

**INDEPENDENT ETHICS COMMISSION - Formal Complaint Form**

**BEFORE THE INDEPENDENT ETHICS COMMISSION  
OF THE STATE OF COLORADO**

**CASE NO.** 15-32  
(IEC use only)

**COMPLAINT**

**The Complainant(s) is (are):**

GREG GIEHL

**Address (Include City and Zip Code)**

PO BOX 5434  
AGOSA SPRINGS 81147

**Daytime Phone No.**

970 946 0526

**Email:**

glr2e3g4@live.com

**The Respondent(s) is (are):**

MICHAEL WHITINK

**Address (Include City and Zip Code)**

398 ~~LEWIS~~ LEWIS ST.  
AGOSA SPRINGS 81147

**Daytime Phone No.**

970 264-8300

**Email:**

WWW.ARCHOLETA COUNTY.ORG

**The specific act or things complained of, with the facts to give a full understanding of the situation, is (are):**

SEE COMPLAINT  
MICHAEL WHITINK - COUNTY COMMISSIONER  
CHAIRMAN

## Colorado Independent Ethics Commission Complaint

Michael Whiting, Archuleta County Commissioner, Chairman

On or about September 22, 2015, Archuleta County Commissioner, Michael Whiting engaged in a conspiracy to commit violations of CRS 18-8-404(1)(a)+(c), first degree abuse of office and official misconduct, to obtain benefit for another, and knowingly did engage in contracting with Todd Starr, to provide legal services in violation of CRS 24-18-201, interests in contracts, and violating CRS 18-8-407, embezzlement of public property.

Public notice of a Special Meeting on September 22, at 8:00 am, for the Board of Adjustment, had been posted.

<http://www.archuletacounty.org/Calendar.aspx?EID=1179&month=9&year=2015&day=18&calType=0>

No public notice was posted, for a Special Meeting, to be held at 7:30 am, on September 22, 2015, about personnel or legal services policy changes.

<http://co-archuletacounty.civicplus.com/AgendaCenter/ViewFile/Agenda/09222015-351>

Special Meeting and Executive Session, held at 7:30 am September 22, participated in by Michael Whiting, violated CRS 24-6-402, open meetings law.

Michael Whiting, as Archuleta County Board of County Commissioners (BOCC), Chairman, signed a legal services contract with Todd Starr and the firm of Rose Walker Starr, LLP, on October 2, 2015.

<http://www.archuletacounty.org/AgendaCenter/ViewFile/Item/1851?fileID=1816>

<http://co-archuletacounty.civicplus.com/AgendaCenter/ViewFile/Agenda/10062015-352?html=true>

As of October 2, 2015, a firm by the name of Rose Walker was listed with the Secretary of State, but no Rose Walker Starr.

*This contract constitutes commission of overt acts in violation of CRS 18-8-404(1)(a)+(c), abuse of public office, first degree official misconduct, by Michael Whiting, obtaining benefit for another and personal financial gain to Mr. Starr. Michael Whiting did commit second degree official misconduct, CRS 18-8-405(1)(b), for violation of any statute or lawfully adopted rule or regulation relating to his office. As County Commissioner, Michael Whiting did participate in a conspiracy to create this contract and violate CRS 24-18-201. Michael Whiting did commit a violation of CRS 18-8-407, embezzlement of public funds, by establishing this contract and aiding Mr. Starr to receive public funds.*

The full depth of the conspiracy won't be known until further investigation of the matter occurs. As it stands, Michael Whiting has engaged in withholding the recordings of the September 22, 2015 Special meeting Executive Session.

A series of articles into the matter can be found here:

<http://www.pagosasun.com/?s=county+legal+services&x=0&y=0>

All recorded minutes of BOCC meetings can be found here:

<http://co-archuletacounty.civicplus.com/AgendaCenter>

The remedy to the matter I (we) would like is:

SEE ATTACHED STATEMENT

I (We) hereby acknowledge that I (we) will cooperate in this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s): \_\_\_\_\_

Attorney (if applicable): \_\_\_\_\_

Dated at LAGOSA SPRINGS, Colorado, this 20 day of November, 2015.

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This matter should be presented to the Grand Jury for investigation of these matters for criminal prosecution to the fullest extent of the law.

Michael Whiting should also be professionally sanctioned for conduct unbecoming of an elected official.

The contract between Rose Walker Starr, in the interest of public good, must be terminated.

Michael Whiting should be given the opportunity to plead his case in open court before the people who elected him.