

COMMENTS

from Zephyr Readers RE:

“WHAT’S PAST IS PROLOGUE”

...Last issue’s 14,000 word investigative report on the hiring of Moab City Manager Rebecca Davidson generated a record number of comments on our web site. Here is a compilation of most of them...JS



Julianne Waters
February 1, 2016 at 12:10 pm

Hi Jim – this is a very interesting article, filled with exhaustive research. I echo your misgivings about this situation and the various players involved. I am of the ilk that ‘where there’s smoke, there’s fire’. I humbly ask any of the persons involved to respond to your questions, a few of which are:

“When the Moab City Council moved forward to hire a new city administrator, what were the qualities in Rebecca Davidson that made her the council’s choice among 57 applicants?”

and “With that in mind, how did the city properly vet Ms. Davidson? Did the city ever receive the copy of the “supplemental audit from the Town (of Timnath),” mentioned by city recorder Stenta?

According to Stenta, the document “cleared (Davidson) of any allegations or wrong doing” Was that document sent to the city? If so, why was it not included in the GRAMA request?

and “Did the council investigate Davidson’s tenure in Kemmerer? Is there any written documentation? If so, why wasn’t it included in the GRAMA request?”

Hoping for answers, Julianne Waters

Mary Jane
February 1, 2016 at 7:07 pm

Excellent journalism on a very important topic. I have taken the liberty to forward this article to our City Manager and city council member Heila Ershadi.

Mary Jane

V
February 1, 2016 at 11:20 pm

Exhaustive is an understatement. You have found, digested, researched and written a impressive article, on what appears to be very effective camillion, with a talent of using ‘disparaging” to keep her ill gains and business from the public. I’d bet, after reading this, that the new council members have already been given a disparaging contract to sign. The thought that Kemmerer employees Corwin and Jennifer L were charged is because RD did not get disparaging papers signed by them.

Keep your sights on you council, there seems to be a favorable need for Executive Session where RB is involved. Much secrecy. I witnessed a page of that secrecy. When I questioned the council the next day requesting information on inventory and diligent efforts to information hacking I was placated. Two weeks later public record shows an answer to my requests as. Everything is fine, nothing is missing, I can not discuss an open investigation. My question Why an investigation? , if everything is fine? God be with you Moab.

Thanks for this informative article.



Will Petty
February 2, 2016 at 4:13 am

Hi Jim. As a long time admirer of both Ken Davies and David Olsen, I was really saddened a few months ago to hear about their layoffs from the city. It kind of felt like the end of an era. I have never met the new city manager, but I also have sympathies with well meaning government employees who actually try to make things better in Western small towns filled with cozy relationships and same-old ways of doing things. I remember how up-in-arms so many people were with Donna Metzler when she first started her employment with the city. Then just as now, there were loud campaigns to undermine and get rid of her. So as i read your long and well-researched article, I was looking for two things:

1) A gotcha moment — I didn’t really see one of these. The fact

that a lot of employee issues happen in executive session without open records protects the employees as much as the governing body. It has to be that way, and is a fact of life. But it makes it easy to cast aspersions and make damaging suggestions which the participants aren’t free to address because they have an obligation to respect the confidentiality of the process. An alternate theory for a lot of what has happened here is that the new city manager is serious about making government function efficiently, and is willing to take action to make it happen, even if it upsets people. It would have upset people just as much in Kemmerer, Wyoming as here in Moab, Utah.

2) A motive — I just didn’t see a good explanation for why the council that voted unanimously to support the reorganization would have a motive to do something sinister. They would have been privy to all the facts. I think they are all sincere and well meaning people. Doesn’t the fact that they gave the reorganization full support say something to you — who are not privy to all the facts.

Yeah, I could be wrong, and our new city manager could turn out to be a dud. And probably this whole thing could have been handled more sensitively and compassionately. But I’m a bit suspicious of a journalistic pile-ons. I also feel a bit sorry for anyone who — because of the nature of executive sessions discussing employee issues — can’t defend themselves.



Lynn Jackson
February 2, 2016 at 11:26 am

Excellent investigative work Stiles. I know Ken and Dave well, and though I don’t always see eye to eye with either of them, I have considerable respect for them both based on their integrity of character and dedication to Moab. What happened to them is a complete sham.

