

Addendum to the EMC Election Fraud Report

Prepared by Sam Allen
samallen@eagleshare.org
October 29, 2013

(This addendum describes my failed attempts to get county and state investigators to perform a recount of Eagle Mountain's 2013 primary election ballots. It also speculates on why they have been so reluctant over the years to expose and prosecute the extremely suspicious activities of many of our public officials and employees.)

City Hall -- August 13, 2013

On election night I was sitting in the foyer outside the city council chambers waiting for Fionnuala B. Kofoed, the city recorder, to announce the results of the primary to the small crowd waiting there. When she arrived she looked especially grumpy. I thought nothing of it at the time, but once I heard the election results, it made me think.

She announced that Chris Pengra and Mayor Heather Jackson would advance to the general election and that Robert Schermerhorn (the strongest reform candidate for mayor) got defeated. Since she probably knew that she would've lost her job if Schermerhorn had gotten elected, you would've expected her to be relieved at the results, especially since Chris Pengra is a close friend who will undoubtedly let her keep her job if he wins office. But she was anything but elated.

After the recorder posted the results on the door of the council chambers and left, Lois Heber, a poll watcher for Robert Schermerhorn, approached us and started to express her extreme displeasure with the integrity of the vote counting process. She said she was going to contact the Lt. Governor's Office first thing in the morning because she was so upset.

A city employee overheard this conversation and quickly alerted Ms. Kofoed who came back into the foyer to request a private meeting with Ms. Heber in the council chambers. Ms. Heber came out of this meeting quite rattled and went home shortly after without giving us any information about the meeting. It wasn't until ten days later that she felt comfortable enough to share her story with others.

Once she wrote her statement about the events of that night and I had assembled additional information from previous poll workers and former public officials, I compiled a packet which documented my concerns with the election. My goal was to present this information to county and state officials so they could perform a recount and either confirm or deny my suspicions of election fraud.

Utah County Elections Office -- August 22, 2013

The day before the official canvassing of the vote, I contacted the Utah County Elections Office and was put in touch with Scott Hogensen, the Chief Deputy Clerk/Auditor of Utah County. That afternoon we had a meeting in which I outlined what happened on election night in Eagle Mountain. He was skeptical at first because a lot of candidates are apparently sore losers who can't believe they would be rejected by voters, but after an hour or so of going over the details

he gave me the contact information for Justin Lee at the Lt. Governor's Office. He said he might be able to help me.

One of the facts I learned from Scott that made me incredulous was that neither the county nor the state has any legal authority to supervise municipal elections. Nor do they have the authority to intervene in any disputes at the municipal level. This basically means that municipal election officials are pretty much not accountable to anyone but themselves.

Phone call with Lt. Governor's Office -- August 24, 2013

It was pretty clear during this phone call with Justin Lee that the Lt. Governor's Office had no real interest in helping me get to the bottom of our election problems. While I understood they didn't have the legal authority to look into the matter, it would've been nice if they could've given me some guidance on how to contest the election results in the courts instead of merely giving me the reference number for the section of Utah State Code that governs municipal elections. As I was about to find out, the legal process for contesting fraudulent elections is very tricky.

4th District Court – Last week of August & 1st week of September

Although section 20A-4-403-(2)(a)(i) of the Utah State Code states that the district court of the county in which I reside has jurisdiction over my complaint, nobody in the 4th District Court (at the Provo or American Fork offices) seemed to know anything about processing a petition to contest an election. This made it very difficult for me to compile the proper paperwork before the legal deadline.

Even if I had had a law degree I doubt I would've been able to meet code's requirements because when I consulted with a local attorney in Eagle Mountain, a private attorney in American Fork, and the American Fork prosecutor's office, I was not able to get any useful guidance except to receive a referral for an attorney in Salt Lake City that specializes in election law. And this guy wouldn't even return my phone call. And even if I could've filed the proper paperwork in the proper form with the 4th District Court, I believe it would've exposed me to so much financial risk that contesting the election would've been insane.

First of all, the filing fee for submitting a petition to contest an election is enormous. Two different court clerks told me that the fee was \$360. This is a lot of money to fork over to let the authorities know that a crime may have been committed. 78A-2-301

Title 78A Judiciary and Judicial Administration

Chapter 2 Judicial Administration

Section 301 Civil fees of the courts of record -- Courts complex design.

78A-2-301. Civil fees of the courts of record -- Courts complex design.

→ (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is \$360.

(b) The fee for filing a complaint or petition is:

(i) \$75 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;

Second, there's this other section of code which is truly horrifying. 20A-4-403-(6)(d)(i&ii)

(6) (a) The provisions of this Subsection (6) provide additional requirements that apply to municipal election contests that are in addition to the other requirements of this section governing election contest.

(b) Municipal election contests shall be filed, tried, and determined in the district court of the county in which the municipality is located.

(c) (i) As a condition precedent to filing a municipal election contest, the petitioner shall file a written affidavit of intention to contest the election with the clerk of the court within seven days after the votes are canvassed.

(ii) The affidavit shall include:

(A) the petitioner's name;

(B) the fact that the petitioner is a qualified voter of the municipality;

(C) the respondent's name;

(D) the elective office contested;

(E) the time of election; and

(F) the grounds for the contest.

(d) (i) Before the district court takes jurisdiction of a municipal election contest, the petitioner shall file a bond with the clerk of the court with the sureties required by the court. ★

(ii) The bond shall name the respondent as obligee and be conditioned for the payment of all costs incurred by the respondent if the respondent prevails.

