



**FILED**

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ATTORNEYS FOR PLAINTIFF  
C AND W ENTERPRISES, INC.

STATE OF WYOMING

COUNTY OF LARAMIE

C AND W ENTERPRISES, INC., a Wyoming  
corporation,

**Plaintiff,**

v.

THE WYOMING DEPARTMENT OF STATE  
PARKS AND CULTURAL RESOURCES and  
THE WYOMING PARKS AND CULTURAL  
RESOURCES COMMISSION,

**Defendants.**

)  
) ss  
)

IN THE DISTRICT COURT  
FIRST JUDICIAL DISTRICT

Civil Action No.

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**COMPLAINT FOR DECLARATORY JUDGMENT**

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Pursuant to the Wyoming Uniform Declaratory Judgments Act, Wyo. Stat. Ann. §§ 1-37-101 through 1-37-115, Petitioner C and W Enterprises, Inc. alleges as follows:

### **JURISDICTION AND VENUE**

1. C and W Enterprises, Inc. (C & W) is a Wyoming for-profit corporation with its principal office located in Thermopolis, Wyoming.
2. The Wyoming Department of State Parks and Cultural Resources (State Parks) is an agency of the State of Wyoming, with its main office located in Laramie County, Wyoming.
3. The Wyoming Parks and Cultural Resources Commission (Commission) is a commission within State Parks established by Wyo. Stat. Ann. § 36-4-101.
4. Among other statutory duties, State Parks, in consultation with the Commission, may lease, enter into contracts, and assess fees for concessions on state lands. Wyo. Stat. Ann. §§ 9-2-401 et seq.; Wyo. Stat. Ann. §§ 36-4-101 et seq.
5. Jurisdiction for this action is proper with this Court pursuant to Article 5, § 10 of the Wyoming Constitution and Wyo. Stat. Ann. § 1-37-102.
6. Venue for this action is proper in this Court because State Parks resides and may be summoned in Laramie County, Wyoming where the cause of action arose. Wyo. Stat. Ann. § 1-5-104.

### **AVAILABILITY OF DECLARATORY RELIEF**

7. The Wyoming Uniform Declaratory Judgment Act provides, in pertinent part, that “Any person . . . whose rights, status or other legal relations are affected by the Wyoming constitution or by a statute . . . may . . . obtain a declaration of rights, status or other legal relations.” Wyo. Stat. Ann. § 1-37-103.

8. “The relief, review, or redress available . . . in actions for a declaratory judgment based on agency action or inaction . . . shall be available by independent action notwithstanding any petition for review.” W.R.A.P. 12.12. Declaratory relief is an independent action upon which to seek relief from agency action or inaction.

9. “If the party’s ‘desired relief concerns the validity and construction of agency regulations, or if it concerns the constitutionality or interpretation of a statute upon which the administrative action is, or is to be, based, [a declaratory judgment action] should be entertained[,]’ even though the party has not exhausted the administrative process.” *Thomas Gilcrease Found. v. Cavallaro*, 2017 WY 67, ¶ 13, 397 P.3d 166, 170 (Wyo. 2017) (quoting *Rocky Mountain Oil & Gas Ass’n v. State*, 645 P.2d 1163, 1168 (Wyo. 1982)); *see also Wyoming Dep’t of Revenue v. Exxon Mobil Corp.*, 2007 WY 21, ¶ 14, 150 P.3d 1216, 1222 (Wyo. 2007); *Wyoming Cmty. Coll. Comm’n v. Casper Cmty. Coll. Dist.*, 2001 WY 86, ¶ 13, 31 P.3d 1242, 1248 (Wyo. 2001); *Campbell Cty. Sch. Dist. v. Catchpole*, 6 P.3d 1275 (Wyo. 2000).

10. The Wyoming Uniform Declaratory Judgments Act is “remedial. Its purpose is to settle and to afford relief from uncertainty and insecurity with respect to legal relations, and is to be liberally construed and administered.” Wyo. Stat. Ann. § 1-37-114.

