



October 22, 2025

SENT VIA E-MAIL

Loretta R Howieson Kallas
Uinta County Attorney
225 9th St.
Evanston, WY 82930-3415
loretta.kallas@uintacountywy.gov

Subj: Potential Violations of W.S. § 9-13-105(b)

Dear Ms. Kallas:

On November 4, 2025, Uinta County voters will decide whether to adopt a 1% specific purpose excise tax to fund various projects throughout the county, most notably a new Aquatic Center in Evanston and the purchase of two fire engines and two ambulances.¹ The purpose of this letter is to alert you to electioneering activities conducted by the Evanston Parks and Recreation District and by Uinta County Fire and Ambulance² advocating for passage of the tax in likely violation of Wyoming law.

The Goldwater Institute is a nonprofit free-market public policy, research, and public interest litigation organization dedicated to advancing the principles of limited government, economic freedom, and individual liberty. We're committed to empowering all Americans to live freer, happier lives by working in federal and state courts, legislatures, and communities nationwide to advance, defend, and strengthen the freedom guaranteed by the constitutions of the United States and the fifty states.

¹ Notice of Special Election, Uinta County (Aug. 6, 2025), <https://www.uintacountywy.gov/CivicAlerts.aspx?AID=1264>.

² We understand that "Uinta County Fire and Ambulance" technically consists of various government entities, including the Uinta County Fire District and the Uinta County Ambulance Service. Emergency Services, Uinta County, <https://www.uintacountywy.gov/41/Emergency-Services>.

Goldwater has supporters throughout the country, including in Wyoming.³ The Institute routinely defends taxpayers from government overreach and has developed expertise in the areas of local taxation, ballot measures, and unlawful taxpayer-funded electioneering.⁴

Wyoming law strictly forbids public officials⁵ from using “public funds, time, personnel, facilities or equipment for political or campaign activity.” W.S. § 9-13-105(b). Limited exceptions exist if such uses are expressly “[a]uthorized by law”⁶ or are “[p]roperly incidental to another activity required or authorized by law *and the public official ... reimburses the governmental entity for any additional costs* incurred for that portion of the activity not required or authorized by law.” *Id.* (emphasis added).

The proposed tax appears to have been primarily championed by the Director of the Evanston Parks and Recreation District, along with other staff.⁷ Although a private nonprofit entity was formed to promote the Aquatic Center,⁸ those efforts have not been kept separate from the public entity.⁹

To begin, the nonprofit “Evanston Recreation Foundation” (“ERF”) utilizes the Evanston Recreation Center (“Rec Center”) address—275 Saddle Ridge Road¹⁰—as both its official

³ The author of this letter resides in Lyman.

⁴ See, e.g., *Goldwater Warns Local AZ Governments to Stop Illegal Taxpayer-Funded Electioneering*, Goldwater Inst. (Oct. 16, 2024), <https://www.goldwaterinstitute.org/goldwater-warns-local-az-governments-to-stop-illegal-taxpayer-funded-electioneering/>.

⁵ “Public official” is defined in statute to include individuals elected or appointed to local offices. W.S. § 9-13-102(xiv). “Local office” is in turn defined to include county commissioners, other county offices, mayors, municipal council members, and members of joint powers boards *and special districts*. W.S. § 9-13-102(vii).

⁶ The Institute has not identified any other statutory authorization for the public electioneering at issue here.

⁷ See, e.g., Amanda Manchester, *Special Election Set for Nov. 4*, Uinta Cnty. Herald (Oct. 1, 2025), <https://www.uintacountyherald.com/stories/special-election-set-for-nov-4,87693>.

⁸ *Join Us in Funding the New Evanston Aquatics Center*, Evanston Recreation Found. (2025), <https://erfwyoming.com/>.

⁹ At a “Town Hall Meeting” held at the Lyman Library on October 20, 2025, Evanston Parks and Recreation Director Kim Larson indicated that a political action committee (“PAC”) named the Evanston Aquatic Committee (or similar) was also formed. However, there appear to be no active PACs registered with the Wyoming Secretary of State’s office under that or any similar name. See *Political Action Committees (PAC)*, Wyo. Sec’y of State, <https://www.wycampaignfinance.gov/WYCFWebApplication/Reports/ResearchToolsAndLists.aspx>.

