

Independent Ethics Commission – Formal Complaint Form

Before the Independent Ethics Commission
of the State of Colorado

For Commission Use Only

Received date: 28-Aug-2023

Case. No.: 23-20

The Complainant is: Jonas Rieter, Jr. & Amanda Rieter
(name)

Mailing Address: [REDACTED]
[REDACTED]

Daytime telephone number: [REDACTED]

Email address: [REDACTED]

The Respondent is: Travis Cross
(name)

Mailing Address: [REDACTED]
[REDACTED]

Daytime telephone number: [REDACTED]

Email address: _____

When did the alleged violation occur: Ongoing to-date

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.

Travis Cross is a “local government official” covered by the Colorado Constitution Article XXIX Ethics in Government, appointed to his role on the Rio Grande County (RGC) Planning Commission by the RGC Board of County Commissioners.

Through our efforts to better understand the basis for cause and support for the RV Parks moratoriums and Land Development Code (LDC) amendments being proposed for RV Parks and Campgrounds within RGC, a conflict of interest was discovered among one of the RGC Planning Commission members, Travis Cross, who owns and operates an RV Park in RGC. {See Attachment 2: <https://www.riverbend-resort.com/about-us>}

Description of acts or things complained of (continued):

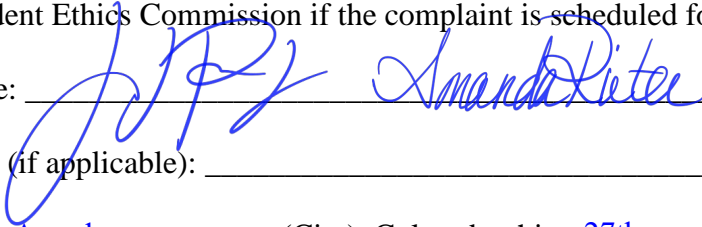
The Colorado Constitution Article XXIX Ethics in Government requires that: (a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people; (b) They shall carry out their duties for the benefit of the people of the state; (c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated; (d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and (e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.

Also, the conflicts of interest statute addressed in C.R.S. § 24-18-109 restricts a local government official, such as Travis Cross, from: (1) performing an official act directly and substantially affecting to its economic benefit a business in which the local government official has a substantial financial interest; and (2) voting on or attempting to influence the decisions of other members of the governing body in voting on a matter in which the local government official has a personal or private interest.

{See Attachment 1: 'Additional description of acts or things complained of (continued):'}

Advisement regarding remedies and penalties: Pursuant to Colo. Const. art. XXIX, § 6, a covered individual found to have breached the public trust for private gain is liable for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law. The Commission does not assess criminal penalties, award injunctive relief, or award damages to complainants.

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:  _____

Attorney (if applicable): _____

Dated at Arvada (City), Colorado, this 27th day of August, 2023.

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.

Additional description of acts or things complained of (continued):

It is our opinion that Travis Cross, performing official acts as a Planning Commission member, has directly and substantially affected county-wide policymaking to benefit a business in which he has substantial financial interest; and he has directly influenced the decisions of other members of the governing body, including the Planning Commission and Board of County Commissioners, in their voting on the matters of RV Parks and Campgrounds where he has a personal and private interest. These actions have revealed a self-serving mentality by Travis Cross that ‘what applies to someone else, will/should not apply to me,’ and it directly violated the confidence of the people and violated the public trust beyond a justifiable impression.

Throughout the RV Parks moratorium, Travis Cross’ business has had the benefit of the lack of competition of at least one (1) known RV Park application, and perhaps many other new RV Park applications or existing RV Park expansion applications that were not submitted to Land Use because of the RV Parks moratorium. By influencing the LDC amendments, among many ways perhaps not exclusive to RV Park and Campgrounds, he can ensure protection of his business interests.

In addition to our request for the Independent Ethics Commissions to investigate, render findings, and assess penalties for violations to the specific standards of conduct cited above for Travis Cross; we are also asking for the Independent Ethics Commissions’ opinion on whether this local government official has failed to comply with any other standards of conduct or reporting requirements as provided by law within the preceding twelve (12) months, which includes short-term rental fees that may increase barriers to entry.

It is understood that the original RV Parks moratorium was approved and put in force outside of the preceding (12) months, making it outside of the Independent Ethics Commissions scope. However, it should be considered that the county attorney stated in several public meetings that it could be terminated at any time for cause by the Board of County Commissions. Terminating the moratorium for the cause of knowing it was influenced by an inappropriate conflict of interest within the government would have once again allowed open market competition to return, to the detriment of Travis Cross’ business and personal interests.

