

**GARY G. SACKETT**  
3965 LARES WAY  
MILLCREEK, UTAH 84124  
(801) 278-3028  
[gsackett@joneswaldo.com](mailto:gsackett@joneswaldo.com)

July 26, 2021

Millcreek City Council  
3330 South 1300 East  
Millcreek, Utah 84106

Dear Mr. Mayor and Council Members:

As an attorney who has spent over 25 years dealing with the ethical aspects of attorney practice, I want to comment on the recent Mayor's newsletter that described a proposal in which Millcreek City would purchase an existing billboard from Reagan Outdoor Advertising (ROA).

Apart from the issue of whether the concurrent proposal to install a so-called marquee (electronic billboard) near the Millcreek Common is warranted, the City's need to remove a billboard in connection with certain construction in the Common raises disturbing ethical issues.

The Mayor's newsletter indicates that the price for the removal of the billboard is subject to current negotiation. This raises a serious conflict of interest for the City Administration. As you undoubtedly know, Mayor Silvestrini and his wife (and former acting City Recorder), Leslie Van Frank, are both partners/shareholders in the law firm of Cohne Kinghorn, P.C. ROA has been a client of Cohne Kinghorn, Mr. Silvestrini and his wife for many, many years.<sup>1</sup> One does not shed one's loyalty to a client (even if it were a former client) by simply declaring that "I will keep not let my relationship with my client color my official duties as a city official." The long- and still-standing relationship between the Mayor, his wife and ROA has created a palpable conflict of interest.

As a major force in driving and guiding the policies of Millcreek City, including the power to hire such employees as Assistant City Manager David Winder, who has his own personal connections to ROA, Planning Director Francis Lilly, and City Attorney John Brems, Mayor Silvestrini and his administrative personnel have an irreconcilable conflict of interest in pursuing any dispute or negotiation with ROA.

Thus, to the extent that Millcreek City as a body politic is engaged in an adversary proceeding with ROA in the negotiation of the subject billboard value and in order that best interests of the citizens of Millcreek be effectively represented, the City must engage an outside, independent agent who has no taint of connection with ROA.

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<sup>1</sup>Indeed, Ms. Van Frank has filed a lawsuit on behalf of ROA in Utah District Court concerning billboard issues as recently as March of this year.

I am particularly troubled, as a Millcreek resident, that the Mayor's newsletter has summarily announced that the disagreement over the subject billboard value has already been bracketed between \$1.0 and \$1.3 million. I believe that an independent legal expert would likely find this to be in excess of its legal market value.

I propose that the City engage a law firm that has no connection to the outdoor advertising industry generally—not just an absence of connection to ROA—to negotiate the best result for the citizens of Millcreek. (By my sending this letter, the law firm I am associated with would be disqualified.)

I ask that this issue be put on the Council's public agenda for consideration at the next City Council meeting.

Sincerely,



Gary G. Sackett

cc: John Brems, City Attorney  
Francis X. Lilly, Planning and Zoning Director  
Shawn LaMar, Planning Commission Chair