¹⁰ Evanston Parks & Rec., <https://evanstonparksandrec.org/>.

mailing address and principal office address for purposes of its required filings with the Wyoming Secretary of State's office,¹¹ and on the nonprofit's website¹² and Facebook page.¹³

Indeed, it appears that campaign activities have been conducted directly out of the Rec Center. On August 26, 2025,¹⁴ the Evanston Parks and Recreation Center posted on its Facebook page that "Yes" yard signs supporting the tax were available at the Rec Center.¹⁵ That post included ERF's logo.¹⁶



¹¹ Evanston Rec. Found. Detail, Wyo. Sec'y of State, <https://wyobiz.wyo.gov/Business/FilingDetails.aspx?eFNum=119201236059028192186051095032129071179119233071>.

¹² *Contact Us*, Evanston Recreation Found., <https://erfwyoming.com/contact>.

¹³ *Evanston Recreation Found.*, Facebook, <https://www.facebook.com/erfwyoming>.

¹⁴ The same graphic was reposted on September 4, 2025.

¹⁵ Notably, a separate statute also prohibits written campaign advertising from being "placed on or attached to any real or personal property of the state or its political subdivisions," with limited, inapplicable exceptions. W.S. § 22-25-115.

¹⁶ ERF made similar Facebook posts. *See* n. 13.

The official Evanston Parks and Recreation Center Facebook page has also been used for additional campaign posts,¹⁷ including to advertise four “Town Hall Meetings” throughout the county: two at the Rec Center (featuring post-meeting tours), and two at the public libraries in Bridger Valley. These posts are not merely neutral notices, but carefully designed electioneering communications. They encourage people to “VOTE,” with a checkmark (not an “X”) through the “O,” indicating support for the measure. The posts also bold the word “TEMPORARY” before “1% SPECIFIC PURPOSE EXCISE TAX,” presumably in an effort to sway voters who have raised concerns about the duration of the proposed tax.



The “Town Hall Meetings” themselves, while framed as informational, are also political and campaign-style in nature. At the meeting in Lyman, the Director outlined her efforts to propose and promote the tax to the various municipalities, defended her perception that the tax is needed—and needed now—to address the current condition of the Rec Center, and characterized her involvement as her first foray into “politics.”

¹⁷ At least a dozen other posts on the Evanston Parks and Recreation Center Facebook page reference ERF, the proposed Aquatic Center, the proposed tax, and/or the special election. Those posts, published as early as February 13, 2025, include promoting an Indoor Triathlon co-hosted by the District and ERF (with proceeds going to ERF), advertising ERF’s Facebook page and website, re-posting ERF “Myth Buster” posts advocating for the tax, and at least two videos promoting the tax. *Evanston Parks and Rec. Ctr.*, Facebook, <https://www.facebook.com/evanstonwyparksandrec>.

The timing of these meetings is far from coincidental. Absentee voting began on Tuesday, October 7, 2025. The first meeting was held the night before voting began. And the remaining meetings were scheduled for each subsequent full week of the early voting period.

Not only has the District failed to set proper boundaries regarding the use of its facilities, social media accounts, and related equipment, there are also significant questions about the use of its time and personnel. At least four District personnel are affiliated with ERF as members of the nonprofit group's "Aquatic Center Committee," including the District's Director, Business Manager, Recreation Division Manager, and Aquatics Coordinator.¹⁸ The Business Manager and Recreation Division Manager are two of the nonprofit's incorporators.¹⁹ And the latter remains the nonprofit's registered agent.²⁰

Although public employees have the right to engage in private political activities on their own time and with their own resources and in their personal capacities, they cannot do so on *public* time or with *public* resources²¹ or in their official capacity²² as *public* employees.²³

¹⁸ *Compare About Us*, EPR, <https://evanstonparksandrec.org/about-us/>, with n.12.

¹⁹ The Evanston Recreation Foundation's Articles of Incorporation are included here as Attachment 1.

