

**Abuse of management authority to raise funds from city vendors for private projects.**

Gordan Ryan (West Jordan Fleet Fund Manager) has indicated that he was pressured by Penny Atkinson (Assistant City Manager) to solicit funds from Young Chevrolet, possibly as a result, the city vendor paid \$1000 to a private organization Penny Chaired (attached article). An investigation into this By Tom Harkness (Memo referring to Harkness investigation is attached.) paid for by city council (the investigation) may reveal more than I know. The investigation has not been released to the public. However, the investigation concluded over 6 months ago (2nd article attached).

A memo (attached) received by Gordan Ryan regarding a grievance Gordon filed, possibly indicate that Penny Atkinson did in fact ask Gordan to solicit funds from a the city vendor. Gordon's responds with a letter to Mayor Evans, does again show that Penny ask him to solicit money after the vendor had already refused.

I believe this is more evidence that an investigation into the City practices are needed.

# Deseret News

Deseret News Archives,  
Friday, September 4, 1998

*Who coerced gift to West Jordan shelter?*

## Donation raises ethics questions

By Don Baker, staff writer

Like a good whodunnit? Try this one:

Who in West Jordan city government is REALLY responsible for pressuring Young Chevrolet in Layton to donate \$1,000 to South Valley Sanctuary two years ago after the auto dealership previously declined to contribute?

In a letter from West Jordan Fleet Manager Gordon Ryan to the mayor and City Council, Ryan says he was instructed by Assistant City Manager Penny Atkinson to use the city's purchasing relationship with the Davis County car dealer to leverage a donation.

Ryan says he's embarrassed to have been involved in making the demand on Young Chevrolet and now wishes he had refused to request the donation.

But Atkinson, who chairs the board of directors and has been the chief fund-raiser for the shelter, 1853 W. 7705 South, charges it was Ryan who acted on his own to "inappropriately" ask the Layton car dealer for money.

Contending that Ryan sought the donation as part of a long-term plot to get her job, Atkinson told the Deseret News she never told Ryan to raise money on behalf of the sanctuary after Young Chevrolet initially turned her down.

She also said that, as a veteran fund-raiser, she would never attempt to exert such pressure on a prospective donor. "I know better than to ever say something like that," she added.

The Young Chevrolet incident was noted by Ryan in a letter to Mayor Donna Evans and the City Council. Ryan also has filed a grievance against Atkinson in connection with a different issue.

Ryan says he did not include the matter in his grievance because about two years have passed since the donation was made.

Both city employees are calling the incident "unethical," however, and saying it might even rise to the level of "extortion."

No matter which story you believe, two things are certain:

- Young Chevrolet quickly sent the shelter for battered women \$1,000.
- The heat goes on in West Jordan.

About the only thing both parties in the dispute can agree on is that the city buys a substantial number of vehicles each year from Young Chevrolet, under a pre-established "state contract" price that is near wholesale cost.

From there, their accounts are a study in polar opposites.

According to Ryan, Atkinson approached him to solicit the donation and made a comment to the effect "we spend a lot of money with Young Chevrolet and there are many good vendors" who could sell vehicles to the city.

"Her inference was clear, despite her faulty recollection" about the conversation taking place, Ryan added. "It appeared coercive to me, and I was the one asked to give the message. I immediately reported her directions to my supervisor."

Atkinson says she's shocked and angry that Ryan would attempt to concoct such a story.

"I cannot imagine that I asked Gordon to call," she said. "I would never ask an employee to make a request like that. It's unethical."

"I have no idea Gordon why would do that," Atkinson added. "As far as I'm concerned, that's extortion. Why would I jeopardize the sanctuary, my career and my job . . . for \$1,000?"

"He has a vendetta," she said. "It did not happen that way."

But Public Works Director Greg Walkenhorst, Ryan's boss, reluctantly confirms that Atkinson told him in a phone conversation that Young Chevrolet had not contributed to the sanctuary and indicated she was going to ask Ryan to call the dealership.

Walkenhorst also said Ryan came to him soon after that, complaining about being asked to solicit money and wondering whether he could or should refuse Atkinson's directive.

However, the public works director said he did not witness the conversation and could not say whether Atkinson did or did not imply that Ryan should hold the city's vehicle purchases over the dealership's head.

Steve Bendt, a fleet manager for Young Chevrolet, said it seemed to him at the time that Ryan was genuinely embarrassed and apologetic about asking for a donation.

