happened?
6 Why do you think I should talk to her?

7

8 Adam Morehead: Probably nothing, but I, I think it would just be interesting to see if she
9 had something to say about the connection with Erie and Dacono and her role in that.

10

11 Agent Patrick Ness: And, but she's not on the city council.

12

13 Adam Morehead: She's not.

14

15 Agent Patrick Ness: Right.

16

17 Adam Morehead: Right. So –

18

19 Agent Patrick Ness: Her role in that would be, I mean, as far as what we're investigating, the
20 policy violations and the Open Meetings Act, –

21

22 Adam Morehead: She may, she, you know, she also has knowledge of Kathy Whitman's
23 involvement with the Erie issues, which is open meetings, a lot of stuff there too, 'cause she

Interview of Adam Morehead on March 22, 2023

1 involved the other council members with that, left the mayor and other council members and the
2 city out of that discussion. So she was definitely part of that. So her connection to any open
3 meeting would be, would be her knowledge of Whitman's and other council members'
4 involvement with the Erie Project. And I'm sure she's aware of, of the termination and had input
5 on that.

6

7 Agent Patrick Ness: Okay.

8

9 Adam Morehead: She may not admit that to you.

10

11 Agent Patrick Ness: Right.

12

13 Adam Morehead: But I suspect that. Just like I said, it's one of those things that, it's what
14 you know, but you can't prove.

15

16 Agent Patrick Ness: Right.

17

18 Adam Morehead: I can't, I can't prove it. But I, I guess I'm saying she's worth a call because
19 I think she is connected to these open meetings, meetings and violations. And she is part of this
20 group of four, uh, with all these projects. So to not ask her, I think would be a, a mistake. Will
21 she talk to you? Maybe not.

22

23 Agent Patrick Ness: Okay.

Interview of Adam Morehead on March 22, 2023

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Adam Morehead: But, but she definitely has knowledge and talks to all these four council members all the time.

Agent Patrick Ness: Okay.

Adam Morehead: I mean, they meet after meetings after, you know, they huddle over there in the corner after a council meeting with Lori. Lori was texting me in the middle of the council meeting. Um, she was texting Kathy Whitman what to say in the middle of the council meeting.

Agent Patrick Ness: What was her text to you?

Adam Morehead: It was about Andrew Street. Let's see.

Agent Patrick Ness: Was she there?

Adam Morehead: Yeah. She was, –

Agent Patrick Ness: Why is she –

Adam Morehead: – she was in the room. Well, that's the problem. It's an open meeting. She should have spoken. So I, you know, I, I, I wouldn't engage with her. I just stopped responding. Um, let me see if I can do it from here, this route. I have her number, so let's, uh,

Interview of Adam Morehead on March 22, 2023

1 pull her up and I'll look at, so this was Monday, October 10th. This was a, this is a city council
2 meeting. This is what she's, this is what she's texting me. This is 6:48. City council meeting
3 starts at 6:00. And for a little bit, I responded to her, and then I just stopped.

4
5 Agent Patrick Ness: She's in the light-colored –

6
7 Adam Morehead: Yes.

8
9 Agent Patrick Ness: Um, “it looks like you didn't follow your own process in proving an
10 amendment to the public master plan to switch to PUD”. And then later, “the developer wasn't,
11 the developer was willing to not be straight with me, so I'm giving you a caution. This isn't on
12 the up and up”.

13
14 Adam Morehead: She accosted those two developers outside after the council meeting.
15 They called and complained. And when they came back for a second reading, they had to have a
16 police escort for them because of her.

17
18 Agent Patrick Ness: Hmm.

19
20 Adam Morehead: Just to give you a little, little more background on Lori and how passionate
21 she is about not having the street next to her house unpaved.

22
23 Agent Patrick Ness: Okay. Anything else?

Interview of Adam Morehead on March 22, 2023

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Adam Morehead: Um, nothing I can think of. I, you know, I think you know who to talk to. I think it's gonna, gonna give you a clear picture as you continue to kind of look through the path that other people may have emails or conversations that they know about that I'm not aware of. But, you know, again, I'm kind of on the periphery of this. You know what I mean? Like, uh, you got at least four people operating on their own, so I'm hoping that somebody in this group will be honest and, –

Agent Patrick Ness: Okay.

Adam Morehead: – and tell you what's going on.

Agent Patrick Ness: Okay.

Adam Morehead: Um, I am going to send you those statements being made –

Agent Patrick Ness: lets go ahead and stop because of the transcript. So this concludes this interview. The time is 9:37.

Interview of Adam Morehead on March 22, 2023

Custom Filename: Adam Morehead Interview

Date: 03/22/2023

Billed Pages: 20

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Jennifer Krieger

From: Donna Case
Sent: Friday, May 06, 2022 10:29 AM
To: AJ Euckert; Jennifer Krieger
Subject: RE: May 5th encounter with Kathryn Wittman...