### BACKGROUND FACTS

11. C & W and its predecessors have owned and operated the facilities at Star Plunge in Hot Springs State Park since 1975.

12. C & W’s predecessors purchased the Star Plunge improvements, buildings, pools, trade fixtures and equipment.

13. C & W currently owns the improvements, buildings, pools, trade fixtures and equipment located on state land in the County of Hot Springs, known and described more particularly in the current Management Agreement as:

Beginning at a point located East, 3349.18 feet and North 1551.66 feet from the southwest corner of the Big Horn Hot Springs Reserve in T. 43 N., R. 95 W.; thence No. 40° 37' E., 326.82 feet; thence N. 79° 33' E., 122.86 feet; thence S. 61° 57' E., 240.69 feet; thence S. 12° 29' W., 174.64 feet; thence N. 75° 14' W., 190.7 feet; thence S. 83° 47' W., 325.8 feet to the point of beginning, containing 2.13 acres, more or less.

14. The land on which the improvements and other assets are located was part of a lease agreement with The State Board of Charities and Reform that ran from 1958 through 2008.

15. Prior to the expiration of the 1958 lease in 2008, the Office of the Attorney General presented C & W with a proposed new lease.

16. The Office of the Attorney General and C & W were unable to agree upon the terms of a new lease.

17. The Office of the Attorney General continued to negotiate with C & W in 2009 and 2010.

18. During those negotiations, the Office of the Attorney General acknowledged that C & W owned all the improvements located on the state land at issue.

19. During those negotiations, the Office of the Attorney General represented to C & W that C & W would be compensated for its improvements if State Parks were to re-bid the lease in Hot Springs State Park. *See, e.g.*, 2010 communications between Ryan Schelhaas, the Senior Assistant Attorney General, and C & W's counsel. ("[I]f the re-bidding process is conducted and a successor is chosen, your clients will be compensated for their improvements by the successor.").

20. Between 2008 and 2019, C & W and State Parks made verbal arrangements to continue the terms of the prior 1958 lease until a new lease could be agreed upon.

21. Around December 2019, the State Parks insisted that C & W execute a written concession contract with State Parks (2019 Management Agreement).

22. The 2019 Management Agreement was signed by all parties on December 30, 2019 and was effective through April 1, 2020.

23. Between April 2020 and June 2021, C & W and State Parks extended the term of the 2019 Management Agreement.

24. On June 29, 2021, State Parks sent a letter to C & W attaching a new proposed agreement. The Letter indicated that if the new agreement was not signed within one day, i.e., “by June 30, 2021, you will need to close the business” and “**[y]ou cannot operate the Star Plunge in the absence of a lease or agreement with State Parks.** This means the Star Plunge may not be opened for business over the July 4th weekend[.]” (emphasis in original).

25. To avoid closure and substantial lost revenue over one of C & W’s busiest holiday weekends, C & W executed the 2021 Management Agreement on June 30, 2021.

26. The 2021 Management Agreement is set to expire December 31, 2024.

27. The 2021 Management Agreement recognized that State Parks had “issued an RFP for a concession lease at the Star Plunge, swimming and spa complex and received one bid. Negotiations have ensued but a long-term concession contract cannot be agreed upon. As a result, Parks cannot enter into a new concession lease under its rules.”

28. The RFP referenced in the 2021 Management Agreement was titled “Star Plunge: Operation and Redevelopment” (Redevelopment RFP) and was released on November 20, 2019.

29. The Redevelopment RFP complied with Chapter 10 of State Parks’ Concessions, Leasing Rules and Regulations (Concession Rules), which requires that an “existing concession must be re-bid under a new RFP prior to the expiration of the existing contract” and the new “RFP

will state the minimum amount the winner will compensate the current Concessionaire, as determined by the value of the capital investment and the going concern of the business, less any value attributed to the land and location.” Concession Rules, Chapter 10 § 1 (a) and (c)(ii).