Atkinson's explanation for Ryan's account is that as long as two years ago, Ryan was hatching a devious long-range plot to advance his career by discrediting her and maneuvering to get her job.

"As far as I'm concerned, Gordon had every reason in the world to make me look bad," Atkinson said. "If I was going to extort somebody, why wouldn't I ask for more than \$1,000?"

The irony of being accused of such conspiratorial machinations is not lost on Ryan, an LDS novelist specializing in G-rated political potboilers and spy novels.

"I advised her that I had no experience in fund-raising and really didn't feel it was appropriate for a government purchasing officer to be going to a vendor and asking for donations," he said.

"In my experience in the military, where I was procuring and inspecting lots of products, that kind of conduct was a no-no," Ryan added. "You never take any contributions of any kind, personal or

otherwise."

Atkinson said she was disturbed to learn that Ryan had pressured Young Chevrolet for money.

"I was sick about it," she said. "If Gordon made that comment, it's so inappropriate . . . I can't imagine it."

Within the past couple of weeks, Atkinson, acting as chairman of the sanctuary board of directors, has sent a letter of apology to the auto dealer blaming Ryan for the communication and offering to return the \$1,000. The offer was declined.

She calls Ryan's story "totally and utterly false," and assured owner Spencer Young she will work to see "no employee ever conveys that kind of message to any company we do business with."

Meantime, Ryan has fired off his own letter to Young assuring him that he had made the call at Atkinson's direction.

"Consider one question," he wrote. "Who benefited from the donation? Penny Atkinson, chairperson of the South Valley Sanctuary, or Gordon Ryan, fleet manager of West Jordan?"

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# Memo

**To:** Gordon Ryan, Fleet/Facilities Manager  
**From:** Dan Dahlgren, City Manager *DD*  
**Date:** March 23, 1999  
**Subject:** Grievance Decision

*I discussed this decision with Gordon Ryan and Greg Walkenhorst and Penny Atkinson on 31 March 99 for the first time. I gave Gordon this original at that time*

*Dan J. Dahlgren  
31 Mar 99*

On October 29, 1998 you submitted a formal grievance appeal to me charging Penny Atkinson with:

1. Non-acceptance of responsibility with regard to directions she gave you two years ago to solicit a donation from Young Chevrolet.
2. Public accusations that you, on your own initiative, made this unethical and possibly illegal solicitation.

## Non-Acceptance of Responsibility

In order to properly address this charge, four important questions need to be asked. First, did Penny Atkinson ask you to solicit funds from Young Chevrolet for the South Valley Sanctuary? Second, did Penny Atkinson tell you "we spend a lot of money with Young Chevrolet and there are many good vendors who could sell vehicles to the City"? Third, did you threaten Young Chevrolet that they might lose business from West Jordan if they did not donate to the Sanctuary? Fourth, did Penny Atkinson pressure Young Chevrolet by having them asked twice for a donation?

First, did Penny Atkinson ask you to solicit funds from Young Chevrolet for the Sanctuary? On October 23, 1998 Penny Atkinson, Greg Walkenhorst, Garth Smith, and you met to determine if this grievance could be resolved informally. At that meeting, Penny stated that she did not recall whether or not she asked you to contact Young Chevrolet. She said "I'm saying I may have. Could be very likely, I don't remember specifically." On February 9, 1999 Tom Harkness interviewed Penny Atkinson and Jim Morton, Penny's attorney, concerning the Young Chevrolet Sanctuary solicitation. Tom Harkness asked Penny "Now do you recall ever asking Gordon to call Young Chevrolet?" Penny responded "No, I don't."

Greg Walkenhorst stated in the October 23, 1998 meeting "The way I remember it Penny is that you called back asking me what do I think of Gordon helping and calling Young Chevrolet who he has dealt with previously, and I said yeah, I you could call him and ask him."

On March 22, 1999 I interviewed Arlene Farley and asked her if she knew anything about you or Penny soliciting funds from Young Chevrolet for the Sanctuary. Arlene said that she remembers

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standing in the doorway of Penny's office one day and overhearing a telephone conversation between you and Penny. Arlene said that she heard Penny ask Gordon if he would be willing to contact Young Chevrolet about the South Valley Sanctuary.

In conclusion, it appears that Penny did ask you to solicit funds from Young Chevrolet.

