

From: Nikki Stevenson

[REDACTED]

[REDACTED]

[REDACTED]

Midvale, Utah 84047

Attn: Midvale City Government,
Human Resource Dept., Council Members, and City Recorder
7505 South Holden Street
Midvale, Utah 84047

Subject: Formal Complaint and Request for Investigation and Immediate Action

“Complaint” as defined under section 28.08.040 of Midvale Municipal Code: Procedures for filing complaints

Involved Midvale City Employees: Midvale City Mayor– Marcus Stevenson, Title: Chief Executive Officer, and; Subordinate– [REDACTED] Title: [REDACTED]

Complaint Overview

Midvale City– Chief Executive Officer, Marcus Stevenson and Subordinate [REDACTED] are knowingly engaged in misconduct and willful negligence which constitutes multiple violations of municipal code, internal policy and procedures, breach of fiduciary duties and Oath of Office. This issue is a matter of public concern and should be handled with the utmost care, transparency and due diligence. Failure of The City to take appropriate action to address the issue puts our community and the best interests of the city at risk. I respectfully request that implicit biases be at the forefront of this investigation and that while under investigation, both named employees be put on administrative leave (with) pay, for the duration of the investigation and pending the outcome.

Factual Summary

On October 24th, 2024, I witnessed my husband, Marcus Stevesnon, in circumstances with another individual that gave me reason to believe he was engaged in an extramarital affair. When confronted, Marcus admitted to his affair and indicated it was with “someone he works with”. Upon further investigation and substantial evidence, including, but not limited to; camera footage, text messages, audio recordings, phone records, and direct communication exchanged between myself and the other involved [REDACTED], [REDACTED] confirms the identity of the other involved individual to be [REDACTED] a current employee of Midvale City and subordinate of the Chief Executive Officer, Marcus Stevenson.

As a resident, and taxpayer, I am concerned that the failure to address this matter could lead to further complications and potential harm to the residents of Midvale City. The issue has already caused subsequent harm to myself and my children, as well as the [REDACTED] the other involved individual, by name of: [REDACTED] also a taxpayer and Midvale City resident.

Based on my understanding of the Utah Municipal Code, section; 10-3-1310, also known as the Municipal Officers' and Employees' Ethics Act, and 2.16.820 of Midvale's municipal code defining what is considered a “Violation–Penalty”, the named actions committed by both Marcus Stevenson and [REDACTED] are in violation of the Midvale City Municipal Code and Midvale City Code of Conduct. *The code violations in question include but are not limited to:*

Section 2.16.320. Oath of Office

Failure to “discharge the duties of my office with fidelity”

Section 2.16.342 (4) Municipal Officers' and Employees Ethics Act

Where an elected officer or city manager/chief administrative officer has a personal interest or investment which creates a conflict of interest between the elected officer or the city manager/chief administrative officer's personal interests and the elected officer or city manager/chief administrative officer's public duties.

2.16.720 (A) Conflict Disclosure and disqualification because of personal interest

Disqualifying Personal Interest. Whenever the performance of an employee's, officer's, or volunteer's official duty shall require any governmental action on any matter involving the employee's, officer's, or volunteer's financial, professional or personal interests, and it is reasonably foreseeable that the decision will have an individualized material effect

on such interest, distinguishable from its effect on the public generally, the public servant or volunteer public servant shall disclose such matter in writing as follows:

1. In the case of the mayor, to the city council;
2. In the case of the council members, to the mayor and the city council;
3. In all other cases, to the city manager and to the members of the body, if any, of which the employee, officer, or volunteer is a member.

The disclosure shall be made in the manner prescribed in this chapter and shall identify the nature and extent of such interests

2.16.730 (A) Prohibited acts designated

Prohibited Disclosure and Wrongful Use of Position. A public servant may not:

1. Unless otherwise allowed by law, disclose confidential information acquired by reason of the employee's officer's, or volunteer's personal financial, or professional interest or the personal, financial, or professional duties or use such information in order to:
 - a. Substantially further the employee's, officer's, or volunteer's personal, financial, or professional interest or the personal, financial, or professional interest of others; or
 - b. Secure special privileges or exemptions for the employee, officer, volunteer or others; or
2. Use or attempt to use the employee's, officer's, or volunteer's official position to:
 - a. Further the employee's, officer's, or volunteer's personal, financial, or professional interest or the personal, financial, or professional interest of others;
 - b. Secure special privileges, treatment, or exemptions for the employee, officer, volunteer or others. (Ord. 2/16/2010O-2 § 1 (Exh. A (part)); Ord. 4/21/2009O-7 § 1 (Exh. A (part)); Ord. 10/02/2007O-14 § 1 (Exh. A)(2.4.704). Formerly 2.16.310)

