

## Madelyn Parker

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**From:** Rhonda Ardemagni  
**Sent:** Wednesday, October 29, 2025 10:51 AM  
**To:** Madelyn Parker  
**Cc:** Luann Jenison; City Council of Tontitown  
**Subject:** Fw: THE BIG LIE  
**Attachments:** 2025-09-25 Release & Order Angela Russell.pdf; 2025-10-29 Blg Lie attachment.pdf; 2025-10-03 email Wagner to mayor to quit digging hole deeper.pdf

Please include the 3 attachments to the Citizen Comment section of the Nov 4 committee of the whole meeting due to the 3 min time limit.

state The following under the "Comments from Citizens"---"A written comment submitted by Mr. Mick Wagner- This comment is submitted for inclusion in the public record and is intended for reading only. No discussion. Thank you

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**From:** wagner.mick@gmail.com <wagner.mick@gmail.com>  
**Sent:** Wednesday, October 29, 2025 9:29:29 AM  
**To:** Angie Russell <mayor@tontitownar.gov>; Rhonda Ardemagni <recorder@tontitownar.gov>  
**Cc:** 'Joey McCutchen' <jmccutchen@mccutchenlawfirm.com>; Misty Piazza <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Daniel Montez III <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Mike Waskowiak <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>  
**Subject:** THE BIG LIE

**C-T Mrs. Ardemagni,**

I ask that the 3 attached documents be made part of the public comments section the city meeting packet of 11/4/2025

**Mayor Russell,**

Your statement during the 10/21/2025 city council lead me no choice but to again clarify the facts that you choose to replace with lies. I append this append this to the 10/3/2025 email also in this email chain Reading of Mein Kampf and history reminds us that when a falsehood is repeated loudly and often enough, people may begin to mistake it for the truth. Unfortunately, your repeated public statements regarding the illegal-exaction lawsuit appear to follow that pattern.

The purpose of this correspondence is to set forth the verifiable record — drawn from court documents, audit findings, and public meeting transcripts — so that the citizens of Tontitown and this Council may distinguish fact from fiction. The following summary is not opinion; it is based entirely on official records and proceedings.

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### 1. Court Findings

In *Wagner v. City of Tontitown and Angela Russell*, Case No. **72CV-25-26**, the Washington County Circuit Court found that Mayor Russell violated **Article 12, Section 5 of the Arkansas Constitution** by expending **\$15,079.95** in public funds for private legal representation by the Richard Mays Law Firm. The Court permanently enjoined her from similar expenditures and ordered her personally to pay **\$1,500** in attorney's fees within ten (10) days.

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## 2. Representation and Costs

The Mayor's repeated public claim that she "saved the City thousands" is inaccurate. The City incurred **no post-filing legal fees** under the Arkansas Municipal League's **Municipal Legal Defense Program (MLDP)**.

The MLDP provides counsel to member cities at **no continuing charge beyond a one-time \$3,000 cost deposit**, which Tontitown remitted when the case was tendered. No hourly billing, settlement costs, or additional charges were paid by the City. Her statement that her plea avoided further expense is therefore **materially misleading**.

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## 3. Admission of Unilateral Action

During the **September 2, 2025** City Council meeting (archived on the City's YouTube channel), Mayor Russell admitted that she did **not consult the City Attorney or the City Council** before authorizing payment of public funds for her own legal expenses — an **ultra vires** act under Arkansas law.

The Court's injunction confirms this misconduct.

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## 4. Audit and Prosecutor Referral

The **2023-2024 Legislative Audit** of the City of Tontitown identified the same unauthorized payment to the Mays Law Firm and formally **referred the matter to the Washington County Prosecuting Attorney's Office** for review.

That review **remains underway** as of this date. The audit's referral substantiates that the issue extends beyond a civil settlement and remains under prosecutorial scrutiny for potential violations of municipal-finance law.

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## 5. Clarification of Settlement Process

Mayor Russell has publicly represented that *I pleaded to settle* the case. That statement is **false**.

In truth, **settlement discussions began only after my attorney, Joey McCutchen, contacted the AML's assigned defense counsel in July 2025** to request that a trial date be set. Following that request, AML counsel reopened dialogue. I have emails to verify this fact.