Second, did Penny Atkinson tell you "we spend a lot of money with Young Chevrolet and there are many good vendors who could sell vehicles to the City." In the February 9, 1999 interview, Tom Harkness asked Penny Atkinson "Ok, but, ah, what Ryan says, that you said we spend a lot of money with Young Chevrolet and there are many good vendors who could sell vehicles to the City." Penny responded "No, I never said that. In fact, the way I remember it, is that Greg Walkenhorst said that. That, you know, we spend a lot of money, I don't remember specifically him saying Young Chevrolet, but him saying, well, gee, talk to Gordon Ryan, we spend a lot of money on cars. Or something like that."

As mentioned previously, Arlene Farley overheard the telephone conversation between you and Penny when Penny asked you to contact Young Chevrolet. Arlene said that Penny did not put any pressure on you to contact Young Chevrolet. Arlene stated that Penny said "would you be willing" to contact Young Chevrolet and there were no demands made of you. Arlene also said that she did not hear Penny direct you to put pressure on Young Chevrolet to donate to the Sanctuary. However, Arlene said that she did not overhear the entire conversation.

Penny also contacted four other City employees to determine if they knew of anyone that may be willing to donate to the Sanctuary. None of these four employees indicated that Penny pressured them for information. In fact one of the employees told Penny that he would not be willing to contact a certain vendor that Penny suggested, and Penny immediately backed down and even acted somewhat apologetic for bringing this vendor's name up.

It does not appear that Penny put pressure on you or directed you to put pressure on Young Chevrolet to donate to the Sanctuary.

Third, did you threaten Young Chevrolet that they might loose business with West Jordan if they did not donate money to the Sanctuary. On December 17, 1998 Tom Harkness interviewed you and asked "Now what did you tell Steve Bendt the first time you contacted him on the telephone?" (Steve Bendt is the Young Chevrolet employee who sells vehicles to West Jordan) Your response was " I said, Steve, I'm under pressure here. If we don't ... I'm supposed to ask you for a donation and I'm afraid that we're not going to be able to continue to do business with you or I'm going to have to look somewhere else or get three bids even though you hold the state contract, I may have to get three bids somewhere else if we don't come through with this. So I relayed the same pressure I felt from Penny to him." Later in this same interview you stated "I clearly left with him (Steve Bendt) the impression which over the past two years we've tried to overcome, that I may not have the flexibility to use all the vendors that I wanted to use if they weren't coming through with the donation." Steve Bendt told Tom Harkness on December 12, 1998 that you had telephoned him and stated that "there were other vendors" that West Jordan could buy vehicles from.

On December 12, 1998 Tom Harkness interviewed Spencer Young an owner of Young Chevrolet. Spencer Young stated that Steve Bendt told him that Gordon Ryan told him(Steve Bendt) “ ...Atkinson had told him (Gordon Ryan) West Jordan buys a lot of cars from Young Chevrolet, and there are other vendors available. Bendt said, Ryan was afraid that even though Young Chevrolet had the state bid for the purchase of automobiles, he was going to have to get bids from other vendors when he was authorized to purchase cars.”Spencer Young also said in this same interview that “the threat was not a direct threat that West Jordan would not do business with Young Chevrolet if a donation was not made, but was an implied threat in that there were other vendors from whom vehicles could be purchased.”

It is apparent that Spencer Young did feel that he may lose some of West Jordan’s business if he did not donate money to the South Valley Sanctuary.

Fourth, did Penny Atkinson pressure Young Chevrolet by having them asked twice for a donation? When Tom Harkness interviewed Spencer Young on December 12, 1998 Spencer stated that he was contacted by Penny Atkinson concerning a donation to the South Valley Sanctuary and he told Penny that he could not make a donation because he had already allocated all of his funds for donations that year. Mr. Young also stated “that a week to ten days after Atkinson had called concerning the donation to South Valley Sanctuary,” Steve Bendt came into his office and told him that you had called and asked for a donation to South Valley Sanctuary.

Greg Walkenhorst stated in his October 23, 1998 letter to you regarding the disposition of your grievance against Penny “Penny Atkinson called back a few days later (after Penny had called Greg and asked him who some of the big vendors were we did business with) and said she wasn’t successful in getting Young Chevrolet to donate and wondered what I thought about you (Gordon Ryan) calling since you were directly involved in purchasing vehicles from them and had a good working relationship.”However this statement seems to be in conflict with the statement Greg Walkenhorst made to Tom Harkness on December 28, 1998 when he said “ he did not learn that Atkinson had already called Young Chevrolet for a donation and been turned down until several months after Atkinson called him to ask Ryan to call Young Chevrolet for a donation.”