30. Specifically, the Redevelopment RFP required that any new concessionaire would be required to pay the existing concessionaire a minimum of \$1,390,000.00 for the value of the improvements to the property.

31. As noted in the 2021 Management Agreement, C & W was the only entity to bid on the Redevelopment RFP. State Parks rejected C & W’s bid.

32. In 2023, the Department issued a new RFP (“RFP 0351-H”).

33. RFP 0351-H, however, did not comply with Chapter 10 of the Concession Rules.

34. Specifically, RFP 0351-H did not state the minimum amount the selected proposer would be required to pay C & W as the current concessionaire.

35. RFP 0351-H also included evaluation scoring that permitted State Parks to give a bidder extra points for “Value Added.”

36. Extra points for “Value Added” may only be available if a new bidder offered a “new Concession Proposal” under the State Parks’ New Concession Ideas and Concepts regulation. *See* Concession Rules, Chapter 6 § 1 (a), (f).

37. The new concession proposal must have also been approved by the Director of State Parks in a final written decision before it became an RFP.

38. RFP 0351-H made no reference to a new Concession Proposal or any associated final decision.

39. Having identified these issues in RFP 0351-H, C & W submitted a "Protest of Request for Proposal Number 0351.H" to Patricia Bach, Director of State Procurement, Department of Administration and Information (A&I).

40. In response, the Attorney General's Office advised C & W there was no protest process available under the circumstances through A&I.

41. The Attorney General's Office also advised that Wyo. Stat. Ann. § 36-4-110(b) similarly does not provide for bid protests.

42. As such, the Concession Rules fail to establish any meaningful administrative process through which C & W may protest the contents of an RFP.

43. The Department thus refused to allow a contested case hearing on RFP 0351-H.

44. C & W then submitted a bid over its protest with the hope of obtaining the concession award.

45. On April 11, 2024, the Commission met and considered RFP 0351-H.

46. The date of the April 11, 2024 meeting was not identifiable from the State Parks' Handbook.

47. Neither State Parks nor the Commission posted formal notice of the April 11, 2024 meeting on their websites.

48. Upon information and belief, neither State Parks nor the Commission properly noticed the April 11, 2024 meeting in any capacity.

49. As of June 26, 2024, the "Boards & Commissions" page of State Parks' website (<https://wyospcr.wyo.gov/index.php/administration/boards-commissions>) had not been updated since before the Commission's February 2024 meeting.

50. Only in response to a call from C & W's attorney on June 26, 2024 did State Parks update its website and finally post the Commission's 2024 meeting minutes.

51. The April 11, 2024 meeting minutes were not approved and signed until May 23, 2024.

52. According to those minutes, the Commission represented at the April 11, 2024 meeting that the "state owns all the property within the park and [concessionaires only] have the right, under the period of the agreement, to operate a business with us."

53. The Commission then reviewed the evaluation of each proposal, announced each bid's award points and voted to "accept Proposal B for the Director's consideration."

54. Proposal B, submitted by Wyoming Hot Springs, LLC, contemplated that Wyoming Hot Springs, LLC as the proposed new concessionaire, would make various "renovations and upgrades" to C & W's existing facilities.

55. State Parks' Concession Rules requirement that, after the Commission makes a recommendation, the "Department Director shall make a final written decision on the concession award." Concession Rules, Chapter 5, Section 1 (j).

56. Despite that requirement, in the months following the Commission's April 11, 2024 meeting and up until June 27, 2024, State Parks never directly sent a copy of the Director's final written decision to C & W.

57. Claimant's attorney sent a letter to State Parks on June 26, 2024 asking about the status of the Director's final written decision. In response to that letter, the Office of the Attorney General provided a copy of what it indicated was the Director's "final written decision[.]"