26.08.030 Unlawful intimidation, retaliation and coercion

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this chapter. (Ord. 2011-02 § 2 (part))

The Employee Policy and Procedures, Code of Conduct violations in question, include but are not limited to:

1. 4-16 (2). Personal Use of City-Owned Cell Phones and Equipment
 - a. In relation to 6-01 (9) Personal Electronic Devices
2. 6-01(1) Professionalism
 - a. As an integral member of the City team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that you refrain from any behavior that might be harmful to you, your coworkers and/or the City, or that might be viewed unfavorably by current or potential customers or by the public at large.
 - b. Whether you are on duty or off, your conduct reflects on the City. Consequently, you are encouraged to always observe the highest standards of professionalism. It is the responsibility of each employee to comply with these standards, department policies, and the supervisory instructions given to them for the performance of their duties.
3. 6-01 (2) Conflict of Interest
 1. All employees are required to adhere to the Municipal Officers' and Employees' Ethics Act, Utah Code Ann. § 10-3-1301 et seq. Employees are prohibited from using their positions for personal benefit. Employees are also prohibited from receiving compensation for assisting in a transaction with the City, having a 10% or greater stake in a business entity regulated by the City or doing business with the City, and having a

personal interest or investment with an employee's personal interests and public duties if the employee does not first disclose such interests.

- a. In order to avoid potential conflicts of interest prohibited by state law and City Code, all employees will file a Conflict-of-Interest Form with the Human Resource Department annually.
- b. An employee is required to timely file an updated Conflict of Interest Disclosure Form if the employee's interests change from their last

Conflict of Interest Disclosure Form and such interests are required to be disclosed under the Municipal Officers' and Employees' Ethics Act.

4. 6-01 (3) Honesty

Employees shall be honest in word and conduct and never use their position to benefit themselves or another party through the disclosure of or by acting on confidential information, award of work, procurement of supplies, or use of City facilities, equipment, or resources.

5. 6-01 (11) Outside Activities

City employees shall not use City-owned property or work time in support of outside interests and activities, except as authorized by a Department Director.

6. 6-01 (15) Improper Disclosure/ Spreading of Rumors

You are responsible for refraining from spreading information which may have a potential negative impact to City operations or other employees which you know or have reason to know is malicious, false, frivolous, or which you have been specifically directed not to disclose by your supervisor.

7. 6-02 (2) Prohibited Conduct

The City prohibits conduct that includes, but is not limited to:

- A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

8. 6-02 (7) Personal Employee Relationships

- Each City employee in a non-spousal romantic, dating, or sexual relationship with another City employee must promptly notify their Department Director upon beginning or ending such relationship or if the relationship results in marriage. The Department Director is responsible for notifying the Human Resources Director;
- Supervisors are prohibited from having a romantic, dating, or sexual relationship with a subordinate employee who they supervise in the chain-of-command.

In light of the foregoing, I respectfully request immediate actions be taken by the city government. I would appreciate it if this matter could be addressed as soon as possible to ensure the continued safety and well-being of the community. I would be happy to provide further information or documentation upon request.

Thank you for your attention to this serious concern. I trust that the city will take the necessary steps to resolve this matter in accordance with local laws and regulations. I look forward to your prompt response and am available to discuss this issue further if needed.

Respectfully,
Nicole (Nikki) Stevenson
Wife of Midvale City Mayor

Signature: _____

(Please see attached document with both signatures)

Date: 11/08/2024

With consent and approval to investigate these above statements from: [REDACTED],

[REDACTED] [REDACTED]

Signature: _____

Disclaimer

I, Nicole Stevenson, hereby affirm that the statements made are true and accurate to the best of my knowledge, information, and belief. I understand that submitting false or misleading information may result in legal consequences, including but not limited to charges of perjury or misrepresentation.

Disclaimer

I, [REDACTED] hereby affirm that the statements made are true and accurate to the best of my knowledge, information, and belief. I understand that submitting false or misleading information may result in legal consequences, including but not limited to charges of perjury or misrepresentation.