

MEMORANDUM

To: Steve Allender, Mayor

From: Jess Rogers, Assistant City Attorney

Re: Lisa Modrick Threat Allegation

Date: January 20, 2020

On January 6, 2020 I was present for a meeting in the City Hall Caucus Room where Lisa Modrick, Ward 1 Councilwoman, made a detailed allegation of a personal threat to her safety, allegedly made by current Airport Board President Darren Haar. In addition to being a City Council Member, Mrs. Modrick is also a former Airport Board President, and the current Director of Operations for WestJet Air Center, Inc. (“WestJet”), Rapid City Regional Airport’s FBO. At Mrs. Modrick’s request, Mayor Steve Allender and Police Chief Karl Jegeris were present, as well as her husband, Mike Modrick, her employers, Don and Linda Rydstrom of WestJet, and their attorney, Aaron Galloway. With Mrs. Modrick’s consent, this meeting was recorded by Chief Jegeris. The threat was allegedly made during a private meeting between Mrs. Modrick and Mr. Haar, which took place on December 10, 2019 at 4pm. After Mrs. Modrick described this threat to the Mayor in great detail, speaking for approximately thirty minutes, Mr. Galloway made an appeal to the Mayor to take action, presumably against Mr. Haar. The group was then informed that Mr. Haar had recorded their December 10th conversation. Subsequently, I was able to listen to that recording at the office of Mr. Haar’s attorney, David Lust. This memorandum is a summary of the two conversations and the allegations that have been made.

Allegation

At the January 6th meeting, Mrs. Modrick spoke for thirty minutes, describing her meeting with Mr. Haar on December 10th. First, she spoke about the set-up of the meeting. According to her, Mr. Haar requested the meeting, suggested a time, with the place to be determined. The day before the meeting, she texted him to ask about meeting topics and location. She acknowledges that he responded with the Rapid City Area Chamber of Commerce (“Chamber”) conference room as the location, and for topics responded “mostly the Airport, but probably some other stuff we’re both working on.” Throughout the meeting, she reiterates her confusion about why he would want to discuss the Airport.

Mrs. Modrick describes the Chamber office as being fairly dark and all but abandoned, due to the fact that the Chamber holiday mixer was set to take place at 5pm that evening across the hall. She acknowledges that a receptionist was present when they walked in. She describes some initial small talk about the Vote Yes school bond campaign, but says that Mr. Haar very quickly turned the conversation to the Airport. She says that he questioned her decision to take a job with WestJet, and he began to talk over her in an aggravated manner. She says he quickly

made what she took to be a personal threat. She said he looked straight into her eyes and said “I know where you live.” This is a statement that Mrs. Modrick, husband, and attorney Aaron Galloway came back to throughout the meeting as evidence of the personal, and potentially violent, threat made against Mrs. Modrick.

She said that he then went on what she described as a “permanent rant” about how people at the Airport, particularly WestJet, need to start acting like adults. She goes on to describe a conversation about various issues at the Airport. At one point she mentions to Mr. Haar problems with the tenants at the Airport, and suggests that he attend a tenant meeting on December 17th. According to Modrick, Mr. Haar stated that “he didn’t think he could, he would check, didn’t know why he should go to another meeting...” She continues to describe Mr. Haar as “mumbling... spitting out the words,” “in a rambling status,” “aggressive, starting to accelerate into a feeling of attack.” Modrick states:

The whole time his body language was uncomfortable, he constantly looked away and he just kept talking. Sometimes he would squint his eyes real tight, strained and acting like he was trying to stay in control. And that piece that I’m saying right now, by now, he’s in a fever, and he’s like this. [At this point Modrick squeezes her eyes closed and shakes her clenched fists in front of her.] Shaking hands, like this, and I’m looking at the door. I look up at the clock, and I’m like, it’s time for this to end.

Mrs. Modrick did not attempt to leave at this point. She describes a brief conversation about Mr. Haar’s angel fund. She then states:

Here’s the big part. And here is why my husband is here as well. He then made a statement that concerned me. He made a personal threat. He said that if people don’t stop playing games, and don’t act like adults, he would do something that everyone would regret. That he has a plan, and he was very specific on A PLAN, and he hopes it doesn’t come to that, because if he uses his plan, everyone will be sorry. Said, I was surprised by this statement, I felt it was threatening. I knew I was done listening to his hour of nonsense, and it was really a lot of words that have no purpose.

At this point, Linda Rabe enters the room, to tell them they are locking the doors and heading over to the Chamber mixer, which is being held across the hall. She acknowledges some small talk with Linda about California, and states that Mr. Haar tells her he’ll go out the side door when he’s done. Mrs. Modrick does not attempt to leave with Mrs. Rabe, and now describes herself as being “in a dark building, in a trapped conference room with somebody I don’t know, who’s just made a threat, who’s super out of control, and there’s only one way out, and I’m actually, as a woman, thinking what are my options here.” She states that after Linda left, Mr. Haar again started to talk about taking action on his plan. She then stood up to leave, made a positive statement about great things being possible at Rapid City Regional Airport, and they quickly parted ways. She went straight to the Chamber mixer. She said that she was shaken from the meeting, so she was happy to be around so many people at the party. She also realized that she needed to get her notes down quickly, so she went to the back of the room and drank some water, said her hellos, and went home to record her notes.

