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April 19, 2022

Robbie LeValley  
County Administrator  
Delta County  
Delta County Administration Building  
560 Dodge Street  
Delta, CO 81416

Dear Ms. LeValley,

It has come to our attention that Delta County Oil and Gas Local Government Designee (LGD), John Poulos appears to have a conflict of interest. It is our understanding, based on documents acquired through a public records request, that while inspecting Gunnison Energy facilities for Delta County, he is working for Geosyntec, an environmental consulting company engaged by Gunnison Energy to conduct a geohazard mitigation plan. More specifically, he is Geosyntec's local consultant on the ground conducting the work.

In an email exchange November 9 -12, 2021 between Mr. Poulos and yourself, Mr. Poulos raised concerns about a potential conflict of interest because he would be conducting site visits/inspections to Gunnison Energy locations for this Geosyntec project. You dismissed his concerns and instructed him to "Proceed with the contract with Geosyntec. Build the appropriate firewalls".<sup>1</sup> During that time you appeared to have conferred with Commissioner Koontz before giving Mr. Poulos direction. As we understand it, from internal communications and public County Commissioner meetings, neither you nor Mr. Poulos disclosed this conflict interest to the Board of County Commissioners as required by Section 3.10 of the Delta County Employee Handbook.

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<sup>1</sup> Email from John Poulos to Robbie LeValley dated November 9, 2021 advising Ms. LeValley of a potential conflict of interest. Email from Robbie LeValley to John Poulos dated November 9, 2021 stating that she will confer with Commissioner Koontz. Email from John Poulos to Wendell Koontz forwarding the map of the Gunnison Energy project, from his Geosyntec email. Email from Robbie LeValley to John Poulos dated November 12, 2021 directing Mr. Poulos to proceed with the contract.

Since Mr. Poulos started work as a part-time employee for the County on May 4, 2021<sup>2</sup>, to our knowledge, he has submitted 10 field inspection reports to you and Commissioner Koontz.<sup>3</sup> All reports were regarding Gunnison Energy facilities. No reports regarded SG Interests' facilities, the other major operator in the area.

We would like to direct your attention to C.R.S. § 24-18-109 (2), which states:

A local government official or local government employee shall not:

- a. Engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties;

Mr. Poulos, as a local government employee of Delta County, is inspecting Gunnison Energy facilities for Delta County while providing consulting services to Gunnison Energy through the consulting company Geosyntec in direct violation of the C.R.S. § 24-18-109 (2)(a).

In addition, to the clear statutory violation, there is an added appearance of impropriety when one considers Delta County's LGD job description. Nowhere in the job description does it mention inspection of oil and gas facilities. In fact, the LGD job description is primarily a communications liaison between the County, State and Federal government. More importantly, the Delta County Oil and Gas regulations that authorized the LGD to inspect oil and gas facilities were repealed in November 2019. This begs the question of why Gunnison Energy would allow inspection of its facilities when there is no regulatory authorization or obligation to do so.

Furthermore, as the official Delta County LGD to the Colorado Oil and Gas Conservation Commission (COGCC), with the authority to comment on oil and gas permit applications before the COGCC, any application submitted by Gunnison Energy based on work performed by Mr. Poulos is now tainted. On March 8, 2022, Gunnison Energy notified Delta County of its intent to submit an Oil and Gas Development Plan application to the COGCC to drill additional wells on the following existing location:

IPU Lower 1291 #13-24  
NENW 24 12S91W 6  
PICEANCE HORIZONTAL NIOBRARA 68810  
Location ID 434522

We look forward to your swift resolution of this conflict of interest as it puts both the County and Gunnison Energy in jeopardy. We therefore request that this issue be placed on the next Delta Board of County Commissioners meeting agenda.

Sincerely,



Natasha Léger  
Executive Director

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<sup>2</sup> John Poulos, Employment Notice, May 4, 2021.

<sup>3</sup> Field Inspection Reports: May 20, 2021, June 8, 2021, June 29, 2021, July 26, 2021, July 28, 2021, August 10, 2021, August 30, 2021, October 25, 2021, November 10, 2021, November 30, 2021.

cc: Salar Nabavian, General Manager, Gunnison Energy  
Wendell Koontz, Delta County Commissioner  
Mike Lane, Delta County Commissioner  
Don Suppes, Delta County Commissioner  
John Poulos, Delta County Oil and Gas Local Government Designee  
Jeff Robbins, Chair, Colorado Oil and Gas Conservation Commission  
Julie Murphy, Director, Colorado Oil and Gas Conservation Commission