58. Attached to the email was an internal memorandum dated April 15, 2024 from the Director of State Parks to the Deputy Director explaining that "the Commission voted

unanimously to recommend accepting Proposal B as presented for the Director's consideration. I concur with their recommendation and approve as presented."

59. The Office of the Attorney General advised that this internal memorandum was never provided to C & W. Instead, it indicated that A&I had posted a notice of intent to award on their bidding system and emailed a link to access that notice to all bidders.

60. State Parks' actions violate its Concession Rules and authorizing statutes.

61. "State agencies can exercise only those powers authorized by statute." *Horse Creek Conservation Dist. v. State ex rel. Wyo. Attorney Gen.*, 2009 WY 143, ¶ 30, 221 P.3d 306, 316 (Wyo. 2009) (citations omitted). "[W]hen a statute provides a particular manner in which a power may be executed, the agency may not exercise its power in a different way. Any action taken by an agency without authority is ultra vires and void." *Solvay Chems., Inc. v. Dep't of Revenue*, 2018 WY 124, ¶ 13, 430 P.3d 295, 299 (Wyo. 2018) (citations omitted).

62. "[A] rule or regulation which is expressly or impliedly authorized by the enabling statute will be given force and effect." *Billings v. Wyo. Bd. of Outfitters & Guides*, 2001 WY 81, ¶ 24, 30 P.3d 557, 569 (Wyo. 2001) (citations omitted).

63. C & W has invested millions of dollars into the Star Plunge facilities over the past several decades.

64. Despite those investments and C & W's ownership of all improvements at the Star Plunge, State Parks deprived C & W of a fair opportunity to compete in the bidding process and seeks to deprive C & W of its property without compensation and any meaningful public notice or due process.

65. State Parks' actions exceed its statutory authority and are contrary to law.

66. State Parks' actions should be set aside and declared null and void.

67. State Parks must comply with its rules and regulations, re-bid C & W's concession prior to the expiration of the existing contract, allocate points in the bidding process in a manner that complies with the Concession Rules, and include a minimum amount that a successful bidder must pay to C & W as the current concessionaire.

**FIRST CLAIM FOR RELIEF**  
**(Violation of Wyo. Stat. Ann. § 36-4-101 et seq. and 024-0012-10 Wyo. Code R.)**

68. C & W incorporates all allegations set forth above by this reference.

69. Wyo. Stat. Ann. § 36-4-110 authorizes State Parks, in consultation with the Commission, to lease, enter into contracts and assess fees for concessions on state land on terms that State Parks deems appropriate. It requires State Parks to promulgate rules that apply to concessions contracts or leases with terms of five (5) years or greater.

70. Wyo. Stat. Ann. § 36-4-115 further requires State Parks to promulgate and enforce rules and regulations necessary to carry out Wyo. Stat. Ann. §§ 36-4-101 through 123 generally.

71. In response to that obligation, State Parks promulgated its Concession Rules to "establish procedures for the Department of State Parks and Cultural Resources to lease, contract, rent or license concessions on State of Wyoming outdoor recreational areas or facilities."

Concession Rules, Chapter 1 §§ 1, 2.

72. Concession Rules, Chapter 10 § 1(a) requires that any "existing concession must be re-bid under a new RFP prior to the expiration of the existing contract."

73. C & W and its predecessors have held a concession contract with the state since at least 1958. It currently holds a concession contract set to expire December 31, 2024.

74. On November 15, 2023, during the term of C & W's concession contract, State Parks released RFP 0351-H seeking a new long-term concessionaire.

75. Concession Rules, Chapter 10 § 1(c)(ii) required that RFP 0351-H “state the minimum amount the winner will compensate the current Concessionaire, as determined by the value of the capital investment and the going concern of the business, less any value attributed to the land and location.”

76. That minimum amount must have been “determined by an appraisal prepared by a state certified independent qualified appraiser, acceptable to the Division and existing Concessionaire.” *Id.*, § 1(c)(ii)(A).