Mrs. Modrick then summarizes the experience:

“...the President of the Airport Board used his power to leer [sic] me into a meeting. I was unaware of what that meeting was about, what his motive was, concerned by his words and physical aggressive behavior, placed in an unsafe environment in a small conference room with only one way out, in an office that the lights were out and unknown if anyone was also there. Ah, I didn't, and ended with threats.”

She said she believes the meeting was premeditated, to create fear, in her and her employers. She then goes on to describe some of her experiences at the Airport in the short time she has been employed by WestJet. She describes hearing Patrick Dame harassing Miranda Maleki, Vice-President of WestJet and the Rydstrom's daughter, on her first day working for WestJet. She also describes an incident where WestJet's property was damaged by a City employee, which she describes as an unreported hit and run, which they have not yet received an apology for. She then describes the December 10th meeting with Darren as “three strikes you're out,” and goes on to say “I knew then that I needed to let the Rydstroms know that there was a situation.”

At this point, Mrs. Modrick seemed to be largely finished making her statement. Linda Rydstrom chimed in on the seriousness of the situation, and claimed that she had reported this incident to both the FBI and the TSA. Mrs. Rydstrom believed what Mr. Haar said constituted a threat to civil aviation according to TSA and Homeland Security guidance. Local law enforcement was not contacted about this incident prior to this January 6th meeting.

Mr. Modrick then compared this situation to one around ten years ago, when an un-medicated schizophrenic came to their house, and was later arrested across town for threatening someone. He emphasized the threatening nature of the words “I know where you live.” He spoke about the possibility of a random gas leak when they were out of town. Mrs. Modrick again emphasized how aggressive Mr. Haar was in talking about his “plan.” Mr. Modrick said he envisioned a scenario where Mr. Haar drives by their house with a machine gun. It's clear that they were interpreting Mr. Haar's words as a physical threat to their safety.

Mrs. Modrick reiterated that she believed this meeting was a premeditated effort, possibly involving Airport Executive Director Patrick Dame and City Attorney Joel Landeen. She also reiterated that she does not know Darren Haar; that this was a meeting between two people who do not know each other. At this point, attorney Aaron Galloway said that the point of this meeting was two-fold: to provide information and ask what can be done. He stressed the threatening nature of two statements in particular: “I know where you live” and “I've got a plan.” He stressed the Mayor's responsibility since the alleged offender was a Mayoral appointee. He said they were considering their options, including possibly seeking a restraining order against Mr. Haar.

At this point in the meeting Chief Jegeris had to leave for another obligation. He took his recording device with him, so the rest of the meeting is not recorded. Mayor Allender then responded that he was very concerned by Mrs. Modrick's initial call, and he had already spoken to Mr. Haar. He announced to the group that Mr. Haar had recorded the meeting. The recording

had been turned over to David Lust, Mr. Haar's attorney. The Mayor delivered to Mrs. Modrick and Mr. Galloway a letter from Mr. Lust, stating that they would sue for defamation if these claims continued. The group's reaction to this news quickly turned to anger. Mrs. Modrick stated the fact that Mr. Haar had recorded the meeting solidified her belief that this was a premeditated effort. Mr. Modrick was very angry and stated that they were now "at Mach 10" and would be discussing legal options.

Discrepancies

The recording of the December 10th meeting is approximately an hour and a quarter long. While Mrs. Modrick accurately described many of the topics discussed, the overall tone of the meeting is very different than what she described on January 6th. The majority of the conversation is about the Airport. Mr. Haar does repeatedly say that he's tired of people not acting like adults. However, the discussion is more of a plea to Mrs. Modrick, to work together to address the situation. More than once, Mr. Haar says things like "You get your side to behave, I'll get mine, and we'll work together." Mrs. Modrick agrees. At no point does Mr. Haar sound angry, or out of control. Mrs. Modrick also sounds comfortable responding to Mr. Haar throughout the conversation. When Mr. Haar mentions his accomplishments, Mrs. Modrick often interjects to describe her own accomplishments. She also frequently agrees with what Mr. Haar is saying. Other times, she seems to comfortably disagree with him. Towards the end of the conversation, Mr. Haar spends some time discussing how much he dislikes litigation. He says things like "when the lawyers get involved, everyone loses, except the lawyers," and "outside litigators are soulless." Mrs. Modrick responds that sometimes litigation is necessary to protect business interests. She doesn't sound intimidated, or threatened, or like she's being bullied. She sounds comfortable asserting her position.

