

A den of thieves

by Wayne Laugesen (letters@boulderweekly.com)

County Commissioner Ron Stewart sported a shit-eating grin in place of the smug, self-righteous smirk he wears when he's busy causing pain for county citizens. It's good to be the King.

After re-victimizing 189 property owners he robbed in 1993, Stewart waltzed backstage Aug. 24 to a hero's welcome I wasn't supposed to see.

"Boy, that feels good," Stewart said.

"We did it!" added a giddy staffer who apparently views government thievery as a righteous feat. It was high fives and hurrahs in the back room after a three-hour hearing involving the most disgusting abuse of power I've seen in 16 years of covering governments from city hall to Congress.

Outside the celebration, which I eavesdropped on from an unguarded door, dozens of county citizens hung their heads. They had pleaded in vain for the return of their investments, arguing that commissioners had stolen their retirements and the money for their kids' educations.

It goes back to 1993, when Stewart and then-commissioners Sandy Hume and Homer Page wanted to limit mountain development. Rather than buy land deemed unsuitable for homes, something county citizens have generously funded for decades, commissioners chose to steal 380 parcels from 189 people.

They did it by administratively merging all adjoining properties owned by one person. If records said Billy Bob Jones owned two parcels that touched, the county merged them into one. As a result, Billy Bob could no longer sell or mortgage his second parcel to fund retirement, pay a child's tuition or buy beer and organic pot. Commissioners had stolen his investment, plain and simple. But if Billy Bob had deeded one of the parcels to his wife or a child, he was saved from the county's arbitrary hit list.

In all, the county stole nearly \$50 million in property that day. Government abuses such as this—which courts all too often uphold—explain why we live in a world with the phrase "going Granby," inspired by the man who leveled Granby, Colo., with a homemade tank because he thought city officials had callously mistreated him.

Most of the 189 victims of Boulder County's merger abuse didn't know it happened at first. Like most thieves, the county didn't warn them of the pending theft. Commissioners say victims should have known because stories appeared in newspapers and a legal ad was placed. Problem is, well-adjusted folks with busy lives don't read boring "parcel merger" stories, and they can't imagine their representatives committing such costly abuse without direct notice.

Over the course of the past 11 years, mountain residents slowly became aware of the heist. When kids came of college age, citizens were rudely awakened upon trying to liquidate holdings. County officials didn't feel their pain and perhaps, based on what I saw, even laughed in private.

Victims took their complaint to the Colorado Legislature—a place where Boulder loons meet Western Slope cowboys and plains farmers with educations, common sense and compassion. In response, legislators made a law in 2003 that says counties must notify landowners directly and get their permission before merging lots. Translation: You can't just steal.

Having been caught in a \$50-million heist, commissioners and their Inquisitor, Land Use Director Graham "Torquemada" Billingsley, had to respond. At the Aug. 24 hearing they approved Billingsley's proposal to let theft victims beg for their lands, while allowing Billingsley to say no. Their fate rests in the hands of the one who concocted the original heist. The only recourse if he refuses to return an investment is to go before commissioners for a brutal inquisition called "subdivision exemption" that costs tens of thousands of dollars even if one loses. Torquemada himself says about 20 percent of victims won't get their parcels back because he'll deem them unsuitable for any future plans they might have.

As one victim explained, it's as if the county decided citizens could own only one car, then impounded all second cars and kept them for 11 years. Today, they might give a victim's car back, but only if Torquemada doesn't want it.

Stewart says he voted for the mergers in 1993 because of "enormous concern" about proliferation of homes in the mountains. In hindsight, he says he wouldn't do it again.

While commissioners Paul Danish and Tom Mayer weren't in on the original heist, they've been happy to perpetuate it. At the hearing, Danish denied culpability in the theft, saying he "probably wouldn't have voted for it." But Danish has had two-plus terms in office to stand up and do the right thing. The late Edmond Burke said: "The only thing necessary for the triumph of evil is for good men to do nothing."

I asked Stewart why he and his staff celebrated a vote that agonized a group of victims. Shouldn't this have been a difficult and unpleasant choice?

"There was a feeling by commissioners and staff that this was a good resolution and we were happy about it," Stewart explained. "We provided a system for those who want their parcels unmerged, as well as for those who don't."

Victims had one reasonable request of commissioners: Return our properties, now. Commissioners chose to keep the stolen investments except for those their employee opts to return. Comforting. They did so because it was fun—because their desire for power and control

outweighs property rights, retirements, tuitions and common decency. Term limits will remove Stewart and Danish this fall, though Stewart will remain as Director of Open Space—a position he'll likely abuse. Mayer, a Stewart sycophant, should be recalled. Tough talk? Sure. But it's better than a homemade tank.

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