Based on the factual information you’ve been able to obtain, it’s hard to even wrap one’s mind around this entire fiasco, there are so many things wrong legally and ethically with this situation. We start with what by now should be obvious to everyone, a completely unscrupulous and unethical City Manager, with a history of lawsuits,

secret agreements, blatant conflicts of interest, and bullying. Then we have the City “restructuring” City departments behind closed doors with no notice to or involvement by the public. One can see closed sessions for employee issues, but no open discussions in Council meetings about restructuring City departments? I guess government transparency is only important when it’s convenient.

We then have what appear to be selective responses to government records requests, with decisions on what gets released being made by an assistant City Administrator up to their eyeballs in the whole sordid affair. Then we move to ginned up “emergency “spending, to a contractor who seems to follow this City Manager around from town to town, mess to mess. The rationale for this spending, which goes against all contracting policy, allegedly based on the absurdity of some computer system “expert” telling the City it’s at risk from “nation-state” and ISIS” hackers. Seriously, they can make this claim with a straight face and no proof?

I guess next, with the new sewer system and water tank on the horizon, we’ll see a brand new engineering firm formed to do the work. Gee, wonder who will be the principle of that firm.... Hey it worked in Timnath, why not Moab.

Your investigation shows so many potentially illegal actions in this soap opera, that I would suggest the State Attorney General and the State Auditor need to be immediately brought in to get to the bottom of this. Some heads need to roll at City Hall! If this community does not get to the bottom of this, we’ll be just another wrecked City left in the wake. It may already be too late.



Gregg Balling
February 2, 2016 at 11:43 am

As an IT professional and security specialist, I would like to offer the following points.

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“In December, Pearson and Goodman returned and examined the city’s computers, removing TeamViewer—the remote viewing software Darwin Parker had used as the City’s IT consultant—and hardening the firewall. And yet, when city employees complained again of problems with their computers in January, Pearson and Goodman continued to find TeamViewer on a number of computers, including the computer of the Police Chief and the main Police Department computer. The investigation report doesn’t explain whether they had failed to remove TeamViewer from those computers in December, or, if it had been removed, how the

software might have been re-installed—especially given that Parker had no physical involvement with the city’s computers during that time.”

—Users find convenience in using ‘remoting’ software to access their workstations. In all probability, this was an intentional utilization by the specific end users. Using TeamViewer as a ‘chat’ mechanism is not what that software was intended for. Yes, it has that capability. But it’s most commonly used to remotely access a users desktop for productivity purposes. It is NOT, however, the preferred method of doing so as there are absolute security ramifications involved in using TeamViewer and its ilk.

Therefore ANY use of remote access software CAN be considered a data-breach threat, and any data system which contains protected, sensitive and secure information should NOT use software of the “TeamViewer” type, as exploits and vulnerabilities are much more likely.

A solution such as a secured VPN connection (hardware and software clients) is much more suitable, as any IT professional would acknowledge.

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“Pearson, in his interview, went so far as to suggest that the TeamViewer connections were related to a mysterious parked car at the Event Center in January. He told DCI investigators that, “he noticed a sedan pulled up in front of city hall, and it sat there for five minutes watching him work before leaving.” But Pearson could not identify the vehicle, “due to vehicle lights shining in the center,” and though Tara Smelt reported a break in the next evening, there were no signs of forced entry and Chief Buck reported that all known city/county equipment “was accounted for.”

A simple walk-around to ID the vehicle and license plate could have covertly been conducted.

Also, proper video security, if in place, would ID an unauthorized intruder.

—Regarding a “Chinese Hack”- this is HIGHLY unlikely. What IS likely is that hardware in place (edge servers, firewalls, outward-facing servers, etc.) had firmware versions which had known security vulnerabilities which could easily be patched to mitigate or eliminate those vulnerabilities. The known “Chinese Hack” was primarily targeted against FEDERAL and STATE entities, and as far as I have been able to determine, few if ANY city\county entites across the country were ever affected. The claim of an intrusion via an international entity is, in my professional opinion, nothing more than a scare tactic used by an unscrupulous contractor to

1) generate panic, and in doing so

2) generate revenue for said contractor

—Regarding the “emergency situation involving a threat to public health, welfare or safety’.

Once the issues were identified, I could not go through a competitive process to procure consulting without further exposing the vulnerabilities of our critical systems and jeopardizing the safety of our water and law enforcement systems.”

