



Auditor's Office Use Only

Hotline Case # _____

Special Project # _____

Email completed form to:

jwrigley@utah.gov

or Fax to:

Julie Wrigley
(801) 538-1383

or Send to:

Office of the Utah State Auditor
Attn: Julie Wrigley
Utah State Capitol Complex
PO Box 142310
Salt Lake City, Utah 84114-2310

HOTLINE REPORTING FORM

Complainant Information:

Complainant to remain anonymous? Yes (No)		
Complainant would like a response? (Yes) No		
Name Mark Tracy Ass. jur. (German Barrister, inactive) J.D. (USD)	Check One <input type="checkbox"/> State Employee <input type="checkbox"/> Local Government Employee <input checked="" type="checkbox"/> Citizen/Contractor	Date March 11, 2014
Home Address 918 N. Pinecrest Cyn. Rd Salt Lake City, Utah 84108		
Phone/cell/e-mail 435-671-1488; mark.tracy72@gmail.com		
Work Address and information (if applicable) N/A		

Information Concerning the Complaint (Please complete one form for each separate complaint)

Each improper action should be noted separately and supported with as much specific information as possible. Supplying detailed information contributes to a thorough and efficient investigation. This form is designed to help you supply the needed information.

Who is the person(s) the complaint is against? (Please provide name, position, agency, division, and phone #)

Fred Smolka, Manager & Treasurer, Emigration Improvement District, Home: 801-582-6176; Mobile: 801-580-7770
Michael Hughes, Chairman, Emigration Improvement District, Home: 801-583-5357; Mobile: 801-651-3201
David Bradford, Trustee, Emigration Improvement District, Home: 801-583-5428, Work: 487-9899 ext 11
Mark Stevens, Trustee, Emigration Improvement District, Home: Home: 801-583-5561, Mobile: 801-971-3360

Who is the above person's supervisor? (Please provide name, position, and phone#)

None.

What is the assertion of improper governmental activity? Please describe in detail.

See Attachment 1-6

When did the event(s) take place? Please include dates, time, and frequency.

See Attachment 1-6

Where did the event(s) occur?

See Attachment 1-6

Are there any other persons who might provide information or who witnessed the event? If so, what are their names, positions, agencies, divisions, and their contact information?

See Attachment 1-6

Is there evidence that can be examined or documentation that can be reviewed? (Please provide any documentation you have)

See Attachment 1-6

How do you know about the improper action? Did you see it occur? Did you see documentation indicating it occurred? Did you hear about it from someone else?

See Attachment 1-6

What specific law or state regulation has been violated?

See Attachment 1-6

Please attach to the email or fax supporting documentation, details and ANY and ALL other information available to support the complaints or concerns.

ATTACHMENT 1-6

A. STATEMENT OF FACTS

1. Emigration Improvement District is a special service district in Salt Lake County. (Hereafter "EID.")
2. EID is managed by its President and Treasurer, Fred Smolka. Ultimate oversight of EID affairs rests with three trustees appointed for four year terms to the EID Board of Trustees.
3. To date, Salt Lake City Municipal Water District supplies water to its customers in the lower half of Emigration Canyon (approximately 0.25 miles east past Ruth's Diner to include Emigration Place), and EID owns and supplies water to customers in the areas above Skycrest, Emigration Oaks, Killyons Canyon, Pinecrest Canyon, as well as to the last two residents on Emigration Canyon Road on Little Mountain.
4. All canyon residents pay property taxes to EID.
5. Currently, EID charges the highest property tax rate allowed by law.
6. EID does not fall within the jurisdiction of the Utah Public Utilities Commission.

B. COMPLAINT

1. In January, 2014 EID concluded a land purchase agreement with Mr. Walter Plumb for the acquisition of 20 acres in Emigration Oaks, a private HOA located within EID's service area for the apparent purpose of "laying water-service lines." [REDACTED]
2. The purchase price of \$140,000 far exceeded the amount Mr. Plumb originally paid for the property and he himself considered the contracted price with EID "way above" what he expected from the current market. [REDACTED]
3. Meeting minutes posed on EID's website (www.emigrationcanyon.org) neither delineate the need nor the purpose for the substantial amount rendered for the property.

4. Many canyon residents believed that Mr. Smolka and the trustees were purchasing property within Emigration Canyon as investment property for their own profit, which would substantially increase in market value once supplied with water service subsequently constructed by EID's management.

C. RELEVANT STATUTES

Utah Title 76-8-402. Misusing public money

Utah Title 76-8-404. Making profit from or misusing public money