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DISTRICT COURT
9TH JUDICIAL DISTRICT
TETON COUNTY WYOMING

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IN THE DISTRICT COURT OF TETON COUNTY
NINTH JUDICIAL COURT
180 SOUTH KING STREET
PO BOX 4460
JACKSON, WY 83001

JURISDICTION:

TETON COUNTY, WYOMING - NINTH JUDICIAL DISTRICT

PLAINTIFF'S NAME

TIMOTHY J. RIESER, PRO SE

2075 N. HIGHWAY 89 – PO BOX 233

JACKSON, WY

vs.

DEFENDANT(S)

**LUTHER PROPST—COMMISSIONER &
CHAIRMAN**

TETON COUNTY, WY

ATTY. ERIN E. WEISMAN - TCPA

AND

GREG EPSTEIN - COMMISSIONER

TETON COUNTY, WY

ATTY. ERIN E. WEISMAN - TCPA

Case No.: Number

2024-CV-0019042

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Removal of Commissioners under WY Statute 18-3-523

Commissioner Luther Propst & Commissioner Greg Epstein

Teton County, Wyoming

Ninth District Court of Wyoming

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SECTION II – Oath & Knowledge

Plaintiff/Petitioner, Timothy J. Rieser, requests review by the Teton County District Court – Ninth Judicial District - for expedited removal from office of two (2) currently sitting county commissioners for *breach of county policies and state statutes, abuse of office, criminal activity, and other actions which, severally and in sum, constitute violations of their official oaths and refusal or neglect to perform their required duties*. The governing law in this Complaint is WY Statute § 18-3-523. The remedy sought is removal from office. Other violations of Commission, county, and state policies, procedures, and laws will be included within the body of the Complaint and are asked to be considered in the review for applicability within the standards required under a civil and possibly criminal Wyoming statute.

A. Preface

I, **Timothy J. (John) Rieser**, a resident of Teton County WY, appearing pro se, does hereby submit the following:

It is with regret that I must petition the Teton County District Court – Ninth Judicial District, State of Wyoming - for judicial review and removal from the office of two (2) currently sitting County Commissioner(s):

- 1) Commissioner (and Chair) **Luther Propst**; of Teton County, Wyoming; and,
- 2) Commissioner **Greg Epstein**; of Teton County, Wyoming

I seek judicial review and their removal from office for, pursuant to **WY Statute § 18-3-523**:

- 1) **Refusal or neglect without just cause to perform duties required of them as county commissioners**. Propst & Epstein knowingly and recklessly committed acts that: a)
breached the procedures, regulations, and policies of Teton County, the Teton County

Employee Manual, and the Teton County Board of County Commissioners; and b) violated

1 multiple state statutes, including statutes that can be found in Chapter 6 of the Wyoming
2 State Criminal Code (as this Complaint will show to a reasonable civil standard). These
3 actions, severally and in sum, constituted refusal and/or neglect to perform their required
4 duties without just cause; and
5

- 6
7 2) **Knowing commission of acts which violated of their sworn oath to discharge the duties**
8 **of the office with fidelity.** Pursuant to Art. 6, § 20 of the Wyoming Constitution, both
9 County Commissioner Luther Propst & County Commissioner Greg Epstein (Propst &
10 Epstein; or the Defendants) swore the following oath: "I do solemnly swear (or affirm) that
11 I will support, obey and defend the constitution of the United States, and the constitution
12 of the state of Wyoming; that I have not knowingly violated any law related to my election
13 or appointment, or caused it to be done by others; and that I will discharge the duties of my
14 office with fidelity."

15
16 Fidelity is best defined as *trust, loyalty, ethical purity, faithfulness, morality, honesty,*
17 *and devotion to duties and obligations.* In contravention to these, and every possible
18 alternative meaning of the word fidelity, Propst & Epstein knowingly and recklessly
19 committed acts that: a) breached the procedures, regulations, and policies of Teton County,
20 the Teton County Employee Manual, and the Teton County Board of County
21 Commissioners; and b) violated multiple state statutes, including statutes that can be found
22 in Chapter 6 of the Wyoming State Criminal Code (as this Complaint will show to a
23 reasonable civil standard). These actions, severally and in sum, constituted knowing
24 violations of their oaths to discharge their official duties with fidelity.
25
26
27
28

1 The Plaintiff respectfully requests of the Teton County District Court – Ninth Judicial District:

- 2 1) That if the Defendants are found to have violated WY Statute § 18-3-523, the Court forward
3 to the Governor of Wyoming a **recommendation for the Defendants' removal from**
4 **office; and**
- 5 2) That insofar as this Complaint outlines the Defendants' criminal offenses to a reasonable
6 civil standard, the Court, **refer such offenses to the office of the Wyoming Attorney**
7 **General Criminal Division** for further investigation.
- 8

9 Plaintiff invested much time and thought prior to filing this Complaint. The allegations made
10 herein are serious; removal from office is a significant remedy; allegations of criminality are not
11 made lightly. Adding to the Plaintiff's personal difficulty: one of the Defendants has been a friend
12 for over a decade and there has never been a falling-out at any time. Other individuals identified in
13 this Complaint—including Deputy County Attorney Keith Gingery, who comes under criticism in
14 the pages ahead—are persons that the Plaintiff knows, and with whom he has enjoyed friendly and
15 cordial interactions. Jessica Sell Chambers is also on this list. Indeed, as of only a month and a half
16 ago, the Plaintiff was friends with, or enjoyed cordial relations with, nearly everybody who is
17 involved in this Complaint with the notable exception of Stephen Jellie, the former fire chief.

18

19 Finally, Plaintiff has no formal legal training; he is not an attorney or officer of any court; he is
20 not acting on anyone's behalf. Rather, he is a citizen of Teton County who has, faithfully and to the
21 best of his limited technical abilities, applied common sense and plain language to the task of
22 presenting to Court facts he has learned and laws he believes are most relevant. Plaintiff's guiding
23 principle is that the power voters entrust to officials is solemn and sacred and carries a high-level of
24 responsibility that must be strictly adhered to and respected and never misappropriated or used as a
25 cudgel to batter residents and employees.

26

27

28

1 **B. Oath of Fidelity**

2
3 As with all tasks important and complicated – considering the myriad of statutes,
4 regulations to be considered, and how they all weave into the decision-making process, the job of
5 commissioner fits the bill – serving as county commissioner requires stepping near lines, or even on
6 lines. This is understandable and occasionally unavoidable. Finding themselves stranded in
7 unposted lands without a map, county commissioners are sometimes forced to make tough choices.

8
9 However, that is most certainly not the case here. To continue the metaphor: the area the
10 Defendants chose to enter was properly posted and well-charted; authoritative maps, such as well-
11 known county and state policies and laws, were everywhere, pointing them in the right direction.
12 Not to mention a full-time County Attorney to assist them. But the Defendants ignored clear
13 guidance and instead knowingly crossed many bright lines, and did so with studied calculation, both
14 as individuals (as this Complaint will show) and in conspiracy with one another and others (as can
15 be inferred from the evidence provided). Plaintiff has chosen a combined filing to illustrate that
16 Propst & Epstein acted in a planned and coordinated way to maliciously harm and effectuate the
17 firing of Teton County Fire Chief Stephen Jellie – who, as an employee of the county, is their own
18 employee.

19 No county commissioner acting with *fidelity*, for instance, can plausibly claim not to be
20 aware of the proper use of Executive Session. Nevertheless, Propst & Epstein used information from
21 improper Executive Sessions to twist into a lie in public, in order to verbally ambush Teton County
22 Fire Chief Stephen Jellie in a carefully controlled public hearing process they would clandestinely
23 promote in order to achieve maximum hostile attendance. As this complaint will demonstrate, Propst
24 & Epstein carried out most of their efforts to deliberately land in a public forum that they,
25 particularly Propst as Chairman, controlled: *a public forum in which there were no limits to the*
26 *public accusations, no required proof, and little chance to respond and within the gaze of the*
27 *Jackson Hole News & Guide – whose display of biased reporting begs the question of complicity*

1 with Propst & Epstein in this matter. And beg this question, this Plaintiff will....

2
3 The Commissioners are the ultimate employers of all county employees. As such, they
4 must adhere to employment-related laws and policies and are tasked with legal, ethical, and moral
5 obligations to be at all times attendant to the health, safety, and welfare of all employees in the
6 county. In contravention to these obligations, Propst & Epstein broke statutes, procedures, and
7 ethical codes to maliciously injure Teton County Fire Chief Stephen Jellie, whose firing they
8 manufactured. Their oath of office required them to dispatch their duties with "fidelity," which
9 encompasses every possible iteration of trust, loyalty, ethical purity, faithfulness, morality, devotion
10 to duties and obligations, honesty, and much more. In their zeal to influence other Commissioners
11 to vote their way, Propst & Epstein facilitated the destruction of Stephen Jellie's employment,
12 reputation, and career, and in so doing, recklessly violated every possible meaning of the word
13 *fidelity*.

14 In their effort to maliciously injure a county employee, Propst & Epstein eschewed with
15 recklessness the Teton County Employee Manual, violated criminal statutes (as Plaintiff will show
16 to a civil standard), and breached many other legal, moral, and ethical lines. This Complaint will
17 show that Propst & Epstein knowingly and flagrantly neglected their duties as commissioners and
18 violated their oaths of *fidelity* most egregiously.

19
20 **C. The Defendants' Knowledge**

21
22 Having defined the word "fidelity," Plaintiff will address another key word that appears in WY
23 Statute §18-3-523: "knowingly." This word appears in the statute as a qualifying adverb for
24 "commits," thus implying that acts "in violation of his official oath and bond" that are not knowingly
25 committed -- presumably, acts committed by accident; or acts intentionally committed, but in good
26 faith and without foreknowledge of arcane or idiosyncratic technicalities about which no
27 commissioner could possibly be expected to be familiar -- are not relevant for the Court's assessment
28 of fact and law. Only those acts demonstrated to be "knowing" ones should be considered dispositive.

1 As it was obviously not the Wyoming State Legislature's intention to prompt a pointless
2 philosophical debate about the possibility of truly "knowing" another person's heart or state of mind,
3 it is fair to apply a reasonableness standard to the word "knowingly." Such a reasonableness standard
4 would itself have two components, one setting a very low threshold for "knowing" (i.e.,: Would a
5 reasonable person, looking fairly at the facts in context, conclude that the commissioner *knew* what
6 he was doing?) and the other setting a higher threshold (Would a reasonable person, looking fairly
7 at the facts in context, conclude that the commissioner *should have known* that the act he was
8 committing violated the principle of fidelity: that is, their oath?)
9

10 Plaintiff argues that the Defendants' actions more than reveal *both* components of the
11 reasonableness standard. The Defendants implemented an intentional and strategic campaign to
12 destroy a man's reputation. They knew very well what they were doing. And they should have
13 known it was wrong, as no commissioner acting with *fidelity* could plausibly be unaware of the
14 well-known policies and statutes they violated.
15

16 Indeed - going further than the reasonableness standard - Plaintiff believes that Defendants
17 *were keenly aware* that they were skating on thin moral and legal ice. For what else could explain
18 the secretive, surreptitious nature of so much of the operation (unlawfully hidden from the public in
19 improper Executive Sessions, as this Complain will detail)? Even some of the Defendants' closest
20 supporters were concerned about the illegality of their actions and warned them to desist. "I have
21 talked to two commissioners," confessed Austin Sessions, President, FD/EMS Local 5067 in a
22 December 15, 2023 group email (speaking of the Defendants, as will be established later), "and
23 made the point that **I believe it is wrong that they are asking us to stand up and state our**
24 **complaints in public instead of following the policy laid out by them.**" (Emphasis added.)
25

26 Defendants were told - plainly, to their face, in terms that no reasonable person could
27 possibly misunderstand - that what they were doing was wrong. And yet, they persisted. A look at
28 the fact-pattern of their actions over a two-month period, summarized briefly in this section and

1 detailed later in the Complaint, leads any reasonable person to the conclusion that the Defendants
2 knew what they were doing *and* should have known that it was wrong (*and*, exceeding any standard
3 for “knowingly,” knew it was wrong). Adding to the conclusion that they acted knowingly to do
4 something they simply should not have done are the facts to be presented they did so in collusion
5 with the “witting” county attorney and possibly unwitting (witting?) local reporter. Nothing infers
6 guilt as credibly as does a plan and the attendant sidemen assistance.

7
8 The need for intentionality, coordination, and concealment stems from a basic problem
9 faced by the Defendants. The Defendants sought to achieve an outcome—the firing of Chief Jellie—
10 which the Board of Commissioners did not have the direct legal authority to effectuate. Despite
11 Chief Jellie being an *at-will* employee (and could be terminated at any time, for any reason, or for
12 no reason) of Teton County, the Board of Commissioners could not vote to directly remove the chief.
13 They could only vote to compel Board of County Commissioners Administrator Alyssa Watkins
14 (Admin Watkins) to terminate Chief Jellie. Admin Watkins is the direct superior of the Fire Chief
15 and, in fact and in practice, is the lone individual who can hire or terminate any of the county’s
16 hundreds of employees. (The Board of County Commissioners can terminate only one person
17 directly: Administrator Watkins). These facts help explain the lengths to which they went to pressure
18 the Administrator to terminate Chief Jellie (a matter involving extreme professional risk for Admin
19 Watkins, who various Teton County Commissioners had previously attempted to terminate.
20 Administrator Watkins’ independence in this matter is the singular example of courage and fortitude
21 among a raft of abusive behaviors of, and enabled by, the Defendants.)

22
23 Because the Board of Commissioners did not have the direct legal authority to effectuate
24 the firing, they concocted a public pressure campaign to destroy a man’s reputation so badly that
25 others (the three hold-out Commissioners) would be forced to act. The wing of Teton County Fire
26 Department/Emergency Management Services, in all its ginned-up rage by Propst & Epstein, had
27 no vote in this matter. The ensuing public outrage was encouraged by Propst & Epstein to pressure
28 at least one of the three other Commissioners (Mark Newcomb, Wes Gardner, and Vice-

1 Chairwoman Natalia D. Macker) to vote the Propst & Epstein way, as that was the singular path to
2 force Chief Jellie's termination.
3

4 Propst and Epstein's initial and ongoing 2-3 minority became a majority only after Town
5 of Jackson Council Member Jessica Sell Chambers' (Chambers), purportedly acting on her own,
6 stood at the Teton County Board of County Commissioners (BCC) hearing on 01/02/2024 and
7 attacked Chief Jellie vociferously and then pivoted to make an impassioned demand to terminate
8 Admin Watkins as well. At the time it made little sense in its proportionality and content, but it was
9 clearly a direct threat to the BCC and *against* Admin Watkins, and as such, the three hold-out
10 Commissioners instantly capitulated.
11

12 Two days later, the Commission broke 5-0 in favor of compelling Admin Watkins to
13 terminate Chief Jellie or place him on Administrative Leave (Admin Watkins did the latter).
14 Administrative Leave was clearly the soft-step to termination, which happened on 1/26/24 after a
15 22-day period of negotiations resulting in a \$150,000 termination payment offer to Chief Jellie – an
16 at-will employee with no contract who could be fired at any time, and for no reason. It is not hard
17 to infer that Chambers' threat was part of the Propst & Epstein proxy war to terminate Chief Jellie.
18 The Plaintiff holds that this possible, but currently unknowable, collaboration was potentially
19 unlawful and is worthy of further investigation. But it is now well known that after a nearly sixty-
20 day standoff, and within only four hours of Chambers' attack, Stephen Jellie was effectively
21 terminated.
22

23 Because individual board members have little formally-conferred power on their own, and
24 because only a board majority may make an official decision, the Defendants were utterly dependent
25 upon others to get Jellie fired. This fact explains the nature and scale of the Defendants' orchestrated
26 public-pressure campaign. However, the involvement of others in the scheme does *not* absolve the
27 Defendants of responsibility for their actions. Hiding behind the resulting 5-0 BCC decision, Propst
28 & Epstein may try to claim that they cannot be held accountable for acts undertaken to effectuate an

1 outcome outside of their control, either as individual board members or a minority of the board.
2 They may frame the question this way: How can an individual be removed for an outcome enacted
3 by the whole?
4

5 They may attempt this form of self-defense. And in doing so, they will be *completely wrong*
6 as a matter of law, precedent, and common sense. In its only two decisions on commissioner removal,
7 nearly a century ago, the Supreme Court of Wyoming settled this question resoundingly: one or two
8 commissioners *may definitely be removed* for misconduct, whether or not the acts involved, or
9 depended upon, the complicity of other individuals or board majorities. It was not the legislature's
10 intention, reasoned the Court in *State v. Morgan* (1926), "to state comprehensively that a single
11 member of a board of commissioners could not be liable personally or individually or personally be
12 guilty of misconduct because he happened to be a member of a board, or because the act complained
13 of happened to have been the act of a board." To interpret misconduct laws that way would be to
14 render them practically meaningless. Speaking of earlier versions of the state's official misconduct
15 statutes, he Court stated clearly that if "facts are properly and sufficiently alleged" of misconduct,
16 then "we think that the defendant here might be prosecuted therefor and removed under the statute,"
17 regardless of other circumstances (*State v. Morgan* [1926], Supreme Court of Wyoming, June 22,
18 1926, 35 Wyo. 92).
19

20 In addition to establishing that Propst & Epstein can be removed for *their* individual
21 actions, what other guidance does the Supreme Court of Wyoming provide in the 1926
22 commissioner-removal cases? In these rulings, the Court established a sort of minimum-severity
23 standard. Indeed, the Court in *State v. Scott* (1926) overturned a lower court's decision to remove a
24 commissioner because the infraction charged in that instance—the commissioner's alleged failure
25 to properly post a bid notice within a certain time frame—was, in the Court's view, *de minimis*. At
26 worst, the Court concluded, the removed commissioner was guilty of "mere failure to notice the
27 lack of sufficient itemization or statement of dates of service, or the absence of complete verification
28 or a mere misinterpretation of the effect of the claim as made out..." This was at worst a "technical
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1 violation of statute” that fell short of a “summary removal of an officer.” What level of severity
2 justifies removal? Bribery would merit removal, of course, but the Court cited this crime only as an
3 example. Other types of misconduct may also merit removal. “The neglect should be such,”
4 explained the Court, “as to involve a *willful design*, or indicate an *habitual inattention to public*
5 *business*” (*State v. Scott* [1926], Supreme Court of Wyoming, June 22, 1926, 35 Wyo. 108).
6 (Emphasis mine.)