Follow Up Flag: Follow up
Flag Status: Flagged

Sure, that's when she came in the first time. She was at the counter speaking with Ashley when I got back from lunch. I asked her to stop by my office as I wanted to ask her about the comment she made about me to you and Danny. She denied that she ever said that and then alluded that Sharyl McCune said it. Then when she came in the second time she told me she called Sharyl and that she agreed with me I never recommended any contractor for their monument sign. Which just confused even more.

Kathryn stated that she had a call from Andy Winfrey and she was upset with Jennifer for turning down an electrician for an electrical permit for a company doing business at the Winfrey property. I informed Kathryn that it wasn't Jennifer but it was me that denied the permit. Then she mentioned that Jennifer turned the guy down in a meeting. I was in that meeting too, it was with Al Avalos with ADB Companies and Jennifer stated that they cannot bring in a new business because they are in violation of the subdivision agreement. Not only that but it wasn't an approved use for that zone. I asked her how she knew Andy and she said she met him while she was campaigning. She stated that Andy is valuable asset to the City because he employs a lot of citizens and something to the effect of we should be helping businesses not standing in their way.

Then when Mr. Winfrey came in yesterday afternoon to ask about his water tap size I felt it wasn't a coincidence, and this morning Val got a business license request from the company ADB who isn't supposed to be on the property now anyway.

Sorry if this is too wordy. I just wanted to get it all out. Thanks.



Donna Case | Community Development Technician | City of Dacono

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Facebook: [Facebook.com/CityofDacono](https://facebook.com/CityofDacono)

Instagram: [Instagram.com/CityofDacono](https://instagram.com/CityofDacono)

From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Friday, May 6, 2022 9:58 AM
To: Donna Case <DCase@CityofDacono.com>; Jennifer Krieger <JKrieger@CityofDacono.com>
Subject: RE: May 5th encounter with Kathryn Wittman...

Thank you for sharing this, Donna.

You had also mentioned a conversation Kathryn had with you at the Winfrey property (aka Wilmar Subdivision). Could you please describe that interaction?

AJ

From: Donna Case <DCase@CityofDacono.com>
Sent: Friday, May 6, 2022 9:19 AM
To: Jennifer Krieger <JKrieger@CityofDacono.com>
Cc: AJ Euckert <AEuckert@CityofDacono.com>
Subject: May 5th encounter with Kathryn Wittman...

Jennifer,

I wanted to let you know that Kathryn came back into City Hall yesterday after you left and said she needed to speak with Ashley, but Ashley wasn't available so she needed to speak to me again. Unfortunately, Tom City building official was in because I had sent him to two properties that someone had complained about, and Kathryn waited outside my door in the hall and heard everything. One of the properties had recently had a fire and the other someone had built a bedroom inside of a garage for their son.

When Tom had left, she asked me about payments for the dumpster permits for the Glens clean-out day. Then she started in again about how someone could say bad things about her behind her back, I think she was referring to our first meeting not even an hour before. When I asked her about what she had told to AJ and Danny. She said that the person that told me that didn't have the balls to confront her to her face and she kept dropping the "F" bomb. She said something to the effect that she's not happy with the way things are going and then asked about what happened with Jon & Jordan. I told her Jon quit and I didn't know what happened to Jordan, but that wasn't any of my business.

I just wanted to let you know that she came back in again and what transpired. Thanks.



Donna Case | Community Development Technician | City of Dacono

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From: Jim Turnni <jim.turnni@...>
Sent: Friday, August 5, 2022 11:06 AM
To: Doris Crespo <dcrespo2@...>
Subject: Re: City council seats

Hey Doris,

Have you heard what our mayor Adam is saying? He wants a raise for city council which I could be talked into supporting. He is saying \$300 for council and \$500 for mayor. That will not fly. I stopped by the senior center and they are all fired up about it. Every one of the seniors I spoke to said they will not vote for that. They agreed we should get paid more but not that much in one jump. I am thinking something like \$150 for council and \$250 for mayor may have a chance. I am sure we will be talking about it at council Monday. Wanted to be sure you knew about it and are prepared.

I was also beat up about city management salaries. The seniors all say we HAVE to do something about the upper management salaries. They are way out of proportion for a city of our size. I assured them we are aware of it and we are discussing it. They said if council wants more money to take it from city management salaries.

Now next subject. Adam also wants Dacono to build its own recreation center and senior center. Another firestorm I walked into that I was not aware of. Everyone was dead against that too. The seniors said they do not want a second senior center. They want to all be able to gather in one place. Firestone has given them their old city hall behind Safeway and they are in the process of remodeling it and getting it set up. They will be asking Dacono for a grant on our next budget to help set it up and buy furniture and supplies. I do not know how much they are asking but I think that sounds more reasonable than having two senior centers.