Upon PROPER implementation of security measure to mitigate\neutralize the security implications mentioned, there should no longer be any issue regarding “exposing the vulnerabilities of our critical systems and jeopardizing the safety of our water and law enforcement systems.” Therefore, the alleged vulnerabilities, once mitigated, are no longer a threat and the details should be able to be made available without incurring further security intrusions.

DLC
February 3, 2016 at 12:10 pm

This article is one of the best pieces if journalism that I have ever read. I am thoroughly impressed by the attention to fact and it should serve as an excellent starting point for forthright



Janet Buckingham
February 3, 2016 at 5:41 pm

I’ve had this situation playing like bad music in the back of my mind since it happened. Thank goodness the holidays took me away from it for awhile, but the ever-vigilant Jim Stiles continued the research and shared it with us all. Obviously there are some emails that were deleted, documents left out of the GRAMA request and many, many, closed door meetings to determine who was expendable on city staff. None of that can be undone just as the hiring of RD cannot be undone (for now.)

My concern has been and still is the uncaring and unethical way that Ken Davey and David Olsen were treated and the likelihood that others may end up in the same boat. The overwhelming silence of the City Council on the entire subject has been disconcerting. It demonstrates a group of uncaring people who simply flicked Ken and David off their coat

sleeves like summer mosquitos. I had never known them to be these kinds of folks and the only explanation is that they drank some sort of poison Kool-Aid.

At the time this happened, I expressed thoughts similar to this and was involved in several long threads on Facebook. I was called by city councilperson Heila Ershadi. It seems she wanted to smooth my ruffled feathers. She told me in no uncertain terms that both Ken and David knew this was coming. Two sentences later she nonetheless told me that it was very typical in “corporate environments” for someone to be asked to leave the building suddenly and without notice and to be monitored during the process. She also said I really didn’t need to worry about Ken because he was of retirement age and David made \$90,000 a year and no doubt had a savings account. The entire conversation left me nearly speechless. Being of retirement age myself (and fast becoming familiar with fixed income living) as well as having a long history of corporate and government employment, there was no part of her conversation that I could agree with. But whatever....

What CAN we still do something about? 1) Monitor the actions of the city manager and city council VERY carefully. Demand to be a part of conversations. They work for the people who live in the City of Moab. They work for YOU! Demand transparency in ALL decisions! Don’t let this get swept under the rug. Again, thank goodness for Jim Stile’s tenacity.

2) I have not seen the terms of the City Manager’s contract other than what Jim reported in his story about a high starting salary and ridiculous 10% salary increase after the first year. Contracts don’t have to be renewed. What’s the buyout? Surely, the city attorney left some way for the City to get out of a bad hire regardless of who it was.

3) Watch and see who is hired. Are they locals or are they transplants from Wyoming? When I started researching Tayo, Inc., I found that within weeks of the new city manager’s hire, this company had already earned thousands and thousands of dollars from the City of Moab. Tara Smelt, who was at the center of some of the controversy in Kemmerer, is the registered agent. Her business now operates from Hale Street in Moab. Coincidence? Probably not.

4) Make noise. Make sure that the City Council and City Manager know you are watching and care how they treat people.

5) Vote out anyone who was part of the decision to fire Ken Davey and David Olsen. Do we as a community really want people in office who can so casually treat people in this manner? Watch who runs for Mayor; rumor has it one of the current city council members who supported the termination is planning on a run.

The City of Moab used to be a great place to work. It was warm, respectful and people had a lot of fun while getting a great deal of work done. Sadly, it doesn’t sound like that kind of working environment has survived. Of course not; people are afraid they’re next. We were very fortunate as a community to have David Olsen and Ken Davey make their marks before they were suddenly and inexplicably (STILL) erased from city staff rosters. Thank goodness that their hard work here can never be erased. This is a sad mess that will leave a bitter aftertaste for years, I’m afraid.



Annie Payne February 5, 2016 at 2:26 pm

Excellent investigative journalism Stiles. Thank you for writing this! I have reread it several times and am still awe struck by much of it.

I wish to address the Former City Council members involved and the current ones involved in the Moab City reorganization and I will be CC-ing the following comments to them as well as the Moab weekly papers who, for whatever reason, have remained silent. I also will be addressing the Attorney General Sean Reyes concerning obvious omissions in Jim Stiles GRAMA requests by Moab City.

