

IN THE FIRST JUDICIAL DISTRICT COURT  
LARAMIE COUNTY, STATE OF WYOMING

MARK GORDON, in his duly elected and official capacity as )  
the Treasurer of the State of Wyoming and in his individual )  
capacity as a resident and qualified elector of the State of )  
Wyoming, )

Plaintiff, )

vs. )

Case No. 185-932

THE STATE CAPITOL BUILDING REHABILITATION )  
AND RESTORATION OVERSIGHT GROUP, a statutory )  
Committee operating under the auspices of Wyoming Senate )  
File 103 (2014), codified at W.S. §§ 9-5-111 (LexisNexis 2016) )  
and Wyoming Senate File 0041 (2016) and, pursuant to that )  
legislation, comprised of the following duly elected officials: the )  
Honorable MATTHEW H. MEAD, Governor; the Honorable, )  
CHRIS ROTHFUSS, Senator, the Honorable PHILLIP )  
NICHOLAS, Senator, the Honorable ELI BEBOUT, Senator, )  
the Honorable TONY ROSS, Senator, the Honorable MARY )  
THRONE, Representative, the Honorable KERMIT BROWN, )  
Representative, the Honorable BOB NICHOLAS, )  
Representative, and the Honorable ROSIE BERGER, )  
Representative, )

Defendant. )

**FILED**

MAY 16 2016

DIANE SANCHEZ *ww*  
CLERK OF THE DISTRICT COURT

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COMPLAINT FOR DECLARATORY JUDGMENT AND  
PERMANENT INJUNCTIVE RELIEF

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COMES NOW, Mark Gordon, in his official capacity as the duly elected Treasurer for the State of Wyoming, and for this Complaint against the above-named Defendant, and states and alleges as follows:

1. Plaintiff, State Treasurer Mark Gordon ("Treasurer") is the duly elected and currently serving Treasurer of the State of Wyoming. He is also a resident of Wyoming and a qualified elector of Wyoming. He brings these claims in his official capacity as Treasurer and, to

*1 - Summons (A)*

the extent necessary or relevant, in his individual capacity as a resident and qualified elector of the State of Wyoming.

2. Defendant, The State Capitol Building Rehabilitation and Restoration Oversight Group (“Oversight Group”) is a legislatively created committee that exists by virtue of Wyoming Senate File SF103 (2014) codified at W.S. §§ 9-5-110 – 9-5-113 (LexisNexis 2015) and Wyoming Senate File 0041 (2016) (collectively “Capitol Repair Legislation”). The Oversight Group enters into contracts and expends public funds to repair and furnish the halls and rooms used for the meeting of the legislature and its committees in the Wyoming State Capitol Complex located in Cheyenne, Wyoming as a part of the “Capitol Square Project”. Section 9-5-111(a) refers to the Oversight Group as a distinct State entity comprised of the Governor, four Wyoming Senate members and four Wyoming House of Representative members. The current members of the Oversight Group include: the Honorable Matthew Mead, Governor of Wyoming, the Honorable Chris Rothfuss, Senator, the Honorable Phillip Nicholas, Senator, the Honorable Eli Bebout, Senator, the Honorable Tony Ross, Senator, the Honorable Mary Throne, Representative, the Honorable Kermit Brown, Representative, the Honorable Bob Nicholas, Representative, and the Honorable Rosie Berger, Representative.

3. This case is brought by the Treasurer against the Oversight Group pursuant to Article 1, Section 8 and Article 5, Section 10 of the Wyoming Constitution and pursuant to the Wyoming Declaratory Judgment Act, Wyo. Stat. § 1-37-101 et seq. This complaint raises a matter of great public importance.

4. Venue for this case is properly situate in this District Court in Laramie County, Wyoming.

5. Article 2, Section 1 of the Wyoming Constitution provides:

The powers of the government of this state are divided into three distinct departments: The legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

6. Article 3, Section 31 of the Wyoming Constitution provides:

All stationary, printing paper, fuel and lights used in the legislature and other departments of government shall be furnished, and the printing and binding of the laws, journals and department reports and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislature, and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and the state treasurer.

This Section is set out in the Wyoming Constitution as a part of Article 3 of the Wyoming Constitution concerning the Legislature. This Article expressly establishes certain specific limits and requirements applicable when the Legislature and the Governor decide to enact legislation that allows the State of Wyoming to enter into contracts for the repairing and furnishing of the halls and rooms used for the meeting of the Legislature and its committees.

7. According to its official meeting minutes and its publicly distributed information, the Oversight Group, acting under the Capitol Repair Legislation, plans to carry out the Capitol Square Project by contracting for the repairing and furnishing of the halls and rooms used for the meeting of the Legislature and its committees without the approval of the Treasurer.

8. The Capitol Repair Legislation is therefore illegal on its face because it openly violates Article 3, Section 31 and Article 2, Section 1 of the Wyoming Constitution. The legislation incorrectly omits the Treasurer as a member of the Oversight Group. The legislation also incorrectly fails to require the Treasurer's approval for the State of Wyoming to enter into contracts

and to expend public funds for the repairing and furnishing of the halls and rooms of the Legislature and its committees.

9. The Treasurer is entitled to injunctive relief in this circumstance because the Capitol Repair Legislation is unconstitutional, the Legislature's omission of the Treasurer from the Oversight Group and its failure to require his approval of contracts and the expenditures of State of Wyoming funds that the Group may attempt to carry out is illegal and the Treasurer has no adequate remedy at law to prospectively stop such illegal acts.

WHEREFORE, the Treasurer respectfully prays for the following prospective relief:

A. Entry of judgment by the Court declaring the Capitol Repair Legislation to be illegal and in violation of Article 3, Section 31 and Article 2, Section 1 of the Wyoming Constitution as of and after the date of the filing of this Complaint to the extent that it purports to authorize the Oversight Group to enter into contracts and to expend public funds for the repairing and furnishing of the halls and rooms of the Legislature and its committees without the approval of the Treasurer;

B. Entry of a prospective permanent injunction in favor of the Treasurer prohibiting the Oversight Group from entering into any contracts or expending any public funds for the repairing and furnishing of the halls and rooms of the Legislature and its committees without the approval of the Treasurer; and,

C. For such other and further relief as the Court deems just and equitable in the premises.

Respectfully submitted on this 16th day of May 2016.

By:



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