As for a recreation center, I think that is a bad idea. We are part of Carbon Valley rec center already. If anything I think we should support an extension to the Carbon Valley Rec center to be built in Dacono. The city owns tons of land they could give to Carbon Valley to build on and we could give support in other ways too.

The last thing I want to ask is do you have any time next Thursday to go to the senior center? Thursday is their craft day. They all get together and do something called diamond dots. They make pictures and key chains and jewelry by gluing little crystals to things. I am asking the senior center director if they provide any supplies or if the ladies bring their own stuff. I know they used to have a bunch of stuff provided by the senior center but I have not been there for quite a while so I do not know what they have now. I think if you bring a few friends Next Thursday they would enjoy it. We can talk about it more at the Monday meeting.

Well I think I have dumped enough on you for one email. If you have any questions please ask
Jim

On 7/28/2022 3:59 PM, Doris Crespo wrote:

When is the deadline?

Jennifer Krieger

From: Jennifer Krieger
Sent: Tuesday, December 13, 2022 7:06 AM
To: AJ Euckert
Subject: FW: Dacono Gateway Center
Attachments: Developement plan 01.jpeg; developement plan 02.jpeg

From: Jim Turini <jim.turini@msn.com>
Sent: Monday, December 12, 2022 10:48 PM
To: Ryan.Stemmons@aldi.us
Cc: Jennifer Krieger <JKrieger@CityofDacono.com>; Jim Turini <Jim.Turini@CityofDacono.com>
Subject: Dacono Gateway Center

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr Stemmons,

I have an exciting opportunity for Aldi in Colorado. I would like to extend an invitation to consider our community for consideration for a new Aldi location. My name is Jim Turini and I am on the City Council for Dacono Colorado. Our community is experiencing explosive growth due to its easy access to Denver Colorado. Conservative population growth estimates are a population growth of three percent a year. Our city has two housing development proposals for 600 plus homes going in very soon. I am including our city plan to expand our commercial and residential footprint to some prime real estate with easy access and high visibility. It is currently part of the city plan and has access to water, sanitation, and high speed internet. The land is located at the intersection of two very heavily traveled highways. Interstate 25 to the west has daily traffic flows of 116,000 cars a day and Colorado highway 52 to the north has 20,000 cars daily with plans to expand it to a four lane highway.

If the Kroger and Albertsons merger goes through our area will have single source access to grocery stores. Kroger (King Soopers) has plans to build a new store within two miles of the Dacono commercial area that I am including with this email. I am confident that Kroger has done the research to support this expansion. It would be ideal to have some competition to Kroger for our community access to groceries. I am copying Jennifer Krieger our Community Development Director on this email. Please reach out to her and my self with any questions or points of interest.

Thank you so much for your consideration of our location.

Jim Turini

Dacono City Council

Dacono, Colorado 80514

Jennifer Krieger

From: Jennifer Krieger
Sent: Monday, January 23, 2023 6:27 AM
To: AJ Euckert
Subject: RE: Old Ford Dealership

The use is permitted by right in the CR District, so there is not a discussion as to whether or not a church can occupy the space. The P&Z and City Council will consider a site plan only.

-----Original Message-----

From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Saturday, January 21, 2023 12:01 PM
To: Jennifer Krieger <JKrieger@CityofDacono.com>
Subject: FW: Old Ford Dealership

Their site plan application will go before P&Z and Council for the change in use, correct?

I'll reply to Jim on this.

-----Original Message-----

From: Jim Turini <jim.turini@msn.com>
Sent: Saturday, January 21, 2023 12:29 PM
To: Adam Morehead <Adam.Morehead@CityofDacono.com>; Kathryn Wittman <Kathy.Wittman@CityofDacono.com>; AJ Euckert <AEuckert@CityofDacono.com>; Jennifer Krieger <JKrieger@CityofDacono.com>; Valerie Taylor <VTaylor@CityofDacono.com>; jim <jim.turini@msn.com>
Subject: Old Ford Dealership

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe. Adam,

Do you know the status of the old Ford dealership building? I seem to recall staff saying a church wanted to go into it. If a large mega church wanted to go in would that come before city council? Personally I think it would not financially be the best for the city to allow a large tax exempt entity to set up at the entrance to our prime commercial tax revenue development area.

Thanks

Jim Turini

Jennifer Krieger

From: Jennifer Krieger
Sent: Thursday, January 26, 2023 10:44 AM
To: AJ Euckert
Subject: RE: Dacono Presentation

That's a big leap for the Town of Erie to take regarding support for an application. Mark was not in a position to affirm or object to an application; he was there to listen.



Jennifer Krieger, AICP | Community Development Director | City of Dacono

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From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Thursday, January 26, 2023 10:42 AM
To: Mark Doering <MDoering@CityofDacono.com>
Cc: Jennifer Krieger <JKrieger@CityofDacono.com>
Subject: FW: Dacono Presentation

Mark,

I asked Carlos how Erie obtained support from Dacono to be listed as a supporting agency on the request to CDOT for their Concurrence Letter. See below.

