



CITY OF RAPID CITY

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January 28, 2020

Lisa Modrick
300 6th Street.
Rapid City, SD 57701

Dear Councilwoman Modrick:

This letter is to summarize your complaint and resulting investigation stemming from a December 10, 2019 meeting between you and Airport Board President Darren Harr.

Scenario

Darren Harr requested to meet with you and that meeting ultimately took place in a conference room at the Rapid City Chamber of Commerce office on December 10, 2019. The time of the meeting was slightly before 4:00 PM.

Complaint

You contacted me January 2, 2020 wishing to talk on the phone about a high-priority matter. When we spoke, you indicated you had received a threat from Darren Harr during a meeting and as a result were concerned about your personal safety. You and I ultimately agreed to meet on January 6, 2020. During that meeting, and at your request, Police Chief Karl Jegeris attended that meeting. Also present for the meeting were Assistant City Attorney Jessica Rogers, Don and Linda Rydstrom and their attorney Aaron Galloway, and your husband, Mike Modrick.

During the meeting you talked at some length, explaining the details of your meeting with Harr. I took handwritten notes regarding this meeting and a portion of the meeting was recorded by Chief Jegeris and later transcribed by the police department for review. Of note, you made several statements relevant to your complaint:

- Darren was confused why you were working at WestJet and also a Councilwoman.
- Harr was agitated early in the meeting and speaking "above" you.
- You quoted Harr as saying "I know where you live" and interpreted this to be a personal threat to your safety.



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- You stated Harr exclaimed “fuck” then mumbled.
- You described Harr as going on “a rant” about WestJet.
- You stated Harr made a statement such as “if people don’t stop playing games, he would do something everyone would regret.” Related to this statement, you said he also stated he has “a plan.” Further, that Harr stated he was going to take action on his plan.
- You explained your assessment of the meeting by stating: the president of the airport board used his power in a vacant, dark office, while aggravated, and the purpose of the meeting was to create fear.

At the conclusion of this meeting, I informed you and others that Harr had recorded your December 10 meeting.

Recording of December 10 Meeting

City Attorney Joel Landeen, Assistant City Attorney Jessica Rogers, Councilwoman Laura Armstrong and Councilwoman Becky Drury listened to the recording at the law offices of Gunderson, Palmer over the past couple of weeks. I personally listened to the audio recording on January 23, 2020.

The meeting started with approximately four minutes of small talk.

There’s great detail during the one hour and 15 minute meeting between you and Harr. The content of the meeting is mostly relevant to the problems between Rapid City Regional Airport and WestJet Air Service, so I will only detail in this letter what is relevant to the complaint against Harr.

Your allegation: Harr states “I know where you live”

From the recording:

40 minutes and 30 seconds into the recording, you and Harr are talking about the school bond issue. You bring up the topic of a Christmas party in your neighborhood and make some (nearly inaudible) statement about your neighbors being in support of the bond issue. Harr states “in your neighborhood, I agree.” There was no point in the recording where Harr stated “I know where you live” or anything that could be interpreted as such.

Your allegation: Harr states: "if people don't stop playing games, he would do something everyone would regret"

From the recording:

Harr, speaking in the context of litigation states "I'm just going to trigger something and a lot of people will be embarrassed." You state "I don't think embarrassment is the answer." Harr replies: "I know, but if I have to tip the cart over, then I will."

At 1:05:56 Harr states "between you and me, if they don't act like adults, none of them are going to like it. None of them. It will be real ugly. It will be professional, not personal, everyone will be unhappy." Your response to this statement was "in business, you have to protect your business. Many businesses reach that point because they are at the end of their rope." Harr responds "I'm going to protect this position... Rapid City first".

Your allegation: Harr was agitated, speaking "above" you.

From the recording:

During the one hour and 14 minute interaction between you and Darren Harr, there were a number of times when the conversation was sidetracked by small talk, laughing, talking of personal issues such as children or the school bond issue. Further, this conversation is chock-full of examples where you are assertive and seemingly unafraid to make a point.

Of note, after the conclusion of the meeting, you and Harr walk to an exit and continue the small talk. At some point you offer this statement to Harr: "I'm so glad we met" to which Harr makes a statement (not easily intelligible), then you state "I love it."

Conclusion

Having known you for several years, and having participated in several meetings with you, many of which were one on one, I have come to be accustomed to your style of communication and your demeanor. In my experience, you are easily one of the most positive people to meet with. You have a passion for getting things done. You like to laugh. You and I have had a few meetings that I would describe as being tense because of our lack of agreement on one particular issue or the other. Voices were raised, and a spirit debate ensued.

The meeting I listen to between you and Darren Harr could be described as a professional yet sometimes direct conversation between colleagues. Both parties stood their ground. No one party dominated the conversation over the other. No threatening comments were made, and no apparent perception of threats were notable.

Knowing you as I do, I expected when I listened to the audio recording that Harr may have lost his temper and made a number of regrettable statements. This was not the case. Now I am left to make some type of judgment on the appropriateness of the conduct during the meeting between you and Darren Harr.

I do not believe there is any gray area in this issue. I believe the actual content of the meeting and the details you described in our January 6 meeting are wholly inconsistent with one another. So much so, that your account appears to be partially fabricated rather than a misunderstanding.

During our January 6 meeting, you described going to the chamber mixer after your meeting with Harr. You stated you went to the mixer, sat down, composed yourself and made some notes while the meeting was fresh in your mind. Two witnesses, one of which is me, saw you at the chamber mixer and you were always in the company of other people, socializing.

On its face, the complaint against Darren Harr appears to be another attempt to discredit Rapid City Regional Airport on behalf of WestJet Air Center.

The Mayor does not supervise or discipline councilmembers, as this is left solely up to the governing body or the voters.

Sincerely,



Steve Allender
Mayor