All of our attempts to bring this ethical violation to light with the RGC government, take a step back and re-evaluate the premise for any changes and ensure that any changes are factually based, unbiased, well informed and involve the community in a meaningful and transparent way have been mostly disregarded. Travis Cross continues influencing the decisions of other members of the governing body voting on the matters of what is obviously protective of his personal business and financial interests. The RGC government continues to entertain Travis Cross’ input as a credible and unbiased source by allowing him to debate questions in the matter.

A summary timeline of events include:

- April 22, 2022 - A new RV Park application was filed for the Summitville RV Park.
- August 3, 2022 - A discussion during the Board of County Commissioners (BOCC) meeting included the potential need for an RV Parks Moratorium. Statements were made by the county attorney, Nancy Lake, that *“the potential moratorium is for RV parks across the board because the code enforcement has been changed through the state”* and *“a lot of research needs to be*

done on the total impact of RV Parks within the county.” Additional statements were made by a commissioner that “there are some distinctions on impact. However, before we make decisions on it, I would think we need to sit down and figure that out. What is acceptable, and what is not. What is an impact, and what is not.” – All to the ends of identifying what impact issues we have identified as areas of concern. {Note: The Commissioner’s statements cited were not contained in the meeting minutes. They may be found in the meeting recording only.} The BOCC approved the moratorium and Land Use and the Planning Commission was charged with addressing any changes needed to the LDC and providing a recommendation to the BOCC.

- September 7, 2022 - Dixie Diltz, the RGC Land Use Administrator, recommended that Travis Cross fill the vacant seat on the Planning and Zoning Commission during the RGC BOCC meeting. He was previously the alternate on the Planning Commission. It was approved by the BOCC.
- November 18, 2022 - Kickoff off meeting with CPS Services on Code Book Amendments.
- March 22, 2023 - During public comment of the BOCC meeting, another campground (“RV Park”) owner made statements about the lack of exclusivity in the causes underpinning the moratorium and the economic impacts it is having and will have on the industry and county. The BOCC approved an extension to the RV Parks moratorium based on a comment from Commissioner Glover, *“due to the work [the County] has planned.”*
- May 16, 2023 - An RGC Open House was held on the topic of the RV Parks amendments. I (Jonas Rieter, absent of Amanda Rieter) had conversations with Commissioner Glover and Commissioner Ratzlaff about the causes for the RV Parks moratorium and the code book amendments. I mentioned the changes being proposed for RV Parks and Campgrounds are seemingly arbitrary and cost-prohibitive solutions for subjective misperceptions of vague and ambiguous problems. They are not supported by research and data (the “investigation” as per the moratorium), as evidence that any existing and/or new RV Parks and Campgrounds in compliance with unchanged LDC (2021) are or will be the exclusive source of any “irreparable harm” cited by the moratorium. Commissioner Glover provided his contact information on a business card, and we agreed to keep in touch.
- May 24, 2023 - Several emails were forwarded to Commissioner Glover regarding unanswered questions I (Jonas) had made to several RGC government employees.
- July 3, 2023 - An email notification was received from the RGC Land Use Administrator, Dixie Diltz, regarding another Open House on the subject of Rio Grande County Code Book Amendments to sections for RV Parks and Campgrounds.
- July 11, 2023 - Following a conversation I (Jonas) had with Commissioner Glover over the phone, I sent a follow-up email to the RGC Land Use Administrator, Dixie Diltz, with similar questions about the causes for the changes and research done to substantiate those causes that were asked weeks before.
- July 12, 2023 (1) - An email response from the RGC Land Use Administrator, Dixie Diltz, to a request for the results of the investigation and research performed was *“No formal “study” has been done, nor was one required within the text of the moratorium, thus, no - no study has been nor will be published.”* It was also stated by Ms. Diltz that *“Myself, the Planning Commission and CPS have spent many hours investigating RV Park Regulations of other communities within Colorado as well as the State of Colorado Regulations, (6-CCR 1010-9 attached for your convenience), as was the direction and intent of the moratorium.”* We (Jonas & Amanda) then responded with statements of consideration on how *“RGC seems to be pursuing an all-in approach that applies to the State of Colorado’s “modern” campground standards and*

regulations for “independent” camping vehicles to each and every site. However, nowhere in the State of Colorado Regulations does it state that primitive, semi-primitive, semi-developed, developed or modern campgrounds supporting dependent camping vehicles are or should be prohibited.” We also again asked, “why? What are the problems facing RGC and causing the “irreparable harm” the RV Parks moratorium cited and was enacted under to support the proposed amendments that will only permit modern campgrounds for independent camping vehicles?” {Note: To-date, no written response was provided to the last inquiry. While code enforcement standards may have been changed through the state, per Nancy Lake on August 3rd 2023; the underlying state standards and regulations for Campgrounds and Recreation Areas (6-CCR 1010-9) has not since it was adopted in 1975.}