From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Thursday, January 26, 2023 10:33 AM
To: AJ Euckert <AEuckert@CityofDacono.com>
Cc: Malcolm Fleming <mflaming@erieco.gov>; Miguel Aguilar <maguilar@erieco.gov>
Subject: RE: Dacono Presentation

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

No problem. Thanks for helping us move this forward. Here are the details.

Mark Doering on your staff team was at the DRCOG Weld County Sub Regional Forum on December 8th when we proposed both projects. He raised no objection to us proceeding with drafting the application and continuing to share information. We also proposed both projects again that evening at the Highway 52 Coalition meeting. This was the day before submitting the concurrence letter to CDOT. Two members of your City Council were present as was Mark Doering at that meeting. At that meeting we told the entire Highway 52 collation that we were submitting the forms to CDOT tomorrow morning and would like to proceed with the grant applications. At that time there were no objections to us moving forward with the drats. We told everyone the letters of requests would be sent out in January with the option to

provide support and funding (if desired). I believe there is a recording of the meeting if you would like to hear the presentation and direction that was provided at that session. Region 4 CDOT staff were present at that session.

I brainstormed both projects with the CDOT Region 4 Director and CDOT Region 4 Head Engineer on November 11th. At that time, I introduced the idea of building a funding partnership in December with the local communities to advance a grant at the December DRCOG forum. CDOT staff agreed with this approach based on the limited funding CDOT had available for both projects. We confirmed this approach with them in an email. During the brainstorm session I recommended we take the first steps to prepare 10% design plans based on the grant funding available and the concepts in the PEL. There were no objections at that time. The 10% details were also in the compliance request letter we provided CDOT on December 9th.

From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Thursday, January 26, 2023 9:58 AM
To: Carlos Hernandez <chernandez@erieco.gov>
Cc: Malcolm Fleming <mfleming@erieco.gov>; Miguel Aguilar <maguilar@erieco.gov>
Subject: RE: Dacono Presentation

Carlos,

Thanks for the draft application and info. about Council member Turini. I've shared the application with my team and we're reviewing as quickly as possible.

Appreciate your help with all the information while I'm playing catch up. I noticed on the Request for CDOT/RTD Support of DRCOG Project, Dacono was listed as a supporting agency. The Letter of Concurrence was issued on Dec. 20, and you mentioned that it took many months to get CDOT on board. How was Dacono's support obtained for that letter?

Also, what information was provided to CDOT reflecting a 10% design?

Thanks again,
AJ

From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Wednesday, January 25, 2023 9:15 PM
To: AJ Euckert <AEuckert@CityofDacono.com>
Cc: Malcolm Fleming <mfleming@erieco.gov>; Miguel Aguilar <maguilar@erieco.gov>
Subject: RE: Dacono Presentation

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AJ - Here is the current draft. We are submitting the final on Friday morning. Dacono City Councilor Turini stopped by in person this afternoon. He was check in on the letter of support. He left his card and talked with Malcolm's admin staff. I was in a meeting. I called him back before I left this evening. I asked him to call you about the status of the letter.

From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Wednesday, January 25, 2023 5:54 PM
To: Carlos Hernandez <chernandez@erieco.gov>
Cc: Malcolm Fleming <mfleming@erieco.gov>; Miguel Aguilar <maguilar@erieco.gov>
Subject: RE: Dacono Presentation

Yes, please.

From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Wednesday, January 25, 2023 5:53 PM
To: AJ Euckert <AEuckert@CityofDacono.com>
Cc: Malcolm Fleming <mffleming@erieco.gov>; Miguel Aguilar <maguilar@erieco.gov>
Subject: Re: Dacono Presentation

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi AJ- We have not submitted it yet. Would you like the current draft?

Sent from my iPhone

On Jan 25, 2023, at 5:47 PM, AJ Euckert <AEuckert@cityofdacono.com> wrote:

Carlos,

Can you please forward me the application Erie submitted to DRCOG for the 52 Preconstruction project?

AJ

From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Tuesday, January 24, 2023 10:55 AM
To: AJ Euckert <AEuckert@CityofDacono.com>; Malcolm Fleming <mffleming@erieco.gov>
Subject: RE: Dacono Presentation

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Sure. This DRCOG grant application is for 10%. If we obtain this DRCOG grant, we can use it to apply for other CDOT grants later this year. That would allow us to get additional funding for 30 to 40% level. CDOT and Weld County Commissioners have only supported 10% design at this point.

From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Tuesday, January 24, 2023 10:47 AM
To: Carlos Hernandez <chernandez@erieco.gov>; Malcolm Fleming <mffleming@erieco.gov>
Subject: RE: Dacono Presentation

Hi, Carlos,

I want to confirm your figure below for a 10% design proposal. You stated it would be a 30% to 40% design during the presentation.