I believe the City Council needs a short crash course in a few areas. First, some basic ethics education is sorely needed by members of the 2015 Moab City Council. Also, I believe the City Council is unclear on basic HR protocols. It seems the City Council

is further trying to defend their erroneous conduct via some sort of justification that “Corporate America” does this type of thing all the time (as noted in Janet Buckingham’s comments above RE a phone conversation with Heila Ershadi). I feel I can speak with authority in the case of Corporate America. I by no means wish to defend Corporate America but I know a thing or two about it. I have never witnessed Corporate America treat a worker as poorly as the Moab City Council treated Olsen and Davey. It is true that in Corporate America, workers are fired with no severance and as little as an hour or less to clear out their personal belongings. Those types of firings are almost exclusively in conjunction with alleged criminal activity. Moab City Council has defended themselves by stating that Davey and Olsen were not fired but rather, a reorganization in the City structure eliminated their positions. Reorganization happens more than it should in Corporate America. Typically, in Corporate America’s reorganizations, there is much fanfar over the employees who loose their jobs. Corporate HR departments organize all sorts of things to honor the terminated; dinners are served, parties planned, early retirement offered, good byes and well wishes exchanged. Further, there is a formula in Corporate America for severance packages, which is generally agreed upon as 1 month of pay for every year worked. In Davey’s case his severance payment would equal about a year salary, and in Olsen’s case 2 years salary. Hardly what they received. Furthermore, corporate America, as awful as it is, would also compensate both men for an impending move as Corporate America would acknowledge that there are no comparable job opportunities in Moab for them, as there is only one City Office.

But a broader reaching questions for the Moab City Council (2015) and especially to Heila Ershadi; is it really Moab citizenry’s desire for the City Government to act more in line with Corporate America? I think you will all agree that the average Moab citizen who carves a life for themselves in our little town does so with much sacrifice. We, (Moab Citizens), live, love and sacrifice in Moab for the very antithesis of Corporate American life.

I am very concerned that The Moab City Council was not following in good faith the wishes of their constituents, but rather pursing personal gain (what that gain may be, I cannot speculate). I believe re organizing a city that was running perfectly well was a mistake. Moab City Council, rather than admitting they made a mistake and trying to right the wrong, are digging in their heels and grasping at straws for their justification. Moab City Council should apologize to Davey and Olsen and do what it takes to get them back. Olsen, along with some very dedicated volunteers, exponentially increased the real-estate value of Moab and grew Moab’s economy more than any other investor, business or individual in all of Moab’s history.

I would like Moab City Council members to poll their constituent’s concerning the restructure. I think Moab City Council should take the results of the poll and reconvene in a public meeting and reevaluate the restructure and possibly abandon the restructure and return Moab City to the previous governing structure.

I realize mistakes and errors happen in every profession, including elected officials. I realize that mistakes can be a source of embarrassment for most people. I am certain the Council is embarrassed at this point by mistakes they have made. Admitting mistakes made, however, making apologies and righting previous wrongs can have the powerful effect of showcasing an individuals positively solid content of character.

Annie Payne February 8, 2016 at 10:36 am

I sent my above posted comments to the Mayor and to City Council. The following is Heila Ershadi’s response to me.

“Sent: Sun, 07 Feb 2016 23:53:33 -0000 (UTC)

Subject: Re: Moab City Restructure

Hi, Annie. Thank you for your email.

I have read the article but not Janet’s comment. I did reach out to a number of people who I knew were concerned about the restructure, and Janet was one of them. I was not present for Ken and David’s last day at work, and I had no part of deciding how that happened. My remarks to Janet were simply to relay what I was told by the people who were a part of that.

I understand your concerns, and I appreciate that you care. If you want to give me a call, please do.

Heila Ershadi”

So it looks like out of one side of Heilas mouth she throws Davidson, her new star employee, under the bus and blames Davidson for firing Davey and Olsen without direction from the Council. Heila in her email to me stated “I had no part of that happening”. Heila sort of paints herself surprised at the way in which Olsen and Davey were eliminated. Heila acts surprised while she simultaneously says that “corporate America does this stuff all the time” (restructures offices in order to eliminate long standing employees without adequate compensation, Which cooperate America doesn’t actually stoop that low, because they would be sued). Also it is important to remember that she has already stated (in writing) that the Moab City Council voted unanimously to restructure the City Offices and eliminate both Olsen and Daveys Jobs. Heila (and the City Council) either eliminated the two positions without just compensation or, Davidson acted without the Councils directions and should be reprimanded and dismissed immediately. It is clear to me that the council directed the restructure but rather than admitting a wrong doing and apologizing for it, Heila is slandering her new employee and fraudulently representing herself to her constituents.

