

Independent Ethics Commission – Formal Complaint Form

Before the Independent Ethics Commission  
of the State of Colorado

*For Commission Use Only*

Received date: 15-Jul-2017

Case. No.: 17-25

The Complainant is: Stephen (Steve) Harrison, with 5 other current and former Trustees

Mailing Address (including city and zip code):

84 Pinion Ridge Drive, Williamsburg Colorado 81226

Daytime telephone number: 719-429-4100

Email address: [cpthydro@verizon.net](mailto:cpthydro@verizon.net)

The Respondent is: Lucinda Ricotta, Town of Williamsburg Town Clerk

Mailing Address (including city and zip code):

22 Bear Gulch Road, Williamsburg, CO 81226

Daytime telephone number: 719-784-4511 - Town Hall , Home 719-784-2169

Email address: [clerkwilliamsburg@bresnan.net](mailto:clerkwilliamsburg@bresnan.net)

When did the alleged violation occur: November 15, December 9th 2016 thru March 6th 2017

Describe the specific acts or things complained of, with facts that provide a full understanding of the alleged violation(s). If possible, cite the specific ethical standards alleged to have been violated and describe how the violation(s) occurred. Use additional pages if necessary. Attach any documentary evidence you wish to submit.

I, Stephen D. Harrison, past Williamsburg Board Member, is point of contact for this complaint.

Lucinda Ricotta has recorded documents with the Fremont County Colorado Clerk and Record along with the Town Mayor when in fact she did not have Town Board Approval. Lucinda Ricotta did not ask for permission or direction from the Town Board for concurrence or authorization to record such documents in November 2016 and December 5th or to record documents with the Fremont County Colorado Clerk and Record December 9th through March 6th 2017. This action was of benefit to her and her husband.

Please note attached statement signed by current, former Town of Williamsburg Trustees and exhibits.

Additional Space on Next Page

Description of acts or things complained of (continued):

Check the box or boxes indicating the remedy sought:

☒ Public Admonishment

☒ Fines

I hereby acknowledge that the facts presented herein are true to the best of my knowledge, and I will cooperate in the process regarding this complaint and will appear at any proceeding of the Independent Ethics Commission if the complaint is scheduled for a hearing.

Signature: Stephen D. Harrison

Attorney (if applicable): NA

Dated at Williamsburg (City), Colorado, this 16 day of March, 2017.

Created by Article XXIX of the Colorado Constitution, the Independent Ethics Commission may review and hold hearings on matters falling within its jurisdiction as outlined in Article XXIX.



I. **Background**

Election for the Town of Williamsburg Colorado, Fremont County, was held coinciding with the National Election, November 8<sup>th</sup> 2016. Joshua Baker was Mayor from election 2014 until the 2016 candidates were sworn into office by the Town Clerk at the December 5<sup>th</sup> 2016 meeting.

Town of Williamsburg election of November 2014 provided for the following offices:

- **Mayor:** Joshua Baker
- **Mayor Pro Tem:** Billy Jack Hawkins
- **Trustee:** Donna Krautheim
- **Trustee:** Jerry Farringer
- **Trustee:** Nia Stewart
- **Trustee:** Alberta Winslow
- **Trustee:** Forrest Borre
- **Town Clerk:** Lucinda Ricotta
- **Assistant Clerk:** Donnita Hawkins
- **Town Attorney:** Dan Slater

Town of Williamsburg election of November 2016 provided for the following offices after being sworn in:

- **Mayor:** Jerry Farringer
- **Mayor Pro Tem:** Billy Jack Hawkins
- **Trustee:** Eva Mares
- **Trustee:** Shane Espinoza
- **Trustee:** Steve Ricotta (Husband Town Clerk)
- **Trustee:** Forrest Borre
- **Trustee:** Robert Buseti
- **Town Clerk:** Lucinda Ricotta
- **Assistant Clerk:** Donnita Hawkins (Wife Mayor Pro tem)
- **Town Attorney:** Dan Slater

II. **The Complaint** centers around Town Clerk Lucinda Ricotta that proffered to the Fremont County Clerk and Recorder documents with 2016 Mayor Elect, Jerry Farringer and with resulting Fremont County Reception numbers 944790 and 944789 dated November 15 2016 (attached as Complaint Exhibit #1 and #2) that are on Town of Williamsburg Letter Head, with Town Seal by Town Clerk Lucinda Ricotta, vacating alleys and lot lines around a building erected by *The Brotherhood of the 74*, benefiting Lucinda Ricotta and her husband Steve Ricotta, current Town of Williamsburg Trustee without Town Board approval or authorization.