I'm not a lawyer, but the starred section makes it sound like the only way I could contest the election is if I agree to (1) post a bond that would presumably be used to cover the cost of any recount, and also to (2) agree to cover all the legal costs of the city if they prevail in court. This last provision would have allowed the city to rack up huge legal bills fighting me which I then would have been obligated to pay if I lost in court. In other words, they could destroy me. There was no way I was going to expose myself or my family to this kind of financial risk.

To put this into perspective and to show just how ridiculous these requirements are let's pretend that a witness to a bank robbery went to the police to file a statement. If election law was applied to this situation they would be required to pay a \$360 filing fee for making the complaint and then they would be required to post a bond to cover the cost of the police investigation. They would also be required to sign a guarantee that they would cover the bank robber's legal costs if he got off in court.

With the legal and financial hurdles so great it's no wonder that the 4th District Court doesn't know how to help residents contest elections—they apparently never do it. Also, the side effect of these requirements is that they apparently make it very easy for municipal elections officers to commit fraud and get away with it.

In fact, a poll watcher in a previous election in Eagle Mountain once complained about how he was actively prohibited from supervising the vote count by a previous city recorder. The results of that election were also very improbable.

Utah County Attorney's Office

Once I determined that I couldn't risk exposing my family to the financial risks of contesting the election in the courts, I opted to forward my complaint to the Utah County Attorney's Office. This was essentially my last option for getting an impartial investigation to uncover the truth. Although the Utah County Attorney's Office doesn't have the legal authority to overturn the

results of fraudulent elections, they can at least investigate them and prosecute anyone that committed election fraud.

I never forwarded my concerns to the city council or mayor because they obviously have a clear conflict of interest and couldn't be trusted to conduct an impartial investigation. I also chose to not 'go public' at this time since I didn't want to tip off the city to my concerns and give them the opportunity to 'fix' the ballots before they could be secured by an independent, third-party. I also realized that it wouldn't be fair to the city, and especially to the city recorder, to air my suspicions of fraud until after I had exhausted all my options to get the proper authorities to conduct a private investigation.

The current county attorney is Jeff Buhman but he is currently deployed in Afghanistan, so in his absence the acting county attorney is Tim Taylor, his deputy.

<http://www.utahcounty.gov/Dept/atty/index.asp>

Here is part of the exchange I had with Jeff Robinson, the Chief of the Bureau of Investigations at the Utah County Attorney's Office:

Sam Allen



September 5, 2013 12:57 150PM

[Hide Details](#)



To: Jeff Robinson <

Cc: Mark Dell'Ergo

possible voting fraud in Eagle Mountain

1 Attachment, 1.4 MB

Save ▾

Quick Look

Hi Jeff (and Mark),

Yesterday I sent you a pdf file about possible vote counting fraud in Eagle Mountain City, but I'm not sure you got it because the file size was so large it may have exceeded the limits of your mail server. I have since reduced the size and I'm sending it again for your perusal. This latter file also a few corrections that were not in the document I sent you yesterday.

Could you please confirm receipt of this file and let me know what, if anything, will be done with it? Preferably, I would like a quick acceptance or rejection of this complaint since resolving this issue in a timely matter is so important. Scott Hogenson at the Utah County Elections Office is already aware of my complaint, but he has no authority to do anything about it under Utah State law; nor does the Lt. Governor's Office.

I have been working all year to clean up this dreadfully corrupt city and my best hope for doing that was at the ballot box. But with all the irregularities that occurred during the vote count on election night, it makes me wonder whether the city actually stole this election. Both incumbents on the ballot made it past the primary.

I've been very careful to not let the city become aware of my concerns because it still has custody of the ballots in question and they could easily tamper with them and make any future investigation much more difficult. I hope you will treat this complaint with the discretion it deserves.

I look forward to your reply.

Sincerely,

Sam Allen

Jeff Robinson

September 6, 2013 7:39 460PM

To:

Re: possible voting fraud in Eagle Mountain

Sam,

I am in receipt of your email and attachment. As per your request I have sent it to the current acting Count Attorney. We will discuss it on Monday. I will get back with you.

Jeff

Sent from my iPad

On Sep 11, 2013, at 10:03 AM, "Sam Allen" wrote:

Hi Jeff,

Any word yet from the Utah County Attorney? I get emails every day from concerned neighbors who are anxious to hear about whether his office will look into this matter. We tried to fix our city at the ballot box and these people are rightfully upset that the city recorder may have stolen the election.

By the way, I heard from a former city council member last week that this isn't the first time there have been voting irregularities that were attributed to the actions of an Eagle Mountain city recorder. It seems like stuff like this have been going on here for a long time.

-Sam

samallen@eagleshare.org

Jeff Robinson

September 11, 2013 10:39 210AM

To:

Re: possible voting fraud in Eagle Mountain

Sam,

We discussed it on Monday in our admin meeting. There was no decision made to start an investigation. Tim was reviewing criminal statutes to try and determine if this situation fit one. I will let you know when a decision has been reached.

Thanks,

Jeff

Sent from my iPhone

Since then there has been nothing but silence from his office.

Does it really take 6+ weeks to determine whether fraud by a city's chief election officer falls under a criminal statute?!?!?

The silence can only mean one of two things: either election fraud is not a crime in Utah, or the county attorney couldn't be bothered with investigating it. Either possibility is disturbing.

In my complaint I outlined exactly what it would take to get to the bottom of this mystery and my best guess is that it would take less than four hours to recount the last precinct box that was snuck into the recorder's private office on election night. Only four hours and they couldn't find the time for it.

