

To: Mayor and Board of Trustees
From: Interim Town Administrator, Glen Smith
Date: March 25, 2026
Re: Attorney RFP

On January 2, 2026, the Request for Proposals (RFP) for Town Attorney was released to the public. The RFP explicitly required disclosure of any communication or contact with Town employees or elected officials (see attached RFP).

Attorney Dan Findlay did not disclose any such communication or potential conflicts in his RFP submission.

However, upon further inquiry on March 18, 2026, it was revealed that communication had occurred between Trustee Moseley and Attorney Findlay from December 2025 through approximately the end of January 2026. Written confirmation of this communication was provided by Attorney Findlay on March 19, 2026.

Regardless of the nature or intent of the communication, the failure to disclose it constitutes a direct violation of the RFP requirements. This represents a material breakdown in the procurement process and undermines the integrity, fairness, and transparency required in public contracting. Compliance with disclosure requirements is not discretionary and is foundational to maintaining public trust.

Trustee Moseley had an independent obligation to disclose this communication. The failure to do so, combined with the omission in the RFP response, constitutes a material lack of transparency. These actions expose the Town to potential legal, procedural, and reputational risk.

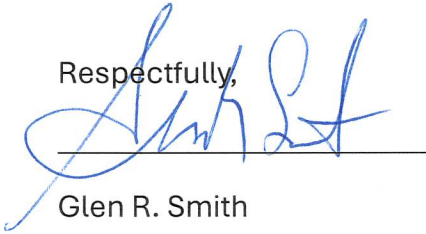
Attorney Findlay is also bound by a duty of candor, both within the procurement process and under the Colorado Rules of Professional Conduct (see attached). The failure to provide full and accurate disclosure at the outset raises serious concerns regarding adherence to those obligations and the viability of establishing a trusted professional relationship.

Staff has an affirmative responsibility to ensure that procurement irregularities and associated risks are clearly identified and disclosed to the Board of Trustees for formal consideration and action. Given the failure to comply with mandatory RFP disclosure requirements and the resulting risk to the Town, staff cannot support continuation of this agreement.

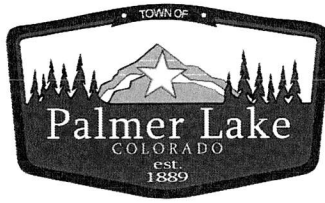
The Board of Trustees, staff, and the residents of Palmer Lake are entitled to a procurement process that is transparent, compliant, and beyond reproach. That standard was not met in this instance.

Accordingly, staff formally recommends termination of the agreement with WHF, however if the board chooses to move forward and overlook the material misrepresentations for failure to disclose the information in accordance with the terms of the RFP, an appropriate statement should be added to the contract regarding this decision.

Respectfully,



Glen R. Smith
Interim Town Administrator



TOWN OF PALMER LAKE

Request for Proposal – Legal Services

INTRODUCTION

The Town of Palmer Lake is a Statutory Town in El Paso County, Colorado, United States. Palmer Lake is one of three communities in the Tri-Lakes region between Denver and Colorado Springs. Located off Interstate 25, near two major metropolitan centers, Palmer Lake is a growing community on the Front Range of the Rocky Mountains with a population of approximately 2600.

PURPOSE AND SCOPE OF WORK

The purpose of this project is to find an individual and/or firm representing the Town of Palmer Lake as its Town Attorney.

- Review and/or draft agreements, contracts, resolutions and ordinances to ensure compliance with state, federal and local laws.
- Act as legal advisor to the Town of Palmer Lake Board of Trustees, Planning Commission, Parks Commission, the Board of Adjustments, and Town Staff as requested.
- Provide legal training for Board Members and Staff.
- Provide guidance on personnel matters.
- Attend Board meetings and Planning and Zoning Commission meetings as needed.
- Provide guidance on general municipal procedures including Colorado Open Meetings Law, The Colorado Open Records Act, liquor licensing and municipal election law.
- Review and/or draft legal documents related to real estate acquisitions, easements, variances, rights of way and other property and land use issues.
- Research and submit legal opinions on municipal or other legal matters as requested.
- Assure compliance with all ordinances, state and federal laws, and provide guidance on any legislative matters or changes that may affect the Town.
- Involvement in other legal matters as requested.
- Coordinate with outside Counsel regarding litigation on behalf of the Town.

PROPOSALS SHOULD INCLUDE THE FOLLOWING INFORMATION:

- Describe your experience with local government specific to statutory towns and municipal laws.
- Firms should provide the name and qualifications of the person proposed to provide the Town Attorney services to the Town. This is the person that will be appointed as Town Attorney from your firm.
- Firms should provide the names and qualifications for each supporting member of the Town Attorney team and how they will be utilized by the Town Attorney.
- Describe any knowledge or experience that makes you, or any attorney(s) in your firm, particularly qualified to fulfill the Town Attorney duties.
- Provide the name of your professional liability, insurance carriers, and insurance limits on each policy.
- **Disclose any potential conflicts of interest that you or any member of your firm may have in relation to the Town of Palmer Lake including any prior contact or association with board members or employees.**
- List Town Attorney and supporting staff rates and any other applicable billable rates and expenses, such as mileage, travel time, photocopying and postage.
- Include statement of qualifications.
- Provide list of current towns and/or cities that you and/or your firm have and currently represent.
- Provide a minimum of three municipal client references.

REQUIRED SUBMITTALS

The consultants(s) shall not contact board members or employees during the submittal and selection process.

1. The consultant(s) shall provide the proposal by physical delivery, mail, or by email. Additional explanatory and supplemental materials may be submitted under a separate cover, if desired.
2. Introduction/Executive Summary: Introduce your firm or business and provide an overview of your experience and interest in this service. As an Appendix to the RFP, provide team members' resumes.
3. Project Experience: Provide a list of similar work or experience with a comparable service scope.
4. Provide a schedule of fees and charges associated with each of the Scope of Work items. Outline any reimbursable expenses.

