

PRESS RELEASE BY LISA MODRICK

It is time for Lisa Modrick to respond to the baseless claims being made and fostered by the City Administration. Lisa Modrick has faithfully and honestly served the City, on the City Council for three and a half years. She has been a business owner here in Rapid City for nearly 30 years. Mayor Steve Allender is now attempting to unseat her City Council position, by promoting and escalating a claim that should have been handled, in house, pursuant to South Dakota law and a reasonable approach.

The following is a chronology of events that gets clouded every day by innuendo and fabrication. The facts, as they occurred, are important. The timing of the events is critical to an understanding of why the Mayor is pushing to oust this incredible public servant.

It should be noted that the attorney for Darren Haar suggested to the Mayor, before the Mayor ran to the Newspaper, that a meeting between Mr. Haar, Modrick and the Mayor could handle the entire dispute before it escalated. The Mayor, has another agenda and as a result, does not want to resolve this matter in a reasonable fashion pursuant to the law.

December 10, 2019

On December 10, a meeting was held between Mr. Haar and Lisa Modrick at the request of Mr. Haar. Lisa Modrick asked several times, of Mr. Haar, prior to the meeting what the topic of this meeting was to entail. She was finally informed by Mr. Haar just prior to the meeting , "Topics: mostly the Airport but probably some of the other stuff we are both working on." At that private meeting, on December 10, Lisa Modrick felt intimidated and threatened by the words being used.

January 2, 2020

Upon some reflection, over time, and concerned about the words that were being used, Lisa Modrick called the Mayor. That occurred on January 2, 2020. Lisa indicated that she had concern about what had been said to her, and the manner it was said in, and asked for a meeting with the Mayor. A meeting was set up for January 6, 2020.

January 3, 2020

But three days before any meeting took place wherein Lisa confided with her supervisor, the Mayor, Mr. Haar was contacted by Lisa's supervisor Mayor Allender. As a result of the contact by the Mayor to Mr. Haar, before any meeting took place with Lisa Modrick and the Mayor, a letter was sent by Mr. Haar, through his attorney, David Lust, to the Mayor. The letter was dated January 3, 2020. The day after Lisa Modrick simply asked the Mayor for a meeting regarding her concern.

Now it needs to be understood that Mr. Haar's attorney wrote a letter to the Mayor, (dated January 3, 2020), before Lisa Modrick had ever issued her concern or complaint regarding Mr. Haar and the words he used. So, Mayor Allender prejudged any and all concerns by Lisa Modrick by contacting the person who Lisa was concerned about.

January 6, 2020

Lisa was faced with this January 3, 2020, letter after she met with the Mayor on January 6, 2020. The Mayor surreptitiously withheld the letter from Mr. Haar until Lisa Modrick had explained her concerns on January 6, 2020. He did not share with her the letter from Mr. Haar's attorney dated January 3, 2020, at the beginning of the meeting.

It is significant that the letter of January 3, 2020, authored by David Lust, Mr. Haar's attorney, suggested that the three of them sit down and meet to resolve this matter. The Mayor ignored that request but instead turned to the media in an attempt to further his agenda.

January 6, 2020

It should be noted that at the January 6, 2020, meeting, the Chief of Police, Chief Jegeris, attended the discussion between Lisa Modrick and the Mayor. On January 21, 2020, the Chief of Police called Lisa Modrick and told her that the Chief had contacted the local FBI, and that they would be contacting her. At no time did Lisa Modrick contact the FBI. The FBI contacted her.

Law (Handbook Governing Employees)

The Mayor and the City Administration, are aware of the law. They are aware that there are handbooks, set forth by the City of Rapid City, for employees to follow regarding any grievances. Instead of following the "Non-Union Employee Guide" which is the handbook that covers all City employees that are not union members, the City Administration and the Mayor, went to the media to fight their case so that they can set up Lisa Modrick and Westjet Air Center.