There was also small talk scattered throughout the conversation. Mrs. Modrick describes the meeting as ending with threats, where she quickly left the Chamber office, said a quick goodbye to Mr. Haar, and went into the Chamber mixer. The tape tells a different story. First, when Mrs. Rabe interrupted their meeting, she instructed them both to leave through the side door, since they were locking the front door. This was not Mr. Haar's idea. When they leave the Chamber office, this door leads to the vestibule between the two sets of Civic Center doors. The difference in sound can clearly be heard on the tape. Mr. Haar and Mrs. Modrick stand in this vestibule for several minutes talking about Mrs. Modrick's nephews. This is hardly the quick escape Mrs. Modrick describes.

There are also several notable discrepancies about what was actually said. Mrs. Modrick claims several times that Mr. Haar said "I know where you live," and she interpreted this statement as a threat to her personal safety. He never uttered these words. At one point, they are discussing the Vote Yes campaign, and Mrs. Modrick is describing a neighborhood party she recently threw. She is describing how she was surprised by the attitudes of her neighbors. At one point, almost as an aside, Mr. Haar agrees with something she has just said by saying "in

your neighborhood I can see that,” then he continues on to another point. That is as close as he comes to referencing where Mrs. Modrick lives.

Mrs. Modrick and her team also repeatedly mentioned Mr. Haar’s statement that he has a “plan” and that if he implements it people will be sorry, as evidence that this was a threat. Mr. Haar does repeatedly discuss what will happen if, in his words, “people don’t start acting like adults.” When he first mentions this, he says “I have a path forward.” He continues to say that if he has to go down that path “a lot of people will be embarrassed.” Mrs. Modrick replies that embarrassing people is not the answer. He comes back to this “path forward” throughout the conversation, and his exact words vary. At one point, he actually prefaces his statement with “this is not a threat.” Given the initial wording, and the overall context of the discussion, there is no reason to believe these words refer to any type of personal threat.

During the December 10th meeting, Mrs. Modrick repeatedly mentions tenant issues at the Airport, and she repeatedly asks Mr. Haar to attend a tenants’ meeting, particularly the one scheduled for December 17th. While she claims he said he was too busy to attend, he states multiple times that he will attend a tenants’ meeting. He does say he has to check his schedule regarding the December 17th meeting, but he agrees with Mrs. Modrick that he and other Airport Board members should attend these meetings, to check in with tenants. In fact, Mr. Haar did attend the December 17th tenants’ meeting. Mr. Haar repeatedly states that he and other Board members haven’t been made aware of any unhappy tenants, other than WestJet.

After listening to both meetings, I did speak with Mr. Haar to get some more information about the December 10th meeting. He stated that he did indeed initiate the meeting. When trying to decide where to meet, he claims that Mrs. Modrick originally suggested her house. He didn’t feel that would be appropriate, so he suggested a coffee shop. He claims that on a phone call to discuss the matter, Mrs. Modrick suggested the Chamber office as a meeting location, because she was planning to attend the mixer at 5pm. Mr. Haar’s recollection of the Chamber office that night is also different from Mrs. Modrick’s description. He states that there were 3-4 people in the office when they arrived, and the lights were on. He also says that they kept the conference room door open the entire time. In fact, he claims that when Linda Rabe came in there was no knock on the door because it was wide open. The recording does not include anything that sounds like a knock before she begins speaking.

Mr. Haar also disputes the notion that he and Mrs. Modrick don’t know each other. He states that while he would not describe her as a friend, they run in the same circles. They are both civically active, so they often end up at the same events. They spent a week on a bus touring South Dakota’s reservations together in 2018. Mr. Haar searched his email inbox in front of me, showing me various emails from Mrs. Modrick to him. There was an email thanking him for his help on the Vote Yes campaign, with only him and Val Simpson as recipients. He also showed me an email invitation from Mrs. Modrick to connect on LinkedIn, from August of last year.

Conclusion

Mrs. Modrick and her team were insistent that they felt they were in physical danger after this meeting. Mrs. Rydstrom claimed that she, her husband, and her daughter have all been staying outside of Rapid City because they are fearful for their safety (Miranda's Facebook page states that she recently took a new job, which requires her to fly around the country). They reported the incident to the FBI and TSA. They spoke about getting armed security at WestJet. Mr. Modrick referenced the "Me Too" movement, stating that gone were the days when a man could lure a woman into a dark building and threaten her. Both Mrs. Modrick and Mr. Galloway stated they felt it was important that the Chief of Police be aware of what was going on.

Based on what was said at the December 10th meeting, no reasonable person would conclude that Mr. Haar intended any physical harm to Mrs. Modrick or the Rydstroms. Mrs. Modrick's description of that meeting, in its totality, is a gross mischaracterization of what appears to be a business meeting, where the parties showed mutual respect. Her own actions contradict her insistence that she was fearful for her safety: when she realized there was a problem she went straight to her employers, not law enforcement; she waited three weeks to report this issue to the Mayor; she stood in the entryway to the Civic Center and chatted with Mr. Haar about her nephews; and throughout the meeting she repeatedly invited Mr. Haar to a tenants' meeting, a meeting she regularly attends. The December 10th meeting was conducted in an open conference room, where Chamber staff could witness it. The bulk of the discussion was about tense relations at the Airport, and what might be an appropriate path forward. There is simply no indication of any threats being made at this meeting.