For several months, my attorney and opposing counsel exchanged emails and calls seeking to negotiate softened language describing the Mayor's actions. When those efforts failed, **Mr. McCutchen advised AML counsel that we would proceed to trial and amend the complaint to include that the Mayor had acted *ultra vires*** — as she had already admitted during the **September 2, 2025** Council meeting (recorded on YouTube).

Only then did the defendants agree to the final order **exactly as my attorney drafted it**, without revisions favorable to the Mayor.

The record therefore shows that the **City's plea resulted from the Mayor's own admissions and the AML's intervention**, not from any request by me to settle.

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## 6. Recommendations

1. **Demand reimbursement** from Mayor Russell for the **\$3,000 MLDP cost deposit** paid by the City on her behalf.
  2. **Direct the Clerk-Treasurer** to credit any repayment to the **General Fund** as restitution consistent with the audit's findings and ongoing referral.
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Although I signed a limited release in settling Case **72CV-25-26**, any Tontitown citizen retains standing under **Arkansas Constitution Article 16, Section 13** to pursue recovery of **interest owed** to taxpayers for the period during which public funds were diverted to the Mayor's personal use.

Full transparency requires that the **court order, audit excerpt, and related correspondence** be included in the next Council packet so residents may review the complete record.

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**Respectfully submitted,**

**Mick Wagner**

 479-790-3480

 wagner.mick@gmail.com

**Attachments:**

- A. Circuit Court Order and Settlement Agreement (Case No. 72CV-25-26)
- B. Excerpt – 2023-2024 Legislative Audit (Referral to Prosecutor’s Office)
- C. Citizen Email to Mayor Russell, dated October 3, 2025

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**From:** wagner.mick@gmail.com <wagner.mick@gmail.com>

**Sent:** Friday, October 3, 2025 9:55 AM

**To:** 'Angie Russell' <mayor@tontitownar.gov>

**Cc:** 'Joey McCutchen' <jmccutchen@mccutchenlawfirm.com>; dboyer1@yahoo.com; 'Rhonda Ardemagni' <recorder@tontitownar.gov>; 'Ward1-1 Misty Piazza' <ward1-1@tontitownar.gov>; 'Ward1-2 Amber Ibarra' <Ward1-2@tontitownar.gov>; 'Ward2-1 Danny Montez' <Ward2-1@tontitownar.gov>; 'Ward2-2 Larry Ardemagni' <Ward2-2@tontitownar.gov>; 'Ward3-1 Mike Washkowiak' <Ward3-1@tontitownar.gov>; 'Ward3-2 Tim Burress' <Ward3-2@tontitownar.gov>

**Subject:** FW: Recent Media Coverage and the Mayor's statement

Mayor,

Will Rogers once said ***“If you find yourself in a hole, stop digging”***

It seems you have a condition defined in Wikipedia as “Hero Syndrome”

[https://en.wikipedia.org/wiki/Hero\\_syndrome](https://en.wikipedia.org/wiki/Hero_syndrome) As one reads the link it most accurately describes you.

I watched your performance last night at 6 pm on channel 5

<https://www.5newsonline.com/article/news/local/tontitown-mayor-misused-public-funds-judge-ruling/527-ed5bdad-4b51-43d4-bdd4-d3a03129f4a3>

**I feel compelled to lay out the following facts and documents — because, frankly, it appears you believe the public isn’t smart enough to see through your smoke screen. That miscalculation deserves correction.**

1. The first attachment is the billing in question which clearly shows that numerous charges were related to preparing for a deposition at which the attorney selected by the city to represent the Tontitown taxpayers, thus duplicate billing in the same manner you duplicate paid for IT services as noted in the city audit
2. You mentioned your action to pay Mays firm bill, benefitted Tontitown residents/taxpayers, I provide a searchable link [Emails produced by Mays Law](#) which shows that Mays received and reviewed hundreds of email from non-resident Kenneth Lovett and the bill attached shows a large part of Mays billing was due to Lovett and other nonresident Mark Calcagani.
3. The 2<sup>nd</sup> attachment indicates that Noland as retained attorney for the city did not solicit May’s help.