Stealing elections is like stealing the keys to a bank vault. The thief may not take any money that night, but they will surely use the keys later on to enrich themselves. I'm pretty sure that Jeff Buhman and Tim Taylor would investigate and prosecute any private individual who stole a vault key, but it appears that when a government employee may have done an equivalent thing, it's not worth their time.

Although I was deeply disappointed by their lack of action, it wasn't entirely unexpected. When I first forwarded an early draft of my 'Eagle Mountain City Utility Scandal Report' to their office on January 15, 2013, it took them until March 5th to tell me that they were going to punt the issue. This was their official response:

Jeff Robinson

March 5, 2013 5:12 380PM

To: Sam Allen

Re: Case: 13CA00005 Eagle Mtn. complaint

Sam,

Thank you for the report. I received a phone call from the acting County Attorney this afternoon. He would like to wait on our investigation until the completion of the Utah State Auditor investigation. We normally get the report if they have found any potential wrong doing. This way we are not duplicating each others efforts.

Thanks,

Jeff Robinson
Bureau Chief
Bureau Of Investigations
Utah County Attorney Office

What was especially frustrating about this response is that John Dougall, the Utah State Auditor, clearly stated in his reply to my report on the 'Utility Scandal' that it would take some time to complete his investigation, and that he was only going to look into three specific areas of concern, all of which were accounting related. In other words, his office would not look into non-accounting related crimes at all, which is fine, as long as someone else picks up the slack.



STATE OF UTAH
OFFICE OF THE STATE AUDITOR

March 1, 2013

Sam Allen
[REDACTED]

Dear Mr. Allen,

The Office of the Utah State Auditor has received your report entitled "Eagle Mountain City Utility Scandal" regarding your concerns about utility billing and city accounting practices in Eagle Mountain City. We appreciate your thoughtful concern about the management of your city and bringing it to the Office's attention. Upon our review of your report, discussions with City management, the City's auditor, Gilbert & Stewart, and review of the City's public budget documents, we have determined that our Office will investigate further the allegations regarding the City's utility and enterprise fund transfers and corresponding rates, the city's entertainment and travel expenses, and the alleged missing \$7 million in sewer bonds.

Please note that we have included the above investigation on our statewide list of potential investigations that is prioritized based on several factors, including but not limited to, available staffing resources. As we work through this list of potential investigations, we will contact you when we reach your complaint on the list. At that time, we will gather additional information and make a determination as to the nature of our investigation. When the investigation is conducted, we will notify you of our conclusions. Please understand that this process will take time, but be assured that we will investigate your concerns as soon as possible.

Full text of reply: <http://eagleshare.org/wp-content/uploads/2013/03/state-auditor-reply1.pdf>

I have still not received any notice from his office that they have started the investigation, although I have been told that Mr. Dougall will eventually get to our city's problems.

At first it seemed like the county attorney's response to my complaint was reasonable; nobody wants the government to waste money by duplicating efforts. But in hindsight it looks more like it might have been a clever brush-off, especially in light of the fact that the county attorney doesn't appear to have any interest in investigating election fraud either.

By agreeing to follow-up only after the state auditor finishes his report, the county attorney's office can look like it cares about political corruption, even as it impedes any future investigation. I don't know the law, but I suspect that the long wait for the auditor's report may allow the county attorney's office to run down the clock against the statute of limitations for specific crimes, thus making any future investigation of our political officers pointless. And since it looks like they are only going to act on matters referred to them by the State Auditor, it seems like they will also avoid investigating the other illegal activities of Mayor Heather Jackson that are not under the jurisdiction of the auditor, such as the misuse of city employees.

You can learn more about her scandals by watching the video of the Eagle Mountain Town Hall Meeting on February 13, 2013.

<http://www.youtube.com/watch?v=SQEfRFqOS24&feature=youtu.be>

At time code 1:23:40 Mayor Jackson addresses the accusation I made in my 'Utility Scandal Report' that she used city employees to babysit her kids and clean her toilets. When I first learned of these events I was told that the employee in question was furious that the mayor asked her to do these things. She did not feel they were part of her job description, and she definitely didn't feel like she was "off the clock" when they happened.

Now fast forward to time code 3:19:20. This is a statement by Teresa Edwards, an Eagle Mountain resident, that directly contradicts the claims that Mayor Jackson made in the previous clip.

Mayor Jackson, the city council, and the city's employees spent most of this 4 hour meeting telling lies and half-truths that were designed to cover-up their incompetency and greed. If you want to watch another good clip, check out Lianne Pengra's statement at time code: 2:23:00. She was a city employee for four years and she details how the mayor had the city pay for her and her husband's NFR tickets (National Finals Rodeo) in Las Vegas. If this wasn't an abuse of power and misuse of public funds I don't know what is.

It's absolutely amazing that Jeff Buhman and Tim Taylor have no interest in investigating or prosecuting crimes like these that are so easy to prove. It would take no more than half a day to review all of the mayor's Vegas receipts and they could have a slam dunk conviction, especially since there is absolutely no question that taxpayer funds shouldn't be used to pay for the vacations of the spouses of city employees.

When I asked Jeff Robinson, the Chief of the Bureau of Investigations at the Utah County Attorney's Office, to consider splitting up the investigation with the Utah State Auditor's Office so the easy parts could be completed sooner, I never got a reply.