- July 12, 2023 (2) - An email inquiry was sent to the RGC Administrator and RGC Land Use Administrator about any potential Conflict of Interest disclosures *“related to any of RGC’s elected officials, appointed business officers or administrators that have or could have been involved in the RV Parks moratorium and LDC proposed amendments related to RV Parks.”* {Note: To-date, no written response to the inquiry was provided.}
- July 14, 2023 - An email was sent to the RGC Administrator, RGC Land Use Administrator and Board of County Commissioners with a formal Grievance Letter attached, citing the potential conflict of interest with an appearance of impropriety among one of RGC’s Planning Commission Members also owning an RV Park. {Note: To-date, no written response to the inquiry was provided.}
- July 17, 2023 - An RGC Open House was held on the topic of the RV Parks and Campground amendments, during which discussions with the Land Use Administrator, Dixie Diltz, and the RGC Administrator, William (Skip) Schoen, revealed an awareness of our Grievance Letter and its mention of a potential conflict of interest within the Planning Commission. Among our discussions with the Land Use Administrator, Dixie Diltz, and CPS; it was stated by them that they do not know of any RV Park that does not offer full hookups (electric, water, sewer), and that the US Forest Service and BLM is also moving away from “dry” and “primitive” camping, so the county just wants to do the same. As an avid and frequent camper with experiences across the state and nation, I (Jonas) strongly challenged these causes and asked where US Forest Service and BLM has published this information. {Note: The suspected misleading statements were then confirmed to be false through my fact-checking discussions with several in the US Forest Service.} When I (Jonas) asked the CPS representative if he has any personal experience camping, he responded he did not. We (Jonas and Amanda) also had other active conversations with Commissioner Deacon and Commissioner Glover about the RV Parks moratorium and the proposed code book amendments. We shared our sentiments about how it appears to show protectionism against already established business, while discriminating against outsiders, and that the county appears to simply be against free market principles and economic growth for no other substantiation of the subjective problems others were using as their talking points for cause. We garnered the strong support of Commissioner Deacon only.
- July 18, 2023 (1) – A memo from CPS to Rio Grande County Planning and Zoning Commission described *“In November of 2022, Community Planning Strategies (“CPS”) received a draft amendment of Section 2.05.H, RV Parks that was prepared and vetted by the P&Z. Upon receipt, CPS staff made light clarifying edits to the text and then placed the proposed amendments into the current code structure. These amendments were then discussed thoroughly over the course of five months with both P&Z and Board of County Commissioners (“BOCC”) representation during a series of virtual and in-person Joint Work Sessions. [...] During this discussion, the BOCC, P&Z,*

County staff, and CPS discussed each concern and revised the amendments to find a balance between the right for property owners to develop their property as an RV Park, allowing the market to determine how RV Parks are designed and operated, and ensuring a level of public health, safety, and welfare. The attached code amendments to Section 2.05.H are a product of this process.” {Note: Travis Cross has had influence over all this, occurring within the last twelve months, and the result was a body of work that would remove inherent property owner rights of certain Zone Districts for conditional approvals to be given by the county instead; as well as removing the options of business owners to determine how they want to develop their RV Park based on their assessment of market conditions. He can corner the market on customers demanding less than a fully modern camping experience in RGC.}

- July 18, 2023 (2) - A Planning Commission meeting was held where the meeting minutes revealed a Public Hearing and voting on the proposed RV Parks amendments. Travis Cross only abstained from voting but continued to influence it after, as he did before, abstaining from voting.
- July 19, 2023 (1) - At the request of the County Administrator during the Open House, I (Jonas) prepared and submitted constructive feedback to several county representatives following our discussions with them at the Open House on July 17th, which included consideration of an objective problem-solving framework.
- July 19, 2023 (2) - A Public Hearing on RV Parks amendments with the BOCC was held. We (Jonas & Amanda) shared statements and reiterated a lack of any details provided by any in the RGC government to substantiate cause for the RV Parks moratorium and LDC amendments. CPS once again stated, *“National Forest and BLM are slowly scaling back their dispersed camping sites.”* {Note: I (Jonas) confirmed this to be false through my discussions with representatives of the US Forest Service.} Statements were provided by the BOCC to better engage the public and consider RV Parks and Campgrounds more comprehensively.
- July 24, 2023 - The agenda for the July 26th BOCC meeting was posted and included a resolution to approve the same proposed RV Parks amendments the Planning Commission recommended for approval.
- July 26, 2023 - The BOCC regular weekly meeting was held, agenda with a resolution to approve the RV Parks amendments was approved, and public comments were provided for the BOCC to consider before moving into the agenda. A US District Ranger, Divide Ranger District, Rio Grande National Forest was also in attendance for our public comments and made his own. The BOCC, via separate motions, approved to both (1) immediately terminate the RV Parks Moratorium and (2) table the proposed RV Parks LDC amendments to revisit them and better engage the public.
- August 8, 2023 - An email response was provided by the Land Use Administrator, Dixie Diltz, to an inquiry made on August 3rd 2023, about how we (and the general public) may become aware of the new direction on RV Parks if/when it is provided by the Board of County Commissioners and Planning & Zoning Commission. The response stated no guidance was provided, nor any specific on when/how it will be provided.
- August 16, 2023 - A ‘Work session / Land Use Code Guidance’ meeting occurred between the BOCC, Land Use and the Planning Commission. This was only discovered by us on August 15th 2023, through persistent monitoring of the RGC Upcoming Event calendar. Inquiry was made into if it is open to the public and location (virtual meeting) details, since location information was not publicly available. During the meeting, Travis Cross was also in attendance. The conversation first started around the topic of short-term rental fees. The Land Use Administrator, Dixie Diltz, stated *“our discussion at the time between Planning Commission and others, were*

