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Robert Gehrke: This Utah lawmaker claims he got his new job on the level, but the timeline raises serious questions



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During his time in Utah’s House of Representatives, it became something of a running joke — how long until Ken Ivory quotes the Founding Fathers?

He might do well to memorize this quote from John Adams: “Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for profit, honor, or private interest of any one man.”

Last week, my colleague Bethany Rodgers reported that Ivory was resigning from the Legislature after nearly nine years. More importantly, she unraveled some of the details behind why — namely that he was going to work for a company that got a \$700,000 state contract based on legislation he sponsored and appropriations he had requested.

Ivory lashed out with a “fake news” tirade against the “morally bankrupt SL Tribune” straight from the Donald Trump playbook.

(Rick Egan | Tribune file photo) Rep. Ken Ivory has stepped down from the Utah House to work for Geomancer, a company he helped secure state funding for a project to put a dollar amount on the value of federal lands.

His defense boils down to his contention that he stepped away from the project as soon as the company that got the contract, Geomancer Inc., raised the possibility of hiring him.

“The minute [Geomancer] said, ‘Would you consider,’ ... I pulled out of everything,” Ivory said.

But the chronology surrounding the contract in question suggests that Ivory did not pull out — and in fact he went all-in.

First, a little history: In 1976, Congress passed a law to pay counties to make up for some of the property tax losses they bear by having large tracts of untaxable federal land in their borders.

There is broad, bipartisan consensus across the West that counties are not getting enough money — basically that they are getting stiffed. But how much more should they receive?

That question led Ivory last year to sponsor HB357, seeking to put a dollar figure on the value of Utah’s federal land. The bill passed the Legislature unanimously and with every House member co-sponsoring the measure.

The bill directed the Commission on Federalism, which Ivory co-chaired, to hire a company to conduct the valuation. The commission solicited bids through the normal process and two responded — Lehi-based Geomancer Inc., and another one.

It was about that time, Sen. Lincoln Fillmore, R-South Jordan, told me Friday, that Ivory came to him and said that Fillmore would have to take the lead on the project, because he had some discussions with Geomancer executives about possibly going to work for the company and he thought it would be best if he stepped aside.

Note the timing. It's important.

Ivory was not on the selection committee that evaluated the two proposals. But he did not recuse himself from the vote to approve the contract, and as one of the two co-chairs of the commission, it is his signature and Fillmore's that are on the final document.

That's not really "pulling out." In fairness to Ivory, it didn't really matter. The vote to award Geomancer the contract was unanimous, the company was the clear winner and nobody suggests that it wasn't the superior company.

Not long after the contract was awarded, the commission that Ivory co-chaired was merged with two others. House Speaker Brad Wilson said Friday that meant there were fewer positions to fill and, with a lot of members interested in participating, he opted not to appoint Ivory as a member.

That could have been the end of it. But it wasn't.

On Feb. 21 of this year, three months after Ivory and Fillmore signed the contract he said he had stepped away from, Ivory went before the Legislature's top budget committee — joined by Mark Cressler, the CEO of Geomancer, now his boss — touting the work that Geomancer had done and asking to take the work statewide. It was a dramatic expansion that would require a lot more taxpayer money.

“The ability with this tool, it’s so powerful that we can really simulate sovereignty,” Ivory said in his product pitch. “The opportunity to simulate sovereignty and put assumptions in — if we have a road or didn’t have a road, if we have a healthy forest, not have a healthy forest — we can simulate all of that in real time.”

It would also enable the state to prove damages if it decides to sue the federal government over unpaid taxes (Coincidentally, his pitch came less than two weeks before the 200th anniversary of *McCulloch v. Maryland*, the first of many U.S. Supreme Court rulings that make clear that the Constitution prohibits states from taxing federal property).

Ivory was asking for \$600,000, but came out with \$700,000 for the work that Cressler estimated would take the company six months to complete. At no time during the meeting did Ivory mention that he had discussed potentially working for the company.

And that’s the real problem.

Let’s just assume Ivory is a Founding Father reincarnated, that the land valuation project is a fantastic idea, that Geomancer is hands-down the best company on the planet to do the work, and that \$700,000 is the deal of a lifetime.

None of that changes these facts: In his official capacity, Ivory voted to award them a \$25,000 pilot project; he signed the contract awarding them that project; he then requested \$600,000 to expand the project; and he voted for legislation allocating \$700,000 for his request — and ALL of that happened AFTER Geomancer had made overtures about a job with the company and Ivory claims he had “pulled out of everything.”

Ivory said he consulted with legislative attorneys about the overtures from Geomancer and followed their advice to the letter. If that is the case, Ivory shouldn’t have a problem producing their advice. Because I’d be interested to see how they get

around legislative ethics rules that prohibit a lawmaker from engaging in any activity “that would destroy or impair their independence of judgment,” or from using his or her “official position to secure privileges for themselves or others.”

State law also prohibits offering or accepting any substantial economic benefit if it would “improperly influence a reasonable person” or if the official “recently has been ... involved in any governmental action directly affecting the donor or lender.”

There are other lingering questions: Did Ivory come up with the land valuation on his own or was it a proposal brought to him by Geomancer? Was the job he was given publicly posted and were other candidates interviewed, or was he the only one?

I reached out to Ivory, but he didn’t respond.

This is not the first time Ivory has been accused of using his position to enrich himself. When he first came to the Legislature, he hatched a plan to “take back the land” from the federal government — land that belonged to the federal government before Utah was a state.

He then invented the American Lands Council and traveled around the West convincing counties to give him taxpayer money to pay his six-figure salary to promote his debunked constitutional fantasy. Three years ago, the Western Attorneys General Association — most of them Republicans — issued an opinion that Ivory’s theory was an almost certain loser.

Let’s be clear: Utah’s laws are incredibly weak and the chances that there will be any repercussions for Ivory’s latest money-making venture are very, very slim. But I suppose Utahns, like a good portion of his House colleagues, can be relieved that at least he’s no longer in the Utah Legislature.



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