

I requested this item be pulled from Consent for public discussion because Mr. Nevis has clearly demonstrated that he does not possess the character and integrity necessary to fulfill the duties required of a Planning Commissioner.

Transparency and accountability are important element to the Good Governance Manual that the BOS frequently tout. The Notice of Vacancy is required to be lawfully posted for **NO LESS** THAN 10 CALENDAR DAYS in order to give other applicants sufficient opportunity to apply. But the posting was moot because the appointment of Mr. Nevis was obviously predetermined far in advance of James Williams's resignation and the Notice of Vacancy. It was made evident during yesterday's Taxpayers meeting that this was done intentionally to mislead the public. The BOS were aware several individuals had already called for the resignation of Mr. Williams during the August 31st BOS Agenda Item #43 when Supervisor Sue Novasel demanded Cheryl Bly-Chester be removed as a Commissioner.

Lori, your own effusive remarks praising James Williams substantiates that your appointment of Andy to the Planning Commission was predetermined with plenty of help by the Mtn. Democrat. Not only are your actions unethical and contrary to mandatory AB1234 ethics training, you acted outside of the law. The Public Service Ethics Manual warns:

- Because of the breadth of federal **anticorruption law**, **avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law**. Even though a course of action may be lawful under state law, it may not be lawful under federal law.
- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.

Furthermore, your knowledge of Mr. Nevis' wrongdoing, and then appointing him to the Planning Commission in advance of the Notice of Vacancy, reflects very poor judgement on your part, thus making you complicit and liable for aiding and abetting government corruption.

The affidavit on public record is proof Mr. Nevis has abused the public trust and violated his oaths of office. You were apprised that Andy was served with a notice of legal responsibility stating factual claims and averments of his misconduct supported by valid evidence and law. An un rebutted affidavit stands as truth before any court in America.

As a member who frequently attends the Taxpayers Association, Lori is also aware that Mr. Nevis Andy is following in the footsteps of Al Hamilton by illicitly using his position in the Association as a bully pulpit. Andy has violated the Bylaws, specifically the Conflict of Interest and Non-Discrimination policies, proving that he is not incapable

of abiding by the law, nor does he possess the characteristics necessary to fulfill his duties in an unbiased manner with respect for the rights of citizens.

Your failure to respond is indicative that you have something to hide. See *U.S. v. Tweel*, 550 F. 2d. 297. ***“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”*** See also *Morrison v. Coddington*, 662 P.2d. 155, 135 Ariz. 480 (1983) - ***Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.***