7
8 The facts shown in this Complaint will more than meet both of the *State v. Scott* standards:
9 the Defendants’ infractions went far, far beyond mere technical violations of policy and statute and
10 were part of a willful design to maliciously harm Chief Jellie.

11
12 The willfulness of the design was plainly apparent in the weeks leading up to the
13 aforementioned 5-0 BCC decision that led to Chief Jellie’s termination. By then, the Defendants
14 had already committed a number of acts in violation of law and policy, all calibrated to achieve that
15 outcome. Propst, especially, as Board Chair, presided over a colossal misuse of the privilege of the
16 free and unfettered use of the podium at public meetings. This Complaint will establish that at any
17 time the drubbing could have been curtailed, and it was not. The Public Comment sessions – three
18 in all – were attended by many dozens in person and hundreds on-line; news of them spread
19 thereafter with thousands of hits on internet articles. These sessions broadcasted, during many hours
20 of CCTV, visceral hatred from the podium in what is essentially clearly an *employment matter*. And
21 they contained frequent references to employee matters. And while the destruction continued in
22 public hearings, CDC Gingery did not reveal the written letters submitted to the County
23 Commissioners, by citizens, thusly creating a third-tier of public documents; a) *Open to the public*
24 *by search*, b) *Withheld for legal reasons usually involving employment matters*, and the newly
25 created c) **The Gingery Policy** which is: *Yes, we have documents, but you don’t know they exist*
26 *and you have to ask for them by FOIA... ask for documents you don’t know exist. Good luck!*

27
28 CDC Gingery carefully controlled all the documents submitted and any messages they
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1 might deliver, while Propst controlled the public forum at Teton County Public Meetings; and for
2 the coup de grace, this Plaintiff will present evidence that Propst & Epstein rounded up protesters
3 to show up at the public hearings and speak against Chief Jellie. They encouraged attendees into a
4 live-stream public forum, covered by a hostile newspaper, that Propst & Epstein refused to control
5 or limit in its repetitive discussions of employment matters and about which they carefully had
6 numerous *unlawful* Executive Sessions. In addition, public letters sent to the BCC that might have
7 protected Chief Jellie's employment were kept hidden from public view, in order to, ostensibly,
8 "protect" Chief Jellie's employment rights. These letters and emails only mysteriously get released
9 by CDC Gingery in early January and on the eve of the final thrust to destroy Stephen Jellie. A
10 FOIA request is in place to establish this fully.

11
12 As transparently obvious as this operation was, it proved successful to the eventual
13 destruction of Chief Jellie's employment and reputation. In their willfully-designed effort to
14 maliciously injure an individual, Propst & Epstein abused the powers of the office of county
15 commissioner willfully, intentionally, strategically, and *knowingly*.

16
17 It is quite remarkable the extent to which the planning of this pressure campaign was done
18 surreptitiously - in Executive Session. Whether this concealment is conclusive evidence of guilty
19 minds or not, *it was certainly illegal activity*. The Defendants used the legislative Special (or
20 Executive) Sessions and public meetings not properly and for their stated purposes, but improperly
21 and unlawfully to collect confidential information for selective release in public, to organize the
22 public pressure campaign to fire Chief Jellie, and to influence other public officers in the discharge
23 of their duties. This Complaint will establish that the Defendants, Propst & Epstein, aided and
24 abetted by CDC Gingery, knowingly and carefully focused the public rage they helped fire-up to
25 force at least one of the three remaining members of the Teton County Board of County
26 Commissioners (BCC) to capitulate to a vote to compel Admin Watkins to terminate Chief Jellie.
27 They did so by the abuse and misuse of Special Sessions as directed by WY statute §16-4-405(i)(ii)
28 Executive Sessions and also of Teton County Board of County Commissioners – Rules of Meeting

1 Procedures (adopted January 16th, 2018) Rule 2-6 on Public Participation.

2
3 Plaintiff understands the obvious difference between protected speech and criminal activity.
4 County commissioners may speak their mind and express strong opinions. And once in a blue moon,
5 they actually do so. However, a commissioner that causes harm to another individual and pressures
6 others to do the same, *in unlawful Executive Sessions and improper public meetings*, is committing
7 a bright-line violation of our criminal codes, specifically Wyoming Criminal Statute § 6-5-107(a),
8 which states that a public servant is guilty of Official Misconduct, a misdemeanor violation
9 punishable by up to a five thousand dollar (\$5,000) fine, if;

10 with intent to obtain a pecuniary benefit or maliciously to cause harm to another, he
11 knowingly: (i) Commits an act relating to his official duties that the public servant does
12 not have the authority to undertake; (ii) Refrains from performing a duty imposed upon
13 him by law; or (iii) Violates any statute relating to his official duties. [emphasis added]

14 As a preponderance of the evidence in this Complaint will show, in all three ways listed in § 6-
15 5-107 -- acting beyond their authority to fire Jellie, refusing to do their duty to abide by policy and
16 regulation, and violating Executive Session-related and other statutes -- Defendants abused the
17 powers of their office *with the intent of maliciously causing harm to Chief Jellie*. (Recall that they
18 couldn't fire him directly, thus necessitating a cruel work-around to publicly obliterate his reputation
19 first; and then, by that, pressure others to finish the job.)

20 The acts committed by the Defendants that violated both WY §16-4-401(a) (ii) Executive
21 Sessions:

22 **16-4-405. Executive sessions.**

23 (a) A governing body of an agency may hold executive sessions not open to the
24 public:

25 (ii) To consider the appointment, employment, right to practice or dismissal of a
26 public officer, professional person or employee, or to hear complaints or charges
27 brought against an employee, professional person or officer, unless the employee,
28 professional person or officer requests a public hearing. The governing body may
exclude from any public or private hearing during the examination of a witness, any
or all other witnesses in the matter being investigated. Following the hearing or
executive session, the governing body may deliberate on its decision in executive
sessions; [emphasis added]

1 ... in doing so, also comprised violations of WY Criminal Statute § 6-5-107(a)(i)(ii)(iii).
2 (Emphasis above and below mine.)
3

4 **WY Statute § 6-5-107. Official misconduct; penalties.**

5 (a) A public servant commits a misdemeanor punishable by a fine of not more than
6 five thousand dollars (\$5,000.00), if, with intent to obtain a pecuniary benefit or
maliciously to cause harm to another, he knowingly:

7 (i) Commits an act relating to his official duties that the public servant does not have
8 the authority to undertake;

9 (ii) Refrains from performing a duty imposed upon him by law; or

10 (iii) Violates any statute relating to his official duties.
11

12 In addition, because Defendants used improperly convened and unlawful Executive
13 Sessions and orchestrated Public Sessions to hector, browbeat, or otherwise force public officers
14 (i.e., the other commissioners) to vote their way over the course of two months, the Plaintiff believes
15 that it is possible to construe the acts detailed here as violations of a felony offense under WY Statute
16 Titel 6, when proven beyond a reasonable doubt, sets forth as a felony violation as anyone:

17 **WY Statute §6-5-305. Influencing, intimidating, or impeding jurors, witnesses,**
18 **and officers; obstructing or impeding justice; penalties.**

19 (a) A person commits a felony punishable by
20 imprisonment for not more than ten (10) years, a fine of
21 not more than five thousand dollars (\$5,000.00), or both,
22 if, by force or threats, he attempts to influence, intimidate
or impede a juror, witness or officer in the discharge of
his duty.

23 The Plaintiff believes that there is sufficient reason to believe that misdemeanor (and possible
24 felony) violations occurred, Plaintiff respectfully asks the Court to consider referring these matters
25 to the office of the Wyoming Attorney General Criminal Division for further investigation of the
26 Defendants. The Plaintiff will also establish that Chief Deputy County Attorney Keith Gingery
27 [CDC Gingery] was: in the least; derelict in his duties to permit the rank violations of these statutes
28 he attended and, at worst; complicit with the behaviors of Propst & Epstein to violate well-establish
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1 laws, procedures, and guidelines.

2
3 However, it's important to emphasize that *Plaintiff is not required to prove criminal*
4 *activity* to trigger a removal consideration under WY Statute § 18-3-523. Perhaps, if this were a plea
5 to the legislature to initiate an impeachment proceeding under Art 3, Sec 17 of the Wyoming
6 Constitution, it might be necessary to do so. A higher bar is set for impeachment: a constitutional
7 process reserved for officials committing "high crimes and misdemeanors" or "malfeasance."

8
9 Obviously, Plaintiff is not calling for impeachment, but instead seeking consideration
10 under WY Statute § 18-3-523 for simple removal. In this statute, the legislature set a significantly
11 lower bar -- knowingly violating an oath to discharge duties with fidelity -- for the judicial review
12 and removal of commissioners. By setting a lower *infidelity* standard and allowing for judicial action,
13 the legislature is saying clearly: *do not wait* for civil or criminal accountability to be adjudicated
14 first (there will be time for that later); *act quickly* to remove commissioners who neglect their duties
15 or violate their oath to discharge them with fidelity, before they can do any more damage to the
16 workings of government and the public's faith in our democratic system.

17
18 By supplying to the Court so much evidence of *criminality*, Plaintiff goes well beyond the
19 infidelity standard set forth in §18-3-523. This dramatic overshooting of the mark is intentional, as
20 this underscores urgent need for action to avoid any further erosion of public faith in government
21 efficacy and democratic process in Teton County.

SECTION III – Narrative & Allegations

A. Narrative of Events

The penultimate goal in early November of 2023 of Propst and Epstein was to force a 2-3 County Commission (not in their favor) into a 3-2 (or more) win with a carefully calculated weaponization of public outrage. The ultimate goal of Propst & Epstein was, as mentioned earlier, to force the removal of the Fire Chief by forcing a favorable BCC vote to compel the Admin Alyssa Watkins, to fire Chief Jellie. The authority to hire and fire is directly within her purview alone, as previously noted. Watkins had, to that point in time, resisted taking that, or any action, against Chief Jellie. The County Commissioners are, as stated, the ultimate employers of the county employees. At the moment that Propst & Epstein sought to clandestinely and illegally orchestrate Chief Jellie's removal by rigging and forcing an elective process to satisfy their personal animus towards Chief Jellie, the two commissioners were simultaneously Jellie's ultimate employer and, as such, vested with serious responsibilities for the health, safety and welfare of the employees of Teton County.

Note: It is important to make clear at this point that this Complaint does not weigh in on the question of whether Fire Chief Stephen Jellie was a good or bad hire; or a good boss or a bad boss; or whether Chief Jellie should have been retained or fired. The Plaintiff remains agnostic on those questions. This Complaint is exclusively about the *behavior* of Propst & Epstein, in an apparent collaboration with the County Attorney's Office and a biased newspaper, to force their preferred outcome in a statutory democratic process of a County Commission vote of which they were on the short-end and unable to accept.

1. By the fall of 2023, a schism had appeared within the five members of the Teton County Commissioners. Two were of a mind to dismiss Chief Jellie (Propst & Epstein) and three appeared to prefer retaining the Chief (Gardner, Macker, and Newcomb). Chief Jellie had

1 been hired in late November 2022. The employment search that resulted in Stephen Jellie's
2 hiring was conducted by Admin. Watkins and aided by a committee that included Tyler
3 Sinclair, Town of Jackson Manager; the retiring Fire Chief Brady Hanson; and others.

4 2. At the time of Chief Jellie's hiring there were multiple issues at the FD/EMS: a) bad morale
5 as outlined in the 2019 study of County employees; b) serious issues within FD/EMS as
6 outlined in the 2021 Gannon Report; and, c) budget issues that would impact the first year
7 of the chief's employment to the tune of nearly a million dollars.

8 3. Quickly after his arrival in fall 2022, tensions were rising between Jellie and the rank and
9 file at FD/EMS over many things, but primarily there existed: a) a rift between volunteers
10 and career firefighters; b) tension between and among the County Commissioners
11 themselves; and c) tension between County Commissioners and the County Administrator.

12 4. In a larger sense, carping and fussing between individuals and departments and the
13 resistance to change at all levels is a hallmark of the human hierarchy. In Teton County,
14 this infighting is an art form and is the result of decades of weak leadership that prefers to
15 stand back rather than engaging in the (always) uncomfortable position of effectuating
16 good leadership and then the hard work in the maintenance thereof. In Teton County
17 government, chaos and internal tensions are *de rigueur* despite the Alfred E. Newman
18 "What me worry?" exterior they maintain.

19 5. In 2021, an independent report had been commissioned, with the County itself ultimately
20 paying for some of the report. The *Gannon Report* in its totality is a polite but, at times,
21 scathing full review of TC FD/EMS. There are nearly two dozen critical items and over
22 ninety actionable items. They range from somewhat innocuous to serious and include:
23 cultural issues, morale issues, critical decision issues, accountability issues, and more. The
24 report appears well-written and to date, there has not been any pushback on the report that
25 that the Plaintiff is aware of. In fact, it appears the report did what many reports do in Teton
26 County – got shelved. The report speaks extensively on communication issues and systemic
27 department breakdown of hierarchical policy and procedure. It references the 2005
28 combination of Teton County(s) FD and EMS into FD/EMS and the continuing

1 ramifications of a not-entirely-successful departmental conjugation.

2 According to Chief Jellie and Admin Watkins, the report was given to him upon, or
3 near upon, his application for employment. It is fair to say that the report was a guide to
4 future changes that the FD/EMS badly needed; a department that was, by nature, inherently
5 resistant to change. Additionally, it is undisputed that Chief Jellie was handed a budget
6 issue near around one-million dollars and headed upward at an alarming rate. Through the
7 summer of 2023, Chief Jellie attempted to educate the BCC on the budgetary issues with
8 little to no interest on their part. Indeed, on the occasion of 12/11/2023 Propst & Epstein
9 hijack a public meeting "Department Update" covering this exact serious budget issue, to
10 browbeat and harass Chief Jellie with lies invented and information Propst & Epstein
11 brought from a confidential Executive Session on "employment matters" (covered in detail
12 further along). Clearly there was little interest in the budget issues the same group had
13 handed Chief Jellie a year prior.

- 14 6. Upon his hire, there is an aggravating factor in store for Chief Jellie: The turnover rate of
15 county employees has been upwards of 33% annually for some time. The most recent
16 Human Resources head left in December 2023 after one year, following a previous one-
17 year leader. Leadership comes and goes rapidly in Teton County. The HR department is
18 again leaderless and understaffed. Morale in FD/EMS – indeed, all departments - is very
19 low and has been for a decade as evidenced in the 2019 report. Despite low morale across
20 all departments, it should be noted that FD/EMS during Chief Jellie's employment
21 maintained an unusually low (less than 3%) turnover rate (annualized) and gained twelve
22 new volunteers to the core group. This performance exceeds any department in Teton
23 County that this Plaintiff is aware of. Exact numbers have been requested but not as yet
24 received.

- 25 7. By the fall 2023, three (known) complaints about Chief Jellie had found their way into and
26 through the prescriptive Teton County Policy Manual system. It is presumed (but
27 unknowable at this stage) that those complaints were handled as prescribed in the manual.

28 What is known is that no administrative action was taken, no letters issued. However,

1 rolling into 2023, the Chief was working on budget, morale, and change issues with what
2 appears to be disengaged leadership structure in the Board of Commissioners who
3 alternately are at loggerheads with Admin Watkins. Some of the commissioners would
4 later take up the effort of public campaign to humiliate a county employee in lieu of
5 addressing the serious problems facing the county, and by extension, the TC FD/EMS.

- 6 8. Simultaneously, discontentment within the ranks of FD/EMS was growing, and there
7 appeared to be, in retrospect, a lot of disgruntlement about Chief Jellie. It has not, and does
8 not, bubble up into the grievance process (Chapter 2/ 2-5/ Page 23) where it needs to be
9 and is explicitly spelled out. It might be reasonable to speculate that members of the
10 FD/EMS have sought out an unconventional route to voice discontent and found a willing
11 ear in the form of Propst & Epstein because they have not been able to effectively use the
12 Policy Manual to address growing complaints. Fire captain and local union president
13 Austin Sessions clearly states this in his 12/15/23 email.

14 But certainly, part way through the ever-accelerating chain of events, Propst &
15 Epstein had become a conduit for anti-Chief grievances, in contravention to the TC
16 Employee Policy procedure adopted by Teton County on 01/06/23. At no point does it
17 appear that the TC Employee Manual procedures are being followed. Employees and
18 volunteers of FD/EMS employed a straight-to-commissioners-inside-channel. Instead of
19 promoting and fixing the TC grievance process—the failure of which was at the root of the
20 FD/EMS growing anger—Propst & Epstein knowingly encouraged not using the system
21 and in doing so, accelerated the failure of that system, while fanning the flames of hatred
22 and discontent with Chief Jellie. It is quite remarkable. This is seemingly impossibly stupid
23 of Propst & Epstein, but such is the effect of rage and power.