4. The 3<sup>rd</sup> attachment is an email from a Tontitown resident that you evidently ignored. In this email , Mr. Boyer realized that the city was not liable for Mays bill unless the city council approved it. I wish Messrs. Boyer, Calcagni and Lovett in their class action suit on the landfill matter.
5. The 4<sup>th</sup> attachment is an email shows nonresident Lovett arranging meeting and inquiring about payments
6. The 5<sup>th</sup> attachment is an email from nonresident Lovett that shows that nonresident provided a list of contributors for their lawsuit , note that only 5 of 19 people listed in this email were Tontitown residents
7. The 6<sup>th</sup> attachment is the deposition that both Tontitown attorney Noland and Mays attended . You will note the cover page clearly indicates that Noland represented Tontitown. You will also find on page 55 that Mays makes a statement that specifically confirms **“he represents YOU and others** “

There are many more documents that my attorney and I possess that prove you knowingly and willingly spent Tontitown taxpayers’ money that benefited you and several nonresidents by payment of legal fees for your benefit.

Regarding your statement that **“my attorney reached out for a settlement”**, lets unpack your statement :

1. After waiting for several months, Mr. McCutchen contacted the ARML attorney and requested a court date, after which settlement discussion began.
2. After several back-and-forth emails between attorneys ( **which I believe may be subject to FOIA**) my attorney agreed to what I felt a very favorable attempt to minimize the city to further embarrassment .
3. Perhaps you should look up the legal term ***ultra vires*** [https://www.law.cornell.edu/wex/ultra\\_vires](https://www.law.cornell.edu/wex/ultra_vires)
4. While I signed a release that I would take no further legal action in this matter, I caution and remind you that any Tontitown citizen has standing to pursue damages of interest on money you “loaned” from you personally for interest the citizens are due for use of taxpayers for a period of several months, before your co-litigate Mr. Calcagni repaid the legal fees that I challenge.

***I pray you grasp the facts, Mayor — because the public already does.***

***And I pray the council sees this for what it is: a defining moment in how Tontitown’s residents will judge the integrity of their government.***

**In closing, if the goal is transparency, then partial disclosure won’t suffice. This email string contains your statement to council and should be included in full in the next packet so the public can see the facts in their entirety.**

Respectfully ,

Mick Wagner  
Ph 479-790-3480



**A Little Town, A Lot of Tradition**

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**From:** Angie Russell <[mayor@tontitownar.gov](mailto:mayor@tontitownar.gov)>  
**Sent:** Thursday, October 2, 2025 12:44 PM  
**To:** City Council of Tontitown <[CityCouncilofTontitown@tontitownar.gov](mailto:CityCouncilofTontitown@tontitownar.gov)>  
**Cc:** Justin Eichmann <[jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)>  
**Subject:** Recent Media Coverage

Council,

In light of recent public discussion and media coverage regarding the lawsuit filed by Mr. Wagner against the City of Tontitown concerning the payment of attorney Mays, I want to provide full transparency on how the matter was resolved.

Attorney Monaghan, representing the city through the Arkansas Municipal League, informed me that Mr. Wagner's attorney had reached out to her stating that Mr. Wagner was willing to drop the lawsuit if a payment of \$1,500 was made directly to his attorney, Mr. McCutcheon. (This is the lawsuit that Mick spoke about during citizen comments in several city meetings.)

To protect the City of Tontitown from incurring potentially thousands of dollars in legal fees and to resolve the matter swiftly, I made the decision to personally pay the \$1,500. This action ensured that the lawsuit was dropped and that the city did not have to go to court or bear any financial burden from the dispute.

This settlement was made out of court and was done solely in the interest of safeguarding city resources and avoiding unnecessary legal expenses. I remain committed to transparency, fiscal responsibility, and protecting the interests of our community.

– **Mayor Angie Russell**



**A Little Town, A Lot of Tradition**

**Mayor Angela Russell**  
**City of Tontitown**  
**235 E Henri De Tonti Blvd**  
**Tontitown, AR 72770**  
**Phone 479-361-2700**