As I've been uncovering dirt within the city over the last couple years, a lot of residents, former residents, former employees, and former public officials have offered to help me understand the city's history. One of the most curious aspects of the stories they tell is that there seems to be a clear pattern of prosecutorial abuse at the Utah County Attorney's Office.

In their opinion (and in mine) the attorneys will prosecute public employees and officials who try to hold the line against the city's developers at the drop of a hat, even if it's just for perceived technical violations of the law. Yet they stall or won't look into the activities of officials and employees whom they know are corrupt, especially if they are friendly with the city's power brokers.

As evidence of this I was directed to the following City Weekly article by Eric Peterson that was published on June 25, 2009. It's one of the best pieces of investigative journalism I've ever read. I highly recommend it.

<http://e.cityweekly.net/cityweekly/W2qLkx465h73oy5X/?q=print#?article=421088>

This article details the types of machinations that have resulted in a long string of EMC public officials being driven from office. But once you get the inside story from some of the individuals who were involved, it becomes pretty clear that these documented scandals are only the tip of the iceberg.

Other Scandals

- (1) City administrator had porn planted on their computer. Was forced from office.
- (2) Senior accountant had porn planted on their computer. Was able to prove their innocence but later left the city.
- (3) City recorder had porn planted on their computer. No longer works for city.
- (4) A fire department employee who leaked info on departmental corruption to a city council member was setup and convicted on a drug charge. Obviously, no longer works for the city.
- (5) One employee who was a known opponent of the developers had the brake lines in their truck cut. No longer works for the city.
- (6) An employee used their access to the city's IT system to intercept private council emails in order to give the mayor insights into their private debates. This employee also installed a backdoor on a council member's computer to gain access to all their files (backdoor verified by independent IT firm). This person still works for the city.
- (8) City employees were caught repeatedly making personal purchases with the city's credit cards. They still work for the city.
- (9) A city employee deleted their own utility late fees in the city's billing system. They still work for the city.
- (10) Large amounts of cash were stolen from the city's utility offices several times and these thefts were reported by a whistleblower. The events were covered up and the employees are reportedly still working for the city.
- (11) A council member who was threatened by a developer reported the threat to a sheriff's deputy and within a few weeks 80 percent of all the deputies were reassigned. The only ones who remained were known supporters of the city's power brokers.
- (12) The city maintained a suspicious account in the Cayman Islands that regularly contained over \$15 million. The city maintains this account was a sweep account, but the transactions listed on this account's statements show that this was not the case. No investigation was ever conducted.
- (13) The city issued millions of dollars in bonds to expand its utility infrastructure, but then much of the money went missing. Rep. David Lifferth, who was mayor pro-tem at the time, claims \$7 million from a sewer bond disappeared. Other city officials have also had concerns about other missing bond funds.

My sources for these additional scandals have been extremely reliable in the past, but I haven't personally verified their information. Even so, I still think they are still worth sharing just to give residents a flavor of the type of problems that have existed within the city, and probably still do.

Although I've been given the names of the individuals who were involved, I won't list them here in order to protect their identities. But I will give them to any authorities who have an interest in learning more about them.

It doesn't take a certified political scatologist to notice a pattern of behavior here: employees and public officials who oppose city corruption are driven out while those who are corrupt are protected. In fact, the problems are so serious that some officials and employees have tried to take their concerns directly to the Attorney General's Office, bypassing the Utah County Attorney's Office entirely. But of course, their complaints received just about as much attention at the state level as they did at the county. In other words, they went nowhere. My experiences with the AG's office have been no different.

It's as if someone in those offices is running interference to make sure that no investigation ever gets traction. Sometimes these officials claim to collect information, maybe even promise to look into it, but then nothing happens.

My absolute, most favorite story about the AG's stonewalling goes something like this. A pair of city officials discover some serious improprieties with the city's finances (shock!) and they call up the AG's office to request an appointment with the AG. The AG's rep asks them to write a letter detailing the purpose of the requested meeting before an appointment is scheduled. While they were writing the letter but before they could send it off, they got a written pro-forma reply from the AG's office telling them that their complaint had been reviewed and that it was being forwarded for civil review. Of course, there was never any investigation.

It doesn't take a genius to notice a pattern here: Utah's top law enforcement personnel don't want to investigate crimes committed by politicians or government employees, especially those in Eagle Mountain.

You've got to wonder why these law enforcement personnel who are sworn to uphold the law would ever put themselves in the position of protecting so many corrupt people. Are they being coerced or directed to look the other way? Or are they personally benefitting from the corruption in this city?

Follow the Money

To understand why somebody would want to cover up corruption in Eagle Mountain you've got to understand some of the nuts and bolts of the city's operations. The only money in Eagle Mountain is developer money and if developers control the government they can make a whole lot more of it than they otherwise could.

For instance, one of the ways developers increase their profits is to cut their costs, which usually entails building sub-standard homes and developments. And since real estate consumers have grown used to cities properly enforcing building standards, it usually never occurs to them that the homes, roads, and utility infrastructure in Eagle Mountain may be sub-standard until it's far too late.

Just within the last few months I got a citizen report from someone who had recently talked with a builder in the city. This builder claimed that if he bought the city's building inspectors lunch, they would pass off on just about anything. This citizen then went on to describe one of the major problems he had spotted in one of the homes this builder had under construction.

Think about this for a moment. If this story is true, which I believe it to be, a city building inspector would willingly endanger the health and safety of homeowners for what was probably a \$25 lunch. Apparently, bribes are pretty cheap in this city, even though the problems they create are extremely expensive to fix. The effects of this kind of corruption can be seen everywhere.