Janet Buckingham February 9, 2016 at 10:23 pm

I can’t say that I am surprised that Ms. Ershadi mischaracterized her conversation with me and is now backing away the decision to terminate Ken and David. Do know that when she spoke with me she was using all her efforts to justify the decision and her own personal reasoning for the restructure. I think you can find some comments regarding this in the two small local news articles that were written about a month after the restructure. In those articles she was quoted as saying something to the effect that it was good for the community, time for a change and fiscally necessary, etc. (Not a direct quote.) The same is true regarding the manner in which they were dismissed; she seemed very confident that a) they were given notice and/or b) it was a perfectly normal, ethical thing to do to throw someone with decades of service out on the street with a cardboard box full of achievements. And to Will....Donna Metzler’s situation was VERY, VERY different than today’s situation. The city was changing from mayor/council authority to city manager/mayor/council. Donna did not come to Moab with lawsuits and scandal on her tail and to my knowledge never became embroiled in such things while City Manager. Don’t even try to use that situation as a comparison because it doesn’t fly!

Rusty February 17, 2016 at 3:48 pm

I was shocked to learn that Ken and Dave were fired. They were two of Moab City’s best, and everyone behind this, whether implicitly or not, should be ashamed. That includes YOU Mayor Dave, who I’ve always supported. Davidson sounds like a total lunatic and it also seems like she’s been able to con a group of people who should know better. People with personality disorders can be extremely charismatic and thus extremely dangerous. Get rid of her while you can, Moab.



Joseph Day March 5, 2016 at 10:19 pm

What I’d like to know is how many of these comments are from folks in Moab and how many of these folks from Moab are doing something other than going, “good job, stiles”, tsk tsk, and reposting this on Facebook? Who’s writing to the local newspapers which mention only “innuendo and rumor on social media” and calling them out on not mentioning this fine piece of investigative journalism and the troublesome issues it raises? Who in Moab is going to city council meetings and holding the local government’s feet to the fire? Who in Moab is asking the hard questions and not settling for easy answers? Who in Moab is doing the hard work of

organizing a political opposition to the people responsible for this travesty? I live 250 miles away and even I can smell the stink from this.

John Marsh March 14, 2016 at 5:11 pm

I’m a bit late here perhaps, but with the publishing of Mr. Stiles recent column in the Sun News, perhaps this is just getting started.

I was surprised to hear that Moab City money was used to silence city employees, as the clause reads, “Employee and City hereby mutually agree not to make disparaging or defamatory comments or statements about one another, or any person or entity associated or affiliated with City, following the execution of this agreement.”

As a small point, I don’t see anything in there about statements of fact, but more to the point, I don’t see anything in there that prevents the city from releasing the employee from the agreement. This agreement is after all between the City of Moab and the employee, not the City Manager Davidson. If Moab truly wants to air this laundry, they can with the employees consent.

Second, it is clear, or at least claimed, that the employees knew this was coming. We are all also convinced from the need for the above agreement that something terribly unsettling was going on to warrant the spending of tens of thousands of citizens tax money to silence it.

This second point is what bothers me especially. I say, especially, because Davidson has a documented history of leveling criminal accusations at people. Lets dissect this. It appears to me that the City Council was completely and totally convinced that these employees were to be terminated, but on what evidence for what reasons?

If it was simply reorganization, why the signed statement? If these employees are as good as everyone acknowledges, why not reassign them to the new posts with new responsibilities? If it was for declining job performance or malfeasance there would be no need for the agreement. No, there was definitely something going on that convinced the Council they had to go, and go Fast, with no hearing. Wait, no hearing? No comment from the council that they are reviewing matters? No second thoughts?

When people are tried and convicted in secret, terrible injustices always occur.

The first thing the City Council needs to do is dismiss as unsubstantiated anything Davidson has ever told them and go from there.