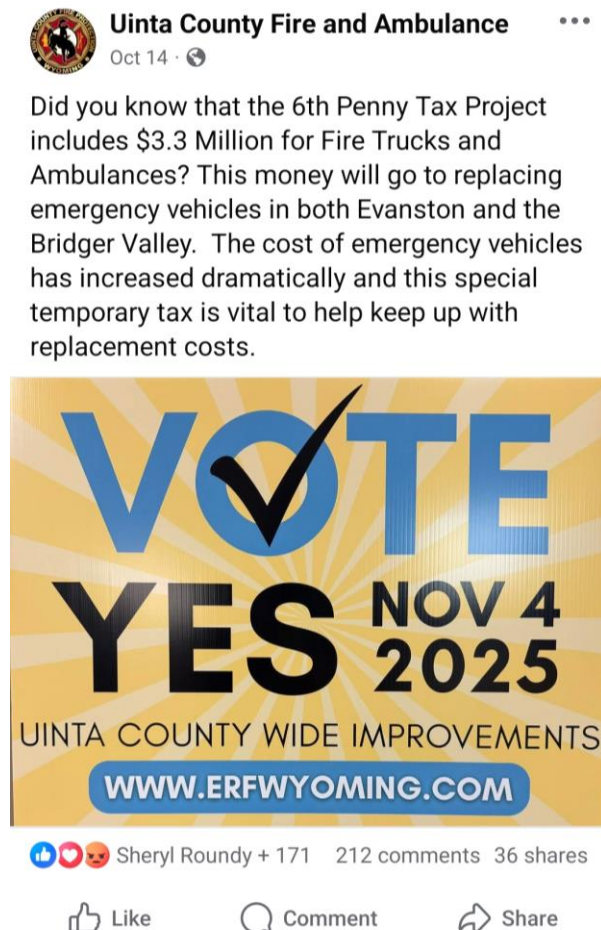
²⁰ Evanston Recreation Foundation Detail, Wyo. Sec'y of State, <https://wyobiz.wyo.gov/Business/FilingDetails.aspx?eFNum=119201236059028192186051095032129071179119233071>.

²¹ Using public resources (including public employee time) to promote the private nonprofit group may also violate the Wyoming Constitution's Gift Clause. Wyo. Const. art. 16 § 6. *See Gilmore v. Gallego*, 552 P.3d 1084 (Ariz. 2024) (taxpayer-funded release time for private union activities violates Arizona Gift Clause).

²² In addition to hosting the "Town Hall Meetings," the Director appears to have also engaged in fundraising activities for the nonprofit in her official capacity. *See* Rana Jones, *Gala Raises \$24K in Support of New Aquatic Center*, Uinta Cnty. Herald (June 25, 2025), <https://www.uintacountyherald.com/stories/gala-raises-24k-in-support-of-new-aquatic-center,75192>.

²³ The District employees' positions with ERF also raises questions under the state's conflict-of-interest laws. *See Kroenlein v. Eddington*, 35 P.3d 1207, 1216 ¶ 27 (Wyo. 2001) ("[P]ublic policy generally prohibits identified conflicts of interest on any matter that may undermine public confidence in the integrity of public officials." (citation omitted)). Such interests may also implicate other subsections of W.S. § 9-13-105 regarding the use of public resources for "private benefit" or the unlawful dissemination of non-public information. *See Sabatka v. Bd. of Tr. of Freemont Cnty. Pub. Library Sys.*, 341 P.3d 403 (Wyo. 2015); *Bohling v. State*, 388 P.3d 502 (Wyo. 2017).

Like the District, Uinta County Fire and Ambulance has similarly promoted ERF and passage of the tax on its Facebook page. An October 14, 2025 post explicitly directs readers to “VOTE YES” on November 4th for “UINTA COUNTY WIDE IMPROVEMENTS,” incorporating a graphic from ERF listing the nonprofit’s website. The text of the post describes the “special temporary tax” as “vital.” The post undoubtedly constitutes “political or campaign activity,” and is completely inappropriate for an official government page.²⁴



The actions of these government entities raise serious legal and ethical questions. Indeed, the statutes describe such behavior as “[m]isuse of office,” W.S. § 9-13-105, constituting “sufficient cause for termination” or removal, W.S. § 9-13-109.

The Institute respectfully requests that you thoroughly investigate these matters and take action to protect voters and taxpayers from improper government influence during elections. Measures should be taken to ensure full compliance with the law throughout the county both now and in the future. Such actions might include the removal of all political advocacy from

²⁴ The page’s “Details” section confirms that the page is specifically for Uinta County Fire and Ambulance as a “[g]overnment organization.” Uinta Cnty. Fire & Ambulance, Facebook, <https://www.facebook.com/UCFIRE>.

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government webpages, the reimbursement of the government entities for any taxpayer-funded resources—including staff time—spent on electioneering activities, *see* W.S. § 9-13-105(b)(ii), and the limiting of future campaign-related communications.

Thank you for your attention to these important matters. Should you have any questions, please do not hesitate to contact me at (602) 462-5000 or pjackson@goldwaterinstitute.org.