77. State Parks recognized and complied with its obligations under Chapter 10 when it issued the 2019 RFP.

78. RFP 0351-H, however, failed to include the provisions required by Chapter 10 § 1(c).

79. Wyo. Stat. Ann. § 36-4-115(c) mandates that State Parks shall “enforce its rules and regulations.”

80. RFP 0351-H and State Parks’ award of a long-term concession contract to Wyoming Hot Springs, LLC absent requiring a minimum payment to C & W as the existing concessionaire violate State Parks’ Concession Rules and illegally deprive C & W of its property.

81. RFP 0351-H and State Parks’ award of a long-term concession contract to Wyoming Hot Springs, LLC are unlawful and must be declared void.

82. State Parks must comply with its rules and regulations, re-bid C & W’s concession prior to the expiration of the existing contract in a manner that complies with the Concession Rules, and include a minimum amount that a successful bidder must pay to C & W as the current concessionaire.

## SECOND CLAIM FOR RELIEF

(Violation of Wyo. Stat. Ann. § 36-4-101 et seq. and 024-0012-5, 6 Wyo. Code R.)

83. C & W incorporates all allegations set forth above by this reference.

84. Wyo. Stat. Ann. § 36-4-110 authorizes State Parks, in consultation with the Commission, to lease, enter into contracts and assess fees for concessions on state land on terms that State Parks deems appropriate. It requires State Parks to promulgate rules that apply to concessions contracts or leases with terms of five (5) years or greater.

85. Wyo. Stat. Ann. § 36-4-115 further requires State Parks to promulgate and enforce rules and regulations necessary to carry out Wyo. Stat. Ann. §§ 36-4-101 through 123 generally.

86. In response to that obligation, State Parks promulgated its Concession Rules to “establish procedures for the Department of State Parks and Cultural Resources to lease, contract, rent or license concessions on State of Wyoming outdoor recreational areas or facilities.” Concession Rules, Chapter 1 §§ 1, 2.

87. Concession Rules, Chapter 6 § 1(a) allows “[a]nyone interested in establishing a Concession not outlined in the Park Master Plan or not currently being offered may submit a new Concession Proposal for consideration by the Division.”

88. The New Concession Ideas and Concepts “proposal will be considered by the Division and Commission in the same manner as any other RFP and a recommendation will be made to the Department Director, who will make the final decision.” *Id.*, § 1(c).

89. “If it is determined the proposal is feasible and fits within the Division’s guidelines for the particular Park, a RFP will be prepared following the guidelines and requirements described in Chapter 5.” *Id.*, § 1(e).

90. "When scoring the RFP from the party who initiated the New Concession Proposal, extra points may be awarded if management and operational experience are satisfactory to the Division." *Id.*, § 1(f).

91. RFP 0351-H makes no mention of a New Concession Proposal or the Director's final decision on a New Concession Proposal.

92. Accordingly, State Parks failed to follow the procedure outlined in Concession Rules, Chapter 6 that would allow State Parks to award a proposer for RFP 0351-H any extra points for added value for a new concession idea and concept.

93. Nonetheless, RFP 0351-H included evaluation scoring that permitted State Parks to give a new bidder a cache of extra points for "Value Added." See RFP 0351-H § 4.5.

94. Upon information and belief, State Parks awarded Proposal B, submitted by Wyoming Hot Springs LLC, extra points for "value added."

95. RFP 0351-H and State Parks' award of a long-term concession contract to Wyoming Hot Springs, LLC, based in part on an impermissible award of points to Proposal B for "value added," violated State Parks' Concession Rules, deprived C & W of a fair and equal opportunity to compete in the bidding process, and illegally deprived C & W of its property.

96. RFP 0351-H and State Parks' award of a long-term concession contract to Wyoming Hot Springs, LLC are unlawful and must be declared void.

97. State Parks must comply with its rules and regulations, re-bid C & W's concession prior to the expiration of the existing contract in a manner that complies with the Concession Rules, and award points to proposals in a manner that is consistent with State Parks' Concession Rules.