Thanks,
AJ

From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Tuesday, January 24, 2023 9:00 AM
To: Malcolm Fleming <mffleming@erieco.gov>; AJ Euckert <AEuckert@CityofDacono.com>
Subject: RE: Dacono Presentation

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AJ – Please see the following per your e-mail.

SH 52 Grant: At this time, we cannot change the application to a 90% construction design request. We would have to restart the application process with CDOT and revisit the funding request with the Weld County Commissioners at a hearing. It took us months to get CDOT on board and the WCC authorized the 10% design proposal last week. The reason we proposed 10% design for this project was to keep the cost manageable for everyone involved. The cost for a 90% design would be about \$5 million. That would have been a \$250,000 request last night for Dacono City Council. If Dacono is willing to support the 10% application we prepared, then I will submit the attached form with our application on Thursday. I filled it out (see #7 and then #9 to #13) and just need to know if you approve it as shown. It shows Dacono supports the project but is not allocating matching funds. DRCOG staff are very specific about the matching fund requirements at the time of submittal. We can work out a cost sharing agreement in future years but given the circumstances we need to submit it as shown without a match.

I-25 Grant: We will remove the City of Dacono from the application when we submit it on Thursday.

From: Malcolm Fleming <mfleming@erieco.gov>
Sent: Tuesday, January 24, 2023 8:18 AM
To: AJ Euckert <AEuckert@CityofDacono.com>; Carlos Hernandez <chernandez@erieco.gov>
Subject: RE: Dacono Presentation

AJ,

Thanks for the update. That's good news. I'll leave to Carlos and Miguel how to word the DECOG application to reflect that Dacono staff have authority to commit the City to covering Dacono's relative share of the match for the Hwy 52 grant but that due to public meeting notice constraints the Council could not approval a Resolution to that effect prior to the grant application deadline.

Can you tell us more about the reasons for not supporting the I-25 Study? I understood from Mayor Morehead's comments that an industrial park is planned for the east side of I-25 and north of CR 10. That's helpful. However, evaluating development options and constraints, and studying whether an interchange access to that area would increase or decrease the potential value of that land would seem worthwhile. Is there no appetite to study that? If not, please help us understand why. If explaining via email is too time consuming, I'd appreciate a phone call would be helpful. I'm free now until 9:00AM but then booked solid the rest of the day until 5:30.

Thank you again for helping facilitate our presentation last night and navigating communications. We do still want to have a meeting our Mayors, you and I and Transportation staff.

Malcolm Fleming | Town Administrator
Town of Erie | Administration
645 Holbrook Street | P.O. Box 750 | Erie, CO 80516
Phone: 303-926-2711 | Fax: 303-926-2705
www.erieco.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Monday, January 23, 2023 9:32 PM

To: Malcolm Fleming <mflaming@erieco.gov>; Carlos Hernandez <chernandez@erieco.gov>
Subject: Dacono Presentation

Hi, Malcolm and Carlos,

Thank you both for coming over for the presentation. We had a great discussion with our Mayor and Council at our Work Session. They feel strongly that going all in on the SH 52 design from County Line to Holly St. (WCR 15) is their priority. In fact, they feel that with the urgent need to improve SH 52, going after a 90% design, instead of a 30% will accelerate when construction can occur. If Erie is willing to modify the application, I have been authorized to approve that application. It would initially be without funding, because our City Attorney stated a resolution would be required to commit to the funding, but as mentioned, we can work out reimbursing our match portion with a separate agreement, and state that in the support document for DRCOG.

They were not interested in supporting the I-25 Study at this time.

I would be happy to jump on a quick call tomorrow if that helps.

Thanks gentlemen,
AJ

AJ Euckert

From: AJ Euckert
Sent: Thursday, January 26, 2023 8:26 PM
To: Carlos Hernandez; Malcolm Fleming; Adam Morehead
Subject: Re: Dacono Presentation

Carlos,

The purpose of this email is to clarify the support offered by the City of Dacono for the Hwy 52 study. As you know, the City Council has only met in a work session to discuss Erie's request for support, and thus no formal action has been taken by the City Council. During the work session, the City Council expressed general support of the Hwy 52 study application and authorized me as the City Manager to convey this general support on the form so long as it was clear that the City Council has taken no formal action. The City Council has made no commitments regarding funding. The City Council does not support the I-25 corridor application. Please revise the support forms for both applications accordingly.