On February 9, 1999 Tom Harkness asked Penny “Now do you recall at about this same time talking to Mr. Walkenhorst and saying that you had called Young Chevrolet and they had told you that they could not donate money to you at that time.” Penny’s response was “No” and then she went on to explain that she had asked Greg specifically how he remembered this incident and Greg did not mention that Penny had told him that she had been unsuccessful in getting Young Chevrolet to donate.

It is clear from the Tom Harkness investigation that Young Chevrolet was asked twice for a donation to the South Valley Sanctuary, once by Penny Atkinson and once by you. However, I was unable to determine if Penny told Greg Walkenhorst that she had been unsuccessful in getting Young Chevrolet to donate and whether or not she subsequently asked you to contact Young Chevrolet for a donation. If Penny did subsequently ask you to contact Young Chevrolet after Young Chevrolet turned her down, she should apologize to you.



Public Accusations

You charged that Penny Atkinson made public accusations that you, on your own initiative, made an unethical and possibly illegal solicitation. Your basis for this charge are an August 7, 1998 letter written by Penny Atkinson to Spencer Young and a September 4, 1998 Deseret News Article. Penny Atkinson did make the following statements in her August 7, 1998 letter to Spencer Young: "Gordon Ryan had told him (Steve Bendt) I was putting pressure on him (Gordon) to get you to give \$1,000 to the Sanctuary...that statement is totally and utterly false."; "Integrity is the key to fund raising and that kind of tactic is so unethical it turns my stomach to even think about it."; "I am also concerned that Gordon would even relay such a message to a vendor..."; "That behavior will not be tolerated in West Jordan, ever!"; "I will do everything in my power to make sure no employee ever conveys that kind of message to any company we do business with."

In order to determine whether or not these statements are false accusations one must first determine whether or not Penny Atkinson put pressure on you to solicit a donation from Young Chevrolet. That question remains unanswered.

On February 9, 1999 in an interview with Tom Harkness Penny Atkinson made the following responses to your charges concerning the September 4, 1998 Deseret News article:

- a) ...Atkinson ...charges it was Ryan who acted on his own to "inappropriately" ask the Layton car dealer for money. Question: " So, you never did make that comment, that Gordon acted on his own?" Penny's response: "negative".
- b) Atkinson told the Deseret News that ... Ryan sought the donation as part of a long-term plot to get her job. Question: "And then you said contending that Ryan sought the donation as part of a long-term plot to get her job?" Penny's response: Penny told the reporter that Greg Walkenhorst had told her that Gordon Ryan was still upset that he didn't receive the West Jordan Economic Development Director's job he applied for a few years ago. Penny said I never said a long term plot, never, I did not say that".
- c) "... the incident was "unethical" and ... might even rise to the level of "extortion." I have no idea why Gordon would do that ... as far as I'm concerned, that's extortion."Question: " did you ever discuss extortion or unethical, that you recall?" Penny's response: "Well, yeah, I probably called it unethical, because I think it is unethical." Penny did not say that she used the word extortion.
- d) Atkinson says she's shocked and angry that Ryan would attempt to concoct such a story. "As far as I'm concerned, Gordon had every reason to make me look bad. He has a vendetta. It did not happen that way."Question: "Now concoct a story was the fact that you had asked him to contact Young Chevrolet." Penny's response: " Well, those are not my words, those are, Don Baker's words, I don't even use the word concoct." Question: "And you talked about he has a vendetta ...?" Penny's response: "I don't remember saying he has a vendetta..."



- e) Atkinson said she was disturbed to learn that Ryan had pressured Young Chevrolet for money. "I was sick about it," she said "I can't imagine it" Question: Tom asked Penny if she had made this comment Penny's response: "affirmative".
- f) "Atkinson ... has sent a letter of apology to the auto dealer blaming Ryan ... As mentioned above Penny Atkinson did send a letter of apology to Spencer Young on August 7, 1998.
- g) "She calls Ryan's story "totally and utterly false," and assured owner Spencer Young she will work to see "no employee ever conveys that kind of message..." Question: "It (newspaper article) says she (Penny) calls Ryan's story totally and utterly false?" Penny's response: "Ok, and that is taken out of context too. What I am saying is totally and utterly false is that I pressured, that I put pressure on Gordon and told Gordon you better make this phone call kind of thing, that's was false".

