

Dear City Officials,

Please read this entire email as it is NOT a rehash of old information.

Something has recently come to my attention that concerns me, and if my understanding of the facts is true, should also concern each of you.

1. Throughout the years-long Waste Management Landfill approval process, City Officials and concerned citizens believed, on the whole, that the City Council would have a final say-so on the proposed expansion. (I realize that there was a resolution some years back giving the process the initial go-ahead, but a FINAL vote was always expected and never taken.)
2. However, at the very last minute, Attorney Eichmann, in concert with then-Mayor Colvin, stated that, per Large Scale Development statutes, the City Council was strictly PROHIBITED from having any voice whatsoever in this matter. (I have complete documentation of this in an email from Attorney Eichmann to me.) Attorney Eichmann was unequivocal in this position. The result: the City Council got steamrolled into silence and the expansion got forwarded on to DEQ for approval.
3. Surprisingly, however, at the DEQ Public Hearing a few months back, and as reiterated by DEQ officials since then, CITY COUNCIL APPROVAL IS NOT ONLY ALLOWED, BUT IS REQUIRED.

If number three above is true, then Attorney Eichmann seems to have mis-advised the City Council and all others and had we not attended the DEQ input session, the City would never have known this and the expansion would have sailed through DEQ without a hitch. Right now, it appears that DEQ will halt its consideration of the expansion for now (the issue is far from dead), as the City Council has voted against it.

My question is, if all the above is true:

WHAT IS THE CITY DOING TO HOLD ATTORNEY EICHMANN ACCOUNTABLE, AND WHAT IS HIS EXPLANATION FOR this apparent breach of competence (i.e., mistaken advice)? All attorneys owe their clients 'responsible duty of care'. Obviously, based on the above facts as they are now understood, Attorney Eichmann seems to have fallen short in a hugely consequential manner.

Did Eichmann not KNOW the law? Was he so beholding to his firm's other, much richer client, Boston Mountain, that he chose to commit an 'error of omission'? For those of you who do not know, Boston Mountain has a vested interest in keeping the Eco-Vista Landfill here, and Tontitown has a vested interest in getting rid of it. This is a CLASSIC CASE OF TWO CONFLICTING INTERESTS, which Attorney Eichmann did not divulge to the City of Tontitown as he worked hand-in-hand with Mayor Colvin to shove the landfill down our throats. While Tontitown was swallowing its bitter bill from Eichmann,

his partner, Thomas Kieklak, was working closely with Boston Mountain to make sure the landfill stayed right where it is.

This is a very serious matter that will not go away by ignoring it. Under the previous mayoral administrations, these kinds of questions were brushed aside and inquisitors were brow-beaten into silence. I have personally (because no one else would) filed a grievance with the Arkansas Supreme Court Ethics Commission over a potential conflict of interest regarding Attorney Eichmann's law firm representing both Tontitown and Boston Mountain simultaneously. Anytime an attorney serves two clients where a potential conflict of interest might exist, said attorney has a duty UNDER LAW to inform both clients of such, and request a written "Informed Consent" document from both, attesting to the fact that they both understand this potential conflict. Attorney Eichmann never informed the City Council of a potential conflict nor did he ask for 'Informed Consent.' In fact, he adamantly denied there was a potential conflict at all. Well, right now there is a HUGE conflict and it didn't miraculously appear out of the blue.

My grievance, even if found to have substance, will do nothing to change any decisions that have been or will be made by the City or anyone else. I could do more but as I am not a City Official, I have no standing. The City has standing in the courts, and quite possibly grounds upon which to seek relief from Eichmann's firm for potential damages.

My big concern is, of course, that the landfill expansion matter is not settled, and Attorney Eichmann continues to represent the City in this and related matters. I believe there are many ways to fight Waste Management and Boston Mountain, who are in cahoots, and to stop their bullying of little Tontitown, but any such efforts will have to be fought by a law firm far more experienced, and clearly in no way potentially conflicted as is Mr. Eichmann's firm. Many Boston Mountain/Waste Management conflicts lie ahead, and right now, I believe Tontitown lacks the means to protect itself.

Respectfully,

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