

J. Michael Clára
Salt Lake City School Board
District Two

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DELIVERED VIA CERTIFIED MAIL: 7012 2920 0000 7124 9134

10 September 2015

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Ms. Florence M. Vincent
% PRINCE • YEATES
15 West South Temple Suite I700
Salt Lake City, Utah 84101



Re: Duty to Residents of the Local School Board Member's District § 53-3-401(5), Utah Code

Dear Ms. Vincent,

Acting in the capacity of my elected office, as a member of the Salt Lake City Board of Education, I am placing you on notice that I have reason to believe that your actions have resulted in “*restrict[ing]*” and “*impair[ing]*” my ability to properly “*serve and represent the residents*” of my local district, which actions are prohibited: §53-3-401(5), Utah Code.¹

Furthermore, it is my intent to file a complaint against you and Ms. Kristina Kindle, with the **Utah State Bar of Professional Conduct**. The two of you have worked in concert with Superintendent Withers and Board President Heather Bennett to dilute my ability to appropriately represent the residents of Salt Lake City’s Westside on matters of public education.

Two weeks ago, I called into question Ms. Kindl’s actions in sending me a letter demanding that I drop my complaint with the Utah State Records Committee. The Superintendent’s response was to not only support her demands but to encourage it. At the time, the Board’s legal counsel was nowhere to be found.

Last week, I asked Ms. Bennet to place the issue of your contracted employment on the Board agenda, she denied my request. As a result of her denial, I did not attend the Board meeting because I believe that Ms. Bennett and Business Administrator Janet Roberts entered into a contract with your law Firm, Prince & Yeates, without the knowledge or authorization of the Board of Education.

I therefore, was not going to attend a meeting where two attorneys have been hired to work against the interest of my neighborhood. I was elected to represent the educational concerns of my community and to sit in council and deliberate with fellow Board members, not to quibble with two attorneys.

Yesterday, you called me to discuss these matters. I advised you that I do not recognize your authority to represent the Board of Education. Furthermore, I advised you that I had just filed a 25 page complaint with the Utah Attorney General’s Office (AG) in an effort to seek clarification on your status with the Board of Education.

¹ Notwithstanding a local school board’s status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member’s district, and that service and representation may not be restricted or impaired by the local school board member’s membership on, or obligations to, the local school board. § 53-3-401(5), Utah Code

“Local school boards are the bedrock of our society, yet they are invisible to the public”

Señor Florez –Deseret News

The basis of the complaint to the AG's office, is that Ms. Bennett and Ms. Roberts acted on their own and were not authorized to cancel the contract for legal services between the Board of Education and Vancott, Bagley, Cornwall & McCarthy.

Furthermore, they were not authorized to act on behalf of the Board and enter into a contract with your current employer, Prince & Yeates. During our phone conversation, not even you could justify the actions of these two.

Moreover, I asked you not to interact with me until someone could explain how Ms. Bennett and Ms. Roberts can act independent of the Board of Education and in conflict with Board Policy and Utah Procurement Code.


You insolently disregarded my request. Following our phone conversation, you sent me a letter demanding that I provide you a copy of a video showing misbehavior of an employee of the District, you even gave me a deadline. As I have already outlined, you have no standing whatsoever, to make demands of me! I don't know how else to communicate that point to you and to the school bureaucracy. Your flagrant disregard for my concerns is what now compels me to initiate a complaint with the **Utah State Bar of Professional Conduct**.

Incidentally, if you are going to be present at the next Board meeting and this issue has not yet been resolved, I will in all probably attend, bringing my own legal counsel with me.

I have been consistent, as an elected member of the Board, I have every expectation that information about the District that I request, will be given to me; questions that I raise about the finances and functions of the District, will be answered. I would betray the trust that my neighbors placed in me, if I were to demand anything less than that.

In conclusion, I believe it is an assault on the very foundation of local representation, when the school bureaucracy can utilize tax dollars and school district resources to work against the representatives elected by the people. This is nothing short of the cannibalization of public education.

Shalom,



J. Michael Clara
Board Member, District 2

cc: Salt Lake City Board of Education

Senator Niederhauser, Senate President & Representative Greg Hughes, Speaker of the House

Senator Luz Escamilla, District 1 & Representative Angela Romero, District 26

Senator Ann Milner, Senate Education Committee Chair & Representative Bradley Last, House Education Committee Chair

Mr. Sean Reyes, Attorney General & Mr. Paul Amann, Assistant Attorney General

Mr. Brad Smith, State Superintendent of Public Instruction

Mr. Kent Beers, Utah Chief Procurement Officer

Mr. Dale F. Gardiner, Vancott, Bagley, Cornwall & McCarthy

Mr. John Baldwin, Utah State Bar- Office of Professional Conduct

Mr. McKell Withers, Superintendent of Salt Lake City School District & Ms. Kristina Kindl, Legal Counsel to Superintendent Withers