Some neighborhoods have roads that were never properly engineered and built. Now they are falling apart and even have massive sinkholes forming because the underlying road base was never properly compacted. Other developments have homes with cracking foundations that were probably caused by compaction issues too. Some neighborhoods have city water mains that weren't buried far enough underground; during cold winters they freeze and crack, causing water outages and road damage. Sometimes phone lines and power lines were not installed properly, causing all kinds of problems, including unreliable phone and DSL services, and regular brownouts. And of course, many of the city's storm water drains were never properly designed or maintained, which often causes massive damage to homes during large rain storms. And this doesn't even cover all the problems that homeowners find inside their homes.

Another way that developers make extra money in the city is to control the city's homeowner's associations (HOAs). According to one property attorney who has worked within the city, some of the HOAs are essentially private taxing entities. They are controlled by developers who use them to "tax" residents above and beyond the actual costs of providing HOA services. According to a city resident who has reviewed the campaign contributions of some of our local officials, at least one of these HOAs has also been used to make a political contribution to a politician with strong developer connections.

In the other cases, developers can make extra money by getting the city's officials to issue bonds to finance the development of their private infrastructure, which is then billed to the city's existing residents on their utility bills. Recently, they've also been able to get the city to expand some of its utility capacity far in excess of its near to mid-term needs so developers won't have to pay for any of it in the future. The purchase of additional water from the CWP is a prime example. The expansion of our electrical and gas networks far beyond our current needs are others. Before the latest expansions the city had enough utility capacity for about 40,000 residents, which is much higher than the 24,000 that currently live here.

Developers are probably making tens of millions of dollars off the residents of the city, but they need to keep control of the levers of power within our government to continue to do so. This means having compliant people in key positions within the city's administration who will not challenge the directions they are given. They have to have a mayor and a city administrator who will hire the right people. They have to have control of the planning commission, planning department, and building department to approve their sub-standard developments. They also need a city attorney who will assist them in fleecing the city's residents.

In fact, one of the most interesting ways that developers make money in Eagle Mountain is through lawsuits. It seems like every year residents learn of a new multi-million dollar settlement that they will be required to pay to developers in the city.

This is how I think it works: the developers get their chosen people into public office and also into key positions within the city's administrative staff, and when these people screw up (intentionally or otherwise), the developers sue the city, and then the city's attorney settles the case out of court to cover up the incompetence of the city's employees. Since these settlements are always covered by iron-clad confidentiality agreements, the true facts behind these lawsuits

rarely come to light as they would in a public trial. To complete the circle, the developers then make campaign contributions to politicians like Mayor Heather Jackson and Council Member Nate Ochsenhirt to help them stay in office.

It's such a clever way of making money! And did I mention that Eagle Mountain's city attorney is paid far more than his peers at other cities, and that he isn't even listed on the city's website? It's as if he doesn't want any public exposure.

<http://eagleshare.org/2013/04/19/outrageous-em-city-attorney-fees/>
<http://www.emcity.org> (Try looking under 'City Departments' for the city attorney.)

While many of the city's employees aren't outright corrupt; far too many of them are extremely inexperienced. Many of the city's managers have never worked outside of Eagle Mountain, and therefore, they often can't recognize what should and should not be standard operating procedure within the city. When they get a request to do something that's not right from their superiors, they often agree to it because they don't know any better. But there are a quite a few individuals who have knowingly sold their souls for the outrageous salaries they are paid (think: Ifo Pili, City Administrator).

When you consider the grand scale of the theft that's going on in Eagle Mountain you've got to admire the audacity of it. Most people would never attempt to engage in the kind of abuses that are common in Eagle Mountain. It's almost like the city's officials and employees **know** they won't be prosecuted for anything they do. Someone or some group has to be protecting them. But who could possibly have the power and influence to protect so much corruption?

Someone was able to get 80 percent of the Sheriff's department reassigned on very short notice. Someone got the Utah County Attorney's Office to go after three former mayors (all were acquitted or the charges were dropped) even though the evidence against them was extremely flimsy from the get go. (Their true crime, in my opinion, was to try and hold the line against the city's developers.) And they were also able to get the UT County Attorney's Office to not look into Mayor Jackson's clearly fraudulent travel and entertainment expenses despite the overwhelming amount of documentary evidence. See the next page for an example.

Note how Mayor Jackson requested reimbursement for an 8 day conference.

*to Jackson
re Angie Ferrer
check*

EAGLE MOUNTAIN CITY
1650 East Stagecoach Run, Eagle Mountain, Utah 84005
phone (801)789-6600 fax (801)789-6650


EAGLE MOUNTAIN

TRAVEL AND TRAINING REIMBURSEMENT
NOTE: MILEAGE REIMBURSEMENT AS OF 01/01/09 IS .515 PER MILE.
ALL DOCUMENTATION MUST BE ATTACHED FOR REIMBURSEMENT.
MUST HAVE ITINERARY THAT SHOWS SCHEDULE/ MEALS FOR PER DIEM

EMPLOYEE:	Heather Jackson	DATE	11-Nov-10
DEPARTMENT:	Administration		
GL ACCOUNT NUMBER (**MUST HAVE THIS**):	Rodeo		
CITY VEHICLE AVAILABLE:	(YES)	SIGNATURE (RE: City Vehicle):	

(PLEASE NOTE IF PAID WITH COMPANY OR PERSONAL FUNDS)

