

**DREAMS**

We all have dreams in life. College for the children, retire comfortably, vacation homes. What are your dreams and how are you planning to get there?

Total life planning includes the financial effects of daily events that we don't pay attention to, or expect. If you could save more *would you?*

Financially, where do you want to be in 10, 20 or 30 years?

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## Former city councilwoman / city council secretary off probation

An Order for Discharge from Probation for Maggie Carter was signed by Laramie County District Court Judge Michael Davis on August 28, 2008.

Thus concludes a very sad chapter in Cheyenne city government. One who had earlier served as a city councilwoman and who was employed in the city council office at the time of her transgressions had inexplicably chosen to use a city credit card to purchase personal items for her own use. Those thefts, five confirmed in all, would have resulted in nothing more than misdemeanor charges against her.

Her felony actions were in coding the charges as legitimate expenditures and credit card invoices were paid on that false basis. She was charged with five felonies and, unfortunately, the mayor and city council members still leapt to her defense.

The Cheyenne Herald had disclosed her illegal deeds but elected city officials rallied to her side. The city attorney and city council president offered her counsel that they thought would absolve her wrongdoing with no further action. As so often happens, they were wrong.

Then, instead of terminating the wrongdoer, the mayor and city council president agreed to place her on paid administrative leave. Her salary had recently been increased to over \$50,000 a year and she was paid about \$6,000 after her employment should have been terminated.

Finally, as an independent audit was about to drop the hammer on her illegal conduct, she resigned. The audit, conducted by city auditors Porter, Muirhead et al of Casper, confirmed all of the allegations made in the Cheyenne Herald and added one violation we had not noted.

The former councilwoman was charged with five felony counts. In a plea agreement, four were dropped for her guilty plea to a single felony count. At allocution, she again lied about her conduct. In spite of her illegal acts against the city and in spite of her untruthful statement to the Court at sentencing, the mayor and/or others in his office aided her in gaining employment with a city in California.

The case file shows that "the victim," which was the City, had sought repayment for the cost of the audit, which was \$9,626.60. At first, the judge (Kalokathis) was going to review the citations offered by the defendant's attorney to determine whether he had the authority to order that restitution. Limited discussion took place between the attorneys and the judge. The ADA agreed with the defense attorney to not seek that repayment. Should it have been ordered by the Court? Absolutely.

Had the judge taken the time to review the cases cited, or even Wyoming statutes, he would have learned that: "As part of sentencing, the prosecuting attorney shall present to the court any claim for restitution submitted by any victim." *Wyo. Stat. Ann. § 7-9-103(a) (LexisNexis 2003)*. "In turn, the court is to order a defendant to pay restitution to each victim. . . unless the court specifically finds that the defendant has no ability to pay ..." (78 P.3d 1045). The other two cases cited (while not precisely on point) also confirmed the judge's authority to order restitution for the cost of the audit, which had a single purpose - determining the larcenies. *W.S. § 7-9-103 (c)* reads: "The court shall order the defendant to pay all or part of the restitution claimed or shall state on the record specific reasons why an order for restitution was not entered." Judge Kalokathis did neither.

## Graffiti

Graffiti is defined as any etching, painting, drawing or other marking on public or private property.

Graffiti is sometimes regarded as a form of art and other times regarded as unsightly damage or unwanted. Some people think of it as art, others vandalism, and others, a culture of its own.

Defacing property with graffiti without the property owner's consent is considered vandalism, which is punishable by law. Sometimes graffiti is employed to communicate social and political messages.

Here's what the City of San Diego says about graffiti:

"The word 'graffiti' is derived from the Latin word 'graphium,' which means 'to write.' The term 'graffiti' was originally used by archaeologists to describe drawings and writings found on ancient buildings and monuments in Pompeii, Egypt and in the Roman catacombs."

"Today, graffiti is a sign of urban decay. It has become everyone's eyesore. Graffiti generates fear of neighborhood crime and instability. It is costly, destructive, lowers property values and sends a message that people of the community are not concerned about the appearance of their neighborhoods."

In San Diego, "Graffiti means any unauthorized inscription, word, figure, picture, or design that is sprayed, marked, cut, posted, pasted or otherwise affixed, drawn or painted on any surface of public or private property."

So, what exactly is graffiti? What in Cheyenne is graffiti and what is a politically-correct message painted on building walls? Are the messages on downtown buildings about smoking or alcohol graffiti? Or because they were placed there with owner's permission change the fact that they would otherwise be labeled as graffiti?

Is the distinction age? Is a 16 year-old with spray cans of paint putting 'graffiti' on walls but a 35 year-old painter with scaffolding and a contract producing 'art'?

Are all "etchings, paintings, drawings or other markings on public or private property" graffiti?

What is "art" called when it outlives its usefulness? For example, on billboards and bus benches? If visual pollution is synonymous with graffiti, those two "cavasses" have to be considered along with other offensive graffiti. Billboards are allowed to be barren for months at a time, with only the tattered remains of a previous message visible. Bus benches are not intended for bus passengers to sit on - they are intended to generate advertising revenue for a franchisee and a pit-tance for the City. A promotion for musical events over Labor Day is visible on these ground-level billboards all over town and will be there for months to come.

Billboard panels with candidate pleas for votes will be up until next Spring if history repeats itself. There can't be much worse for a defeated candidate than driving past a billboard for months after their defeat, knowing they had paid \$1000 for it.

The large-walled downtown buildings that have "toe the line" or similar message have been defaced. Why did the owner allow that graffiti and why is there no ordinance to prevent such defilement? The message is apparently intended to influence someone, somehow, about smoking or drinking or against buying alcohol for minors. That politically correct message makes the defacement okay?

What if the owner of an abandoned downtown building, say the Hynds, Grier's, Z's P.S. Cook, etc., permitted an unpopular message to be painted on its side? Are walls of buildings going to become downtown billboards? What if that property owner wanted to paint "TOPLESS DANCERS, THE DEN, 7 MILES SOUTH" the full width of his building? In fluorescent yellow paint that could be seen for blocks? Would that be considered graffiti or would that be acceptable? Who's call is it?

Painting on anyone else's property without their permission is vandalism and is unlawful. No ifs, ands or buts about it. But these other examples of graffiti, with the property owner's permission or authorized by a contract with the City, are equally offensive and should be banned.

**RE-ELECT**

**JIMMY VALDEZ**

**CITY COUNCIL - WARD 1**

**I would appreciate your vote**

154-157

Paid for by Jimmy Valdez