

Rowland Guilty As Charged

By Jill Duvall

In the matter of the complaint filed against Robert Rowland regarding alleged campaign and political finance violations.....guilty as charged! To quote from the judge's decision handed down December 24, 2013, *"The evidence proves the BOCC improperly urged residents to vote for Ballot Issue 1C."* The final decision in the case further states that, *"Although the evidence is clear that the BOCC understood it could not spend public money to advocate in support of Ballot Issue 1C....the preponderance of credible evidence is convincing that the town hall presentations were intended to do just that."*

Having successfully filed a complaint with the Secretary of State's office regarding an alleged violation of the Fair Campaign Practices Act, which ultimately led to a hearing in the Office of the Administrative Courts, I would like to explain my thought process and share the evidence that was presented in the hearing on December 13, 2013. The hiring of Mr. Tim Buchanan by the BOCC precipitated the filing of this complaint.

Some background regarding Mr. Tim Buchanan's contract with Elbert County (for which he was paid \$16,300) to conduct 4 town hall meetings and to prepare a report about the leadership in Elbert County:

The Elbert County Commissioners employed Mr. Buchanan on September 4, 2013, "for the provision of leadership, communication and strategic consulting services to the Board." (BOCC meeting minutes 9/04/2013....a "specially scheduled" BOCC meeting that was not announced until 24 hours before it took place). The commissioners apparently believed that we needed to pay someone big bucks to inform the citizens that Elbert County was financially destitute....and they needed to communicate this information quick, fast, and in a hurry. I attended two of the town hall meetings and came away believing the law had been violated regarding the prohibited use of public monies to promote a pro or con voter position (in Mr. Buchanan's case, he was attempting to promote passage of the mill levy tax increase by presenting a picture of dire financial straits for Elbert County).

The paper trail leading up to my decision to file a complaint with the State of Colorado under the Fair Campaign Act for misuse of public funds:

- 1) At the September 4, 2013, BOCC meeting, the minutes (during the discussion pursuant to hiring Mr. Buchanan) read, "Commissioner Ross moved that the BOCC amend the motion before them to be contingent upon the passage of at least one of the ballot question languages that are before them today." In other words, if at least one of the proposed ballot issues did not actually make it on the ballot, Mr. Buchanan would not have been employed. So, therefore Mr. Buchanan's services would only be needed IF there was a ballot issue to be voted on.

- 2) Mr. Buchanan's contract with the county, dated September 4, 2013, reads: "Consulting services shall include: Assistance in formulating BOCC communication strategies in relation to the town hall meetings in regards to the state of the county financially, the data behind the decision to place the MILL LEVY INCREASE on the ballot, and the discussed adjustments in services for the upcoming fiscal year." One can only surmise from this language that Mr. Buchanan was hired to promote the mill levy. Mr. Schlegel even stated, during this BOCC meeting on September 4, 2013, that Buchanan was the professional who could "help us" with strategic leadership....and that the county had no personnel who was as talented or expert in this area. The commissioners were clearly in support of the mill levy, and they were the ones who hired Mr. Buchanan.
- 3) All of Mr. Buchanan's invoices to the county for his services to the county, under the "Description" column, describe the charges being billed as "Mill Levy Consulting." It appears to be a fairly simple assumption that Mr. Buchanan is billing the county for services related to the proposed mill levy. During the hearing, Mr. Buchanan informed the court that the reason he listed his services as "Mill Levy Consulting" was because he "had trouble with big words" and "mill" and "levy" were both short words, therefore easier to itemize on the statements to the county. The judge then asked Mr. Buchanan how much he charged per hour, to which Mr. Buchanan stated \$350 per hour. It is hard for me to believe that a consultant that charges \$350 per hour can't use words that are any longer than 4 letters!!
- 4) The county ledgers that record payments list all of the payments to Mr. Buchanan as "Mill Levy Consulting." Since the commissioners ultimately approve all of the payments made by the county, it is a logical assumption that they agreed that these payments to Mr. Buchanan were for mill levy consulting. Mr. Rowland did state to the court that his signature for approval of payment by county funds was done with a "rubber stamp." Not sure if he was trying to say that he didn't actually approve the expenditure....but the attorney did get Mr. Rowland to admit that this was common procedure; therefore his signature, whether done by his hand or done with a stamp, signified commissioner approval.
- 5) Mr. Buchanan was under contract to the county from September 4, 2013 through November 2, 2013. On October 25, 2013, Mr. Buchanan authored a letter to the editor in the Prairie Times entitled "Vote Yes on the Commissioners Tax Increase." It is clear from this editorial which side of the fence Mr. Buchanan was on....and that he was not neutral on the issue. Again, this editorial was written during the time that Mr. Buchanan was UNDER CONTRACT to Elbert County.
- 6) Mr. Buchanan's final report to the county, entitled "A Study and Report Concerning the Organizational Leadership Issues Facing the Elbert County Board of County Commissioners" states on page 7, "This was a very tardy communication attempt....last minute attempt to reach out to the community with current information was not enough to reach a majority of the people before they would be required to make a decision on the MILL LEVY. The goal was to reach as many people as possible, in the best format, given the time constraints." If Mr. Buchanan's goal, as he stated, was just to inform the people about the financial status of the county, why the big hurry? Clearly, he was trying to strategically get this information out in 4 meetings during the month of October....coincidentally right before the November election.
- 7) The timing of the four town hall meetings in October of 2013 only reinforced the idea in my mind that Mr. Buchanan was trying to promote the passage of the property tax mill levy increase. The county paid Mr. Buchanan a total of \$16,300 for these 4 meetings and a

poorly written/poorly organized/grammatically challenged report....for \$350 per hour??? If you are paying attention at all, you know that Elbert County's finances have been circling the drain for a number of years.....the justice center fiasco, the huge loan we owe Wells Fargo, the tax anticipatory note, paying last year's bills with this year's income....the fact that we still haven't completed our 2012 financial audit to submit to the state....and the list goes on. So why did we need these 4 meetings, all jammed into the month of October, costing the taxpayers precious dollars Elbert County can ill-afford.....just to tell us that our county is in deep financial trouble?

The courts have ordered Commissioner Rowland, *"as an individual responsible for the improper expenditure, to reimburse the county general fund the amount of \$1,000 within 30 days."* The commissioners are ultimately responsible for your tax dollars.....we need to hold them accountable.

To Read the Court's Full Decision – [CLICK HERE](#)