- 24 9. From early-November to January 5, when Chief Jellie was put on Administrative Leave,
25 an extraordinary chain of events unfolded, and it was by no means organic. As of the
26 writing of Complaint 02/12/2024, Stephen Jellie has negotiated a Separation Agreement
27 resulting in a \$150,000 termination payoff to Jellie.

1 Frighteningly, the negotiations of Jellie's termination included the participation and
2 votes of Propst & Epstein and the inclusion of legal counsel by CDC Gingery—all three of
3 whom ignored legal and ethical boundaries to facilitate the retribution against, and the
4 professional destruction of, Stephen Jellie, for whom they then acted as the terminating
5 employer. The Plaintiff finds it difficult to accept this state of affairs and urges the Court
6 to question it as well. It uncommon that three individuals in positions of power and trust
7 would get to: create rules, eschew rules, instigate and foment hatred, prosecute, and be
8 judge, jury, executioner, and funeral director.... all at once. And this is exactly (hyperbole
9 aside) what Propst, Epstein and CDC Gingery did.

10 11 **B. Two Specific Allegations**

12 Plaintiff began this Complaint by defining "fidelity" and "knowingly," two key words in the
13 statute which is the basis for this Complaint: WY Statute §18-3-523. Plaintiff then provided a brief
14 sketch of fact-patterns that illustrated, in broad strokes, that, as part of their effort to maliciously
15 injure a county employee so that others would fire him, the Defendants knowingly neglected their
16 duties and committed acts that broke policy and law and violated their oaths of fidelity. After a
17 review of applicable statutes and case law, the Complaint then widened the scope and offered, for
18 the Court's benefit, a broad-strokes narrative of relevant events in Teton County from the
19 publication of the *Gannon Report* in 2021, through Chief Jellie's November 2022 hiring, to his
20 January 2024 termination.

21
22 Now, the Complaint will drill down into two of the categories of actions already mentioned—
23 the *Executive Session* and the *Public Comment* sessions - and make specific allegations, consistent
24 with WY Statute §18-3-523, that these sessions were knowingly conducted by the Defendants at
25 variance with statute and regulation. Note: The allegations made in this section are not the only ones
26 made in this Complaint; nor is the evidence cited in this section the only factual basis for these, and
27 other, allegations. Other facts, and more allegations, are presented in subsequent sections.

1 **a. Improper Use of Executive Sessions**

2
3 Regarding the Executive Sessions, Plaintiff makes the following allegation: The Defendants
4 refused or neglected without just cause to perform duties required of them as county commissioners
5 and knowingly committed acts which violated of their sworn oath to discharge the duties of the
6 office with fidelity when they violated Wyoming's Executive Session Procedure as prescribed in
7 WY Statute §16-4-405 and Teton County's employment procedures as outlined in the Teton County
8 Policy Manual (TCPM). (The allegations and facts appearing in this subsection are not the only
9 allegations or facts appearing in this Complaint; many more appear later.)
10

- 11 1. The BCC held a series of Executive Sessions with relation to the Chief and his continued
12 employment from November 6, 2023 up until his placement on Administrative Leave on
13 January 4, 2024. For a period of approximately 59 days as many as ten (10) Executive
14 Sessions -- at which Chief Jellie's employment was discussed, complaints made and
15 strategy was devised -- were held. In all cases the BCC and CDA Gingery knowingly held
16 those hearings without notifying Chief Jellie as is required in the WY Statute §16-04-405
17 Executive Sessions, which clearly states:

18 **Private Executive Session May be Held**

19 (ii) To consider the appointment, employment, right to practice or
20 dismissal of a public officer, professional person or employee, or to hear
21 complaints or charges brought against an employee, professional person
22 or officer, unless the employee, professional person or officer requests a
23 public hearing. The governing body may exclude from any public or
24 private hearing during the examination of a witness, any or all other
witnesses in the matter being investigated. Following the hearing or
executive session, the governing body may deliberate on its decision in
executive sessions. [emphasis added]

- 25 2. Not a single Executive Session meeting, as notification of the published (limited) minutes
26 show, was any notice given to Chief Jellie of his being the subject of an Executive Session
27 that would allow him:

- 28 a. to declare whether Chief Jellie wishes a public meeting, and;

1 b. to attend the public meeting.

2 This was in direct contravention of the clearly stated Wyoming Statute and the Teton
3 County Board of County Commissioners Rules of Meeting Procedures.

4
5 3. Additionally, all Agendas of Executive Sessions published by the Teton County Board of
6 County Commissioners in the *Agenda Center* have, without fail, the exact same language
7 on its legal notice of upcoming Executive Session Employee hearings as is reflected in the
8 WY Statute §16-04-405.

9
10 4. CDC Gingery, Propst & Epstein knowingly side-step this basic protocol of the simple
11 Wyoming Statute regarding Executive Sessions. It stretches credulity that any of the five
12 (5) commissioners would have been unaware of this simple requirement. It is literally the
13 only text included on TC County notices of personal matters regarding Executive Sessions.

14
15 In an interview with Alyssa Watkins on 1/31/23, the Plaintiff asked if she understood
16 that the subject of “personnel matters” in Executive Sessions were afforded the opportunity
17 to: a) know of the ES meeting about which they are the subject; and b) elect to have the ES
18 session actually be a public session; and c) actually attend those meetings of which they
19 are the subject.

20 Watkins acknowledged the question and replies, by way of explanation, that CDC
21 Gingery had explained (on an undetermined prior occasion) that this requirement did not
22 apply to “individuals who already had the ability to have a public hearing.” Watkins
23 continues with Gingery’s explanation “[]’....like a sheriff’s deputy would have...’ ”.

24
25 Gingery’s explanation of why the explicit words of the statute governing Executive
26 Sessions wouldn’t apply to Chief Jellie are, if they are to be believed, absurd. The Plaintiff
27 believed Admin Watkins, but did not believe [that] Admin Watkins [actually] believed
28

1 Gingrey's (barely) specious excuse for disregarding WY statute. First, Sheriff's Deputies
2 are covered under Title 18 and are quite separate – and it doesn't say that either.

3
4 Second, there is no language anywhere that modifies, alters or otherwise changes the
5 statute to remove this basic right afforded by §16-04-405 (ii) that would preclude *any*
6 *subject* of any *Executive Session* the right to choose the option of a public, or a private
7 session, or the attendance thereof. Furthermore, a FOIA request from the Plaintiff posed
8 this very question, and a response was received on 12/12/23 as follows: "The County has
9 no documents or records stating that Teton County does not have to comply to Wyoming
10 State Law" (Maureen Murphy Teton County Clerk 02/12/24).

11 It was clear to the Plaintiff that Watkins, and others, knew, or had reason to know, that
12 Gingrey's explanation of why the statute wasn't being adhered to with Chief Jellie's
13 Executive Sessions – that is held about him – is recklessly absurd and with nefarious intent.

14
15 5. The Plaintiff posits that this notification and option process within (ii) is the singular
16 safeguard against abuse of secret sessions that the statute provides. And it was included for
17 the singular reason of preventing [people like] Propst, Epstein and Gingrey from doing
18 exactly what it is they did. And they did it repeatedly to Chief Jellie. Maybe a dozen times.
19 When a deeply empowered group can, and does, hold private meetings about which nothing
20 can be known except time they convened and adjourned, and this group holds deeply
21 destructive desires towards unknowing individuals, it encourages the potential for
22 malicious and illegal plotting. And all they had to do to get this safe space was avoid one
23 simple action and have the fabulist attorney, Gingrey, make up make up an excuse why.

24
25 6. The effect of deviating from the clear statute and county policy over the next 59 days was
26 to permit numerous Executive Sessions that are private and safe places – provided by the
27 County – to explore, plot, and strategize the demise, termination, and professional
28 destruction of Chief Jellie. As of this writing the County has denied access to the

1 minutes/audio/video materials of these non-legal Executive Sessions. There are currently
2 a number of FOIA requests in process to access it.

3
4 It is the position of the Plaintiff that these meetings were knowingly improperly and
5 illegally convened in Executive Session as Chief Jellie was not afforded the opportunity to
6 make his statutory provided elections. Chief Jellie cannot exercise his statutory rights under
7 Wyoming Statute if he is not formally notified meetings being held of which he is the
8 subject and, therefore is not given his statutory options. How is the *subject* of the Executive
9 Session supposed to know of such session if the subject of the inquiry is not even *informed*
10 of its existence (aside from the couple of ES he was asked to attend—however, he was still
11 not afforded his rights to a public hearing).

- 12
13 7. Furthermore, at no time were any of the complaints, actions, deliberations Propst & Epstein
14 ginned-up and heard at the public meetings conducted through the process laid out in the
15 Teton County Policy Manual (TCPM), which clearly outlines the process required. As
16 noted previously, there were only a total of three (3) known processed complaints up to
17 that time. It is understood that none were deemed actionable. The process the TCPM
18 requires (2-5) is:

19 A. It is the policy of Teton County that County employees should have an opportunity to
20 present their complaints/grievances, arising from the application of this Policy Manual,
21 through a dispute resolution procedure. [continues]

22 B. **Definition:** An appropriate complaint/grievance is defined as an individual's expressed
23 dissatisfaction concerning any interpretation or application of this Policy Manual by Elected
24 Officials, Department Directors, management, supervisors, or other employees. All
25 disciplinary matters, including decisions to verbally reprimand through and including
26 decisions to terminate, are not subject to this section. Any complaints of unlawful
27 discrimination or sexual harassment should be reported and handled pursuant to the policies
28 and procedures contained in this Policy Manual. Examples of matters that may be considered
appropriate complaints/grievances under this section include:

- i. A belief that County policies, practices, rules, regulations, or procedures have been applied
unfairly to an individual.
- ii. Treatment considered unfair by an individual, such as coercion, reprisal, harassment or
intimidation.
- iii. Improper or unfair administration of County benefits or conditions of employment such
as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or
seniority.
- iv. Employee safety.

1 C. **Informal Discussion:** Informal discussions between the employee and his/her Elected
2 Official or supervisor are initially required. For Departments under the purview of the Board,
3 if resolution is not achieved with the Supervisor or Division Manager, the employee may
4 present their grievance/complaint to the Department Director for review. The Elected Official
5 or Department Director will evaluate the complaint, attempt to resolve it, and give a decision
6 to the employee within a reasonable time. If either the Elected Official or the Department
7 Director are the subject of the complaint, or are perceived to be biased by the employee, the
8 employee may file his/her formal complaint directly to Human Resources.

9 D. **Formal Written Grievance to Human Resources:** Formal written grievances must be
10 filed with the Human Resources Department within (15) calendar days from the date of
11 issuance of the Elected Official's or Department Director's written summary of the dispute
12 and the proposed resolution, or the date when the complaint/ grievance is first received. The
13 written grievance should also include a concise explanation of the reason for the employee's
14 dissatisfaction with the proposed resolution from the Elected Official or Department Director.
15 Human Resources will confer with the individual and any other members of management
16 considered appropriate, investigate the issue, and communicate a proposed solution in
17 writing to all the parties within (15) calendar days from the date on which the written
18 grievance is received.

19 E. **Appeal of Decision of Human Resources to the Board:** For departments under the
20 purview of the Board, in the case of an appeal of the proposed solution of the Human
21 Resources representative, the employee must request a meeting with the Board to appeal the
22 decision within fifteen (15) calendar days from the employee's receipt of the Human
23 Resources proposed solution. [continues]

24 It is not hyperbolic to state that nothing contained in the TC Policy Manual was followed
25 by Propst & Epstein or Gingery in the days to come. In fact, the entire process was, in its
26 entirety, short-circuited to a *Grievance-direct-to-Executive Session-Public Hearing-CCTV-*
27 *Newspaper-Internet-world-galaxy-universe* process that is not only improper by county
28 policy, decency, oath but forbidden by law as well. At no point did Chief Jellie get a hearing
or opportunity to effectively respond to the shear wall of hatred and righteous indignation.

It's quite possible that Defendants' misuse of Executive Sessions is unprecedented in the
history of Teton County (and that's saying something). In the five years preceding January 2024, on
only three occasions have Teton County Commission Executive Sessions happened that were not
coupled to a regular Public Meeting of a Special Session, as required by the Teton County Board of
Commissioners Rules and Procedures adopted 01/18/2018, that reads, in part:

Rule 1-3 Executive Sessions:

- A. The County Commission may hold executive sessions not open to the public
upon a majority vote of the members present. Executive Sessions may only
be held within a regular or special meeting and may not be held independently
of a regular or special meeting. [emphasis added]

1 The only three occasions this has happened, out of hundreds of Executive Sessions are:
2 11/15/2023, 1/04/2024, and 1/24/2024. It can reasonably be inferred—considering the weight of all
3 the evidence provided in this Complaint—that these improper Executive Sessions, conducted in
4 violation of state law and Rule 1-3 of the Teton County Board of Commissioners Rules and
5 Procedures, were, in essence, special *Chief Jellie* hearings, held to advance the Defendants’
6 campaign to maliciously harm Stephen Jellie.

7
8 By, and in the course of, their blatant violation of Executive Session state statutes and the
9 county and commission’s regular meeting and public hearing and employment policies, Defendants
10 maliciously intended to cause harm to another, refused or neglected without just cause to perform
11 duties required of them as county commissioners, and knowingly committed acts which violated of
12 their sworn oath to discharge the duties of the office with fidelity. These acts warrant removal from
13 office pursuant to WY Statute § 18-3-523—at the very least.

14
15 **b. Improper Use of Public Meetings**

16
17 Having established the Defendants’ improper use of Executive Sessions to cause harm to Chief
18 Jellie, Plaintiff will now detail their improper use of public hearings and total disregard for county
19 employment policies. (The allegations and facts appearing in this subsection are not the only
20 allegations or facts appearing in this Complaint; many more appear later.)

21
22 Regarding the Public Meetings, Plaintiff makes the following allegation: The Defendants
23 refused or neglected without just cause to perform duties required of them as county commissioners
24 and knowingly committed acts which violated of their sworn oath to discharge the duties of the
25 office with fidelity when they blatantly misused the commission’s regular meeting and public
26 hearing rules, pursuant to Teton County’s Rules of Meetings and Procedures. [\[Exhibit M\]](#)

27
28 The Wyoming Constitution is silent on the question of whether the public has the right to
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1 speak at any public hearing. Its absence confirms that the right to speak at a public hearing is *not a*
2 *constitutional right*, nor is such ability prohibited. This is not a 1A question, by any means. The
3 public's ability to speak at public hearings is a privilege. As such, the counties may set forth and
4 ratify its own standards and rules. Indeed, most, if not all Wyoming counties do just that.

5
6 Teton County developed and its own Rules of Meetings and Procedures adopted on January
7 16, 2018 and signed by (then) Chairman Newcomb, who currently sits on the TC BCC [Exhibit N].
8 The Teton County Attorney's office, including Deputy Gingery and CA Erin Weissman, would
9 know and understand this, and by extension, so would the TCBCC and its individual members.
10 These rules are not complicated even for laymen. Teton County Board of Commissioners
11 historically have opened the floor up to public comment prior to agenda items being addressed. The
12 public can address anything the public would like to address, subject to few rules. The public
13 member is asked to keep it to three minutes, and rules of decorum would apply whether stated or
14 not stated. Board Members can comment, presumably after each speaker is done, but rarely ever do.

15
16 The Teton County Board of County Commissioners – Rules of Meeting Procedures
17 (adopted January 16th, 2018) clearly state (emphasis added):

18 **Rule 2-6 Public Participation**
19 **Rules of Meeting Procedures adopted 01/16/2018.**

20 A. Recognition. No person may address the Commission without the permission
21 of the presiding officer, or a majority of the quorum, or as otherwise required.
22 bylaw.

23 B. Addressing the Commission. A person addressing the Commission shall do so.
24 at the speaker's rostrum and shall begin by offering his or her name and group
25 affiliation, if any, orally, and in writing if requested. All remarks shall be
26 addressed to the chair. No cross-talking shall be permitted.

27 C. Limits. Each speaker shall limit his or her remarks to a reasonable amount of
28 time. The presiding officer may limit remarks to a timed limit, and may request a
speaker to stop speaking if repetitive or exceeding a reasonable amount of time to
speak. Each speaker shall avoid repetition of the remarks of prior speakers and
speak only to the agenda item under consideration.

D. Questions. Following each speaker's remarks, each commissioner shall be
given the opportunity to comment further and to address questions to the
speaker. The speaker may not be permitted or required to answer such
questions if all the commissioners present other than the questioner object.

