

Jackson is subject of new conflict of interest complaint

Rudy Herndon Moab Sun News | Posted: Thursday, November 12, 2015 8:52 am

Grand County Council member Lynn Jackson's support for the potash industry is at the center of a new ethics complaint which alleges that he violated state and federal laws by failing to disclose potential conflicts of interest.

Jackson counters that the latest allegations against him are politically motivated, and he expressed confidence that the Grand County Attorney's Office will conclude that the charges are without merit.

Living Rivers Conservation Director and complainant John Weisheit maintains that Jackson did not formally announce his ties with two consulting firms ahead of what he describes as “key votes” that affect his business interests.

“It would appear that he's obviously voting to help the potash industry, and to me, he's not really making decisions as a person who is concerned about natural resources,” he said.

Weisheit's complaint asks Grand County Attorney Andrew Fitzgerald to issue an opinion that requires Jackson to make annual disclosures about his relationship with the industry, its consultants and any other company that has an interest in local mineral development. He also wants Jackson to announce any ties to the industry before the council member votes on any related issues, such as the county's position on the U.S. Bureau of Land Management's (BLM's) proposed Master Leasing Plan.

Jackson asserts that he has repeatedly disclosed his ties to one of the companies, although he said he was not required to do so because that consultant was not seeking the county council's approval on any action-related items.

Even if it had been, he said, none of the proposals would be subject to regulation by the county, since the county has no regulatory authority under Utah code over state and federal lands within its borders.

“We're simply making recommendations,” Jackson said. “Our decisions have no binding authority ... Congress can do as they wish; the BLM can do as they wish.”

Weisheit believes those recommendations carry weight with federal land managers, and he maintains that



Lynn Jackson

[Moab Sun News file photo]

Jackson is “peddling his influence” in an attempt to sway other council members to support his positions on mineral development.

“I think he shouldn't be making recommendations or taking a vote,” Weisheit said. “He's using his influence to change the outcome of public lands decisions.”

Fitzgerald said the question of whether Jackson's behavior amounts to a conflict of interest is a difficult one for an average citizen to answer.

“Everyone thinks that they know what a conflict is, but they're technically more complex than you would think,” he said. “We'll try to help people understand that as we analyze that.”

Since the allegations involve accusations that an elected official may have violated the public trust, Fitzgerald said his office plans to issue a ruling on the complaint as quickly as possible.

“We would hope to have a review done within a couple of weeks,” he said.

Jackson says he has no ties to second consultant

As for the second consultant that Weisheit mentions in his complaint, Jackson said he has no connection whatsoever to it.

That company – High Desert Consulting – shares the same name as a consulting firm that Jackson registered in 2012. However, Jackson said he allowed that registration to lapse after one year, and according to the Utah Department of Commerce, High Desert Consulting is currently registered to Justin Todd Pratt of Vernal.

Jackson said he has never heard of Pratt, or Pratt's company Straight Shot Property Management, LLC, which appears to be in the real estate business.

“I have no idea who they are,” he said.

Fitzgerald said he doesn't know the specifics behind the company's registration status, but he said his office will investigate Weisheit's claims regarding High Desert Consulting.

“We'll take a look at that and see if we can make any sense of it,” he said.

Weisheit's complaint is the third one that has been lodged against Jackson in the last two years, and it bears similarities to allegations that county resident Bill Love raised in 2013. In that complaint, Love alleged that Jackson's work as a subcontractor for a potash industry consultant posed a conflict of interest because Jackson was serving on the council's public lands subcommittee at the time.

Fitzgerald concluded that Jackson did not violate any state or county ordinances in that case, and he

found that the council member's actions were ethical.

Weisheit said he believes the latest complaint is much more detailed than Love's, and he said he has documentation that Jackson failed to disclose his interest in the potash industry on 11 separate occasions.

By asking Fitzgerald to weigh in on the complaint, Weisheit said he hopes that the community will ultimately have a "better understanding" of Jackson's interests.

"I want to find out for sure – and I think the people of Grand County need to find out for sure," he said.

But Jackson said he fully expects that the county attorney will absolve him of any wrongdoing, just as he did in early 2014 – and just as the Utah Attorney General's Office dismissed a second and unrelated complaint against him later that year.

"I am 100 percent confident – 100 percent confident – that it's going to end up with the same result," Jackson said. "There is nothing here."

Jackson said his work with Del Fortner Consulting was limited to subcontracting jobs, and he said he performed the bulk of that work in 2013.

Related issues came up from time to time at county council meetings, and Jackson said that audio recordings will show that he went on record to disclose his business relationship with the consultant on those occasions. Once again, though, Jackson said he was under no legal obligation to do so.

But Weisheit maintains that Jackson's work creates a potential – if not actual – conflict of interest any time that Grand County takes action on issues affecting the management and regulation of mineral development on public lands.

"I don't think he's looking at this subjectively," Weisheit said. "I think he's looking at it as a paid consultant."

Jackson, in turn, questions Weisheit's motivations for filing the complaint the day after the city's municipal elections.

"I just feel that these are spurious legal accusations – just like the last two – that are meant to silence me," he said.

Jackson said he understands that Moab is changing, and that many county residents oppose mineral development in the surrounding area. On the other hand, he said, many other constituents support more development, and he said he wants to find a greater balance of industries to diversify the county's economic base.

"As an elected official, I look at all reasonable opportunities for economic development," he said.

While Jackson said he is not afraid to confront his critics head on, he said that Weisheit's allegations are deeply hurtful to those who are closest to him.

“This ricochets through my family,” he said.

Weisheit said he is simply seeking greater transparency in local government, and he's hopeful that his complaint achieves that outcome.

“We're not victimizing Lynn here,” he said. “The community wants good governance and transparency in all of its affairs.”

The problem as he sees it is not confined to Grand County, but is widespread in counties across eastern Utah, where elected officials don't have their citizens' best interests in mind, he said.

“These guys aren't voting for the people that voted them in,” he said. “They're voting for what the corporations want.”