

ETHICS REVIEW BOARD HEARING
JULY 31, 2020 5:00 PM
DEFENSE STATEMENT – SUSAN GUTOWSKY

I am here to address the complaint filed by Michael Pruznick. The basis of his complaint is that he is not satisfied with the way my case was adjudicated nor with the conditions set by the prosecution. He alleges in his Executive Summary that, in his words, “she used her position as the boss of the City Manager, the City Attorney and the City Judge to obtain an extremely lenient plea bargain that provided a financial benefit—no fine—and a personal benefit—no jail time.” In spite of his personal opinion, the fact remains that my case WAS adjudicated fairly, with full transparency and according to protocol.

Let me review the details of the events that led to the charges in this case. From February to April of 2019, I campaigned for the District 1 seat on City Council. The year before, City Council had approved a change to Section 7-140 requiring that the statement “paid for by...” be included on campaign materials used by candidates running for City Council. In my opinion, it was not well publicized for the new candidates who would be running in 2019. As a result of this confusion, a number of complaints were filed with the City Clerk’s Office noting the omission of the required statement by candidates running in districts 1, 2 and 6. There were 19 complaints in all, filed from March 8 to April 18. Most of the complaints were dismissed because they either dealt with Facebook pages that are public domain or Websites that were able to be easily corrected. Of the 19 complaints, 18 were ultimately dismissed. The prosecutor chose to carry my complaint forward and charged me with a criminal misdemeanor. The issue involved my not putting “paid for by...” on my yard signs. In the course of the investigation, I explained that I was able to easily fix the website issue, but fixing the sign issue was much harder, if not impossible. I received the complaint about my yard signs on March 28. The election was held on April 8. There was simply not enough time to order stickers and then locate 350 signs to fix them before the election. We chose to leave the signs up and I was charged with a criminal misdemeanor for violating Section 7-140 of the City of Fort Collins Municipal Code.

I proceeded to retain a lawyer who represented me through the process of meeting with a police investigator and then appearing in court before a judge for arraignment. We ultimately reached a plea agreement of deferred prosecution and along with conditions that I had to fulfill by May 5. I did fulfill those conditions and my charges were officially dismissed on June 1, 2020. The important fact to note here is that the prosecutor, the police investigator and the judge were all brought in from other cities to participate in this case. If you do not have their names among the relevant documents to this case, I will be happy to provide them. I want to emphasize that NO ONE from the City of Fort Collins participated in this case. Therefore, the assertion that I used my position as the boss of the City Manager, City Attorney and City Judge to get special treatment and avoid a fine and jail time is FALSE. I would also like to state to Mr. Pruznick that, other than a traffic ticket, I have never been in trouble with the law. So, to be charged with a criminal misdemeanor for neglecting to put “paid for by...” on my yard signs was

both humiliating and emotionally draining. I had to hire an attorney. I was interrogated. I had to appear before a judge in municipal court. I had to face the possibility that I might lose the job that I worked so hard to win and that I cherish. It was one of the hardest experiences I have ever had to endure. And, the reason the City Council is wants to decriminalize Sec. 7-140 is to save other future candidates from criminal charges.

As a requested outcome of this complaint, Mr. Pruznick asks that the deferred prosecution plea bargain be revoked and that that I be required to plead guilty and accept the maximum punishment for refusing to address the campaign violations. For all of his professed knowledge of the law, it appears Mr. Pruznick does not realize that his request would involve double jeopardy and is not legally viable.

I would like to state once again that this case involved my being charged for not putting “paid for by...” on my yard signs. The case has been adjudicated fairly, with transparency and according to protocol—AND that the charges have been dismissed.

I have several concerns I have about Mr. Pruznick and his complaint that I would like to present to the board:

- 1) In the process of writing his Executive Summary, not only has Mr. Pruznick questioned my ethics, integrity and character, but he has maligned the reputations of our City Manager, City Attorney, Chief Judge and City Clerk by suggesting that they were co-conspirators in unethical behavior related to my case AND must also be investigated. He also asserts that the outsourced prosecutor and judge are also complicit because they performed their duties out of fear of losing their jobs. These are very serious charges and warrant review to determine if they rise to the level of character assassination.
- 2) I would like to remind the board that Mr. Pruznick is an elected member of the Fort Collins/Loveland Water Board and, as such, is closely connected with the proposed development of the Harmony Corridor since his board serves a portion of the land under consideration. It is curious that he filed his complaint shortly after the recent meeting where City Council did not support the developer’s proposal. Based on this information, I question Mr. Pruznick’s true motives for filing this complaint against me.
- 3) I believe that Mr. Pruznick has not filed this complaint for the benefit of the community, but rather as retaliation for an ongoing battle he has with Fort Collins Utilities for issues regarding his solar panels. Throughout his complaint documentation he references correspondence with John Phelan regarding an unpaid credit to his wife. He includes page after page of irrelevant charts, graphs and utility bills related to his solar usage. He claims that the City has a history of harassment toward him. He has filed a Respectful Workplace Complaint for the City’s failure to appoint him to a committee—perhaps the Energy Committee—even though he has the premier solar home in town and was denied appointment in favor of a less qualified applicant. On several occasions he says

he feels deprived of the recognition and praise that he deserves for his exemplary use of solar. He believes that City Council does not take him seriously and does not listen to him. I strongly feel that Mr. Pruznick has exhibited sufficient personal bias to warrant dismissal of this complaint.