1
2 E. Written Communication. Consideration of written communications of an
3 evidentiary or argumentative nature that is received by the Commission less
4 than 48 hours prior to the meeting is discouraged, and no commissioner is
5 obligated to take into consideration matters contained therein. Similarly,
6 consideration of petitions, except to the extent that the signatures are witnessed
7 by notary public, is discouraged and no commissioner shall have any
8 obligation to assume the genuineness of un-witnessed signatures to any
9 petition.
10

11 Curiously, the public meetings that enabled public attacks on Chief Jellie operated by a
12 different set of rules. At any time, the Board Chair Propst could have asked public speakers who
13 sought to disparage Chief Jellie publicly to put their complaints, grievances and concerns regarding
14 employees in writing, or to follow Teton County Employee Manual procedure. *He does not.* For the
15 following two months the public speaking period process is encouraged by Propst and Epstein who
16 solicit members of the FD/EMS privately to step up to the lectern numerous times and apply their
17 outrage in order to pressure to the three (3) board holdouts (Macker, Gardner and Newcomb) into
18 capitulation. The Chair is required to stop redundant podium discussions. *He does not.* The
19 Chairman could have stopped the numerous times that Chief was disparaged, harangued and abused
20 with one simple 10-second statement to put in writing or follow procedure. *He does not.* None of
21 the comments could be effectively countered because of the sheer volume of the barrage. None of
22 the comments could be verified for accuracy or disinformation. Chief Jellie cannot respond because
23 in countering the individuals, individually, he himself encounters the conundrum of revealing, (or
24 being accused) of revealing confidential employee information.
25

26 After review of the tapes of numerous Public Meeting podium drubbings Chief Jellie
27 encounters, several things begin to emerge: 1) Chief Jellie is being relentlessly provoked in what
28 this Claimant believes to be an intentional plan to evoke a public outburst; 2) that the proceedings
are theatre for a designated purpose and as such, constitute an immense abuse of the Public Hearing
process; and 3) Chief Jellie is told on numerous occasions by his direct superior Admin Watkins
[Exhibit O] that he will get his chance "to get his story heard." *He does not get that chance.* And
likely not because of any nefarious intent on the part of Admin Watkins. But, rather, because Propst

1 and Epstein encourage the hostile elements to show-up while CDC Gingery squirrelled away letters
2 to the BCC in a There-But-Not-There file concealed from public view; and because of secretive,
3 illegal Executive Sessions which are little more than pressure sessions for Propst and Epstein to
4 ratchet-up the heat on the three holdout Commissioners – all brought into Executive Session by
5 speciously posted ES notifications. And all this is done for the express purpose of furthering Chief
6 Jellie's demise through relentless pressure on the three holdouts Commissioners. And lastly, all this
7 theatre is conducted for the consumption of a sophomoric and inexperienced "journalist" who
8 conflates reportage of bias with journalistic integrity.

9
10 Plaintiff finds the scope, scale and audacity of this enterprise to be breathtaking and
11 encourages the investigatory arm of this judicial review to avail themselves of the numerous videos.
12 These Public Hearings are outlined and summated further along in this Complaint.

SECTION IV – Timeline of Key Events

TIMELINE OF PUBLIC MEETINGS, EXECUTIVE SESSIONS AND TERMINATION – 11/06/2023 through 01/04/2024

A. November 6-7, 2023 Executive Sessions

A close look at the County Commissioners Executive Sessions held on November 6, 2023 and November 7, 2023 yields more evidence of the Defendants' failure to perform their required duties and to uphold their obligations with fidelity.

Executive Session of November 6, 2023: Present at this meeting were commissioners Newcomb, Macker, Gardner, Propst, and Epstein, along with TC Sheriff Matt Carr, Cody Lockhart TSCARR, BCC Admin Watkins, CDC Gingery, and Deputy Clerk Rose Robertson.

This Executive Session was publicly noticed on November 2, 2023. The subject was clearly Chief Jellie; however, he was neither notified, nor invited. This Executive Session about Chief Jellie was adjourned at 11:58.

On November 6, the BCC held an Executive Session ostensibly for two reasons: to discuss real estate and to discuss personnel matters. Both are permitted reasons under Wyoming Statute §16-4-405(a). However, there exist unresolved peculiarities concerning the so-called "Personnel" matter portion of this Executive Session. According to County records, there were two invitees present for that portion; Teton County Sheriff Matt Carr (Sheriff Carr) and Cody Lockhart who headed up the Teton County Search and Rescue (TCSAR Lockhart). The minutes/audio/visual, when eventually released, will reveal that the meeting was not a disciplinary meeting involving personnel matters, but was, in fact, a meeting about a newly received TCSAR helicopter and how to deploy it into the FD/EMS arsenal of equipment. Inexplicably, Chief Jellie was not invited. Chief Jellie is the final word on the implementation of the helicopter, indeed any gear, into the FD/EMS.

1
2 But most certainly, it could not have been a personnel issue because Chief Jellie was neither
3 notified, nor invited to the meeting prohibited under §16-4-405(a) (ii).
4

5 Therefore, it is a legal impossibility that the Executive Session held on November 6th was an
6 Executive Session *involving personnel issues regarding Chief Jellie* – a trend that would continue
7 throughout until Chief Jellie's termination. The audio/video and minutes for that portion of the
8 Executive Session, however, are not available on the TC website in accordance with the clerk's
9 office standard procedure of withholding Executive Session information as it relates to personal
10 matters. The Plaintiff conjectures through records and testimony that Executive Session, so-called,
11 had to have been about something entirely different.
12

13 If, as suspected, the discussions in ES on 11/06/23 centered around the steps for deploying (the
14 new) helicopter into service for the FD/EMS, over which Chief Jellie has final say, that would not
15 be statutorily permitted. Plaintiff has been told that this "Executive Session" was a actually a fishing
16 expedition by Propst & Epstein to solidify details of a rumor into a complaint that Chief Jellie had
17 "impeded" a demand by Sheriff Carr of the immediate implementation of the new Search and
18 Rescue helicopter into FD/EMS. A demand not within the purview of the Sheriff.
19

20 If true, and Propst *believes* that Carr and Lochart have a complaint regarding the Chief, his
21 duty is to hear them and ask them to file a Complaint as per the Teton County Policy Manual. It
22 appears he does not, but, rather, has invited the two into a confidential Executive Session about
23 Chief Jellie but to which Jellie is neither notified, nor invited, and then proceeds to fish for
24 complaints about the Chief. Propst should have attempted to verify the origins of this allegation
25 outside of Executive Session; instead Propst employs a direct-to-Executive Session on 11/06/23 to
26 gather fodder for his effort to terminate the Chief. It is also reported that Sheriff Carr and TCSAR
27 Lockhart did not have a complaint to lodge against Jellie. When produced, the minutes, tapes kept
28 will clarify what exactly happened.

1
2 **Executive Session of November 7, 2023:** In the apparent haste to follow-up the Executive
3 Session from the previous day by Propst & Epstein, the November 7 Executive Session was never
4 noticed on the County Clerk's website as is normally the procedure, although does not constitute a
5 violation. Stephen Jellie is required to attend.
6

7 The November 7, 2023 County Commissioner's Executive Session is even more revealing and
8 eventually problematic_for Propst & Epstein. Present at the Executive Session were county
9 commissioners Newcomb, Macker, Gardner, Propst, and Epstein, along with Admin Watkins, CDC
10 Gingery, and Deputy Clerk Robertson. Chief Jellie entered at 2:23 p.m.
11

12 This session was called ad-hoc during regular meeting by a motion, seconded and voted on at
13 2:34. It was not noticed or scheduled days in advance as is customary. Its purpose appears to be to
14 call in Chief Jellie to respond to whatever was said by Sheriff Carr and Cory Lockhart at the
15 improper fishing expedition of the previous day. This was an executive session and was audio
16 recorded and minutes kept, presumably. The BCC office does not release video, tape or minutes nor
17 comment on anything derived from Executive Session. This narrative is based on recollections from
18 individual(s) present. Upon the release of minutes and audio, the investigation can confirm or refute
19 the following narrative;
20

21 Note: It is important to note that while an Executive Session under WY statute is "confidential,"
22 it is the meeting itself which enjoys the confidentiality. Any and all attendees may speak as to the
23 content of the meeting and are not precluded by statute from doing so. The only guiding requirement
24 for attendees speaking about the discussions descends to the Teton County Policy Manual 2-6
25 *Confidentiality*.
26

27 The conversation at this session discussion was fairly narrow and the meeting lasted one hour
28 and twenty-two minutes with Chief Jellie present. There were questions as to whether Chief Jellie

1 *usurped the authority of the Air Response Process* when he declined to immediately initiate into
2 service a helicopter purchased by TCSR that had only *just been delivered*. At this referenced event,
3 Sheriff Carr had asked that the helicopter be instantly pressed into service. This was the first that
4 Chief Jellie knew of its delivery. This dispute had caused a momentary row between Jellie and Carr
5 in which Jellie's authority prevailed. This issue arose in the 11/7 Executive Session with Chief Jellie
6 present.

7
8 Chief Jellie explained his perspective and offered that TC FD/EMS was not a part of the Air
9 Response Process at that time, and therefore, no authority, as such, existed to be "usurped." This
10 seems to render Propst's inference that Chief Jellie had usurped any authority to be absurd,
11 especially in light of the Executive Session the previous day in which it is said that neither Carr or
12 Lochart detailed *any* claim of bad or inappropriate behavior by Chief Jellie. Again, the minutes/tapes
13 of this meeting will illuminate this ES clearly. Further complicating this is that Chief Jellie had been
14 denied his statutory right to be notified and present. This becomes a pattern in the ensuing weeks as
15 Propst & Epstein move forward to terminate Jellie.

16
17 Chief Jellie is then accused by Propst of degrading the relationship with the (USFC) Forest
18 Service and the National Park Service (NPS). It is believed that Propst uses the word "ruined" to
19 describe Chief Jellie's effect on the relationship(s). These accusations prove to be entirely
20 unfounded based on documents viewed by the Plaintiff, but which he has been asked not to release
21 at this time. Testimony can be provided that speaks to the enormous support of Chief Jellie from
22 both the NPS and the USFC. Further, in the month of February 2024, the NPS-GRTE & Teton
23 County will finalize a memorandum of agreement which is the first since 1988, thereby
24 strengthening - not "ruining" - the bond between the federal services and Teton County which is a
25 critical bond by any measure. It is unknown if Propst made this accusation up out of whole cloth, or
26 it was based in rumor. But it was without foundation.

27 With Propst evidently finding little traction with fact-free accusations, the hearing pivots to Chief
28

1 Jellie's style of management, communication style, and low-morale at the FD/EMS. This is not a
2 new subject of discussion and, as common sense dictates, this a legitimate line of inquiry towards
3 any department head. Chief Jellie gave explanations to the questions as presented.
4

5 Note: Unquestionably there has been a decade of low-morale in all TC County departments. It is
6 outlined in the November 2019 Focal.org *Teton County Organization Survey Results*, the results of
7 which, by any account, are very alarming. Additionally, the *Gannon Report* on the TC FD/EMS
8 released a year prior to Chief Jellie's arrival also outlines systemic communication, hierarchy, and
9 cultural issues that could be considered serious and that are deleterious to the FD/EMS's mission
10 and also the interests of public safety. The *Gannon Report* released in 2021 makes 22 critical
11 recommendations and 90 other second-tier recommendations.
12

13 The BCC had received the results of both studies, but in the ensuing years there is little indication
14 they have taken them seriously and possibly not even read them. Chief Jellie addressed the
15 (historical) morale problem at the ES. This session under Propst then pivoted to his style of
16 management and communication, which has been noted to be: brusque, firm, and even unpleasant
17 or tyrannical. Chief Jellie does not apologize for his style of management, as witness testimony will
18 prove. He articulated his belief that he was brought into his post at TC FD/EMS to be a change-
19 agent. Chief Jellie expressed pride in his many years in the military and the style of leadership that
20 his service has imbued in him, while also conceding that he was willing to work on tailoring it to
21 the 100+ FD/EMS personnel that are from two different cultures: Firefighters and EMS Responders.
22

23 Chief Jellie, according to his own recollection, addressed the low-morale and explained that the
24 community is a complex and diverse and steeped in long-term cultural routines not easily changed.
25 Chief Jellie stated that he would work to accommodate the different needs of the different
26 individuals with respect to communication.
27

28 Commissioner Propst then demanded to know if the Chief has "ever threatened anyone with

1 termination over a technical issue.” Jellie reports to have found it an odd question and, moreover,
2 oddly worded. It is irrefutable that the Chief, in his position, *can remind employees of the possibility*
3 *of termination* and, if he deems necessary, proceed with the Section IX of the Jackson Hole
4 Fire/EMS Operations Manual. Indeed, *any* notice of reprimand issued by the County to *any*
5 *employee* within the progressive discipline policy reminds them of the possibility of termination. So,
6 it is unclear what Propst is getting at.

7
8 Chief Jellie has no particular recollection of any such incident and states as much. He neither
9 confirms, nor denies any such event. And Propst has not given any context of the events or date of
10 this – *although Propst’s phrasing strongly implies knowledge of an event*. (It is later revealed, and
11 there will be affirmative testimony, that Propst is in possession of a snippet of tape on 11/07 from a
12 FD/EMS group discussion that is touted to be evidence of the alleged “threatening.” Whether the
13 tape was accidentally or surreptitiously recorded is unknown, and without relevance).

14
15 What is known is that Propst, in his initial set-up to cause the termination of Chief Jellie, had,
16 at the time of the 11/07/23 hearing, this tape, or knowledge of, in his possession yet made no mention
17 of the tape nor any details that might, and could, enable Chief Jellie to refresh and search his memory.
18 The Chief demurred on any knowledge of any event and, as stated, he neither confirms nor denies
19 any event of which he has no memory. The tape that the Commissioner concealed the existence of
20 during the 11/7/23 hearing, and again in another public hearing on 12/11/23, does not surface until
21 it is reported by Sofia Boyd-Fliegel in *Jackson Hole News and Guide* around 12/15/23.

22
23 In terms of the content, the snippet contains a single rather innocuous sentence of Jellie
24 reminding Captain Watson that she can be “fired for that mentality.” Such as it is, it serves as the
25 single piece of (so-called) evidence against Chief Jellie in the coming weeks of highly contentious
26 and mobbed-up public hearings that would culminate in the Chief’s formal termination on 1/26/24.
27 In and of itself the tape appears to be evidence of nothing but a reminder of how the chain of
28 command works. But it appears Propst & Epstein think it to be dynamite.

1
2 Propst began this journey to termination in this private hearing where Propst could have no
3 explanation whatsoever as to why he didn't share this critical piece of information with the Chief to
4 allow the Chief to address it. Propst used this to publicly humiliate and demean Chief Jellie further
5 along in a 12/11/23 public hearing (as will be detailed later in this Complaint). Propst clearly had
6 the information on the incident because he refers directly to an indices of an incident with the
7 certainty of specificity. At the conclusion, there was only ever one allegation of any incident that
8 could be termed a "threat." Propst clearly concealed this information in an Executive Session from
9 the accused. It is not unreasonable to conclude that this was done to set Chief Jellie up for dismissal
10 by influencing a vote that would accomplish just that. What is unknown, and what needs to be
11 known; when did Propst & Epstein receive this? When did the three hold-out Commissioners receive
12 this? Who gave it to the *JHN&G*? And maybe most important, did the three hold-out commissioners
13 know that Propst & Epstein were going to hammer Jellie with it at this session?
14

15 Also important is what is not stated at the hearing. Admittedly this is an odd inclusion, but it
16 plays importantly into accusations that Commissioner Epstein levelled at Chief Jellie at the public
17 session on 12/11/23. Epstein ridiculed the Chief for promising that "you would change your
18 leadership style overnight" (never stated) and that Jellie "can't be trusted," because, he goes on, "no
19 one can change their leadership style overnight" (never stated, nor alluded to). This is a serious
20 instance of Epstein taking purported statements from a *private hearing on employment* regarding
21 Chief Jellie - *and which cannot be verified short of a court order* - and then sculpting it into what is
22 clearly a lie to diminish and defame Jellie publicly.
23

24 The two Executive Sessions covered in this subsection, held November 6 and November 7, are
25 pivotal to understanding the route that Propst & Epstein have taken in their attempts to terminate
26 Chief Jellie that had been festering for some time. In early November, Propst & Epstein still lacked
27 the votes on the BCC to compel Alyssa Watkins County Admin to fire Chief Jellie. Knowingly and
28 with intentionality (per WY Statute 18-3-523), and with willful design (per *State v. Scott*), the
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1 Defendants encouraged public hostility to pressure the holdouts to vote their way. Using information
2 garnered in Executive Sessions that violated both law (WY Statute 16-04-405) and policy (TCPM),
3 Defendants would then go on to spread misinformation at Public Hearings that violated other
4 policies (as will be demonstrated in the next subsection), all to maliciously harm Chief Jellie and
5 induce at least one other commissioner to join them in their goal to terminate him. Just about
6 everything about this is unlawful.

7
8 In breaking all of these policies and statutes, and in the context of their public campaign to
9 wreck Jellie's reputation, the Defendants committed crimes. As explained earlier, WY Stat § 6-5-
10 107 (2022) forbids public servants from "maliciously" causing harm to another by either: a.
11 *committing acts that they do not have the authority to undertake*; b. *refusing to perform a duty*
12 *imposed by law*; or violating *any statute relating to his official duties*. Whether the Defendants'
13 actions warrant further investigation as possible felony violations under WY Stat § 6-5-305, which
14 forbids the use of force or threats to *influence an officer in the discharge of his duty*, will be
15 addressed later at the end of this Complaint.

16
17 **B. November 13, 2023 County Commission Voucher Meeting**

18
19 Prior to the November 13, 2023 Voucher Meeting, Chief Jellie's direct superior Admin
20 Watkins and Commissioner Gardner both alerted Chief Jellie that the former Fire Chief "Billy"
21 Watsabaugh would be speaking at the meeting during the Public Comment portion. This is
22 somewhat peculiar because the 3-minute podium, it appears, is a very informal thing and generally
23 used to surface various and sundry constituent concerns: e.g., "I think the sidewalk on Deloney
24 Street is dangerous..." etc. One would think that if any average citizen were to preannounce their
25 intention of speaking it might prove an embarrassing moment. The questions are: Was he invited?
26 Who did he contact to announce he would be speaking? In any event, Watsabaugh, retired in 2017,
27 did speak at the Voucher meeting.