that the Planning Commission and staff felt like we needed to increase those fees [...] to level the playing field.” Travis Cross stated that “these are very small fees compared to what these things make a year” and “I am in the tourism industry.” He also stated, “I don’t think it’s fair they can just have a residential house, and start renting it out, and be in competition with me without having to be on the same playing field as me.” When the discussion moved to the RV Parks amendments, he answered questions and was one of the most vocal and ardent supporters of the LDC amendments for RV Parks and Campgrounds. The discussion included how existing RV Parks need to be “grandfathered” into the old regulations, and Travis Cross stated that grandfathering needs to apply to him because he does “not have the money to redesign [his] whole campground.” Additionally, Travis Cross stated “it’s pretty frustrating to put in all this work and it not be adopted.” The Land Use Administrator asked for guidance from the BOCC to either revise the RV Park regulation or represent the proposed regulations. One member of the BOCC, Tyler Ratzlaff, stated he would approve the RV Parks amendments Mr. Cross influenced and was promoting. The two other BOCC members, stated that work should be done by the Planning Commission to the RV Parks amendments in conjunction with and Campgrounds and have public before bringing it back to the BOCC. However, in summary per the RGC Administrator, William (Skip) Schoen, it was stated, “what I am hearing guidance from the BOCC is that your direction to Land Use is to represent the RV codes as previously written, and then continue planning on Campground proposed code changes and present those.”

Records, including emails and recordings of public meetings referenced, to corroborate the summary of these events and citations may be obtained through a CORA request to the RGC government. We also have copies of these records that can be provided.

About Us

Owned & Operated by Travis & Tanna Cross since 2015, we believe "People are guests in our story, the same way we are guests in theirs..." Lauren Klarfeld

Enjoy your next Colorado Vacation in a beautiful, relaxing setting along the banks of the South Fork of the Rio Grande River. Riverbend's lodging features river view Cabins, RV Rentals, RV & Tent sites near South Fork, CO and Wolf Creek Ski Area. Start your Colorado Fly Fishing vacation right outside your door with 3/4 miles of private river frontage stocked with trophy-sized rainbow trout, plus may other nearby streams and lakes.

Located on US 160 near milepost 183, just 3 miles southwest of South Fork, CO we are the perfect location to visit the activities & attractions found in the San Luis Valley located in Southern Colorado.

Only 15 miles east of Wolf Creek Pass and the Ski Area. Less than 1hr west of Alamosa and 30 minutes from the historic mining town of Creede - home of the famous Creede Repertory Theater.

Come alone or bring the whole family. Our cozy river view cabin accommodations provide year-round lodging, with wood burning fireplaces, full kitchens, covered decks, and charcoal grills. Two deluxe cabins have private hot tubs. Seasonal Full Hookup RV sites plus & riverside RV Rentals and Tent sites. Pet Friendly, Central Hot Tub, WI-FI, Cable TV, Playground, Game Room, Gift Shop, Seasonal Laundry, Showers & Rec Hall.

SUMMER

Plan your Colorado vacation fishing in lakes, streams and rivers, using the many ATV, Jeep, Hiking & Mtn. bike trails. Enjoy sight seeing; ghost towns, historic points of interest, museums and fine dining. Peddle your way along a historic train route from South Fork, or ride the Cumbres & Toltec from Antonito. Visit the Great Sand Dunes National Park or play the Rio Grande Club; PGA championship 18 hole golf course 5 minutes away. Sit and relax in your cabin or campsite by our rippling riverfront or by an evening campfire.



FALL

Enjoy a real Colorado treat while staying in one of our river front Cabins, RV or Tent Campsites. Spectacular fall colors abound all around Riverbend Resort nearly 2 million acres of National Forest provide miles & miles of forest roads and rivers near South Fork to tour the changing aspens and cottonwoods. Fantastic fall fishing, with cool water, and lots of action on the line. Some of Colorado's best big game hunting. Centrally located for 3 Premier hunting units 76, 79, 80. Elk, Deer, Bear and other game animals.