Depending on the statement, Penny either denies, confirms or claims that the above Deseret News article statements were taken out of context. Having not been part of the second interview between Don Baker and Penny Atkinson concerning this issue, it was impossible for me to determine the validity of these statements.



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TO: Donna Evans, Mayor  
FROM: Gordon W. Ryan, Fleet/Facilities Manager  
SUBJECT: Final Appeal of Atkinson Grievance RE: Young Chevrolet  
DATE: April 2, 1999

With regard to my grievance against Penny Atkinson, I have now received a five-page document containing Dan Dahlgren's determination. It should be noted that during Mr. Dahlgren's personal review (following the external investigation) he never interviewed me or Greg Walkenhorst, the two people who, besides Penny Atkinson, knew the most about the issue.

Regarding the first charge—that of Ms. Atkinson directing me to make a financial solicitation to Young Chevrolet—Mr. Dahlgren has affirmed two of my charges as follows:

1. *In conclusion, it appears that Penny did ask you to solicit funds from Young Chevrolet.*
2. *It is clear from the Tom Harkness investigation that Young Chevrolet was asked twice for a donation . . . once by Penny Atkinson and once by you.*

In light of his inability to verify exactly what was said by Ms. Atkinson in her direction to me, it becomes very important to note that Mr. Dahlgren has confirmed that the vendor was asked twice, after having been turned down the first time. This second request alone would place unethical pressure on the vendor and I would certainly not have made the request had I known of Ms. Atkinson's previous unsuccessful solicitation.

As Mr. Dahlgren states, when asked by the various investigators if she made a telephone call directing me to contact Young Chevrolet, Ms. Atkinson's recollection of the event has varied throughout the internal and external investigations. Her multiple responses have included: *"I'm saying I may have - Could be very likely - I don't remember specifically."* But when Tom Harkness, the outside investigator asked her directly, *"Now do you recall ever asking Gordon to call Young Chevrolet?"* Penny responded, *"No, I don't."*

However, both Arlene Farley's recent declaration to Mr. Dahlgren, wherein she overheard part of the telephone conversation—a most welcome, albeit dilatory testimony—and Mr. Dahlgren's above referenced conclusions, stand in refutation of Ms. Atkinson's memory.

Perhaps most confusing in Mr. Dahlgren's letter is Ms. Atkinson's newest assertion. When asked by Tom Harkness if she had said to Gordon, "we spend a lot of money with Young Chevrolet and there are many good vendors in the area," she responded, "No, I never said that. In fact, the way I remember it, is that Greg Walkenhorst said that."

To my knowledge, this is the first time Ms. Atkinson has admitted the words were spoken, even though she attributes them to Walkenhorst. I absolutely deny that Mr. Walkenhorst made this comment to me and I continue to affirm that they were made by Ms. Atkinson. Mr. Walkenhorst also denies he made this statement.

As to the second issue in the grievance, that of public accusations in the news media made by Ms. Atkinson that the solicitation was unethical and perhaps extortion, and that it was by my own design that the donation was sought—a plot to obtain her job—Mr. Dahlgren states . . . Penny either denies, confirms or claims that the above Deseret News article statements were taken out of context." He goes on to conclude that, "it was impossible for me to determine the validity of these statements." Yet in his search for the truth, Mr. Dahlgren never checked with Don Baker of the Deseret News to ascertain the credibility or ask for the source of the story.

In the interest of fairness and impartial judgment, I have checked with the source. I now have available an exact transcript of Ms. Atkinson's interview with the media. It serves to confirm that she did indeed make these remarks despite her continued denial and claim of being misquoted. This evidentiary transcript is available (and in fact a duplicate recording of the interview) to any council member who seeks confirmation of her statements.

In light of the fact that Mr. Dahlgren has confirmed several of my charges in the grievance, yet has rendered no decision as to his intended action, stating to Mr. Walkenhorst and me that he has no ability to require Ms. Atkinson to publicly apologize, and considering that Ms. Atkinson continues to refuse to issue a public apology equal to the magnitude of her original wide-spread accusations, I have determined that it is in my best interest to elevate this grievance for City Council determination prior to seeking a legal remedy for infringement upon my civil rights to pursue my career. I trust the City Council will seek to remedy this situation within the confines of the West Jordan organization.

Thank you, Mayor Evans, for your attention and consideration.

Enc: Dahlgren Grievance Decision