1 After a series of requisite platitudes on firefighters and EMS personal, Watsabaugh referred to
2 something dark in TC FD/EMS, but he never clarified what it was. He did not mention the Chief by
3 name or rank other than to say once "top leadership." He alluded to a malaise that had descended
4 on the FD/EMS. Watsabaugh humble-bragged that over the last nine months he had been "reached
5 out to" by numerous FD/EMS members. He went on to say that he was "guarded in his comments"
6 but "offered....three points: don't quit; don't give up; and stay the course." In those nine months,
7 Watsabaugh never contacted Chief Jellie in any way.

8
9 Note: Chairman Propst could have, indeed should have, ended the discussion quickly as the
10 described "beloved" former fire chief was seriously undercutting the current leadership and
11 discussing confidential employee discussions at the public hearing. And it's not as if Propst was
12 ambushed; Watsabaugh's intention to attend and speak was well known to the BCC days prior to
13 the hearing. In fact, there was a rather large group on the dais, one of whom should have said
14 something to the effect of: *Whoa, there cowboy, what a moment here...* They include the four other
15 Commissioners, CDC Gingery and Alysaa Watkins. The extent to which a former chief went to
16 publicly undermine the current Chief while carefully using his words was inappropriate and stunning.

17
18 At 10:46 AM, after Watsabaugh completed his speech and the 11/13/23 Voucher Session had
19 ended, the County Clerk posted notice of an 11/15/23 Executive Session; however, this is not a day
20 during which there is a regular public meeting. Nor was there any posting of a Public Session or
21 Special Session precedent to the Executive Session and required by statute. The posting at 10:46
22 a.m. contained no information on who is there; only that it is an Executive Session and has the
23 appearance of being hastily ordered up.

24 The Plaintiff considers this public meeting the *kick-off event* for the effort to influence a 3-2
25 vote out of the 2-3 hole that Propst & Epstein had found themselves in. The 11/15/2023 2:00 p.m.
26 Executive Session (per the Agenda) is not lawful, as there is no preceding Public Session out of
27 which to vote into an Executive Session, as required by WY Statute [\[Exhibit V\]](#) which states:

1 the Chief is fine-tuned to maliciously hurt Chief Jellie, whom Watsabaugh never mentions by name
2 or rank. Only “top leadership” and never suggests any specific action be taken.

3
4 This November 15, 2023 article appeared less than 48 hours after Watsabaugh spoke. The article
5 is lengthy, and while outrageously biased and replete with demonstrable lies, it does contain
6 considerable information and backstory about all of the issues (mostly rumor and gripes)
7 surrounding Chief Jellie. To the Plaintiff, the article appears to have been queued up for publication,
8 prompting the question: Did Sophia Boyd-Fliegel have advance notice of Watsabaugh’s
9 inappropriate speech as well.

10
11 Further, there are two versions of this same article: One appears on the internet publication and
12 contains the headline and paragraph that are complete fabrications; the local (paper) addition omits
13 both of those lies. The Plaintiff wonders if the internet version is there to make sure the most vile
14 and contemptable falsehoods would be incorporated into the internet more thoroughly in order to
15 accelerate the intended harm to Stephen Jellie. This is hard to know, but worth discovering, as the
16 possibility of collusion between Defendants and *Jackson Hole News & Guide* would violate
17 Criminal statute WY Stat § 6-5-107 (2022).
18

19
20 **D. November 14-December 10, 2023: Calm Before the Storm**

21
22 **THE SIGNIFICANCE OF THE FOLLOWING**
23 **CANNOT BE EMPHASIZED ENOUGH:**

24 The period between November 14 (already discussed) and December 10 (to be discussed) is quiet
25 with no hearings, executive sessions, or even newspaper articles concerning Chief Jellie. For nearly
26 a month, the BCC, under the control of Chairman Propst, could have held an Executive Session with
27 Chief Jellie present to privately discuss a range of topics regarding his employment and concerns
28

1 they might have had. They did not do so.

2
3 Instead, Propst & Epstein waited until the 12/11/2023 Public Hearing – the quarterly FD
4 Department Update -- which is the only time that Jellie will be before them *in public session for at*
5 *least another three months*, to unleash hellfire on the Chief – in public. They passed up as many as
6 seven opportunities to hold an executive session during that period and waited until the 12/11/23
7 public hearing, at which point they blasted Chief Jellie with lies and misleading information *they*
8 *had improperly brought forward from the 11/7/23 Executive Session*. The campaign to maliciously
9 harm Chief Jellie did not take Thanksgiving off. The “radio silence” period of November 14 to
10 December 10 was likely used by the Defendants to prepare for the public attack on Chief Jellie —
11 no other explanation makes sense. What follows in this Complaint is evidence that the 12/11/23
12 public hearing was a willfully designed, well planned, and coordinated public ambush by Propst &
13 Epstein.

14 **E. November 11, 2023 Voucher Meeting: A Deliberate Public Ambush**

15
16 The Defendants’ multi-pronged strategy to get a man fired by maliciously destroying his
17 reputation in public – through improper executive sessions and public meetings to prompt biased
18 media coverage and political pressure - was on full display at the BCC’s December 11, 2023
19 Voucher Meeting. That meeting’s agenda included the monthly Department Update for FD/EMS,
20 with Chief Jellie taking the podium. Jellie presented an update of the FD/EMS budget which has
21 had difficulties dating back to well before his arrival. For the Court’s benefit, Plaintiff will offer
22 some quotations and paraphrasing of (and his own parenthetical commentary on) the content of this
23 meeting, with time-stamp annotations (per the publicly-available video recording of the meeting):

24
25 **48:25 Commissioner Propst:**

26 “Good morning Mr Jellie, we have an update on Fire/EMS.”

27 **48:30 Chief Jellie** takes the podium and addresses communications issues, seeks guidance
28 from BCC on Chief’s role; covers the history of FD/EMS budget, current situation, future
sustainability. The extrapolated future budget based on historic increases is alarming.
Discussion continues for the next 23 minutes+/- on this subject matter.

1
2 **1:11:54 Commissioner Epstein** takes a sharp turn from the FD/EMS Department Update into personnel issues:

3 **Epstein asks:**

4 "Why should we believe you? That you're going to make the changes you say, when you've
5 had twelve months, to, maybe, react differently [sic] than you operated over the last year
6 with your staff? And I, really, this is a fundamental question for me. Why should we believe
7 you?"

8 Chief Jellie offered some thoughts on this in his response.

9 **1:14:42 Commissioner Epstein:**

10 "So, we should believe that you're going to change your leadership style just like that?"
11 (Epstein snaps his fingers in the air for the performative effect.)

12 **Epstein continues:**

13 "We know that there are issues. But a good leader brings their team along and gets a buy-
14 in from their team as they move through new policy. Doesn't leave them out in the dark
15 and then just tell'em, you know, whatever, negative things, or just..." (It's uncertain to the
16 Plaintiff what, if any, knowledge Epstein might have on the subject of leadership or what
17 he is even talking about, as this departure from the budget discussion is highly obtuse and
18 jarring.)

19 **Epstein continues:**

20 "We've heard all the stories that have been happening throughout Fire/EMS morale and,
21 frankly morale is still at an all-time low." (He does not provide any data or reliable facts to
22 support for this declaration.)

23 **Epstein continues, but now in a raised voice:**

24 "And again, I'm asking you, why should I believe that you're going to change your
25 leadership style overnight? Beca, beca.... because I can't! I don't believe anyone can
26 change their leadership style overnight! You need to bring your team along."

27
28 It is essential to note that at no point in this meeting, nor in the confidential Executive
Session on 11/07/23, had Chief Jellie ever said he would change his leadership style overnight. It's
hard to imagine that anyone would ever say that. Let alone Chief Jellie, with his many years in
leadership positions. Indeed, that is something all people know that no person can do: like becoming
taller. But it is clear that Epstein is in confidential Executive-Session territory at this point, and is
claiming that Jellie had said something in a confidential session - which Jellie did not say. Short of
a court order to release it, notes on the 11/07/23 Executive Session remain confidential and therefore
unverifiable. (That is the beauty of faulty Executive Sessions for those with nefarious intent.....
secret *and* unverifiable.) Plaintiff's account of the meeting continues:

1
2 **1:15:37 Chief Jellie responds:**

3 "I never said that I would change overnight. I believe it is a work in progress. I believe the,
4 the concerns that require me addressing; I will address.....

5 (Jellie continues from this point and attempts to bring the hearing back to a Department
6 Update, and away from what appears to be an impromptu and unlawful Personnel hearing.)

7 **Epstein replies:**

8 "Do you still think you are a good fit for Teton County?"

9 **Chief Jellie responds, sounding fully exasperated:**

10 "I do."

11 At this point, Chairman Propst grabs the mantel and doubles-down with what is, by then, is clearly
12 an orchestrated grilling of private employee matters and not a matter of a Department Update.

13 **1:17:48 Propst says:**

14 "If I could go back to Greg's first question you said you were always truthful with us."

15 (Here Propst intimates that Chief Jellie has lied to them and that Propst is about to reveal
16 how he did so.)

17 **Propst continues:**

18 "Did you, umm, did you threaten to dismiss an employee in front of other firefighters
19 because of a question asked about a technical matters of who covers fires?' (This is nearly
20 the exact language Propst used at the 11/07/23 Executive Session.)

21 **Chief Jellie responds:**

22 "I don't recall any such thing, Chair, and I'd appreciate if you're going to
23 ask me specific questions, like, that you give me time, date and place so I have an
24 opportunity to recall."

25 **Propst responds:**

26 "I asked you this a month ago....." (Clearly a reference to the 11/7/2023 confidential
27 Executive Session and, the same question.)

28 **Chief Jellie:**

".....you did."

Propst responds:

"You said, 'No, never.' "

Chief Jellie responds:

"I still recall nothing. So if you give me time, date and place....."

1 **Propst responds, feebly:**

2 “Okay....”

3
4 Propst & Epstein admit to critical and incriminating things during this exchange:

- 5 1) Epstein makes claims of things Chief Jellie said that Epstein lies about in order to allege.
- 6 2) Epstein uses information/discussion from the 11/07 Executive Sessions.
- 7 3) Propst strongly intimates the Chief has lied, or is about to lie. “You said you are always
- 8 truthful..”
- 9 4) Propst again uses a specific accusation, the details of which he knows, but won’t share –
- 10 twice now. “Threaten to fire....”
- 11 5) Propst admits that this discussion originates a month prior in the 11/7 ES – Confidential
- 12 6) Propst reveals the almost month of “radio silence” time, 11/4-12/10, that could have held
- 13 an Executive Session, but did not just to get to a public hearing with Jellie there with his
- 14 statement: “I asked you this a month ago...”

15
16 From this point forward Commissioner Wes Gardner deftly brings the conversation back to the

17 subject: “Fire Department Update.”

18
19 Plaintiff believes that this performative and carefully timed public drubbing was done by

20 Propst & Epstein without the other three Commissioners knowing of this in advance. And that it

21 was likely planned during the aforementioned “radio silence” period of 11/4-12/10. The trail will

22 reveal all of this. If the other three commissioners knew that this was going to happen, shame on

23 them, and perhaps their removal would need to be considered at a later date. However, if the other

24 three commissioners *did not know* that this was going to happen, any reasonable doubt that Propst

25 & Epstein purposefully engaged in criminal behavior could be difficult to extinguish.

26 As previously stated, it’s highly likely that Propst (and likely Epstein, too) had been in

27 possession of the snippet of tape in which Chief Jellie is heard to say: “You can be fired for that

28

mentality.” This tape comes into the possession of the *Jackson Hole News & Guide* on December 15, 2023 as previously covered, and remains the single occasion in which anyone has alleged that Chief Jellie threatened to fire anyone. That tape, or knowledge of, forms the basis of Propst’s accusatorial question that he levels at Jellie in both meetings is one and the same. Even the Boyd-Fliegel of the *News & Guide* mentions the “prosecutorial” tone and the odd departure from a typically pro forma Department Update:

“Commissioners grill fire chief over trust”

Dec. 17, 2023 Sofia Boyd-Fliegel

Budget presentation flares into tense exchange

It was a rough morning for embattled Fire Chief Stephen Jellie.

Two of five county commissioners publicly chastised the Jackson Hole Fire/EMS leader Monday.

While Jellie presented an escalating budget trend he saw as “unsustainable,” Commissioners Greg Epstein and Luther Propst probed the chief’s management. They took on a prosecutorial tone. (emphasis added)

“Why should I believe that you’re going to change your leadership style overnight?” Epstein asked. “I don’t believe anybody can change their leadership style overnight.”

[Body of article continues..... and ends with;]

The tense interaction was the culmination of hard feelings among county leaders shared largely behind closed doors, until now. [End of Article]

At this time, Propst & Epstein still faced stalwart opposition and a 3-2 margin in favor of keeping Chief Jellie. Evidently enraged, Propst & Epstein used this meeting to accelerate the public hatred to turn out the FD/EMS employees *avec la fourche* to pressure, intimidate, and force at least one of the three Commissioner holdouts that stand in between them and getting the Chief terminated – which is the singular path to that outcome. As this Complaint has frequently pointed out; only Admin Watkins can hire and fire.

1 The Defendants' acts at the December 11, 2023 Voucher Meeting add to the mountain of
2 evidence supplied in this Complaint. Their misconduct at this meeting was part of a pattern of, and
3 each act constituted yet another example of, acts that violated their official oaths and by which they
4 refused or neglected to perform their required duties—thus justifying removal from office under
5 WY Statute § 18-3-523.

6
7 In addition, what happened on December 11 was part of a pattern of criminal misconduct. As
8 stated earlier in the Complaint, Plaintiff is not required to prove criminal activity to trigger removal
9 under WY Statute § 18-3-523. By supplying to the Court so much evidence of criminality, this
10 petitioner has overshot what is minimally required for a 523 review—and he has done so
11 intentionally, so as to underscore the urgent need for action to protect our democratic system from
12 further harm from these two oath-breaking commissioners.

13 Defendants' acts at the December 11, 2023 meeting is case in point, for it was then that all
14 prongs of a criminal scheme were on full display. At this meeting, the Defendants flagrantly abused
15 the powers of their office (citing privileged material from unlawful Executive Sessions and public
16 meetings conducted utterly at variance with county policies and regulations) in an effort to
17 maliciously cause permanent reputational harm to another person with a series of evidence-free
18 public accusations, made by the Defendants and those they encouraged to attend -- all of which was
19 becoming increasingly impossible to rebut because of the unlawful Executive Sessions. Indeed, how
20 was Chief Jellie to rebut any of this? And to whom? His direct supervisor Watkins was already a
21 supporter. She had instructed him to keep low and that he would get a chance to "tell his story."

22
23 By a preponderance of the evidence, such acts constitute a bright-line violation of Wyoming
24 Criminal Statute § 6-5-107(a), which, as described earlier, states that a public servant is guilty of
25 Official Misconduct if "with intent to obtain a pecuniary benefit or *maliciously to cause harm to*
26 *another*, he knowingly: (i) Commits an act relating to his official duties *that the public servant does*
27 *not have the authority to undertake...*" ; (ii) Refrains from performing a duty imposed upon him by
28 law; or (iii) *Violates any statute relating to his official duties.*" (emphasis added)

1
2 Dramatized by the December 11th hearing summary here are the many statutes, regulations, and
3 policies “relating to [their] official duties” the Defendants broke in their effort to “maliciously to
4 cause harm” to Chief Jellie by achieving an outcome the two commissioners “did not have the
5 authority to undertake”: i.e. his termination. It’s as if Wyoming Criminal Statute § 6-5-107(a) were
6 written with Propst & Epstein in mind.
7

8 **E. December 15th 2023 – Lead up to Public Meeting. Firefighter and Union President**
9 **Austin Sessions Email**

10 Plaintiff has detailed many, many examples of the Defendants’ policy-violating misuse of
11 public meetings, and he will continue to do so. But of all these “smoking guns” of official
12 misconduct, perhaps the most telling appeared in an email sent on 12/15/23 by Austin Sessions,
13 President, FD/EMS Local 5067 and fire chief in the FD/EMS. This email, sent to 100+ of the
14 FD/EMS community in advance of the 12/18/2023 Public Session, endeavored to gin-up as many
15 protesters as possible to step to the podium and protest the state of FD/EMS and Chief Jellie, or
16 have their presence seen. In this email (excerpted below; the full text appears in the Addendum to
17 this Complaint, pages 78-79), Mr. Sessions spoke to who would stand at the lectern and comment
18 on Jellie and how the 12/18 public session is their “last chance” to remove Jellie. However, and
19 incredibly, his last paragraph makes this stunning revelation of the Defendants’ willfully designed
20 campaign to get Chief Jellie fired by maliciously harming him in public:

21 On another note I have talked to two commissioners and made the point **that I**
22 **believe it is wrong that they are asking us to stand up and state our complaints**
23 **in public instead of following the policy laid out by them.** People have been asked
24 to talk to alyssa [sic] and give her their complaints. I have stated to them that the
25 system has been used over the last year and they have not been told of the problems
26 and that they also have not pursued the complaints. I have made it clear the the [sic]
27 system is broken and they realize it, yet are doing nothing about it. People are losing
28 faith in the system and the government process and that will lead to much larger
problems in the future. [emphasis mine]

1 It is obvious that the "two commissioners" Austin Sessions refers to here are Propst & Epstein
2 and that they: a) have encouraged the FD/EMS and its union leader to bypass the Teton County
3 Policy handbook; b) have encouraged open hospitality at public sessions that they control and permit
4 the unrestricted harassment of Chief Jellie; and c) as commissioners, are responsible for the "broken
5 system" referred to Sessions and, by flagrantly violating county policy themselves and telling others
6 to do the same, and were the principal breakers of the already broken system. This broken system
7 Sessions speaks about has in turn caused Sessions and the FD/EMS to circumvent the broken Teton
8 County Grievance policy to begin with (all of which he is well within his rights to do). But he wants
9 them to "fix public policy." Not break it further. However, Sessions unfortunately misunderstands
10 Propst & Epstein's goal here; they aren't anxious to remedy the broken system they represent; they
11 just want get Chief Jellie fired.