DATE	DESTINATION	REASON FOR TRAVEL	HOTEL	PER DIEM	MILEAGE	OTHER	TOTAL
28-Nov	Las Vegas - Per Diem	PRCA Rodeo Conference		53.25			
29-Nov	Las Vegas - Per Diem	PRCA Rodeo Conference		35.00			
30-Nov	Las Vegas - Per Diem	PRCA Rodeo Conference		71.00			
1-Dec	Las Vegas - Per Diem	PRCA Rodeo Conference		35.00			
2-Dec	Las Vegas - Per Diem	PRCA Rodeo Conference		71.00			
3-Dec	Las Vegas - Per Diem	PRCA Rodeo Conference		71.00			
4-Dec	Las Vegas - Per Diem	PRCA Rodeo Conference		71.00			
5-Dec	Las Vegas - Per Diem	PRCA Rodeo Conference		53.25			
TOTAL				\$ 460.50			

RE APPROVED BY: *John F. Henderson* DATE: 11-17-10
 EMPLOYEE SIGNATURE: *Heather Jackson* DATE: 11 Nov 2010
 HEAD SIGNATURE: *John F. Henderson* DATE: _____
 TITLE: _____ DATE: _____

Note how the conference only lasted 4 days. The city also paid for her husband's conference and rodeo tickets.

Schedule of Events SUBJECT TO CHANGE

<p>Monday, December 3 12:00 p.m. - 4:00 p.m. Early Registration & Trade Show Set-Up 4:00 p.m. - 5:00 p.m. Contract Personnel Reception 6:30 p.m. 5th Annual Gold Buckle Gala</p> <p>Tuesday, December 4 7:00 a.m. - 4:00 p.m. Registration 8:00 a.m. - 10:00 a.m. Annual Meeting of the Members of the PRCA 10:15 a.m. - 12:15 p.m. CP Meeting: Stock Contractor 10:15 a.m. - 12:15 p.m. CP Meeting: Clown-Barrelman & Bullfighter 10:15 a.m. - 12:15 p.m. Committee Presentations 12:30 p.m. - 4:30 p.m. Trade Show & JCCF Silent Auction 1:00 p.m. - 3:00 p.m. CP Meeting: Secretary/Timer 6:00 p.m. - 9:00 p.m. 2012 Wrangler NFR Welcome Reception</p>	<p>Wednesday, December 5 8:00 a.m. - 10:00 a.m. CP Meeting: Specialty Act 8:00 a.m. - 9:00 a.m. PRCA Livestock Welfare Presentation 9:00 a.m. - 10:00 a.m. Key Note presented by ARC 10:15 a.m. - 12:15 p.m. Committee Break-Out Sessions 10:15 a.m. - 12:15 p.m. CP Meeting: Announcers 12:30 p.m. - 4:30 p.m. Trade Show & JCCF Silent Auction 3:00 p.m. JCCF Silent Auction Ends 3:00 p.m. - 4:30 p.m. JCCF Silent Auction Check-Out 6:00 p.m. PRCA Awards Banquet</p> <p>Thursday, December 6 9:00 a.m. - 11:30 a.m. Committee Presentations 9:00 a.m. - 12:00 p.m. Trade Show: Open to the Public 12:00 p.m. - 2:00 p.m. Trade Show Tear-down 6:45 p.m. 2012 Wrangler NFR First Performance</p>
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South Point, Hotel, Casino & Spa

Michael Gaughan's
SOUTH POINT

The host of the PRCA National Convention, the South Point Hotel, Casino & Spa has a special room rate available to convention attendees: Sunday through Thursday nights will be available at \$65 per room, per night (plus tax) and \$110 per room, per night (plus tax) for Friday & Saturday nights. To receive this special offer, attendees must call the South Point Hotel, Casino & Spa reservations department directly at 866.791.7626 and state that they

And now they are probably preventing the county attorney's office from investigating possible election fraud in the city. All of these actions and non-actions imply an enormous amount of influence over the law enforcement community. This mystery person or group would also have to have strong ties to developers within the city for any of this to make sense. There are not very many people or organizations who fit this bill.

In fact, there is only one candidate that I know of who could even be a possibility and he is Senator Mark Madsen (R).

http://ballotpedia.org/wiki/index.php/Mark_Madsen
<http://votesmart.org/candidate/biography/50594/mark-madsen>

According to this City Weekly article, Mark Madsen was (and maybe still is) the attorney for one of the leading developers in Eagle Mountain. This developer is widely regarded by residents as the most loathed developer in the city (hereafter referred to as the MLD).

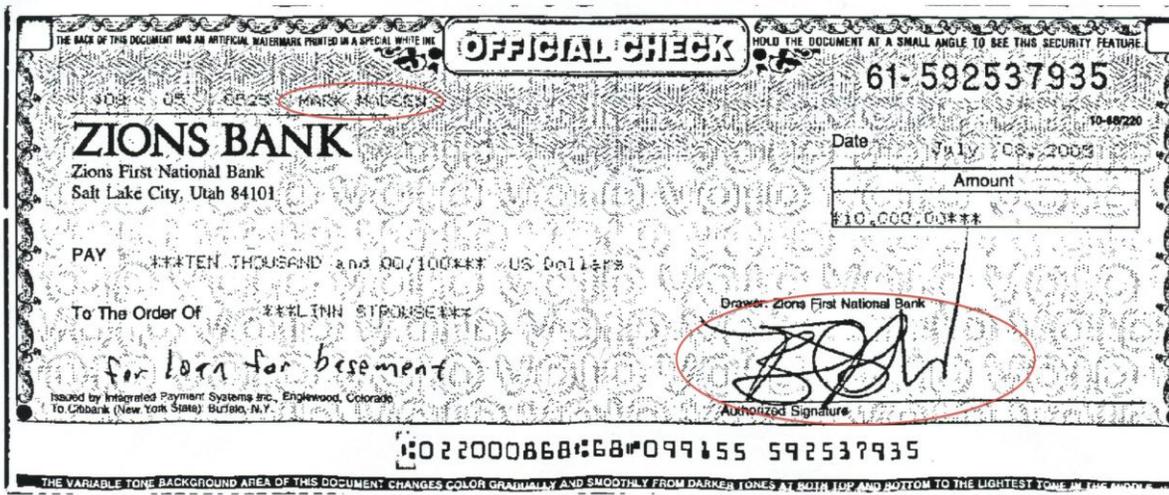
<http://e.cityweekly.net/cityweekly/W2qLkx465h73oy5X/?g=print#?article=421088>