Sincerely,



Parker Jackson
Staff Attorney
Scharf-Norton Center for
Constitutional Litigation at the
Goldwater Institute

cc (via email):

Uinta County Commissioners
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Evanston Parks and Recreation District
Kim Larson, Director
klarson@eparkrec.org



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WY Secretary of State
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Public Benefit Nonprofit Corporation

Articles of Incorporation

I. The name of the public benefit nonprofit corporation is:

Evanston Recreation Foundation

II. The name and physical address of the registered agent of the public benefit nonprofit corporation is:

Alicia Melchior
218 Marble Drive
Evanston, WY 82930

III. The mailing address of the public benefit nonprofit corporation is:

275 Saddle Ridge Road
Evanston, Wyoming 82930

IV. The principal office address of the public benefit nonprofit corporation is:

275 Saddle Ridge Road
Evanston, Wyoming 82930

V. This corporation will not have members.

Provisions regarding the distribution of assets upon dissolution are:
Upon the dissolution of the organization, any remaining assets shall be distributed to the Evanston Parks and Recreation District, for the purpose of public benefit as determined by the Board, in accordance with state and federal law and IRC Section 501(c)(3), or a corresponding section of any future federal tax code.

The type of business the nonprofit corporation will be conducting is:
Public benefit and charitable.

VI. The name and address of each incorporator is as follows:

Alicia Melchior
218 Marble Dr, Evanston, WY, 82930

Savanna Devereaux
242 Laredo Rd #9, Evanston, WY, 82930

Lisa Jacketta
108 Seminole Dr, Evanston, WY, 82930

Signature: **Savanna Devereaux**

Date: **09/13/2024**

Print Name: **Savanna Devereaux**

Title: **President**

Email: **erfwyoming@gmail.com**

Daytime Phone #: **3077891770**

- ☒ I am the person whose signature appears on the filing; that I am authorized to file these documents on behalf of the business entity to which they pertain; and that the information I am submitting is true and correct to the best of my knowledge.
- ☒ I am filing in accordance with the provisions of the Wyoming Nonprofit Corporation Act, (W.S. 17-19-101 through 17-19-1807) and Registered Offices and Agents Act (W.S. 17-28-101 through 17-28-111).
- ☒ I understand that the information submitted electronically by me will be used to generate Articles of Incorporation that will be filed with the Wyoming Secretary of State.
- ☒ I intend and agree that the electronic submission of the information set forth herein constitutes my signature for this filing.
- ☒ I have conducted the appropriate name searches to ensure compliance with W.S. 17-16-401.
- ☒ I affirm, under penalty of perjury, that I have received actual, express permission from each of the following incorporators to add them to this business filing: Alicia Melchior, Savanna Devereaux, Lisa Jacketta
- ☒ I consent on behalf of the business entity to accept electronic service of process at the email address provided with Article IV, Principal Office Address, under the circumstances specified in W.S. 17-28-104(e).

Notice Regarding False Filings: Filing a false document could result in criminal penalty and prosecution pursuant to W.S. 6-5-308.

W.S. 6-5-308. Penalty for filing false document.

(a) A person commits a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand dollars (\$2,000.00), or both, if he files with the secretary of state and willfully or knowingly:

(i) Falsifies, conceals or covers up by any trick, scheme or device a material fact;

(ii) Makes any materially false, fictitious or fraudulent statement or representation; or

(iii) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry.

- ☒ I acknowledge having read W.S. 6-5-308.

Filer is: ☒ An Individual ☐ An Organization

Filer Information:

By submitting this form I agree and accept this electronic filing as legal submission of my Articles of Incorporation.

Signature: Savanna Devereaux

Date: 09/13/2024

Print Name: Savanna Devereaux

Title: President

Email: erfwyoming@gmail.com

Daytime Phone #: 3077891770

Consent to Appointment by Registered Agent

Alicia Melchior, whose registered office is located at **218 Marble Drive, Evanston, WY 82930**, voluntarily consented to serve as the registered agent for **Evanston Recreation Foundation** and has certified they are in compliance with the requirements of W.S. 17-28-101 through W.S. 17-28-111.

I have obtained a signed and dated statement by the registered agent in which they voluntarily consent to appointment for this entity.

Signature:	<u>Savanna Devereaux</u>	Date: 09/13/2024
Print Name:	Savanna Devereaux	
Title:	President	
Email:	erfwyoming@gmail.com	
Daytime Phone #:	3077891770	

STATE OF WYOMING
Office of the Secretary of State

I, CHUCK GRAY, Secretary of State of the State of Wyoming, do hereby certify that the filing requirements for the issuance of this certificate have been fulfilled.

CERTIFICATE OF INCORPORATION

Evanston Recreation Foundation

I have affixed hereto the Great Seal of the State of Wyoming and duly executed this official certificate at Cheyenne, Wyoming on this **13th** day of **September, 2024** at **3:14 PM**.

Remainder intentionally left blank.



Filed Date: 09/13/2024

A handwritten signature in cursive script that reads "Chuck Gray". The signature is written in black ink and is positioned above a horizontal line.

Secretary of State

Filed Online By:
Savanna Devereaux
on 09/13/2024