12 Sessions makes a truly astute distinction; he is saying that the FD/EMS Union should encourage
13 maximum turnout to pressure the three Commissions, but he is equally adamant in that while it is
14 their right to do so, that Propst & Epstein should not be doing so, but, rather, fixing the clearly
15 broken system.

16
17 The email chain shows that literally every department head knows by Sunday December 17th -
18 the day before the Monday Public Meeting – that there is going to be a protest. One email subject
19 line is "FW: 9:00a tomorrow (Monday) Zoom to show support." Admin Watkins forwarded it to
20 Chief Jellie and CDC Gingery. It's information Chief Jellie needs, and it's information that Gingery
21 has no interest in because it is beginning to appear Gingery is part of the force behind this nefarious
22 effort to pressure Commissioners to throw their vote. (Which, if so, may also be a violation of WY
23 Statute § 6-5-305, which establishes as a felony crime any deliberate attempt to "influence" public
24 officials in carrying out their duties.)

1 **F. December 18, 2023 BCC Public Hearing**

2
3 Of the entire 37 minutes of the December 18 Voucher meeting, approximately 32 minutes were
4 consumed by Public Comment. Most all ten speakers addressed the same theme: FD/EMS, and, in
5 most cases, Chief Jellie. The Public Comment session goes as outlined in Austin Sessions' 12/15/23
6 email to members. It's a concerted effort to remove Chief Jellie. Its content is personnel-related.
7

8 The 3+/- minute segments had comments relating to Chief Jellie directly: declaring "a 911
9 emergency"; threatened public safety; adverse working conditions; mental issues with PTSD for
10 employees; threats to the community; sold equipment; lack of certification; catastrophe; off-putting
11 demeanor/tone and a series of what could be called gripes. None of these allegations, such as they
12 are, are verified to any public extent. Many of the speakers should have been stopped and asked to
13 put it in writing or file a Grievance per the Teton County Policy Manual [2-5] as they were of a
14 "confidential nature." However, at the exact same moment, all Jellie-related emails or letters
15 submitted to the County by the public had been hidden by CDC Gingery because they are..... of
16 a confidential nature.
17

18 No effort was taken by Chairman Propst to keep the meeting free of it being a "personnel"
19 meeting. And why would they? They recruited the hostile participation exactly for this public
20 outcome. In fact, not one single BCC members nor Admin Watkins spoke a single word at any time.
21 The room was largely filled with FD/EMS members who stood up almost the entire time. It was a
22 show of force both in person and the (reported) 100+ online attendance. Propst & Epstein where,
23 for their part, successful assisting in turning out a vitriolic crowd to pressure their three co-
24 Commissioners. And the Plaintiff believes the three other Commissioners, whose vote Propst &
25 Epstein sought to convert, were none the wiser that this engineered drubbing was coming.
26
27
28

1 It should be noted that there were some speakers genuinely feeling pain for the FD/EMS and
2 their struggles, and they sent on strength and good wishes. One speaker (a career captain of 19 years;
3 a previous applicant for Chief position; and who sat on the committee that vetted and selected Chief
4 Jellie) gave an eloquent and astoundingly strong talk on the broad strengths that Chief Jellie brought
5 to the FD/EMS. While he spoke, the room full of FD/EMS personnel sat down and rose again after
6 he spoke.

7 Fully two-thirds of the comments were inappropriate for a public setting. The appearance is
8 growing that the Teton County Policy Manual "system" is broken - which is under the purview of
9 the BCC to fix and run correctly. Propst & Epstein at no time ever display any interest to fix
10 anything; quite to the contrary, they exploited the system to maximize harm to Chief Jellie.

11 At the end of the Voucher Meeting, the BCC voted and broke into an Executive Session. (Which
12 they again did in contravention of WY WOMA). The Executive Session (not including one seven-
13 minute break) lasted 3 hours and 2 minutes. When they adjourn, they announce a 2-3 vote *in favor*
14 of sending a (public) letter of support for the fire chief. Defendants Propst & Epstein dissent.

15 So, on December 18th 2023, the BCC give a vote of approval *to retain* Chief Jellie by 2-3. Over
16 the next few days the board considers, among other things; *a consultant, a committee to oversee the*
17 *tightening oversight of Chief Jellie, and even a Task Force* – all ostensibly to improve the
18 deteriorated FD/EMS situation. No mention is made of fixing the system at the County level that it
19 is increasingly clear is broken and that has led the FD/EMS to take the draconian step of public
20 protest to begin with. Cluelessness is contagion. And the contagion is virulent.

21 However, given a 2-3 vote *in favor of writing a letter of support for the chief and to retain him*,
22 one would think this would then be the final page of this Complaint. But as one can see, we still
23 have about 25 pages to go!

1 Defendants Propst & Epstein were not interested in the causational and systemic issues and,
2 despite their setback on 12/18/23, they remained undeterred and resolute in their refusal to accept
3 the democratic votes and the BCC's majority position all the way through to 01/02/24 when they
4 finally prevailed in forcing the BCC vote their way. The negative news articles continued to populate
5 the *Jackson Hole New & Guide*; these articles aligned closely with the intent of Defendants Propst
6 & Epstein.
7

8 9 10 **H. December 22nd 2023 Voucher Meeting / Executive Session**

11
12 The county's 12/12/23 Voucher Meeting video is in two sections:

- 13 a) The initial tape running has a 23m 47s run time and is entirely blank. The Plaintiff refers
14 to the article published by the *Jackson Hole News & Guide* to infill the missing video. This
15 article is worth a careful read. It illuminates much in the wake of the second attempt to
16 publicly humiliate and overwhelm the Chief with orchestrated public hatred.
17

18 **"Fire spouses hold pressure to oust chief"**

19 Sophia Boyd-Fliegel Jackson Hole Daily 12/23/2024

20 The families of firefighters added Friday to a wave of calls to oust Jackson Hole Fire/EMS
21 Chief Stephen Jellie.

22 "I see stressed out spouses and kids because of the leadership that has gone on in this
23 organization," said Jesse Lara, wife of Cody Lara, a career firefighter and EMT. "You owe
24 the people in this department an explanation as to why you trust this man who has
25 completely mangled his first year as chief."

26 Speaking to county commissioners, Lara stood in front of 13 other partners and spouses at
27 a county meeting that was held Friday since this Monday is a holiday. About 37 people
28 also joined online, many with the label of "fire department supporter."

1 For the second time in a week, commissioners went into a closed-door executive session
2 to discuss the chief following a round of public calls for his resignation.

3 Jellie has been in the hot seat for months on issues of both operational changes and the way
4 he communicates. Jellie said he's committed to softening the way he talks to his staff. But
5 he has stood by decisions to, for example, spread the same number of staff across more
6 stations.

7
8 After about an hour and a half, the board exited the executive session and took no action
9 Friday.

10 The board tightened oversight on the chief this past week after two dozen firefighters
11 showed up Monday to ask for his resignation, citing what they said were unsafe policy
12 decisions and threatening behavior. A recording showed he told one employee that she and
13 her peers "could be fired" for asking questions about overtime. Jellie said that was a
14 reprimand, not a threat.

15 One fire captain, Tyler Dunn, spoke in favor of the chief's leadership last Monday.
16 But no supporters showed Friday.

17 After Friday's meeting, Jellie said he had no plans to resign.
18 "I'm 100% committed to this community," he said.

19 Jellie has weathered the criticism, apologizing for some things and defending himself
20 against other accusations. He said he wasn't trying to create a "Jellie group and a no Jellie
21 group."

22 This is not the first time a department under Jellie's management has become a public
23 spectacle.

24 Three people brought up news coverage of his past employment in Ogdensburg, New York,
25 where Jellie says he cut firefighter positions when he served as both the city manager and
26 the fire chief to save the city from bankruptcy.

27 This year, however, the Ogdensburg City Council paid \$519,680 in back pay to firefighters
28 after a protracted legal battle, according to the International Association of Fire Fighters.
A New York news station also reported in November that the city paid a law firm more
than \$94,000 over three years to handle the dispute.

Jellie said that those costs were outweighed by the money saved on positions.
Though both have financial issues, he said, the situation in New York is far from that in
Jackson Hole.

1 "Do I see parallels? Of course," he said. "But the communities are entirely different."
2

3 For Kase Paul, whose wife is a firefighter, Jellie's history of struggling with firefighters is
4 glaring.

5 "Do you guys hate firefighters?" he asked commissioners on Friday. "Did a fire truck run
6 over your puppy when you were a kid? Like what's going on here? Who hired this guy?"

7 Laura Coe, wife of Battalion Chief Brian Coe, told commissioners that while she
8 appreciated their hours of closed-door discussions about the chief, overseeing his behavior
9 wasn't their job.

10 "It should have been taken care of at a different level," she said.

11 Coe and Paul stopped short of calling out Jellie's boss by name.

12 County Administrator Alyssa Watkins hired Jellie and oversees him. Though the fire
13 department is funded by the town of Jackson and Teton County, Watkins has sole hiring
14 and firing responsibilities.

15 She did not respond to requests for comment by press time. She has previously declined to
16 comment on personnel matters.

17 Last Monday, commissioners voted 3-2 to send a letter to Fire/EMS staff outlining how
18 they planned to help Jellie correct his behavior and communication. The four-point plan
19 included professional development for the chief and a new advisory committee of
20 firefighters to review his decisions.

21 On Tuesday, though, commissioners voted 4-1 to change the fire department's
22 organizational structure, creating a supervisor over each fire station. They voted to do so
23 without first forming, or consulting, the newly recommended advisory committee. Luther
24 Propst voted no.

25 The move offended some within the department, according to public comment.

26 "If we can't get you to fire Jellie or at least put him on administrative leave," Paul said, "at
27 least uphold the promises you made in that letter."
28

The Plaintiff believes it is important at the trial phase to establish whether Propst & Epstein
(and Gingery and Boyd-Fliegel) know of and participated in this public demonstration.

1 b) The 2nd section of the 01/02/2024 Public Session Video is two speakers. One excoriates
2 Chief Jellie and the BCC for his selection. The second speaker addresses concerns about
3 emergency response times and asks how to be better prepared.
4

5 Note: Upon closing the Public Comment session of this 12/22/23, Commissioner Natalia
6 Macker says that “as some of you know, it is not our practice to respond to any of the public
7 comment” (although nothing precludes them from doing so). Macker goes on to state: “I know that
8 the question of the convening of the task for has come up, and what that’s going to look like and
9 how it will work, and we have asked for that to be presented as soon as, hopefully, January 2.....”.
10

11 The BCC then breaks and enters an Executive Session for “Real Estate and Personnel Matters.”
12 Again, it is assumed the Executive Session is regarding Chief Jellie and he is not afforded his
13 statutory rights to have public or private hearing, or to attend. No vote or action taken.
14

15 It is not without irony that January 2nd -- the target date for the Task Force to convene, mentioned
16 by Macker, to aid Chief Jellie and the FD/EMS in moving forward -- turns out to be the date that
17 Chief Jellie would be terminated.
18

19 The complaints voiced at this hearing were, by any reasonable conclusion, off-limits for public
20 discussion. Again, Propst should have requested the complaints follow Policy, as Union President
21 Sessions had admonished him and Epstein. This should have been referred to written form or simply
22 to adhere to the Teton County Policy Manual 2-5. Of course, referring it to written form would have
23 ended up in the *hidden-from-public-view* file created by CDC Gingery. It is not known if Propst &
24 Epstein were aware of the so-called “Fire Spouses” public drubbing on the 22nd was known about,
25 encouraged, or aided by Propst & Epstein. And perhaps it’s the cynicism of the Plaintiff after having
26 spent a couple hundred hours on this Complaint so far, but it seems highly unlikely that the two
27 weren’t aware and involved. FOIA requests have been submitted to the County Clerk and remain
28 outstanding that will help suss out any involvement.

1
2 **I. January 2, 2024 BCC Reg Meeting / Executive Session**

3
4 The Regular Meeting of January 2, 2024 was brought to order, the consent agenda approved,
5 and Public Comment sessions opened. The first Public Comment commenter was Jessica Sell
6 Chambers, who holds the position as a Town Council member, but she clarified that she was there
7 representing herself, and not the Town Council or in her capacity as a sitting member.

8
9 FD/EMS is a joint board of Town and County under WY statute. In 2018 the BCC and the
10 Town Council agreed that the Teton County Board of County Commissions would be the lead
11 agency with regard to FD/EMS. In the run up to all of this, not a single word had been heard from
12 the Town Council despite the Town of Jackson comprising about 46% of calls and budget (approx).
13 In other words, a significant partner with significant interests. So, despite whatever claims Ms.
14 Chambers made to the contrary, it's difficult to overlook the possible much broader context of her
15 appearance and participation at the 01/02/24 meeting.

16
17 Ms. Chambers asked for extended time, which she mostly spent excoriating Jellie. Among her
18 accusations: badly vetted; hints at accusations of having falsified his resume; claims of shady
19 meeting behavior; claims of social media harassment; accuses Jellie of making false statements
20 while an official in Ogdensburg; social media behavior was so bad it became political fodder, bought
21 out of contract in Ogdensburg, increased costs to the city, caused large lawsuit and refers to "Jellie's
22 playbook" whatever that is. (Apparently, Ms. Chambers refers to this information as having been
23 available to her by "a simple google search" and stated the hiring process should have done the
24 same.)

25
26 Jackson Council Member Chambers then pivoted to Teton County Admin Alyssa Watkins, who
27 she stated "has accountability" [in this] and whom, Chambers claimed, faced "two options" when
28

1 hiring Stephen Jellie: *either Watkins didn't vet him properly; or, hired him for his "hatchet style"*
2 *of leadership.*

3
4 Thusly, Ms. Chambers continued, there were "three strikes" involved: 1) *forcing the FD/EMS*
5 *to go public, that; 2) Chief Jellie should never been subjected to this "public spectacle"* (which,
6 curiously, she appears to be engaged in in the exact moment of this utterance) and; 3) *the BCC*
7 *should never have been put in this position either.* And while Chambers spoke passionately of a
8 "broken system," she seemed to give the Commissioners a hall-pass and places 100% of the blame
9 on Watkins (and by extension, Jellie), as if the BCC members were simply bystanders and therefore
10 responsible for nothing. (Here, one must presume, she has extended a professional courtesy to fellow
11 politicians.)

12
13 After lamenting Watkins' "failed leadership" and Jellie as a "really bad hire," Chambers went
14 on to mention Watkins' "over \$200,000 [annual] salary." Chambers neared her conclusion by
15 demanding Watkins tender her resignation or, in the absence of that, that the BCC fire Watkins. A
16 notably convenient firing as it would provide Propst & Epstein with a power vacuum to further their
17 effort to oust Jellie. After all, Watkins had steadfastly refused to remove Jellie all along. As it turns
18 out, such a draconian step of firing Watkins wouldn't be required; simply the threat of it worked
19 spectacularly for the Propst & Epstein's pressure campaign on the three hold-out Commissioners.
20 And within just four hours.

21
22 After Town of Jackson Council Member Chambers spoke, she was followed by a half-dozen
23 speakers who, for the most part, continue the public harassment that Chambers herself had referred
24 to as a "spectacle" whilst simultaneously engaging in it. None of it is suitable for Public Session.
25 And all of it is beyond belief.

26
27 Chambers' participation is as inappropriate as it is baffling. Chambers, as an elected member
28 of the Town of Jackson Town Council, knew (way) better than to publicly speak on deeply personal
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1 employee matters. Or to call for public firings of public employees. Or to leverage her position to
2 “up the ante” and (evidently) send a message from the silent-partner Town of Jackson, that unless
3 resolved with firing Jellie, the Town of Jackson would start going after Teton County employees;
4 which is exactly what she did. The baffling part for the Plaintiff is that in a series of text
5 conversations – possibly hundreds - the Plaintiff had with Chambers from early November onward.
6 Chambers concurred completely that the public lynchings that the TC BCC were holding with regard
7 to Chief Jellie’s employment were wrong on every possible level. That one does not – indeed, the
8 County should not – allow public persecution of its employees. And despite having a professed
9 dislike for Jellie, Chambers was emphatic about this right exactly up to the moment that she was
10 not. And she proceeded to engage in that exact same inappropriate behavior while doubling down
11 and demanding the firing of county employee Watkins as well.

12 9:17am: Chambers ends public comment;

13 9:57am: BCC convenes Executive Session;

14 10:42am: BCC exits Executive Session: *No Executive action and no vote is taken after.*

15 1:25pm (4 hours and 8 minutes after Council Member Chambers finishing speaking)

16 Chief Deputy Attorney Gingery contacts Chief Jellie’s attorney Bill Fix, and states:

17 “....they want him to resign and they are sending a resignation offer for you to consider.”

18 It is curious that it is Gingery who demands Jellie’s resignation as only Watkins can. And equally
19 curious he repeatedly refers to “they” when, again, only Watkins controls this process. Additionally
20 curious is that there was no vote or administrative action taken at this Executive Session enabling
21 this to happen.