### THIRD CLAIM FOR RELIEF

(Violation of Wyo. Stat. Ann. § 16-4-401 et seq. and 024-0012-5 Wyo. Code R.)

98. C & W incorporates all allegations set forth above by this reference.

99. The Wyoming Public Meetings Act requires that certain deliberations of Wyoming agencies shall be taken openly as provided by Wyo. Stat. Ann. §§ 16-4-401 through 16-4-408.

Wyo. Stat. Ann. §§ 16-4-401.

100. State Parks and the Commission both qualify as an “agency” as defined by Wyo. Stat. Ann. §§ 16-4-402(a)(ii).

101. The Commission’s April 11, 2024 meeting qualifies as a meeting governed by the Wyoming Public Meetings Act. Wyo. Stat. Ann. §§ 16-4-402(a)(iii).

102. Wyo. Stat. Ann. § 16-4-403(a) further requires that no action can be taken at a public meeting without “notice of the meeting in accordance with [the Wyoming Public Meetings Act].” *Id.*

103. “[T]he governing body of an agency shall provide by ordinance, resolution, bylaws or rule for holding regular meetings unless the agency’s normal business does not require regular meetings[.]” Wyo. Stat. Ann. § 16-4-404.

104. “The term regular meeting (or stated meeting) refers to the periodic business meeting of a permanent . . . board, held at weekly, monthly, quarterly, or similar intervals, **for which the day (as, ‘the first Tuesday of each month’) should be prescribed by the bylaws[.]**” *Deering v. Bd. of Dirs. of the Country Library*, 954 P.2d 1359, 1363 (Wyo. 1998) (quoting The Scott, Foresman Robert’s Rules of Order Newly Revised § 9 at 90-91 (1990 ed.) (emphasis added)).

105. The State Parks Commission Handbook (SPCH) describes its “regular meetings” as quarterly, SPCH p. 17, yet fails to prescribe the day of each quarter.

106. Special meetings must be noticed by specifying “the time and place of the special meeting and the business to be transacted and shall be issued at least eight (8) hours prior to the commencement of the meeting.” Wyo. Stat. Ann. § 16-4-404.

107. The Commission’s April 11, 2024 meeting, whether it be considered a regular meeting or special meeting, was not properly noticed.

108. Upon information and belief, neither State Parks nor the Commission posted any advance notice of the April 11, 2024 meeting on their websites.

109. As of June 26, 2024, the “Boards & Commissions” page of State Parks’ website (<https://wyospcr.wyo.gov/index.php/administration/boards-commissions>) had not been updated since before the Commission’s February 2024 meeting.

110. Upon information and belief, neither State Parks nor the Commission posted or circulated any other form of public notice of the April 11, 2024 meeting or meeting agenda.

111. The Wyoming Public Meetings Act further requires meeting minutes be recorded *and published* when action is taken at a public meeting. *See* Wyo. Stat. Ann. §§ 16-4-403(c)(i), (ii).

112. Wyo. Stat. Ann. §§ 16-4-403(c)(i), (ii) must imply a requirement that the minutes be published promptly or within a reasonable amount of time.

113. Otherwise, Wyo. Stat. Ann. §§ 16-4-403(c)(i), (ii) would have no meaning, a result that Wyoming law does not endorse. *See Billings v. Wyo. State Bd. of Outfitters & Profl Guides*, 837 P.2d 84, 88 (Wyo. 1992) (“every word in a statute must be given meaning and [] statutes must be read so that no word is superfluous or inoperative”).

114. At the time of the State Parks’ Director’s April 15, 2024 “final written decision,” the April 11, 2024 meeting minutes were neither approved, signed, nor published publicly.

115. Indeed, the April 11, 2024 meeting minutes were not signed and approved until May 23, 2024.

116. Only in response to a call from C & W's attorney on June 26, 2024 did State Parks finally update its website and post any of the Commission's 2024 meeting minutes.