AJ

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From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Tuesday, January 24, 2023 8:59:49 AM
To: Malcolm Fleming <mfleming@erieco.gov>; AJ Euckert <AEuckert@CityofDacono.com>
Subject: RE: Dacono Presentation

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Malcolm Fleming | Town Administrator

Town of Erie | Administration

645 Holbrook Street | P.O. Box 750 | Erie, CO 80516

Phone: 303-926-2711 | Fax: 303-926-2705

www.erieco.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: AJ Euckert <AEuckert@CityofDacono.com>

Sent: Monday, January 23, 2023 9:32 PM

To: Malcolm Fleming <mflaming@erieco.gov>; Carlos Hernandez <chernandez@erieco.gov>

Subject: Dacono Presentation

Hi, Malcolm and Carlos,

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They were not interested in supporting the I-25 Study at this time.

I would be happy to jump on a quick call tomorrow if that helps.

Thanks gentlemen,

AJ

AJ Euckert

From: kat col <colkat@hotmail.com>
Sent: Thursday, January 26, 2023 12:05 AM
To: AJ Euckert
Cc: mfleming@erieco.gov; Valerie Taylor
Subject: Support of Erie Grants

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Euckert,

We are informing you we are supporting both Erie projects as written that were presented last Monday night before the board for the following reasons:

Hwy 52 has seen explosive growth along the corridor, and capacity issues are causing traffic to back up through intersections. Multiple chain collisions in the last several months required emergency and law enforcement agency support. In addition, a recent accident closed segments of Highway 52 for residents who live directly adjacent to the corridor.

More and more families and businesses are relocating to Erie, Firestone, Frederick, and Dacono. Families and workers are looking for less expensive alternatives to Denver and Boulder and shorter commute times to their places of employment in Weld, Boulder County, the North Denver metro area, and Northern Colorado.

Recent traffic studies do not do justice to the explosive development along this corridor, and capacity issues have caused hardship for our constituents and their families.

The new CR10 interchange will support regional economic development for Erie on the west and east side of I-25 and economic growth for the adjacent communities of Dacono, Firestone, and Frederick. In addition, this interchange will also support and accelerate projects on the east side of I-25 for Dacono along with more commercial tax base and attainable housing. Several of us attended meetings where CDOT indicated support with the new monies supporting the interchange cost.

An interchange on Weld County Road 10 will also help provide an alternative route and alleviate the congestion and safety issues from the recent explosive growth along the Hwy 52 corridor.

More and more families and businesses are relocating in Erie, Dacono, and Frederick. Families and workers are looking for less expensive alternatives to Denver and Boulder and shorter commute times.

And in turn, businesses are looking for employees that ideally live in their communities and share their values. Therefore, we the undersigned not only support the Town of Erie with DRCOG applications as written, but we also direct you to sign the letters of support along with scheduling a work session in the next two weeks to be a full partner with the same funding match shared by Weld County and the Town of Erie.

Kathryn Wittman,

Mayor Pro-Tem

/s/ Kathryn Wittman

Danny Long,

City of Dacono Council member

Jim Turini,

/S/ Jim Turini

City of Dacono Council member

Jackie Thomas,

City of Dacono Council member

AJ Euckert

From: kat col <colkat@hotmail.com>
Sent: Thursday, January 26, 2023 12:14 AM
To: AJ Euckert
Cc: mfleming@erieco.gov; Valerie Taylor
Subject: Support of Erie Grants - Additional Signatures

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Mr Euckert,

We are informing you we are supporting both Erie projects as written that were presented last Monday night before the board for the following reasons:

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Kathryn Wittman,
Mayor Pro-Tem

Danny Long,
City of Dacono Council member
/s/ Danny Long

Jim Turini,
City of Dacono Council member

Jackie Thomas,
City of Dacono Council member
/s/ Jackie Thomas

AJ Euckert

From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Thursday, January 26, 2023 9:57 AM
To: kat col
Cc: AJ Euckert; Malcolm Fleming
Subject: RE: Support of Erie Grants - Additional Signatures
Attachments: SH 52 Preconstruction Services - Dacono.pdf; Multimodal Interchange Study - Dacono.pdf

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Mayor Pro Tem Wittman – Thanks for this e-mail. I'm forwarding it to AJ for confirmation. Based on your e-mail we would submit the attached forms with the DRCOG grant applications tomorrow morning. The forms indicate the City of Dacono's fiscal support in year 2025 at the levels we presented Monday night. See box 9 to 13 in both forms.

We can include letters of support, but DRCOG requires us to provide them on official letter head with a signature. If this is not possible, the completed DRCOG forms are all we need to keep moving forward.

Thank you!

Carlos Hernandez, AICP, CTP | Principal Transportation Planner
Town of Erie | Planning & Development Department
345 Holbrook St, Erie, CO 80516
Cell: 720.737.1253
www.erieco.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: kat col <colkat@hotmail.com>
Sent: Thursday, January 26, 2023 12:46 AM
To: Carlos Hernandez <chernandez@erieco.gov>
Subject: Fw: Support of Erie Grants - Additional Signatures

Final signatures.