After being questioned during the regular meeting of 9 January 2017, Lucinda Ricotta recorded further erroneous documents with reception numbers 946386 (Exhibit 4), 946387 (Exhibit 5) and 946388 (Exhibit 6) also without Town Board approval or authorization.

Key issues are:

The Brotherhood of the 74 constructed their building/garage prior to lot lines being vacated and a hearing or vote by the Town Board to approve the recording of documents 944790 and 944789 November 15 2016.

Town Clerk, Lucinda Ricotta recorded these documents without Town of Williamsburg Board of Trustees approval and the then Current Mayor, Joshua Baker, knowledge of the proposed transaction(s). It is the Complainant's belief that Lucinda Ricotta performed actions that was party to CRS 18-5-113 Criminal Impersonation by the 2016 Mayor Elect and directly responsible for CRS 15-5-114 Offering false instrument for recording.

The Brotherhood of the 74 is in fact the Town Clerk's **spouse** and benefited from this transaction prior to his, Steve Ricotta (Exhibit 6), being sworn in as a 2016 elect Town Trustee by the Town Clerk under full knowledge of Trustee Jerry Farringer also sworn in as Town Mayor.



The property action(s) were not acted upon as a Town Ordinance in a public meeting with an assenting vote from either seated town board, noted as 2014 Town Board or 2016 Town Board.

At the beginning of the issue of concern, 2016 Board member Eva Mares (co-complainant) became aware of the discrepancy after the 2016 election in preparation for her taking her elected seat. Past Town Board Member Stephen (Steve) Harrison verified that Fremont County Reception numbers 944790 and 944789 were recorded November 15 2016. The timing and procedure seemed suspicious as there was never a public notice that this action would be taken.

Steve Harrison attended the January 9<sup>th</sup> 2017 meeting and digitally recorded portions of the meeting where thru questions directed at Jerry Farringer, he verified that the two documents, 944790 and 944789 were recorded at the Fremont County Clerk and Recorder office with the Town Clerk paying cash for the recording fee and being reimbursed by the Town.

Jerry Farringer admitted he was not Mayor at the time the documents were recorded with full knowledge of the Town Clerk Lucinda Ricotta and there had not been an Ordinance or Quit Claim deed prepared to convey the Town's public alley right-away as "they are not required to do so in Discussion with the County (Fremont)". During the January 9<sup>th</sup> meeting, Trustee Eva Mares provided a letter pointing out that the minutes of December 5<sup>th</sup> 2016 did not include the board discussing alley and interior lot line vacation for the Town Clerks husband Steve Ricotta's *The Brotherhood of the 74* garage and building project. The board voted to approve the Trustee Mare's letter as an addendum to the December 5<sup>th</sup> minutes (Attached as Complaint Exhibit 3).

Since the 9 January 2017 public meeting, The December 5<sup>th</sup> minutes have been posted by Town Clerk Lucinda Ricotta on the Town Web site and erroneously state:

**3. VACATE ALLEYWAY**

A Written submission by Donna Duncan to vacate alleyway of block 4 on Pikeview and **The Brotherhood of the 74** request the same for block 5. A motion was made by Billy Jack to vacate the 10-foot alleyway easement between east and west lots. Seconded by Forrest. Roll Call: 7 yes, 0 no, 0 abstain and 0 absent. Motion carried.

The statement above ... "and **The Brotherhood of the 74**" were not discussed and with the recent Fremont County recordings below appear to be a cover-up. Three other erroneous Fremont County Clerk recordings have been made with reception numbers 946386, 946387 and 946388 dated 6<sup>th</sup> December. Note, there are many discrepancies in all five (5) of these recordings that should be investigated as information does not match up with plat records and or property owners.

The complaint attachments Exhibits 4, 5 and 6 did not exist prior to the 9th of January when Steve Harrison questioned the Town Board. It should be noted that the recording of documents 4, 5 and 6 is the 11th of January. It should be further noted that on Exhibit 5, Donna Duncan has signed for text that includes the brotherhood of the 74 which is unclear to the people associated with this complaint.

Town Clerk Lucinda Ricotta has continued to cover up the action by finally sharing with the Town Attorney Daniel Slater 719-269-3315 that this was only a lot line adjustment, when in fact it includes an alley-way vacation.

Although the Colorado Independent Ethics Commission likely does not have direct jurisdiction over the Colorado Sunshine laws, the fact that the Town continues to violate the Colorado Sunshine law, even though they have been reminded the last several meetings that the CRS applies to the Town. The Board states they will be going into executive session for "legal or personnel" and discuss other items that should be discussed in public.