22 In the span of 4 hours and 8 minutes after Chambers concludes, the Commissioners -- who had
23 been deadlocked to keep Chief Jellie as fire chief for months; and that as recently as 14 days prior
24 had voted (2-3) to send a letter of support of Jellie to FD/EMS and continued employment; and who
25 had agreed to the use of consultants; and who had agreed to a Task Force (the initial report of which
26 was due to be presented on this very day) – that this once-immovable 3-2 majority that had resisted
27 the ongoing effort by Propst & Epstein to pressure and force one of the three remaining three
28 members to capitulate.... suddenly and completely collapses and agrees to terminate Chief Jellie. It
remains entirely unclear how the Commissioners did so without a vote in this 01/02/24 session.

1 And as previously suggested, it is difficult to not infer that the Town Council Chambers had indeed
2 spoken by proxy through Chambers and upped the ante with a kill-bill that not only on Jellie on it,
3 but now Admin Watkins as well.....
4

5 This is unknowable at this time, but the transcripts will reveal what happened and the Plaintiff
6 seeks to explore, at trial, if there were any communications, by and between, members of the BCC
7 and the TC -- *specifically between Propst, Epstein, and Jessica Sell Chambers* -- that planned her
8 appearance to increase the pressure campaign by Propst & Epstein to, *with force, attempted to*
9 *influence intimidate, or impede an officer in the discharge of their duties.* (Paraphrase courtesy of
10 WY Statute § 6-05-305.)
11

12 Regardless, the timing and extraordinary outcome are highly suggestive of this. Perhaps it's just
13 coincidence along the course of a long pressure campaign to manipulate the outcome of a democratic
14 process.
15

16 17 **J. January 4, 2024 Executive Session only**

18
19 On January 4, 2024, the Teton County Board of Commissioners, and CDC Gingery, knowingly
20 entered an Executive Session that was illegally noticed (as they did on 11/15/23). This was yet
21 another violation of denying the subject of the Personnel hearing (Chief Jellie) to opt for public or
22 private hearing, or to attend. This Executive Session lacked notification of the *only path* to an
23 Executive Session. In order to understand that there was to be a Special Session out of which to a
24 vote [into] this Executive Session, one would have to drill-down below the Public Notice on the
25 county website, to the agenda. A non-apparent *agenda* is not Public Notice, despite County Clerk
26 protestations to the contrary.
27
28

1 This comports with a growing list of things County Attorney Gingery and the BCC hid in plain
2 sight: 1) The public letters file that is public....but hidden; 2) The right of the Employees of an
3 intended Executive Session to have either an Executive Session or Public Hearing per WOMA
4 statute, but said Employee is not notified of the meeting, nor given option to elect; 3) And now, the
5 hidden Special Session that is without *Public Notice* which the County Clerk Murphy claims is
6 noticed by an agenda stating Special Session, but hidden inside the actual Public Notice stating
7 Executive Session.

8
9 This so-called Executive Session held on 01/04/2024 was little more than 8 or so people hanging
10 out, eating chips. It definitely, though, constituted a quorum for which *publicly accessible minutes*
11 *of the session itself* must be kept. They are not available despite a FOIA request (which has not
12 timed-out as yet.)

13
14 The *redacted* bookend minutes of the meeting indicate the BCC entered Executive Session at
15 2:00 PM and exited at 2:59 PM. An oblique motion was then made to "direct staff to take the actions
16 as discussed in the Executive Session." They voted all in favor 5-0, of whatever it was they *discussed*
17 *in Executive Session*.

18
19 It's unclear what exactly happened in the Executive Session on 1/02/2024 (two days prior) out
20 of which there was no vote or action taken, but that prompted the Termination of Stephen Jellie to
21 commence. And if it did require a vote on 01/04/2024 to initiate a vote to instruct Watkins to begin
22 termination, wouldn't it have required a vote to do so on 01/02/2024 the date which CDC Gingery
23 instructs Atty. Fix that they demand the Chief's resignation? However, the BCC can't fire anyone.
24 Only Admin. Watkins can. Access to this and any other Executive Sessions that has Chief Jellie as
25 its discussant needs to be released and reviewed.

1 Subsequently, it was publicly noticed that Stephen Jellie has been placed on "Administrative
2 Leave," but in fact, his forced departure had been under discussion and negotiation since 4 hours
3 and 8 minutes after Council Member Jessica Sell Chambers finished speaking two days before.
4

5 Negotiations between Teton County BBC and Stephen Jellie began, and culminated, with a final
6 agreement on January 25th, 2024. Commissioner Epstein, Chairman Propst, and CDC Gingery
7 participated in those same negotiations on the terms of termination of the same individual they
8 aggressively sought by any means to publicly destroy.....and terminate.
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SECTION V - Additional Participants

Who could shed more light on Propst & Epstein's effort to maliciously harm Stephen Jellie?

This Plaintiff now turns to the question of the participation of others in the Defendants' acts. Whether these others were unknowing pawns in the scheme, or knowing co-conspirators, is not known for certain to the Plaintiff, who believes these questions need to be answered at trial. The involvement of others is important in understanding the full extent of the willful design of the Defendants to achieve their goals — although not dependent upon it. At the very least, Plaintiff believes these individuals are in a position to provide the Court with valuable information about the Defendants' misconduct.

A. Sophia Boyd-Fliegel

The Defendants' scheme to maliciously harm Stephen Jellie involved a media barrage and, in concert with counsel CDC Gingery, by intentional concealment of pertinent information. In a three-week period, the *Jackson Hole News and Guide* published thirteen articles that all diminished Chief Jellie, largely with repetitive accusations: sometimes two articles a day. Most of the reporting was selective, inaccurate, biased, and gleaned from the Public Sessions that permitted and encouraged hostility towards Jellie. During those sessions, never did the BCC comment, nor redirect the complaints for being repetitive or limited by confidentiality. At no time was one word spoken whatsoever by any member of the BCC. The appearance was that of tacit approval by the BCC of the protesters by the Commissioners. This provided ample fodder for the *JH N&G*.

With few exceptions, all the stories have been by Sophia Boyd-Fliegel, who has written many Chief Jellie-related stories and continues to do so many weeks after Jellie was effectively fired. Her articles number into the dozens, often running stories when no new information has arisen, but rehashing the same the same negative information from days, weeks, and months before.

1
2 Plaintiff has found, through the public record and the few people who would talk to him, an
3 incredible trove of evidence that indicates something was very, very wrong with the Defendants'
4 attack on Jellie. And yet, despite Ms. Boyd-Fliegel's access to the vastly superior resources of her
5 newspaper and despite her position that allows her far greater access to people willing to talk, Ms.
6 Boyd-Fliegel only reported on how much Steve Jellie was hated, and who hated him, and who
7 showed up to hate on him, and that the BCC is divided 2-3 on his continued employment. And
8 repeated these themes endlessly. Never does she report on the myriad of extremely troubling facts
9 that follow this story.

10
11 Only once does Ms. Boyd-Fliegels still her flint-sharp lacerative quill long enough to ponder
12 whether the lines she's been fed really add up. "Facts have been hard to discern," she once wrote,
13 "as to why exactly, the Jackson Hole Firefighters don't like their current chief, who remains on
14 Administrative leave as of my writing." Of course, this is written after he had been fired and over
15 two and a half months after the 11/6/2024 kickoff of events and dozens of articles later. Factually
16 speaking, and despite the extraordinary public airing of everything *Stephen Jellie*, there was not a
17 single allegation of a good reason to fire him. But now, after the damage is done, the chief is
18 terminated, Boyd-Fliegel seems to be wondering aloud: *Like wow, and why do they even hate him*
19 *so damn much?*

20
21 Please do not misunderstand the Plaintiff. He is fully supportive of Ms. Boyd-Fliegel's First
22 Amendment right and ability to get a story completely wrong. And he supports her right to ignore
23 obvious deficiencies in the information available, and even the right to be wholly misled by
24 manipulators who have age and power advantage over her to ply their story—those are her rights to
25 freely exercise.

26
27 The questions the Plaintiff has are: *Who was informing her? And why?* And did the people who
28 informed her have a narrative to convey that was deliberately injurious to Chief Jellie? Little is
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1 known about her connections, but some concerning things are a matter of public record:

- 2 1) On January 9th Ms Boyd-Fliegel received 80 pages of letter/emails that had been sent to
3 the BCC and individual members of the public during the two-month period. Normally
4 emails/letters are put in the TC County Clerk's website and are fully and easily available
5 to the public. It is widely known that it is *where* to go to read public correspondence to the
6 BCC. Indeed, the *only* place to go. Except for letters and emails pertaining to Chief Jellie.

7 They receive a special status; a third-tier of status of public information. This was a
8 total construct by Attorney Gingery. These emails were not public. Nor are they vetted to
9 be confidential. They are put in a "public file" which is "hidden from public view"
10 ostensibly because they contain "personnel" information, according to CDC Keith Gingery.
11 (Although at least some are supportive or question the process – so it's really anything
12 Jellie-related and were not culled as to whether they were "personnel" or not).

13 However, it turns out the hidden confidential file will be released by FOIA request. *So?*
14 *A little bit country, and a little bit rock and roll?* CDC Gingery evidently informed Ms.
15 Boyd-Fliegel that if she sends a FOIA to the county he will release an additional trove of
16 Stephen Jellie related documents. And while that alone is highly suspicious, she never
17 questioned this?

- 18 2) Ms. Boyd-Fliegel wrote in her teaser article: "I received about 80 pages [from county
19 pursuant to FOIA request]. Some contained false information. Why does this matter?," she
20 ponders, her wist full aglow: "Commissioners are theoretically using these pages to decide
21 how to treat Jellie's employment. What I found in this week's top story!"

22 But how did Ms Boyd-Fliegel know to FOIA request a file that deliberately was kept
23 from the public? Likely answer: Gingery. And it is nicely timed to: January 9th. Just in time
24 to throw yet more high-octane fuel on the already conflagrated Chief Jellie.

- 25 3) Ms. Boyd-Fliegel's January 24th article stated: "...the comments initially were withheld
26 from the county's online record as part of the standard process regarding personnel." Here
27 she was quoting Chief Deputy County Attorney Keith Gingery. She continued: "After the
28 News&Guide filed a public records request, Gingery released the comments to the paper

1 Jan. 9. A review by the News & Guide confirmed some of the allegations but also found
2 false or misleading information.”

- 3 4) Despite detailing that some of it is “false or misleading,” she never indicated once what
4 exactly is false or misleading. But instead, she goes on to yet another, lengthy bludgeoning
5 of Chief Jellie of the same exact allegations she has been writing about for months and
6 about which nothing new has appeared during the entire time except the snippet of tape of
7 Jellie saying someone could be terminated.

8
9 It is reasonably apparent from this revelation, and other incidents of Boyd-Fliegel showing up
10 at hearings with a cameraperson that turn out to be explosive hearings (e.g., 12/18/2024), or hanging
11 around outside Commissioners chambers on short-notice Executive Sessions about which Jellie only
12 he just learned that he was required to attend, that Boyd-Fliegel is coordinated by at least Gingery,
13 and quite possibly others. She can do that; they cannot.

14
15 All of which suggests that Boyd-Fliegel has a very deep, inside connections within the County
16 Commissioner’s Office and the County Attorney Office who are channeling information to her
17 supportive of a storyline that is deliberately aimed to target Stephen Jellie maliciously. The Plaintiff
18 believes those (to make a Watergate reference) deep-throat connections, and what they told her,
19 need to be revealed. The Plaintiff has filed numerous FOIA requests aimed at understanding just
20 that with clarity, all of which are currently pending. The Plaintiff has also FOID’d the FOIA
21 submitted by Sophia Boyd-Fliegel to better understand *just how does someone FOIA’s something*
22 *they do not know to exist start with.*

23
24 **B. Keith Gingery**

25
26
27 It can be safely concluded that during the same period of time that Chief Deputy Attorney
28 Keith Gingery ordered and oversaw the concealment of public letters and emails to the county
PAGE - 66 OF 79

1 pertaining to Stephen Jellie because it related to “personnel” matters but that could have been
2 exculpatory, he also sat in as county attorney at numerous Executive Sessions improperly conducted
3 at which the demise of Stephen Jellie was plotted. And, as the coup de grace, he attended numerous
4 Public Meetings, again as county attorney, at which Stephen Jellie is subjected to a horrific public
5 pounding by hostile FD/EMS members riled up by Propst & Epstein to which Chief Jellie has no
6 ability to respond to the onslaught. All reported dutifully by a hostile Boyd-Fliegel.

7
8 A proper and formal investigation - one that goes well beyond the amateur fact-gathering
9 capacities of an average citizen such as this Plaintiff - will reveal that the logic on the part of the
10 County Clerk and CDC Gingery is that the email and letters might contain *sensitive information* that
11 are germane to Chief Jellie’s *employment file and need to be protected accordingly* is patently
12 absurd.

13 This investigation should focus on the following facts and considerations:

- 14 a) The contents of the file were not vetted for possible letters of support.
- 15 b) While CDC Gingery was advising the BCC, Propst & Epstein staged public meetings
16 designed to hurt Chief Jellie that would be videoed and closely covered by a local media
17 company and its writer Sophia Boyd-Fliegel, whose stories seemed timed to advance the
18 Defendants’ strategy—and that throughout all of this, Chief Jellie was unable to respond.
- 19 c) Simultaneously, Chief Jellie was being encouraged by his superiors to ride out the
20 controversy out and that he will get his “*chance to respond*”, which he did, and which never
21 came.
- 22 d) That at the public meetings discussed herein, at any time the (Chairman) Propst (and any
23 BCC member, for that matter) could have put a stop to the endless barrage of angry
24 FD/EMS workers, who began to resemble a mob. The protesters spoke extensively over
25 the course of the wild-west hearing sessions of *employee related concerns*. Propst and
26 Epstein essentially encouraged this group to skirt the Teton County Policy Manual’s
27 procedures on filing grievances, which was broken already and the cause in some part to
28

1 this enormous controversy and broke it more in order to do so.

2 Expose giant rabbit hole; insert entire county.

3
4 None of these points is *ever discovered or reported by Sophia Boyd-Fliegel*. Indeed, of the
5 dozens of anomalous facts, legal oddities, statutory violations of office and oath, Boyd-Fliegel finds
6 not one. Is she profoundly incapable or does her behavior suggest a motivated and directed
7 intentionality?

8
9 As the Plaintiff looks deeper into this matter, Deputy County Attorney Gingery's behavior
10 becomes increasingly suspect as having been a driving force with Propst & Epstein in Chief Jellie's
11 mistreatment. He's a facilitator. What is known:

12
13 1) Gingery hid public files of public letters in a *not visible to the public* file ostensibly due to
14 privacy concerns about employee Jellie. He simultaneously sat in on outrageously public
15 exposures of same employee at public comment sessions at Public Hearings that involve
16 enormous amounts of personnel information, in violation of TC Rules of meetings and
17 consideration of confidential employee information. And that could have been stopped at
18 any time for any reason by the Defendants and the BCC, and whom Gingery should have
19 advised/demanded they do so. He may be the county attorney, but he cannot participate in
20 illegal behavior.

21 2) On January 9th Gingery releases the hidden files to *Jackson Hole News & Guide* pursuant
22 to a JH N&G FOIA request – a file that Boyd-Fliegel could not have known to exist in
23 order to then request. Gingery should answer the following questions, under oath:

- 24
- 25 • What has changed about employee Jellie's status by 01/09/2024 that warrants the sudden public releasing of those files by Gingery otherwise confidential?
 - 26 • When do "personnel matters" lose that status? (The Plaintiff suggests, never.)
 - 27 • Did Gingery tip off the *Jackson Hole News & Guide* off to the files existence and then ask the newspaper to FOIA them as some sort of Keystone cop-ish cover?
- 28

- Upon what authority and statute does CDC Gingery hide these files in a third-tier construct of public document status? And then, on what authority, and with what consideration, would these files suddenly be released?
- What transpired to effectuate a change in a fictional “public, but confidential file status”?
- And, if the status has changed to public files, why on earth would it then require a FOIA to hand them over if they were now public files open to the public? Wouldn’t they just go quietly into the public folder?

None of this can be assembled to make any logical sense, nor is it attendant to the logic of the law. The Plaintiff hypothesizes that simply putting them in the public file as the “new” status would suggest simply would not generate yet another story to pressure the three BCC holdouts into capitulating and thereby affecting the outcome of the Commissioners vote. That’s why. And obviously, why. The Plaintiff believes this illegal behavior was designed to significantly and maliciously harm a county employee – Stephen Jellie – and pressure public officials from carrying out their duties, which if provable, violates WY Statute 6-5-305 *Influencing, Intimidating or Impeding Officers*.

- 3) Attorney Gingery organized and presided over numerous Executive Sessions that did not follow the simple and clear language of the WY Statute regarding Executive Sessions as pointed out earlier in this Complaint. The statute requires the *subject of the session’s* personnel discussion to be *allowed to decide if the hearing is to be public or confidential*, which also would permit the subject of the meeting – Jellie - to attend. Frequently Jellie was not even aware of an Executive Session of which he is the subject. This was a conscious denial of Jellie’s statutory rights by design and under direct supervision of County Deputy Attorney Gingery and permitted behavior *the law was exactly written to prevent*.
- 4) On three occasions (11/15/23, 12/04/2023 and 1/24/2024) Executive Sessions are noticed deceptively resulting in illegal and non-existent Executive Sessions. These are the only three instances of this way of burying a public session (that permits the Executive Session) to be voted in existence in the five years the Plaintiff reviewed – covering dozens if not hundreds of noticed Executive Session via the correct method of Regular Hearing and

1 Special Sessions – the singular legal portal to Executive Sessions. All three of these were
2 related to Chief Jellie. Jellie was effectively terminated at one of these extralegal Executive
3 Sessions and terminated without a vote.

