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*(Via email only at [joel.landeen@rcgov.org](mailto:joel.landeen@rcgov.org))*

Joel Landeen  
City Attorney  
300 Sixth Street  
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Re: Darren and Jennifer Haar - general legal advice  
GPNA File No. 12760.0003

Joel:

I am legal counsel for Darren Haar. Please consider this letter a formal notice of a violation, by City Councilwoman Lisa Modrick, of Resolution #2012-070 titled "A Resolution Amending the Rapid City Code of Conduct For Elected Officials In order to Incorporate Due Process."

It is my understanding there has been various points of contention between the Airport Board and WestJet Air Service, Inc. (Westjet) and its owners Don and Linda Rydstrom, over the last several years. As President of the Airport Board (one of his many volunteer endeavors), Mr. Haar has consistently worked to improve operations of the airport and to improve relationships between the Airport Board and various stakeholders, including tenants. It was in furtherance of his responsibilities as Airport Board President that he reached out to Ms. Modrick to meet and discuss opportunities to work toward a more constructive relationship between Westjet and the Airport Board. He believed that Ms. Modrick, as a City Council member and an employee of Westjet would appreciate and share his desire to mend the tumultuous relationship.

In early December, Mr. Haar contacted Ms. Modrick to arrange a meeting with her to discuss the situation at the airport. To accommodate her desire to attend the Chamber's Christmas mixer, they agreed to meet in the Chamber of Commerce conference room on December 10, 2019, at 4:00pm. Given his knowledge of past meetings and controversies involving Westjet Mr. Haar decided to record the meeting. That recording portrays a very friendly, civil and constructive conversation between Ms. Modrick and Mr. Haar. Mr. Haar left that meeting thinking that he and Ms. Modrick were both pleased with the outcome and were working in the same direction to resolve differences involving the airport. In fact, Ms. Modrick concludes the conversation by indicating "I love it" – referring to the conversation and the direction she and Mr. Haar were heading with airport matters. Mr. Haar believed the conversation was helpful and would lead to further productive meetings and discussions.

Offices in Rapid City and Pierre, South Dakota

Attorneys licensed to practice in South Dakota, North Dakota, Nebraska, Wyoming, and Montana

You can imagine my client's shock and dismay when he was informed that Ms. Modrick, three weeks after her meeting with Mr. Haar, made a complaint to the Mayor and Police Chief Karl Jegeris, about Mr. Haar and his conduct during the meeting on December 10th. In addition, she contacted the FBI and lodged a complaint against Mr. Haar stemming from the meeting. I have listened to the recorded conversation she and others had with the Mayor and Police Chief Jegeris on January 6, 2020. The allegations she and others make in that meeting are despicable. It is hard to comprehend how she could make so many unfounded and outrageous allegations. Her lies and misrepresentations levied against a Rapid City citizen and volunteer member of the Airport Board are damaging to Mr. Haar and his reputation. Moreover, her conduct impugns the City Council, the Airport Board, and if left unchecked, will serve as a deterrent for anyone desiring to volunteer for City boards and committees.

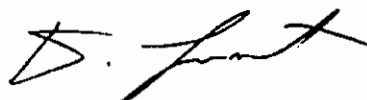
The code of conduct set forth in Resolution #2012-070 requires elected officials, like Ms. Modrick, "to demonstrate the highest standards of conduct, personal integrity, and honesty in all of their activities to inspire public confidence and trust in elected officials." It is difficult to imagine a more blatant violation of this requirement than Ms. Modrick's conduct in this circumstance, and clearly such conduct undermines the public's confidence in elected officials.

In addition, the code of conduct admonishes elected officials to "treat members of the public with the respect and courtesy due to citizens from public servants". Again, Ms. Modrick's shameful and reckless assertions demonstrate a lack of respect for Mr. Haar. It is troubling to think that we have reached a point where citizens of Rapid City can only be safe talking to elected officials if they record the conversation. I can only imagine how this situation would unfold had Mr. Haar not recorded the conversation and instead was forced to rely on a "he said, she said" scenario. Thankfully, that is not the case and you and the other members of the City Council can rely on the two recorded conversations to reach your own conclusions.

In short, Ms. Modrick has clearly violated the code of conduct to which she is bound as an elected official. Her baseless and outrageous allegations are deeply hurtful for my client. From a larger perspective such conduct by an elected official undermines the functioning of our City government, the Airport Board, and City volunteer boards and organizations. This type of activity should not be allowed to occur in our City and I hope you and the Council will take appropriate action.

Please advise if further information regarding this unfortunate situation is needed from me or Mr. Haar.

Sincerely,



David E. Lust

Cc: Darren Haar