This is not a petty issue for those of us concerned with how the town's money is being spent; also, the Town Clerk Lucinda Ricotta will not issue printed copies of check registers with check numbers and associated bank statements upon request. Town bills are not approved for payment by the Town Board each month. These items demonstrate further lack of ethics on behalf of Lucinda Ricotta, Town Clerk of Williamsburg Colorado.

A few of us have suggested that copies of the Colorado Municipal League booklet for the Town Clerk and Town Board Members be acquired or have Colorado Municipal League come down to give classes and the majority of the board states that it does not apply to this Town nor do they need this.

III. **Motive.**

Town Clerk, Lucinda Ricotta, benefited directly along with her husband Trustee Steve Ricotta, in acquiring public land, Town alley which is defined as a public street in C.R.S. 43-2-301 or without public notice and Town Ordinance per C.R.S 43-2-303(c). It could also be that her statements of "The Town of Williamsburg" is not subject to the Colorado Revised Statutes, even after pointing out to her, the Mayor and the current Board Members specific C.R.S. Statutes and informational booklets from the Colorado Municipal League require such adherence of Colorado Law.

IV. **Opinion and Relief Requested:**

The Town Clerk Lucinda Ricotta and the action need to be investigated. The fact of not informing the previous and current board members along with further recording instruments to transfer public property to her and her husbands benefit without a public meeting or Ordinance that would require a public meeting reeks of embezzlement, having ulterior motives, willfully violating the public trust by a person in authority, by not performing these actions in public. 2014 Mayor Joshua Baker, 2014 Trustee Donna Krautheim along with can supply further information concerning this issue. Current Trustee's Shane Espinoza and specifically Eva Mares can supply in depth details as Ms. Mares has attended most of the Town public meetings prior to being sworn in as current Town Trustee.



The following Town members would like to see an investigation and legal action if it has merit.

Stephen Harrison - PAST TRUSTEE ph#(719) 429-4100

Eva L. Mares - Trustee ph#(719) 784-3308

Ronald E. Mares - Past Trustee ph#(719) 784-3308

John W. Gardum Steve Gardner <sup>Past Trustee</sup> <sub>Mayor</sub> ph#(719) 369-0238

Donna Kravtchik <sup>past</sup> <sub>Trustee</sub> ph#(719) 429-1250

Shane A. Espinoza <sub>Trustee</sub> ph#(719) 371-7995

Joshua Baker <sup>Former</sup> <sub>Mayor 2014-2016</sub> ph#(719) 849-1211

LAST SIGNATURE 26 JANUARY 2017 SA ph#(719) \_\_\_\_\_

**TOWN OF WILLIAMSBURG**  
1 JOHN STREET  
WILLIAMSBURG, COLORADO 81226  
Phone (719)784-4511\*Fax (719)784-4064  
[clerkwilliamsburg@bresnan.net](mailto:clerkwilliamsburg@bresnan.net)

944789 Pages: 1 of 1  
11/15/2016 04:41 PM R Fee:\$11.00  
Katie E. Barr, Clerk and Recorder, Fremont County, CO



November 15, 2016

Fremont County Clerk & Recorder  
615 Macon Ave Room 103  
Canon City, Colorado 81212

RE: Vacation of Lot Lines

Williamsburg is in agreement and approves the vacation of the Brotherhood of the 74's request to vacate all lot lines within of block 5, Lots 4-20 of Colorado Fuel and Iron CO's addition to Williamsburg. Schedule numbers: 64000470, 98204337 and 98204338. For further use and development of this property located within block 5 to be recorded as Lot 1 of block 5 Brotherhood of the 74 subdivision addition to Williamsburg filling 1 and physical address of 4 Pikeview, Williamsburg, CO 81226.

Reference to:  
C/O Steve Ricotta, President  
RG Chapter  
Brotherhood of the 74  
22 Bear Gulch Rd  
Williamsburg, CO 81226


Approved: Jerry Farringer, Mayor

Attest & Submitted By: Lucinda Ricotta, Town Clerk



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**TOWN OF WILLIAMSBURG**  
1 JOHN STREET  
WILLIAMSBURG, COLORADO 81226  
Phone (719)784-4511\*Fax (719)784-4064  
[clerkwilliamsburg@bresnan.net](mailto:clerkwilliamsburg@bresnan.net)  
[williamsburgcolorado.com](http://williamsburgcolorado.com)

944790 Pages: 1 of 1  
11/15/2016 04:41 PM R Fee:\$11.00  
Katie E. Barr, Clerk and Recorder, Fremont County, CO  


November 15, 2016

Fremont County Clerk & Recorder  
615 Macon Ave Room 103  
Canon City, Colorado 81212

RE: Vacate Alley easement

The Town of Williamsburg has approved the vacation of alleyway of block 4 and 5 of Colorado Fuel and Iron CO's addition to Williamsburg. For further use and development of property owners located within these blocks.