Mr Euckert,

We are informing you we are supporting both Erie projects as written that were presented last Monday night before the board for the following reasons:

Hwy 52 has seen explosive growth along the corridor, and capacity issues are causing traffic to back up through intersections. Multiple chain collisions in the last several months required emergency and law enforcement agency support. In

addition, a recent accident closed segments of Highway 52 for residents who live directly adjacent to the corridor.

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Danny Long,
City of Dacono Council member
/s/ Danny Long

Jim Turini,
City of Dacono Council member

Jackie Thomas,
City of Dacono Council member
/s/ Jackie Thomas

Jennifer Krieger

From: AJ Euckert
Sent: Thursday, February 09, 2023 10:12 AM
To: 'Tami Tanoue'
Subject: FW: Support of Erie Grants - Additional Signatures - 2 of 3

Second email.

From: kat col <colkat@hotmail.com>
Sent: Thursday, January 26, 2023 12:14 AM
To: AJ Euckert <AEuckert@CityofDacono.com>
Cc: mfleming@erieco.gov; Valerie Taylor <VTaylor@CityofDacono.com>
Subject: Support of Erie Grants - Additional Signatures

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City of Dacono Council member

/s/ Danny Long

Jim Turini,

City of Dacono Council member

Jackie Thomas,

City of Dacono Council member

/s/ Jackie Thomas

Jennifer Krieger

From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Friday, January 27, 2023 7:45 AM
To: AJ Euckert; Malcolm Fleming; Adam Morehead
Subject: RE: Dacono Presentation
Attachments: SH 52 Preconstruction Services - Dacono.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Mayor Morehead and AJ - Thank you for the clarifications. I amended the attached form by removing the City of Dacono's financial pledge for the CO 52 Preconstruction Service project. See #11 and #12. The I-25 multimodal interchange grant application will NOT include the City of Dacono's support or financial pledge.

Carlos Hernandez, AICP, CTP | Principal Transportation Planner

Town of Erie | Planning & Development Department
345 Holbrook St, Erie, CO 80516
Cell: 720.737.1253
www.erieco.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: AJ Euckert <AEuckert@CityofDacono.com>
Sent: Thursday, January 26, 2023 8:26 PM
To: Carlos Hernandez <chernandez@erieco.gov>; Malcolm Fleming <mfleming@erieco.gov>; Adam Morehead <Adam.Morehead@CityofDacono.com>
Subject: Re: Dacono Presentation

Carlos,

The purpose of this email is to clarify the support offered by the City of Dacono for the Hwy 52 study. As you know, the City Council has only met in a work session to discuss Erie's request for support, and thus no formal action has been taken by the City Council. During the work session, the City Council expressed general support of the Hwy 52 study application and authorized me as the City Manager to convey this general support on the form so long as it was clear that the City Council has taken no formal action. The City Council has made no commitments regarding funding. The City Council does not support the I-25 corridor application. Please revise the support forms for both applications accordingly.

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From: Carlos Hernandez <chernandez@erieco.gov>
Sent: Tuesday, January 24, 2023 8:59:49 AM
To: Malcolm Fleming <mfleming@erieco.gov>; AJ Euckert <AEuckert@CityofDacono.com>
Subject: RE: Dacono Presentation

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Sent: Tuesday, January 24, 2023 8:18 AM

To: AJ Euckert <A Euckert@CityofDacono.com>; Carlos Hernandez <chernandez@erieco.gov>

Subject: RE: Dacono Presentation

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Malcolm Fleming | Town Administrator

Town of Erie | Administration

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Phone: 303-926-2711 | Fax: 303-926-2705

www.erieco.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: AJ Euckert <A Euckert@CityofDacono.com>

Sent: Monday, January 23, 2023 9:32 PM

To: Malcolm Fleming <m Fleming@erieco.gov>; Carlos Hernandez <chernandez@erieco.gov>

Subject: Dacono Presentation

Hi, Malcolm and Carlos,

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They were not interested in supporting the I-25 Study at this time.

I would be happy to jump on a quick call tomorrow if that helps.

Thanks gentlemen,
AJ



Kathleen Kelly

From: Ness - CDPS, Patrick <patrick.ness@state.co.us>
Sent: Wednesday, April 12, 2023 8:50 AM
To: Jim Turini
Cc: Matthew B. Skaggs; Adam Morehead; Kathleen Kelly; Valerie Taylor; jim.turini@msn.com
Subject: Re: FW: 2nd Request for Interview

To All,

Mr. Turini brings up some valid issues which I will explain. Mr. Turini informed me he was seeking legal counsel before he would commit to an interview. Obviously I have no control over when or if Mr. Turini obtains this counsel. Mr. Turini was given 13 days to make arrangements or decide if he was going to consent to an interview. I informed Mr Turini that any interviews done on April 11 or April 12 would have to be done at the CBI office in Lakewood because of expediency of submitting the report with his interview and associated transcription attached. Mr. Turini stated in an email he could not travel to Lakewood, therefore no interview was accomplished.

