

**Ronald S. Johnson**



May 26, 2009

Via e-mail and U.S. Mail

Patricia K. Kelly  
City Attorney  
City of Colorado Springs  
30 South Nevada, Suite 501  
Colorado Spring, Co 80903

Re: Code of Ethics – Mayor Lionel Rivera

Dear Ms. Kelly:

Further to discussion held at the meeting of Independent Ethics Commission, I add the following to my original complaint, the relevant parts of which are repeated below.

Specifically I believe the Mayor to be in violation of the ordinance in the following ways:

During the period November 2008 to date, the Mayor has failed to conduct himself with regard to the USOC building project in a way that "...should assure that businesses, operations and services are conducted openly to safeguard public confidence in the integrity of the City by avoiding any conduct creating the appearance of impropriety.

The Mayor has and continues to negotiate on behalf of the City with parties (Landco and Ray Marshall) with whom a direct conflict of interest exists. The conflict exists by virtue of Mayor Rivera's employment and compensation at UBS Securities where Mr. Rivera manages accounts of, and accounts controlled by Landco and Ray Marshall, from which Mr. Rivera receives direct or indirect compensation.

Further, Mayor Rivera has knowingly made (as disclosed in emails) unauthorized commitments and promises purporting to bind the City.

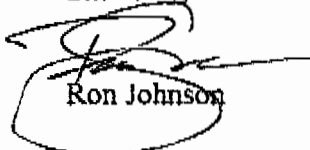
Mayor Rivera has engaged, within the preceding twelve months, in activity that may create the appearance that he is violating ethical standards.

Mayor Rivera has engaged, within the preceding twelve months, in activity that may or does create the appearance of impropriety.

I consider, in particular, the compensation Mr. Rivera receives from UBS Securities from accounts affiliated with Landco or its members to be a specific conflict happening within the last twelve months. During our discussion last week reference was made to UBS account statements, listing Lionel Rivera as the Financial Consultant, for an account controlled by Mr. Marshall. The holder of those statements is eager to provide them to the Commission. The statement holder is, however, restricted from freely distributing the statements due to on going legal actions involving Mr. Marshall. A subpoena from the Commission would bring those statements to light.

The citizens of Colorado Springs deserve to have this matter reviewed to the full extent of the Commission's authority; I hope the commission agrees and elects to accept jurisdiction.

Sincerely,



Ron Johnson

cc: Councilman Heimlicher – via email