4 5) After the 01/02/2024 Executive Session ends - with Gingery presumably present – and
5 after which no action or vote was taken, Gingery called Jellie's attorney Bill Fixx and
6 demands Jellie's resignation. This is four hours after the Town of Jackson Councilwomen
7 Jessica Sell Chambers delivers a scathing, if not dubious, public speech which demands
8 the firing of Jellie, and she demands Watkins' firing as well. Termination can only be
9 undertaken by Admin Watkins. And furthermore, this firing was done two days in advance
10 of the actual vote that would be the approval to legally take this action.

11 6) At the January 4, 2024 (a double-violation illegal) Executive Session, a vote is taken 5-0
12 to put into action "what was discussed in Executive Session" (instructing Watkins to
13 terminate Jellie, presumably) which was what Gingery had already improperly done two
14 days previously. Gingery appears super-duper anxious to fire chief Jellie and he swims in
15 lanes not his to do so in; takes actions he simply cannot take; and does so prior to *anyone*
16 being legally able to do so, in any event. Gingery seems in a hurry to fire Jellie before
17 anyone changes their mind from the 01/02/2024 Executive Session in which no action was
18 taken, but appears that a consensus is arrived at. All of this is illegal. One marvels that one
19 man can break so many laws in such a short period of time.

20 7) On Saturday February 3, 2024, Gingery sent an email to Attorney Allisson Colgin, who
21 represents Stephen Jellie, and outlines some developing concerns. Gingery briefly recites
22 the (the finalized and executed agreement) and launches into concerns (it's unclear exactly
23 whose concerns these are: his, the BCC, or both?) about Mr. Jellie's rumblings on filing a
24 misconduct complaint to the Governor's office and whether that would violate the "no
25 Claims" portion of the Termination Agreement. There is no gag order of any sort on either
26 party.

27 He goes on to write; "The primary concern is he provided [an alleged Claim] [to
28 numerous individuals] [which] ...includes what appears to be a lawsuit or claim brought

1 by a proxy on behalf of Mr. Jellie.” Gingery then goes on to threaten that the county “has
2 14 days to deliver the funds after the 7-day revocation period [that he acknowledges had
3 already expired] and that: “We had discussed delivering the funds on Monday February
4 5th, 2024, but it appears that we need to have further discussions prior to the 14 day period
5 elapsing.”

6 Discussions of what, pray tell? Who walks the envelope containing the check to the
7 post office? Attorney Gingery is clear as a bell threatening conversion of Mr. Jellie’s funds
8 after the agreement is absolutely binding and 14 days provided is for the check to be drawn
9 and mailed. In Plaintiff’s view, the refusal to pay the agreed-upon termination is
10 *threatening theft by conversion* if Mr. Jellie doesn’t shut up and people in Mr. Jellie’s orbit
11 don’t shut up. He uses specter of a disappearing \$150,000 settlement to attempt to leverage
12 this.

13
14 Having been informed of Gingery’s accusation of being a “proxy,” the Plaintiff felt obliged
15 address the false allegation. Plaintiff wrote Gingery informing him the Plaintiff has acted of his own
16 volition and without assistance of legal counsel. And that he has sent out many requests for
17 information and has spoken to literally anyone that would agree to talk (not many would), and is not
18 proxy to or for anyone.

19
20 In response, Gingery thanks the Plaintiff for clearing up a “misunderstanding,” which is
21 nonsense. There was no understanding to which there could be a *misunderstanding*. He was
22 threatening *to disappear* a \$150,000 settlement.

23
24 Plaintiff could continue with additional allegations of criminal and civil wrongdoing by CDC
25 Gingery, but will stop at this point and conclude with this plea to the Court: as this Complaint has
26 shown, there is reason to believe that Chief Deputy County Attorney Keith Gingery has knowingly,
27 and with malice, engaged in violations of cannon and law. As such, Attorney Keith Gingery is an
28 ongoing hazard to Teton County, its employees and citizens.

SECTION VI - Conclusion & Relief

A. Conclusion

In early November 2023, Defendants Commissioner(s) Propst & Epstein begin in earnest their campaign to remove Chief Stephen Jellie from his position as fire chief that he'd held for a year. Jellie was an at-will employee and, having no contract, he could be terminated at any time, and for no reason. However, the Teton County government is structured so that only Administrator Watkins can hire or fire and employee of the county. Propst & Epstein were hindered by three other BCC members who wished to keep Chief Jellie, who had been hired for his tough style and ability to clean things up. The TC FD/EMS had serious internal issues in communications, willingness to be commanded, resistance to change, hierarchical issues and more as cataloged in a year-old report at the time of Jellie's arrival. The FD/EMS had escalating budgetary issues as well. All of this is, ultimately the responsibility, of the Commissioners and has been a problem since well before Chief Jellie's hire.

Watkins was adamant about keeping Jellie, and absent flipping one or more of the three other Commissioners, Propst & Jellie could not realize their mission to remove Chief Jellie. So Propst & Epstein willfully designed a malicious public pressure campaign to destroy Jellie's reputation so badly that they could thereby force, cajole, influence, intimidate - whatever it took - to convert one opposing BCC vote so Watkins would be compelled to dismiss Jellie.

From 11/06/23 when this campaign began in Executive Session, to 1/04/24 when Stephen Jellie was dismissed - a period of 59 days - Propst & Epstein devised and executed a plan that was an ever-escalating public and media campaign that required brazen misuse of power aided by Deputy County Attorney Gingery, that, in the end, resulted in the public humiliation and professional destruction of, and malicious harm caused to, Stephen Jellie - all in order to flip one vote on their own Board of County Commissioners. As this Complaint has painstakingly shown, many state and

1 county statutes, laws, regulations, policies, and oaths were broken in the process. (A WY Statute §
2 18-3-523 complaint needn't prove criminality, of course. To meet the standard for removal under
3 523, Plaintiff needed only to show failure to perform required duties and abide by oaths. Plaintiff
4 believes he has far, far, far exceeded that minimum mark.)

5
6 Perhaps the most cynical thing about this whole affair is that Propst & Epstein traded on the
7 love and adoration that firefighters and first responders are rightfully and automatically given in the
8 aftermath of 9/11 when the American public amplified its appreciation, love and support for that
9 deserving community. Who doesn't hold firefighters, and all first responders, in the highest possible
10 regard? No one does not. Propst & Epstein cashed in and squandered that precious currency to
11 achieve their own goals, which were not consistent with the health, safety and welfare of those
12 employees; nor Teton County employees; nor the interests of the citizens of Teton County. Imagine,
13 if you will, if Parks and Rec. attempted this? Even the Police and Sheriff's Departments would not
14 have received the immense support and scrutiny of leadership that the FD/EMS did in the wake of
15 the unimaginable anger and fury fanned by Propst & Epstein. In the Plaintiff's opinion, that alone
16 disqualifies them from any leadership role.

17
18 Fundamental to understanding this most unfortunate chain of events, one needs to understand
19 the lack of leadership, guidance and oversight that is endemic to the Teton County Board of
20 Commissioners and that had been so for a decade or more, and that was haunting the growing crisis
21 at FD/EMS. As Austin Sessions, President, FD/EMS Local 5067 wrote to in a 12/15/23 group email,
22 [paraphrase] Commissioners should not be clandestinely ginning-up public protest at public
23 meetings; they should be fixing and adhering to the existing policy structure. Propst & Epstein
24 cynically exploited and further broke their own broken system. They took the fragile remnants of it
25 and smashed it to the ground in an effort to maliciously harm Stephen Jellie.

26
27 As seventy-plus pages of this Complaint carefully detail, Propst & Epstein engaged in various
28 behaviors in those 59 days: holding improperly noticed Executive Sessions, repeatedly; denying the

1 rights of the Employee in ES under WY state statute, repeatedly; holding public sessions on
2 employees without notification or options as required by WY law and BCC manual, repeatedly;
3 taking private Executive Session discussions into Public Meetings to humiliate and abuse an
4 employee, repeatedly, by ambush, no less; misuse of the public forum to further their personal goals,
5 repeatedly; use of Executive Sessions to prod other employees to make false complaints about the
6 employee on 11/06/23; lying at public hearings in regard to protected conversations; violating their
7 own oaths, repeatedly; violating the Teton County Policy Manual, repeatedly; violating WY state
8 statutes, repeatedly; violating the TC BCC Rules of Meetings, repeatedly; pressuring other members
9 of the BCC to flip their votes constantly and repeatedly; overseeing the hiding of public files while
10 simultaneously encouraging public employee discipline and humiliation, all repeatedly; overseeing
11 the misuse of the Public comment sessions and driving angry traffic to it, repeatedly; deliberately
12 refusing to use the TC Policy for Grievance, repeatedly; violation of every single known tenant
13 and definition of the term "*fidelity*" upon which, and only upon which, they took their oaths,
14 repeatedly; remaining silent during hostile disparagement of an employee thereby giving tacit
15 approval to that disparagement, repeatedly; heaping and encouraging harm and ridicule upon their
16 own employee, and doing so maliciously and repeatedly. They were aided and abetted by others
17 including the county attorney and an impressionable local media.

18
19 It would be difficult to randomly throw open any Wyoming Statute or County Regulation, or
20 the Bible for that matter, and not find some basic tenant of law or decency they did not violate in
21 their quest to destroy Stephen Jellie: fellow human, county employee, husband, father, community
22 member.....and Fire Chief. And in doing so, they caused a further breakdown of the policies they
23 knew to be broken and to which they were obliged to acknowledge and remedy.

24
25 The Plaintiff intends to file a follow-on Complaint to the Governor's Office upon the filing of
26 this complaint to request IMMEDIATE REMOVAL from office for Propst & Epstein under WY
27 Statute 18-3-903 which requests the Governor impose immediate removal pending the outcome of
28 the upcoming hearing on this matter.

1
2 **B. Request for Relief**
3

4 **REMOVAL FROM OFFICE UNDER WYOMING STATUTE 18-3-523 (a)**

- 5 1) The Plaintiff is an interested party under WY Statute 18-3-523.
6 2) WY Statute 18-3-523 provides for the removal of [any] county commissioners who fail to
7 perform their duties, and states specifically:

8 *If any county commissioner refuses or neglects without just cause to perform any*
9 *duties required of him as a member of the board of county commissioners or*
10 *knowingly commits any act which by law is in violation of his official oath and*
11 *bond, charges in writing may be made against him before the district judge of the*
12 *district in which the county is situated. Notice of filing and a copy of the charges*
13 *shall be served upon the accused by the sheriff of the county within ten (10) days*
14 *after the charges are filed with the clerk of the district court. The cause shall be*
15 *tried not later than thirty (30) days from the filing of the charges and shall be by*
16 *the court without the intervention of a jury. After submission of the proof the*
17 *commissioner shall be removed from office by the governor of the state.*

- 18
19 3) The Defendant(s); Commissioner Luther Propst and Commissioner Greg Epstein while
20 required by WY Statute to uphold their official oath and bond, did knowingly and
21 intentionally fail to do so. Both Commissioners did knowingly violate and fail to adhere
22 to: the Teton County *Policy Manual*; Teton County Board of County Commissioners *Rules*
23 *of Meeting Procedures*; WY Statute 6-5-305; WY Statute 6-5-107 (a); WY Statute 6-5-
24 301(a); WY Statute 16-4-405 (a); WY Statute 16-4-405 (a) (c) and;

- 25
26 4) The Wyoming Constitution, Article 6 Section 20 requires that all county officers will,
27 before entering their elected office, take and adhere to the following oath:
28

1 *I do solemnly swear (or affirm) that I will support, obey and defend the*
2 *constitution of the United States, and the constitution of the state of Wyoming;*
3 *that I have not knowingly violated any law related to my election or appointment,*
4 *or caused it to be done by others; and that I will discharge the duties of my office*
5 *with fidelity.*

6
7 5) In the only two rulings in the last century on the subject of commissioner removal for
8 misconduct, the Supreme Court of Wyoming made it clear, in *State v. Morgan* (1926), that
9 one or two commissioners may be removed for their own misconduct, regardless of
10 whether or the acts aligned with an official act of the majority of the board. The Supreme
11 Court of Wyoming made it further clear, in *State v. Scott* (1926), that the conduct charged
12 should be more serious than a mere technical violation of statute. Rather, “[t]he neglect
13 should be such as to involve a *willful design*, or indicate an habitual inattention to public
14 business” (*State v. Scott* [1926], Supreme Court of Wyoming, June 22, 1926, 35 Wyo. 108).
15 (Emphasis mine.) This Complaint has more than met the *State v. Scott* standards in
16 demonstrating that the Defendants acted with willful design to harm Chief Jellie and that
17 their violations of policy, regulation, and law were serious, numerous, and sustained.

18
19 6) Both Defendant Commissioners have knowingly disregarded their oath and the faithful
20 discharge of their duties of their office of Teton County Commissioners *with fidelity* by
21 engaging in a series of violations of County and State rules and statutes and procedures for
22 the express purpose of the malicious prosecution and termination of Stephen Jellie *for*
23 *whom they hold no direct ability to do so*. The Defendants, through force and coercion,
24 sought to change the outcome of the Board of Teton County Commissioners consideration
25 and vote in order to then, in turn, force the Teton County Administrator to terminate
26 Stephen Jellie, county employee, as the Administrator held the sole authority to do so.

1 7) As such, Commissioner Propst and Commissioner Epstein are subject to removal per WY
2 Statute 18-3-523(a).
3

4 **Thusly, The Plaintiff** petitions this Court to set a hearing regarding this matter within 30 days
5 of the filing of this Complaint, as set forth in WY Statute 18-3-523 (a), and to issue an order
6 removing the Commissioners from office for knowingly and willfully failing to discharge their
7 duties and oath(s) as prescribed under Wyoming statute.
8

9
10 Timothy J. /Rieser; pro se

11
12 By: 

13 Timothy J. Rieser
14 2075 N. Highway 89
15 P.O. Box 233
16 Jackson, WY 83001-0233
17 Ph: (307) 699-2233
18 tjrugh@yahoo.com

19 **CERTIFICATE OF SERVICE**

20
21 This is to certify that a true and accurate copy of the foregoing was served
22 on February 16, 2024 (date) the following as indicated below.

23
24 Signature: 

25 Printed Name: Timothy J. Rieser

26 Address: 2075 N. Highway 89 / POP Box 233

27 Jackson, WY 83001

28 Phone Number: (307) 699-2233

ADDENDUM: ADDITIONAL DOCUMENTATION

Austin Session's Email 12/15/2023

From: Local 5067 President <15067president@gmail.com>

Date: December 15, 2023 at 9:59:30 PM MST

To: Chance Abel <chanceabel@gmail.com>, Bobby Boncela <rkboncela@gmail.com>, eric Borgeson <eborgjh1@gmail.com>, Henry Cadwalader <cadwalader86@gmail.com>, Scott Courser <scottcourser@gmail.com>, Ian Cranston <ianwinot@gmail.com>, Jeff Czapor <czapor.jeff@gmail.com>, Kevin Grange <kevin.grange@gmail.com>, Natty Hagood <nhagood100@gmail.com>, Tyler Hartz <sublettelfity@yahoo.com>, Emmett Horvarth <chorvath@rollins.edu>, Jack Hutcheson <hutchjr0@gmail.com>, Tim Knippel <timothyknippel112088@gmail.com>, Cody Lara <cody.l.lara@gmail.com>, Matthew McGee <mhmcmgee@gmail.com>, Caleigh Smith <caleighsmith28@gmail.com>, Chris Stiehl <cstiehl@yahoo.com>, Ben Thurston <bthurston9@gmail.com>, John Tobey <hikeforturns@gmail.com>, Erika Voorhees <erika.voorhees@gmail.com>, Sam Wasserman <samwasserman2@gmail.com>, Lizzie Watson <epgwatson@gmail.com>, Brendon Weber <brendonwjb@gmail.com>, Pete Wilson <Gym22.pete@gmail.com>, Zach Wilson <wilsoz@yahoo.com>, Steve Wurm <s.wurm03@gmail.com>

Subject: Monday Meeting

Everyone,

I would like to provide a little more information on Monday's meeting. This is a joint effort between the volunteers and union. There is a group of four of us (me and three

1 volunteers) that are going to stand at the podium and give public comment asking for
2 the removal of Jellie from his position. This is the final push in my mind. If no action is
3 done after this I am unsure where to go.

4
5 We believe the key to this is having as much publicity as possible. We need the zoom
6 link full and the BCC chambers full. Please reach out to people and provide the link
7 below if they are not able to attend the meeting in person. People need to log in with
8 zoom so they are visible on the meeting. If they just watch the live feed we can't see
9 how many people are watching. Inform people to log in as "fire department
10 supporter" This is a all department message so we do not want to be union and
11 volunteer, the message is just all one department. Please reach out to whoever on the
12 volunteer side and out in the community to attend. This takes an all out effort.

13
14 On another note I have talked to two commissioners and made the point that I believe
15 it is wrong that they are asking us to stand up and state our complaints in public
16 instead of following the policy laid out by them. People have been asked to talk to
17 alyssa and give her their complaints. I have stated to them that the system has been
18 used over the last year and they have not been told of the problems and that they also
19 have not pursued the complaints. I have made it clear the the system is broken and
20 they realize it, yet are doing nothing about it. People are losing faith in the system and
21 the government process and that will lead to much larger problems in the future.
22 Please reach out and let me know your thoughts. Please get people to show up on
23 Monday as this is the only way this works and is the last option I believe

24
25 LINK TO JOIN WEBINAR: <https://us02web.zoom.us/j/86592085083>

26 Thanks,

27 Austin