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Close Connections

In emails to colleagues, an ex-inland port board member protests a lobbyist's antics.

By Peter Holslin @PeterHolslin

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• Peter Holslin

One of the most alarming images to emerge from the controversy around Utah's inland port development is that of Salt Lake-based energy lobbyist Jeff Hartley, standing guard at the doorway of a committee room in the Utah Capitol, blocking the way of *Deseret News* reporter Katie McKellar as she tries to cover a protest.

The fraught exchange went down in June, when members of grassroots collective Civil Riot and other activists showed up to a board meeting of the Utah Inland Port Authority with plans to grind the proceedings to a halt. As Utah Highway Patrol troopers hauled Civil Riot co-founder Ethan Petersen into the hallway to arrest him, McKellar tried to follow them to record what was happening—but then Hartley belied up to her.

"Why do you give these guys press? All you do is encourage it," he said, according to video McKellar later posted on Twitter.

McKellar and legal observers from the ACLU of Utah caught the incident on video. When the reporter posted the clips, media figures and others pilloried Hartley for his attempt at infringing on her First Amendment right to cover the protest. Hartley, contacted by phone, argues that he only stood in McKellar's way for a brief moment and that he had a right to "speak my mind" to a reporter.

And as it turns out, Twitter commentators weren't the only ones who were upset.

'A right to know'

Lara Fritts, one of the inland port's board members at the time, was out of town and couldn't attend the meeting, but she saw the video. The morning after the protest, she fired off an email to board chair Derek Miller, expressing concern over Hartley's behavior. She was especially upset because Hartley has connections to the inland port—he works for Michael Best Strategies, a consulting company affiliated with Michael Best & Friedrich LLP, the Milwaukee-based law firm that provides the Inland Port Authority's legal counsel. The board's \$8.5 million budget for the 2019-20 fiscal year sets aside \$350,000 for legal fees.

"To have Mr. Hartley, who is a member of the law firm the Utah Inland Port Authority has engaged, attempt to prevent her from recording the incident, is unacceptable, and calls me to question the ability of Michael Best to serve our organization," Fritts wrote in the email, which *City Weekly* obtained through a public-records request.

Issues of transparency and conflict-of-interest have haunted the Utah Inland Port Authority ever since lawmakers first established the state body. Board members insist there's no substantive link between Hartley and the inland port's attorneys, but the incident between him and McKellar still raises questions about how this mammoth undertaking is being handled.

"A lobbyist should never interfere with a reporter doing his or her job," Tim Chambless, a political science professor at the University of Utah, tells *City Weekly*. "If we're going to have an open and free society, then we have to have an absolutely independent newsmedia. ... The public has, essentially, a right to know."

The inland port is envisioned as a massive hub for shipping and trade slated for development on a 16,000-acre plot in northwest Salt Lake City. Politicians and business leaders across the Beehive State have promoted the idea for decades, seeing it as an economic boon for an area already situated on the crossroads of American commerce.

The need for transparency

Salt Lake City Mayor Jackie Biskupski, however, contends in a lawsuit that it strips Salt Lake City of its political autonomy and tax dollars. Environmentalists and other opponents argue it will benefit the rich at the expense of everyone else, posing a threat to the fragile Great Salt Lake

ecosystem and burdening underserved westside communities with pollution and low-wage jobs.

The state's Inland Port Authority sits at the center of this divisive undertaking, and Civil Riot's June rally was the second in what's become a series of increasingly disruptive acts. Last month, the outcry spilled into violence when demonstrators representing several local groups swarmed the offices of the Salt Lake Chamber, where Miller serves as president, to rally against the project and other grievances.

In a series of emails *City Weekly* obtained, board members and other civil servants based in Salt Lake respond to the protests with genuine alarm.

"The question I would like to see answered is beyond just how we conduct the meetings—what remedy do we have [to] hold meetings undisrupted and so that we all feel safe," Fritts wrote to Miller in April, when Civil Riot interrupted a board meeting for the first time.

A veteran business consultant, Fritts moved to Salt Lake in 2016 to take a job as the city's economic development director. When the Inland Port Authority was established, she joined the board as a representative of Salt Lake City, appointed by the chair of the city's Airport Advisory Board at the request of Biskupski.

Fritts resigned from her post earlier this month to take a job in Virginia. She declined to comment for this article, saying it would be inappropriate to weigh in now that she's no longer on the board.

Last December, when the board hired Michael Best & Friedrich LLP, she was one of four members who recused themselves because one of the firms under consideration listed the Redevelopment Agency (where Fritts was CEO) as a client.

Utah Rep. Francis Gibson, R-Mapleton, another board member, also sat out the decision: He tells *City Weekly* that his son, Kendrik, was working as an intern at Michael Best Strategies around the same time that the inland port took on the law firm, and didn't want to draw accusations of conflict of interest.

Even so, to critics, it's connections like these that look problematic.

"It's always been a tangled web of insider connections driving this," Deeda Seed, who has been following the project as a member of the Stop the Polluting Port coalition, says. "Some of the most powerful movers-and-shakers in Utah who stand to gain from this are behind it."

Fritts had concerns about potential malfeasance on her mind when the video of Hartley's exchange with McKellar surfaced. She was still on the board at the time, and in her email to Miller, she made clear that she felt the video of Hartley blocking a reporter's way did not send the right message—especially given the lobbyist's affiliation with Michael Best.

"As a Utah Inland Port Board member, I personally advocate for transparency—in all aspects of our meetings," Fritts wrote. "That includes when there are protests taking place at our meetings."

Although Hartley himself isn't a lawyer, the firm he works for clearly has connections with Michael Best & Friedrich LLP. Aside from the obvious fact that Michael Best Strategies and Michael Best & Friedrich LLP both have Michael Best in their name, the firms also share offices in downtown Salt Lake, according to the Utah Division of Corporations & Commercial Code's online business directory. On the Michael Best website, Hartley is listed as a part of the Salt Lake City team.

Building consensus

Following up four days after her original email, Miller replied to Fritts that he consulted with the board's legal counsel who assured there was nothing to worry about. As the counsel explained, according to Miller's email: "[Hartley] does not have access to the law firm's network or information about the Inland Port or any other client. Michael Best Strategies is a separate entity from the law firm and does not receive any revenue from the law firm."

"I have no legal or any other affiliation with the law firm ... It's not even a relevant question. There's no conflict," Hartley says. "Do I have any regrets? No."

Miller and Jack Hedge, the inland port's executive director, did not respond to requests for comment.

Regardless of whether what happened poses any legal quandaries, some observers argue that the real problem is the way the whole process has been carried out so far. Chambless, the political science professor, says the major impact that such a project could have on Salt Lake City and the resistance it's faced means that inland port authorities should be working extra hard to build consensus, staying open about the decisions being made and the interests involved.

"We want to do this right. We don't want to have this done in a way that the public feels like this process has been smuggled through," Chambless says. "You want cooperation, collaboration, teamwork in order to solve the problem of, 'How do we elevate the economy of Utah?'"