

09/03/2025

Town Clerk  
Town of Paonia  
214 Grand Avenue  
Paonia, CO 81428

## **Re: Submission of Six (6) Citizen Initiative Petitions - Final Notice Before Legal Action**

Dear Town Clerk,

I hereby submit six citizen initiative petitions for circulation. Each addresses specific failures of democratic governance that have been documented over the past year. This letter serves as both a comprehensive submission and FINAL NOTICE of my intent to pursue all available legal remedies if these initiatives are improperly rejected or obstructed.

### **THE INITIATIVES SUBMITTED**

1. **Short-Term Rental Regulation** - Protecting resident hosting rights (resubmission after your erroneous rejection)
2. **Autonomous Robot Moratorium** - Addressing unannounced deployment of surveillance technology
3. **Surveillance Camera Prohibition** - Preventing the \$50,000 Verkada system expansion
4. **Electronic Communication Transparency** - Ensuring audit logs are preserved and available
5. **Executive Session Transparency** - Recording sessions to prevent illegal secret meetings
6. **Trustee Protection** - Preventing retaliation against elected officials who exercise oversight

### **DOCUMENTED PATTERN OF VIOLATIONS**

Your administration has engaged in a clear pattern of anti-democratic governance:

#### **1. Initiative Obstruction**

- **June 25, 2025:** Rejected STR initiative claiming it "establishes fees" when it ELIMINATES them
- **Misapplication of Law:** Applied Home Rule precedents to a STATUTORY TOWN
- **Bad Faith:** The misreading was so fundamental it suggests predetermined rejection

#### **2. Illegal Executive Sessions**

- **June 10, 2025:** Held executive session about "Initiative Petitions" 15 days AFTER already rejecting it
- **No Legal Basis:** Discussing already-decided matters in secret violates C.R.S. § 24-6-402
- **Pattern:** Using executive sessions to avoid public scrutiny

#### **3. Retaliation Against Oversight**

- **Bill Brunner Removal:** Removed trustee who won CORA case against town
- **227 Voters Overruled:** By just 5 trustees (5-1 vote)

- **Administrator Threat:** Stefen Wynn threatened resignation unless Brunner was removed
- **Chilling Effect:** Deters other trustees from exercising oversight

#### 4. Surveillance Expansion Without Democracy

- **June 2025:** Mysterious autonomous robots deployed without notice
- **\$50,000 Camera Contract:** Approved while claiming no resources for democracy
- **Pattern:** Expanding surveillance while blocking citizen participation

#### 5. Records Obstruction

- **Microsoft 365 Audit Logs:** Refusing to provide claiming "no responsive records"
- **CORA Violations:** Pattern of delays and denials
- **Transparency Failure:** Hiding government activities from public view

#### 6. Employing Compromised Legal Counsel

- **Clay Buchner:** Previously FIRED from Pagosa Springs for failing to defend voter-approved STR measures
- **Conflict Pattern:** Researched ways for officials to sue their own voters
- **Misadvice:** Applying Home Rule law to statutory town

### REQUIREMENTS FOR PROPER REVIEW

The term "legislative vs. administrative" is vague bureaucratic speak designed to confuse citizens. If you reject ANY of these initiatives, you MUST provide:

1. **Specific Statutory Citations** - Exact law prohibiting the initiative
2. **Detailed Explanation** - Not conclusory statements but factual analysis
3. **Amendment Path** - SPECIFIC changes that would make it acceptable
4. **Legal Authority** - Your statutory authority to reject (remember: statutory town)
5. **Written Response** - Within 5 business days as requested in each letter

Saying "this is administrative" without explaining EXACTLY what makes it so and how to fix it is intentional obstruction.

### LEGAL NOTICE

**If you reject or obstruct ANY of these initiatives without meeting the above requirements, I will:**

#### 1. File Immediate Legal Action

- **Rule 106 Challenge:** Seeking judicial review of your decisions
- **Mandamus Action:** Compelling you to perform your statutory duties
- **Injunctive Relief:** Preventing further obstruction
- **Attorney Fees:** Under C.R.S. § 24-6-402(9) and § 24-72-204(5.5)

#### 2. Criminal Referrals

- **District Attorney:** For official misconduct under C.R.S. § 18-8-404
- **Attorney General:** For pattern of civil rights violations
- **FBI:** For potential federal civil rights violations under 18 U.S.C. § 241-242

### 3. Public Accountability

- **Media Campaign:** Full documentation to all Colorado media
- **CFOIC Complaint:** Colorado Freedom of Information Coalition
- **ACLU Involvement:** Pattern of constitutional violations

## THE CHOICE IS YOURS

You can either:

**Option A:** Accept these initiatives for circulation, as required by law for a statutory town under C.R.S. § 31-11-104, allowing voters to decide

**Option B:** Continue obstructing democracy and face the full weight of legal consequences

There will be no third warning. The pattern is documented. The evidence is compiled. My attorneys are prepared.

## STATUTORY TOWN REMINDER

Paonia is a STATUTORY TOWN. You MUST follow state law strictly. The broad initiative powers in C.R.S. § 31-11-104 cannot be narrowed by local preference. *Vagneur v. City of Aspen* requires liberal construction of initiative rights.

## YOUR DOCUMENTED FAILURES

This is not a threat - it's a promise based on your documented pattern:

- Rejecting initiatives based on misreading them
- Holding illegal executive sessions
- Removing trustees for exercising oversight
- Expanding surveillance without public input
- Obstructing public records
- Employing attorneys with conflicts of interest

Each initiative addresses these specific failures. They are all clearly legislative, establishing policy for how government operates.

## IMMEDIATE CONFIRMATION REQUIRED

Confirm receipt and acceptance of ALL SIX initiatives for circulation within five (5) business days. Any rejection must include the specific requirements outlined above.

Respectfully submitted,

Pete McCarthy

cc: Mayor  
Board of Trustees  
Town Attorney Clay Buchner  
Town Administrator Stefen Wynn  
Colorado Attorney General  
Delta County District Attorney  
Colorado Freedom of Information Coalition  
ACLU of Colorado  
Local Media Outlets

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## ADDENDUM: EVIDENCE SUMMARY

### For Law Enforcement Reference:

1. **False Statements:** Claiming initiative "establishes fees" when it eliminates them (June 25, 2025)
2. **Open Meetings Violation:** Executive session on already-decided matter (June 10, 2025)
3. **CORA Violations:** Refusing to provide Microsoft 365 audit logs
4. **Retaliation:** Removing Brunner after CORA victory
5. **Conspiracy:** Administrator threatening resignation to coerce trustee removal
6. **Pattern Evidence:** Six months of documented violations

All evidence preserved and available for investigation.