Approved: Jerry Farringer, Mayor

Attest & Submitted By: Lucinda Ricotta, Town Clerk





Town of Williamsburg clerks,

The minutes of December 05, 2016

RECEIVED JAN 04 2017 *RH*

VACATE ALLEYWAY SHOULD READ:

A WRITTEN SUBMISSION BY DONNA DUNCAN TO VACATE ALLEYWAY  
WITH THE FOLLOWING LEGAL:  
SUB. WILLIAMBURG CFI CO LOTS 3-7 AND 11-16 BLOCK 4 COLORADO FUEL  
AND IRON CO.

Eva Mares questioned about a sheet of paper that was in her package and asked what it was.

She said it is something about 11-15-2016:

Jerry said: I don't know anything about it.

Lucinda Ricotta said: Oh I just typed that up so it would be ready to go.

Eva also asked if the Raley knew about it.

See sheet (1) Duncan's letter.

See sheet (2) map that we were given.

The map is property to the south and east of Harry Street.


There was nothing in our folder about the property of the Brotherhood 74.  
Or legal of the Brotherhood of 74,

Thank you,  
Eva L. Mares

*Eva L. Mares*

Received by \_\_\_\_\_ Date \_\_\_\_\_  
Time \_\_\_\_\_

TOWN OF WILLIAMSBURG  
1 JOHN STREET  
WILLIAMSBURG, CO 81226  
(719)784-4511  
clerkwilliamsburg@bresnan.net

946386 Pages: 1 of 1  
01/11/2017 04:17 PM R Fee: \$13.00  
Karin E. Barr, Clerk and Recorder, Fremont County, CO  


December 6, 2016

Fremont County Clerk & Recorder  
615 Macon Ave Room 103  
Canon City, Colorado 81212

RE: Vacate Alley easement

The Town of Williamsburg has approved the vacation of alleyway of block 4 and 5 of Colorado Fuel and Iron CO's addition to Williamsburg. For further use and development of property owners located within these blocks.


  
Approved: Jerry Farringer, Mayor

  
Attest & Submitted By: Lucinda Ricotta, Town Clerk





TOWN OF WILLIAMSBURG  
1 JOHN STREET  
WILLIAMSBURG, CO 81226  
(719)784-4511  
clerkwilliamsburg@bresnan.net

946387 Pages: 1 of 1  
01/11/2017 04:17 PM R Fee:\$13.00  
Katie E. Barr, Clerk and Recorder, Fremont County, CO  


December 6, 2016

Fremont County Clerk & Recorder  
615 Macon Ave Room 103  
Canon City, Colorado 81212

RE: Vacation of Lot Lines

Williamsburg is in agreement and approves the vacation of the Brotherhood of the 74's request to vacate all lot lines within of block 4, Lots 3-7 and 11-16 of Colorado Fuel and Iron CO's addition to Williamsburg. Parcel number 9990404058 Ref From 992-04-447. For further use and development of this property located within block 4.  
Williamsburg, CO 81226

*Donna Duncan*


Donna Duncan  
14 Iron Horse Rd S  
Williamsburg, Co 81226

*Jerry Farringer*  
Approved: Jerry Farringer, Mayor

*Lucinda Ricotta*  
Attest & Submitted By: Lucinda Ricotta, Town Clerk



TOWN OF WILLIAMSBURG  
1 JOHN STREET  
WILLIAMSBURG, CO 81226  
(719)784-4511  
clerkwilliamsburg@bresnan.net

946388 Pages: 1 of 1  
01/11/2017 04:17 PM R Fee:\$13.00  
Katie E. Barr, Clerk and Recorder, Fremont County, CO  


December 6, 2016

Fremont County Clerk & Recorder  
615 Macon Ave Room 103  
Canon City, Colorado 81212

RE: Vacation of Lot Lines

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Reference to:  
C/O Steve Ricotta, President  
RG Chapter  
Brotherhood of the 74  
22 Bear Gulch Rd  
Williamsburg, CO 81226

  
Approved: Jerry Farringer, Mayor

  
Attest & Submitted By: Lucinda Ricotta, Town Clerk