The employment handbook for non-union city employees applies to City Council members because they are compensated for their time. Although the compensation is not enormous, they receive checks for compensation from the City. On page 6 of the handbook, which governs City Administration, it specifically states under the Definitions section the following:

"Active Employment – receiving compensation from the City, not including worker's compensation."

From that definition there is no question that each and every City Council member is an employee of the City. As a result, City and the Employee are bound by the terms set forth in the handbook. The Mayor and the City Administration want to ignore the terms of the handbook wherein it states "Employees are to freely ask questions of their supervisor."

In fact, there is an entire section on page 7 of the handbook regarding workplace harassment. It indicates the City expressly prohibits any form of workplace harassment. If such takes place there is a grievance procedure set forth on page 48. The grievance procedure mandates the employee go to their supervisor. In this instance, the only possible supervisor of an employee that is a council person is the Mayor. As a result, Lisa followed the mandate of the handbook to a T.

Not only does it indicate that any grievance is to be taken to your supervisor, it states that if your supervisor does not handle the grievance appropriately, the employee is bound to take the grievance to

the MAYOR. It further states that if the Mayor does not handle it appropriately or to the employee's liking there is an appeal process to the Department of Labor.

As a result, if the handbook had been followed or the request of the attorney for Darren Haar, had been followed this entire matter would have been handled "in house." If there had been a decision regarding Lisa Modrick's concern, complaint or grievance then the appeal process could begin. The Mayor, however, did not chose the reasonable route of a meeting and did not make a decision on Lisa Modrick's complaint but instead went to the press.

January 28, 2020

In fact, on January 28, 2020, the Mayor had a meeting with Lisa Modrick, The Mayor then threatened Lisa as well. He stated that Lisa Modrick either needs to resign from City Council or "your name will be dragged through the mud." Lisa asked if there is a third option where, we can sit down an discuss matters and the Mayor indicated there is no third option.

The Agenda

The Rapid City Airport and Westjet Air Center have had disputes over the last four years concerning the airport itself. Those disputes involved the City Administration and the Mayor over that four-year period of time. Lisa Modrick was the President of the Airport Board for a number of years.

Lisa Modrick now works for Westjet Air Center, a local business that has been in Business for over 40 years. That four-year dispute continues. Lisa Modrick went to work for Westjet, approximately four months ago, not four years ago. Lisa Modrick has agreed that if there are issues concerning Westjet, that she will abstain from any vote. The agenda here is to demean Westjet, and remove Lisa Modrick. The Mayor's agenda is not an attempt to resolve issues. It is not an attempt to follow the handbook, which is required by law. It is an absolute attempt to circumvent the election by removing a City Council member claiming that Lisa Modrick fabricated the threats, the intimidation, and the vulgarity that was occurred in a private meeting with Darren Haar.

January 28, 2020

Again, on January 28, after the Mayor threatened to drag Lisa Modrick's name through the mud if she did not resign, letters were issued claiming that Lisa's private concern to the Mayor was "fabricated." At the same time recordings were then sent to the press in an attempt smear Lisa Modrick's name and set up the City Council to remove Lisa Modrick. The agenda, to remove Lisa Modrick and to attack a business that has been operating for over 40 years in Rapid City, was begun.

The concerns that Lisa Modrick had involving meeting with Mr. Haar are real and were obviously intended to intimidate and threaten Lisa Modrick. The consistency of what was reported by Lisa Modrick and the tape will be presented at the hearing on March 10, regarding the issue of removal of Lisa Modrick of her duly elected seat on the City Council. The comments by Mr. Haar include demands, intimidation, vulgarity, and threats to embarrass and a plan to execute these intimidating comments.

Haar & Modrick December 10, 2019 Meeting

Within the first few minutes into the meeting, it was obvious that Mr. Haar was now representing Rapid City Regional Airport, appointed by Mayor Allender, as the President of the Airport Board, and was attacking Westjet because Westjet had sent out an email in response to and in reply to a group message. Mr. Haar was then not happy when Lisa Modrick sent a "reply all" to the very people that had initially been copied. That's when Mr. Haar indicated to Lisa "I am not going to put up with it." He then went on to state at minute 10 "I don't give a shit. I am willing to die on this hill." What does that mean?