117. This month's long delay between the April meeting and the publication of the minutes concealed and rendered nearly all the information contained within the minutes expired and useless to C & W and any other interested party—the very ill that the Wyoming's Public Meetings Act was enacted to address. *See Cheyenne Newspapers, Inc. v. City of Cheyenne*, 2016 WY 125, ¶ 12, 386 P.3d 329, 333 (“Open meetings laws serve a very clear purpose -- government transparency”).

118. Further, only in response to that call from counsel did State Parks finally provide C & W with its internal memorandum that it represented to be State Parks' Director's final decision on June 27, 2024.

119. June 26 and 27, 2024 were C & W's first opportunity to review the timeline for a final decision, the procedure by which it would be notified of the final decision, the evaluation of each bidder, the points awarded to each bidder, and the substance of the agency's final decision.

120. State Parks and the Commission violated the requirements of Wyoming's Public Meetings Act by failing to provide advance notice of the April 11, 2024 meeting, failing to provide C & W a meaningful opportunity to be heard, failing to promptly publish the meeting minutes until spurred by counsel in this case, and taking purported final action on the Commission's vote to recommend the Director accept Proposal B before the meeting minutes were signed, approved, and published.

121. State Parks and the Commission further violated the requirements imposed by Concession Rules Chapter 5 § 1 (j) which must imply a requirement that 1) the final decision can occur only after the Commission takes formal action and makes a recommendation to the Director, and 2) the final written decision actually be provided by the governing agency (State Parks) directly to the interested parties.

122. Any “[a]ction taken at a meeting not in conformity with [the Wyoming Public Meetings Act] is null and void and not merely voidable.” Wyo. Stat. Ann. § 16-4-403(a).

123. The Commission’s vote at the April 11, 2024 meeting to recommend the Director accept Proposal B is, therefore, null and void.

124. In turn, the Director’s final action on April 15, 2024 accepting the Commission’s recommendation was premature, in violation of Concession Rules Chapter 5, § 1 (j), and must be set aside.

### **REQUESTED RELIEF**

WHEREFORE, Petitioner C and W Enterprises, Inc. respectfully requests the following relief:

1. A declaration that Wyo. Stat. Ann. § 36-4-101 et seq. and State Parks’ Concession Rules, Chapter 10 § 1(c) require RFP 0351-H to include a minimum payment to C & W as the current concessionaire.

2. A declaration that Wyo. Stat. Ann. § 36-4-101 et seq. and State Parks’ Concession Rules, Chapter 6 do not permit State Parks to award Wyoming Hot Springs, LLC’s Proposal B for RFP 0351-H points for “value added.”

3. A declaration that the Wyoming Public Meeting Act required advance notice of the April 11, 2024 meeting and required the Commission to publish the April 11, 2024 meeting minutes within a reasonable time.
4. A declaration that the Commission's vote at the April 11, 2024 meeting to recommend the Director accept Proposal B was done in violation of the Wyoming Public Meeting Act and is null and void.
5. A declaration that the Director's final action on April 15, 2024 accepting the Commission's recommendation to award RFP 0351-H to Wyoming Hot Springs, LLC was premature, done in violation of the Wyoming Public Meeting Act and Concession Rules Chapter 5 § 1 (j), and is therefore null and void.
6. A declaration that RFP 0351-H and the Director's April 15, 2024 decision violate Wyo. Stat. Ann. § 36-4-115(c) which mandates that State Parks shall "enforce its rules and regulations."
7. A declaration that RFP 0351-H and State Parks' award of a long-term concession contract to Wyoming Hot Springs, LLC are void.
8. A declaration that State Parks must re-bid the Star Plunge concession prior to the expiration of the existing contract in a manner that complies with State Parks' Concession Rules.

DATED this 5th day of August, 2024.

/s/ *Macrina M. Sharpe*

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