SELECTION PROCESS

The Town Board of Trustee and/or the Town Administrator and Town Staff will review all proposals. The proposals will be scored on the following criteria:

1. Quality and thoroughness of the proposal.
2. Municipal Government Experience
3. Consultant's experience and past performance in completing similar projects.
4. Cost.

ADDITIONAL CONDITIONS AND INFORMATION

ACCEPTANCE OF PROPOSAL: It is expressly understood that the TOWN reserves the right to reject any or all responses to this RFP. Final selection will be based on the proposal's apparent ability to best meet the overall expectations of the Town as determined solely by the Town.

COST OF PROPOSAL AND CONSULTANT(S) EXPENSES: Expenses incurred in the preparation of proposals in response to this RFP are the Consultant(s) sole responsibility. The Owner assumes no responsibility for payment of any expenses incurred by any Consultant(s) as part of the RFP process.

LATE PROPOSALS: Late proposals will not be considered.

OPEN RECORDS ACT: Notwithstanding any language contained in the proposal to the contrary, all proposals submitted to the Town become the property of the Town. Any information considered proprietary should not be included or clearly identified as confidential.

OPENING OF PROPOSALS: The Town reserves the right to open Proposals received in response to this RFP, privately and unannounced, after the closing date and time.

IRREGULARITIES: The Town reserves the right to waive any and all irregularities contained within a proposal.

PROPOSAL SUBMITTAL DEADLINE

The deadline for submittals is February 20, 2026, 5pm

Late submissions will not be considered.

Questions and inquiries regarding the RFP should be directed to Glen Smith, Interim Town Administrator, 719.481.2953 or gsmith@palmer-lake.org prior to the submittal due date. The Town will issue a response to all questions by email.

Glen Smith

From: Dan Findlay <dan@whflegal.com>
Sent: Thursday, March 19, 2026 4:55 PM
To: Glen Smith
Cc: whitt@whflegal.com; Sarah@whflegal.com; Erica Romero
Subject: Re: Town of Palmer Lake -

-----WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.-----

Hi Glen,

Happy to provide, please see below:

In early December 2025, Trustee Moseley contacted me for the first time by telephone to inquire whether our law firm (WHF) might have an interest in serving as Town Attorney for the Town of Palmer Lake. Prior to that call I had never met Mr. Mosley, and I assumed he likely obtained my contact information from one of the other towns our firm represents. We are often contacted by board or staff members who have heard about our firm through our existing municipal clients.

Myself and another attorney with our firm, Alex Phipps, subsequently had a video call with Mr. Moseley to generally discuss our firm's background and experience, during which we both advised that our firm would be interested in submitting a proposal if and/or when the Town of Palmer Lake formally issued a request for proposals.

Following the video call, Mr. Mosley occasionally sent me brief text messages regarding the Town's timeline for soliciting proposals. I responded as I normally would to any prospective client by courteously acknowledging receipt and reiterating that our firm would review the solicitation if and/or when it is issued.

No one in our firm has had any further communication with Mr. Moseley since the end of January, other than our firm's formal interview before the Board.

Thanks,

Dan

On Thu, Mar 19, 2026 at 9:15 AM Glen Smith <gsmith@palmer-lake.org> wrote:

Hi Dan,

Following up on our conversation yesterday, and in alignment with the RFP requirements, we want to ensure we are maintaining full transparency and compliance in light of the ongoing CORA requests

regarding communications between you and Trustee Moseley. I am requesting a written disclosure summarizing the nature and scope of any communications between you and Trustee Moseley. We appreciate your cooperation.

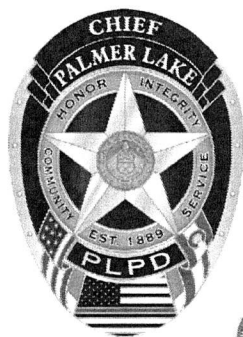
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Chief of Police G. Smith
Palmer Lake Police Department
54 Valley Crescent/P.O. Box 208
Palmer Lake, CO 80133
Office Phone: (719) 481-2934
Email: GSmith@palmer-lake.org
If you have an emergency Dial 911



FBI National Academy Graduate Session #207

CURRENT CLIENT LIST

The following represent the current local government clients that the firm serves as city attorney or general counsel:

- City of Colleyville
- City of Florence
- City of Mansfield
- City of Maypearl
- City of Palmer
- City of Quitman
- City of Yantis
- Town of Addison
- Town of Brock
- Town of Dennis
- Town of Log Lane Village
- Town of Mobile City
- Town of Moffat
- Town of Westcliffe
- Town of Williamsburg
- Colleyville Tax Increment Financing District
- Colleyville Economic Development Corporation
- Maypearl Economic Development Corporation
- Palmer Economic Development Corporation
- Quitman Economic Development Corporation

STATEMENT OF NO CONFLICTS

Our client-first service model means we never seek to represent other clients that pose a potential conflict with your representation. In the unlikely event a conflict should ever arise in the course of our representation, we would promptly and openly address the conflict with all parties involved and immediately resolve the conflict in conformance with the applicable rules of ethics and professional responsibility.

Rule 3.3. Candor Toward the Tribunal.

Colorado Court Rules

Colorado Rules of Professional Conduct

Advocate

As amended through Rule Change 2018(6), effective April 12, 2018

Rule 3.3. Candor Toward the Tribunal

- (a) A lawyer shall not knowingly:
- (1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
 - (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
 - (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- (b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- (c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.
- (d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Cite as RPC 3.3

History. Entire Appendix repealed and readopted April 12, 2007, effective January 1, 2008.