Mr. Haar then indicated to Lisa that he had been doing a lot of "digging." He stated "I'm done", numerous times. He then stated that Westjet is not behaving like adults.

Mr. Haar then commented "one thing I will not tolerate is adults not acting like adults." "That is the only thing I will dictate that you will do." At this point Mr. Haar, from the Airport Board, is now commanding what Lisa Modrick will do, who is a member of the City Council.

In an effort to make it seem like its not a threat and not intimidation, Mr. Haar then states "this is not a threat, but I have talked to a handful of lawyers, there's things I want to change." He then states that he is going to "embarrass" people. He states as follows "you know what I'm going to do? I'm going to trigger something, there will be a lot of embarrassed people."

At this point Mr. Haar is threatening to "trigger something" and as a result there will be a lot of embarrassed people. Mind you the only audience Mr. Harr had at this time was Lisa Modrick. The audience has grown substantially given the fact that the recording was then released to the press following the Mayors actions. The next threat came seconds later. At that point Mr. Harr stated I am not going to play games..."I have done a lot of digging, of what supposed to be going on." A minute later, Mr. Harr says "I am going to trigger those...long enough to make sure appropriate action is taken, and just be done." Less than two minutes later Mr. Haar stated "I am not fucking around anymore!"

All of these comments are consistent with the complaint that was filed by Lisa Modrick with the Mayor. But the Mayor refuses to consider that these claims are intimidating and threatening. Before the conversation is completed Mr. Haar again states "I am telling you its not a threat." Whenever anyone claims its not a threat, its usually a threat. Haar follows that up with stating "I've got a path that will make them all act like adults. None of them are going to like it. None of them!" Again, he is only talking to Lisa Modrick. The only person sitting in front of him.

A minute later, Mr. Haar states to Lisa Modrick "It's going to be real ugly. It will end all this shit. I'll tip the apple cart. I assure you that no one is going to be happy." At this point the threat of a "path", appears to be a path that is "real ugly." It also appears that this path is going to end up with no one being happy.

Even the Mayor, in later letters, states that this is only a threat of litigation so it's not a big deal. Litigation is an incredibly difficult and stressful endeavor. No one wants to be in litigation. No one wants to be threatened to be in litigation.

Conclusion

Instead of following the law of the case, and following the specific dictates of the handbook for non-union employees and having meetings and a determination by the mayor, which can be appealed to the

Department of Labor, the Mayor instead turns to the press. He decided that the best place to convict and remove Lisa Modrick is by going to the press.

Lisa Modrick had not, up until this time, responded to the claims made by the Mayor. Lisa has not responded to the ridicule that has been set forth in the paper, social media, and on television. Now Lisa has finally responded with this press release so that the timing of the event and the actual facts of the event can be set forth by the media to the public.

Additionally, there will be a press conference at attorney Steve Beardsley's office on Thursday, March 5, 2020, at 1:00 p.m., in which the following news stations are invited to attend:

KOTA/KEVN TV
KNBN
Keloland TV
KOTA Radio
KBHB Radio
Black Hills Pioneer Press
Rapid City Journal
Native Sun News Today.

This of course will be followed by the hearing on March 10, in which City Administration knows they are bound by due process requirements before any vote is taken. Counsel for Lisa Modrick has already been told that there will be no cross examination of witnesses by her attorney. There will be no opportunity to ask questions of the Mayor. He is at the center of this controversy and he knows this matter should have been handled in house, pursuant to the law and pursuant to Haar's request.

PRESS CONFERENCE
Thursday, March 5 at 1:00 pm
Beardsley, Jensen & Lee
Attorneys at Law
4200 Beach Dr. Suite 3
Rapid City, SD 57702