From: Doug Vickrey
To: Lynn Bernard
Subject: Fwd: Yesterday"s meeting
Date: Wednesday, October 7, 2026 8:01:50 PM
Attachments: Outlook-qsfxftxz.png

Sent from my iPhone

Begin forwarded message:

> **From:** Clayton Melinkovich <clayton.melinkovich@sublettecountywy.gov>
> **Date:** October 7, 2026 at 1:37:33 PM MDT
> **To:** Commissioners <commissioners@sublettecountywy.gov>
> **Cc:** Jessica Rice <jessica.rice@sublettecountywy.gov>, Jeness Saxton <jeness.saxton@sublettecountywy.gov>, Hayley Ruland <hayley.ruland@sublettecountywy.gov>
> **Subject: Yesterday's meeting**
>
> Good Afternoon Gentlemen,
> I would feel remiss if I did not share a few thoughts about yesterday's meeting.
>
> It is foundational that all governments treat similarly situated people the same:
>
> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their Just power from the consent of the governed." Declaration of Independence, July 4, 1776
>
> "No person... shall be deprived of... property, without due process of law..." 5th Amendment, December 15, 1791
>
> "No State... shall deprive any person of... property without due process of law; nor deny any person within its jurisdiction the equal protection of the law." 14th Amendment, July 28, 1868
>
> "In their inherent right to life, liberty and the pursuit of happiness, all

members of the human race are equal." Wyoming Constitution, Art. 1, Section 2, September 30, 1889.

I witnessed two instances yesterday where Sublette County, through its BOCC, made decisions that treated similarly situated people differently.

You required the Dovers to build a fire suppression system. You also included it as a requirement on the final plat for the 40-rod west subdivision. You then completely disregarded your regulations and the procedural posture of your regulations and state statutes to eliminate the same requirement of another similarly situated subdivision developer.

Sublette County has deliberately chosen to not initiate termination proceedings regarding two zone changes where the two-years' time requirement had lapsed. July 2, 2024 (Dover/Mountain Meadows) and July 16, 2024 (Moyes/40 Rod West). You are now initiating the termination process on a zone change where the time requirement appears to have lapsed.

Please understand, this is not a comment on the policy decision itself as my office does not weigh in on policy nor is this a signal that our commitment to zealously represent the County and its Officers is not solid. However, it is my legal opinion that the County walks a very dangerous path when you step outside of your authority and disregard the foundational law of the land.

While someone may not succeed in a tort claim against the County, a procedural due process violation may very well protect them from adverse County action such as termination of zone.

You asked yesterday about my opinion of success in a termination process of the JFR resort zone change and I told you I could not answer that question off the top of my head but that success was possible, I'm providing this email as more context to that question.

Can the County succeed in terminate the zone change? Yes, it is possible.
Will my office vigorously defend your decision in the event that the BOCC terminates the zone? Yes, we certainly will.
Does the County lose its credibility when it treats similarly situated individuals differently? Yes, full stop.

Please let me know if you have any questions.

Thanks

-clayton

Clayton M. Melinkovich
County Attorney

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Do the right thing, in the right way, for the right reasons, and do only that.
-Office Motto, United States Attorney's Office. SDNY

"Smart laws do not ensure justice any more than a good recipe guarantees a delicious meal."
-Preet Bharara

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