Madsen is also the Chairman of the Utah State Senate Committee on "Judiciary, Law Enforcement, and Criminal Justice." This committee has oversight responsibility for all law enforcement in the State of Utah. Any sheriff's deputy, sheriff, investigator, prosecutor, county attorney, or attorney in the AG's office would need to closely heed his counsel in order to keep their job. He is the one man with close ties to Eagle Mountain's developers who could possibly wield the type of influence that would be needed to protect the "EMC Machine."

But what makes him a real intriguing candidate for this bogeyman is that he was personally involved in an extremely suspicious financial transaction that led to the failed prosecution of a former mayor pro-tem that nonetheless ruined her political career, which also removed a sticky political thorn from the side of his employer, the MLD. Normally, political operators with law degrees are more careful not to leave paper trails.

The check that is reproduced below is the one that Linn Strouse claims Madsen personally gave her at her house. This check was used by the Utah County Attorney's Office as evidence to prosecute her for a violation of financial disclosure laws because she did not disclose this "loan" as required by state law. But since those laws didn't actually apply to city officials (whoops!—the prosecutors forgot to check the actual code), she was never convicted.

For more info on this case, please read the City Weekly article linked to above.



Note how Madsen's name is in the top left corner and how his employer's signature, the MLD, is on the bottom right. A larger image of the check can be found here:

<http://eagleshare.org/11-strouse-madsen-check.jpg>

Another interesting thing about this case is that when the Utah County prosecutor couldn't make a case against her for a violation of state disclosure laws, the prosecutor according to the City Weekly article wanted to convict Strouse for accepting a bribe. But if it really was a bribe, why wasn't Madsen or the developer prosecuted for offering it? It seems odd that the county prosecutor would not try to go after both sides of the transaction.

While there is no smoking gun that clearly identifies Madsen as the 'Protector of Eagle Mountain', he sure has a great resume. It would be really nice if someone with more knowledge of his dealings within the city could enlighten the rest of us.

Carrots and Sticks

Although developers have a lot of money to throw around, and probably a lot of land to give away to helpful individuals too, it's really quite hard for them to own a city in the traditional sense. Stealing elections is a risky business, and besides, it's much easier for them to use a combination of carrots and sticks to get their way.

In Eagle Mountain they usually first try to buy the affection of new officials with gifts, campaign contributions, and lots of flattery. If these officials go along, they become part of the club. If they don't cooperate, the "EMC Machine" then tries to intimidate them with threats of prosecution for possession of planted porn, violations of campaign finance laws, and death threats, among other things. If they still resist, or worse yet, choose to fight, the next step is to destroy them and their reputations with lies and slander until they are run out of office. It's essentially political terrorism.

The only officials who've had long careers in Eagle Mountain are those who have basically given the developers everything they've wanted. Mayor Heather Jackson used to be a title officer for the MLD and Nate Ochsenhirt has voted for millions of dollars of bonds that have subsidized developers and their projects (think: asphalt plant). You can tell that developers have

thrown their support behind them this election cycle because almost every one of their big campaign signs has been placed on developer land.

We Need Outside Help

The most troubling aspect of this situation is that voters can't fix this problem at the ballot box. It's one thing for voters to get honest officials into office (that's possible, but difficult) but it's practically impossible for those officials to clean up our city if they are constantly attacked from above. An EMC mayor can't win, let alone survive, if they have all the city's dirty employees against them, and these employees are protected by incompetent, corrupt, or coerced law enforcement officials at the county and state level. The long line of mayors and council members who've had mental breakdowns trying to fix the city should make this fact obvious.

Eagle Mountain can only be cleaned up if an outside agency like the FBI decides to tackle the corruption for us. While it's unreasonable to expect them to fix all of our problems, they can at least guarantee us honest elections and protect our politicians from intimidation and malicious prosecutions.

Fortunately, it shouldn't be that hard for them to help since not everyone who works for the 'EMC Machine' actually enjoys it. There are still honest government employees in Eagle Mountain who would gladly help the Feds if they thought they were making an honest effort to clean things up. And other employees may be willing to turn against the city if they are offered immunity for their lesser crimes. But this kind of investigation will probably only happen if enough residents request it.

If you want to give our elected officials a fighting chance of getting our house in order, please consider sending the FBI an email requesting help. The FBI's Salt Lake City office contact info can be found on the top right corner of this web page: <http://www.fbi.gov/saltlakecity/>

<http://www.fbi.gov/saltlakecity/about-us/what-we-investigate/priorities>

Criminal Priorities

4. Combat public corruption at all levels

Corruption in government threatens our country's democracy and national security, impacting everything from how well our borders are secured and our neighborhoods protected...to verdicts handed down in courts...to the quality of our roads and schools. And it takes a significant toll on our pocketbooks, too, wasting billions of tax dollars every year.