The assignment I was given was to investigate allegations of violations committed by members of the Dacono city council. It is best investigative practice to conduct interviews with subjects involved or accused in person. Two interviews were done over the phone. One person was out of the state and the other was a peripheral witness. Every city council member who consented to an interview dictated the time and place of the interview and these interviews were done in person. The city council members who consented to interviews were not given any of the questions or investigative inquiries beforehand and they readily answered all follow-up questions based on the information they provided. This type of dialogue is impossible through email. The in-person interview request for Mr. Turini is best practice and is consistent with the other interviews of city council members.

I hope this clears up any misunderstanding.

Agent Patrick Ness

On Tue, Apr 11, 2023 at 9:58 PM Jim Turini <Jim.Turini@cityofdacono.com> wrote:

Hello Chief Skaggs,

I just wanted to be sure you received all of the information about my making a statement to Agent Ness. I was available to make a statement by email but due to my employment restrictions I could not make it to CBI headquarters. I was never afforded the offer of a phone interview as some of the other responders were.

Jim Turini

From: Jim Turini
Sent: Thursday, April 6, 2023 6:26 PM
To: 'Ness - CDPS, Patrick' <patrick.ness@state.co.us>; Valerie Taylor <VTaylor@CityofDacono.com>
Cc: 'jim.turini@msn.com' <jim.turini@msn.com>
Subject: RE: 2nd Request for Interview

Agent Patrick Ness,

I am sorry but there is no way I can make it to Lakewood. I have a day job that makes it impossible for me to make it there before or after work. I will be happy to answer questions by email and will be able to get you a reply by your deadline.

Jim Turini

From: Ness - CDPS, Patrick <patrick.ness@state.co.us>

Sent: Wednesday, April 5, 2023 8:04 AM

To: Jim Turini <Jim.Turini@CityofDacono.com>

Subject: .Re: 2nd Request for Interview

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council member Turini,

I have received your last email.

I have seven pending interview reports regarding this investigation, and I still have to thoroughly go through some correspondence and emails I have obtained during this investigation so I will be spending the rest of this week completing these tasks.

I am rotating to “on-call” on Tuesday afternoon and barring any emergency delays this case report will be submitted on Tuesday at the latest. This would be 13 days making up the “next two weeks” in the original email. This would leave next Monday and Tuesday as available days.

At this point, I would ask to have the interview done at the CBI Headquarters at 690 Kipling Street in Lakewood so I can submit the interview to the transcriptionist immediately afterwards and complete the interview report and submit it before my shift ends on Tuesday.

If you decide you can arrange to meet for an interview on Monday or Tuesday morning just let me know ASAP so I can secure an interview room.

Good day Sir,

Agent Patrick Ness

On Tue, Apr 4, 2023 at 9:51 PM Jim Turini <Jim.Turini@cityofdacono.com> wrote:

I am sorry Patrick but that is an unacceptable timeline. I still have not heard back from my attorney and this time line is well short of the original time you gave of April 13th.

From: Ness - CDPS, Patrick <patrick.ness@state.co.us>

Sent: Monday, April 3, 2023 7:47 AM

To: Jim Turini <Jim.Turini@CityofDacono.com>

Subject: Re: 2nd Request for Interview

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Turini,

I would like to have all of the interviews done by the end of Thursday so I can complete the report early next week.

Thank You for contacting me

Agent Patrick Ness

On Thu, Mar 30, 2023 at 7:08 PM Jim Turini <Jim.Turini@cityofdacono.com> wrote:

Hello Mr Ness,

I have received your email. I am seeking some legal advice on this matter. In your first email you stated that I have ten days to schedule an appointment. How many days do I have left to comply?

Jim Turini

From: Ness - CDPS, Patrick <patrick.ness@state.co.us>

Sent: Thursday, March 30, 2023 10:08 AM

To: Jim Turini <Jim.Turini@CityofDacono.com>

Subject: 2nd Request for Interview

Caution: This email originated from outside of the City of Dacono. Use caution - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

The Colorado Bureau of Investigation has been requested by the Town of Dacono to gather facts regarding whether or not members of the Dacono City Council violated the Colorado Open Meetings Law.

I have been assigned to conduct this inquiry.

As a city council member, you may or may not have information relevant to this assignment.

I would like to schedule an interview with you within the next two weeks at a time you are available. These interviews, as with all of the interviews, will be recorded and transcribed as a part of the final report which will be turned over to the Dacono Chief of Police at its conclusion.

Please inform me if you are agreeable to an interview and if so what day and time other than Friday, Saturday, or Sunday as I have other commitments.

Obviously, you do not have to make any statements regarding this matter and this can be documented in the report as well.

If this email is unanswered I will assume you have declined consent for an interview.

Thank You,

Agent Patrick Ness

Colorado Bureau of Investigations

(303) 239-4229