Our investigations in Salt Lake City focus on violations of federal law—such as bribery, contract and procurement fraud, antitrust violations, environmental crimes, and election fraud—by public officials in local, state, and federal government, as well as violations of the *Foreign Corrupt Practices Act*. We also focus our efforts on corruption related to economic stimulus funding and border corruption.

For more information on the FBI's national efforts, see our [Public Corruption](#) webpage. See our [Press Room](#) for current cases and our [Salt Lake City History](#) page for past investigations.

The other thing that residents can do to clean up our city is to not let the incumbents get back into office on November 5th. Mayor Heather Jackson and Council Member Nathan Ochsenhirt must be defeated.

Special Thanks to the Following Individuals (not)

It's been a tough battle fighting the corruption in Eagle Mountain. The citizens have basically been on one side of the fight and the city, the county, and the state on the other. It definitely hasn't been fair. But what really adds insult to injury is when politicians from outside of Eagle Mountain decide to endorse our corrupt officials in an effort to help them get re-elected.

Here are some of the materials from Mayor Heather Jackson's current campaign that contain endorsements from some of the most prominent politicians in the state. They are truly disgusting. In the future I hope these individuals will stay out of our business.



An invitation from Provo, Orem and Lehi Mayors to re-elect Mayor Jackson.

"The future of confronting the challenges facing our cities can only be solved with leadership and partnering with others. We've worked closely with Mayor Jackson and find her an exceptional leader. Her expertise on transportation and community growth is vital to our long range planning and development. This, among many other reasons, is why we're fully supporting Heather Jackson and hope you'll join with us in re-electing her as Eagle Mountain mayor." – Mayor Curtis, Provo City; Mayor Evans, Orem City; and Mayor Wilson, Lehi City.

Like · Comment · Follow Post · 13 hours ago near Eagle Mountain



Heather Jackson

Eagle Mountain City Mayor

Chair *Mountainland Association of Governments (MAG) Regional Planning*

Board member *Unified Fire Service Area*

Member of the Joint Policy Advisory Committee (Transportation)

Board of Directors *United Way of Utah County*

Chair of Utah County Community Development Block Grant Committee

Board member *Unified Fire Authority*

Board of Directors *Utah League of Cities and Towns*

Member of Public Policy Committee for Utah Valley Chamber of Commerce

Utah Governor's
Business Friendly Community



Distinguished Budget Award



6 Consecutive Years

Excellence in



Financial Reporting

3 Years in a Row



Endorsed By:

David Lifferth, *State Representative*
Mayor John Curtis, *Provo*
Mayor Jim Evans, *Orem*
Mayor Bert Wilson, *Lehi*
Mayor Brian Wall, *Mapleton*
Sheriff Jim Tracy
Doug Witney, *Utah County Commissioner*
Gary Anderson, *Utah County Commissioner*
Larry Ellertson, *Utah County Commissioner*
Donna Milakovic, *Utah Valley Chamber*

John Painter, *Eagle Mountain City Council*
Rich Steinkopf, *Eagle Mountain City Council*
Thom and Lisa Reed, *Eagle Mountain*
Coralee Moser, *Herriman City Council*
Matt Robinson, *Herriman City Council*
Wendy Lojik, *Eagle Mountain*
Becky Jones, *Eagle Mountain*
Brittany Long, *Eagle Mountain*
Utah County Association of Realtors
Utah Valley Home Builders Association

www.HeatherJacksonforMayor.com

Re-Elect

Mayor

Heather JACKSON

Because Experience Matters.

Endorsed By:

David Lifferth, *State Representative*

Mayor John Curtis, *Provo*

Mayor Jim Evans, *Orem*

Mayor Bert Wilson, *Lehi*

Mayor Brian Wall, *Mapleton*

Sheriff Jim Tracy, *Utah County*

Doug Witney, *Utah County Commissioner*

Gary Anderson, *Utah County Commissioner*

Larry Ellertson, *Utah County Commissioner*

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Coralee Moser, *Herriman City Council*

Matt Robinson, *Herriman City Council*

Wendy Lojik, *Eagle Mountain*

Becky Jones, *Eagle Mountain*

Brittany Long, *Eagle Mountain*

Utah County Association of Realtors

Utah Valley Home Builders Association

International Association of Firefighters

VOTE Tuesday
Nov 5th

Mayor

Heather Jackson

VOTE
Nov 5

When Heather became Mayor, the city was spending \$55 million per year. Now it's \$29 million. City staff has gone from 113 to 88 employees.

We have a rainy day fund which holds 25% in reserve - the FULL allocation allowed by state law.



Under Heather's leadership, a new Business Incubator exists to help Eagle Mountain residents, at no cost to them.



Heather turned a potential liability into a million dollar asset when she sold the golf course.



Heather helped secure almost \$10 million in grant money for roads, parks and to improve the lives of Eagle Mountain residents.

"I've worked with Mayor Heather Jackson on several county and statewide committees and she is one of the most capable mayors I know. Her vision and leadership have put Eagle Mountain on the map as a desirable destination for businesses and residents."

~John Curtis-Provo City Mayor

I would love to hear from you:

801-367-6506 heatherannej@gmail.com Heather.T.Jackson 

www.HeatherJacksonforMayor.com