

November 7, 2025

VIA E-MAIL

Mayor Eric Mikkelson
emikkelson@pvkansas.com

City Administrator Wes Jordan
wjordan@pvkansas.com

Re: Findings Concerning Ethics Complaint by Anna Gepson against Councilmembers David Robinson, Tyler Agniel, and Ian Graves, and Mayor Erik Mikkelson; Originally Filed October 20, 2025, and as Supplemented on October 28, 2025

Dear Mayor Mikkelson and Mr. Jordan,

On October 20, 2025, Anna Gepson (“Complainant”) filed a notarized Ethics Complaint, which was then amended with an addendum and again notarized as an October 28, 2025, Ethics Complaint (the original complaint and the amended complaint are collectively referred to as the “Complaint”) alleging violations of the City’s Code of Ethics, primarily by Councilmembers David Robinson (“Robinson”) and Tyler Agniel (“Agniell”). The City’s Code of Ethics is found in the Prairie Village Municipal Code of Ordinances at Section 1-212 (the “Code of Ethics”). Without asserting any validity as to the allegations of the Complaint, an initial review was undertaken to determine if the Complaint met the basic requirements for submittal. The Complaint was found to meet the submittal requirements, and accordingly was distributed to the appropriate parties as outlined in the Code of Ethics; as City Attorney, I received a copy of the Complaint. What follows are my initial findings and comments.

As a threshold matter, the undersigned City Attorney has not deemed it necessary to make a request under the Code of Ethics for a potential third-party investigation. After analysis of the Complainant’s specific concerns and the category of allegations, and after consultation with other counsel on any potential inability to

“conduct [] such an investigation” based on conflicts or regulations which govern the profession, such a third-party investigation was determined to be unnecessary. The office of City Attorney represents the City of Prairie Village, but is not the personal representative of any members of the Governing Body or of the City’s staff. Moreover, the allegations of the Complaint, even if all taken as true, would not create a concern sufficient to lead to an inability to provide a fair and impartial review of the Complaint.¹ The undersigned City Attorney does not preclude that a future complaint as against individuals might not lead to an issue requiring a third-party investigation, but based on the particulars of the Complaint and my non-involvement with the allegations, no such third-party investigation is necessary at this time.

A summation of the tenor of the conduct as alleged in the Complaint is that comments made by Robinson and Agniel were “laced with profanity, [and] undermine, ridicule, mock, and intimidate [the Complainant].” Additionally, concerns over the tone of these comments was raised. The later addendum also adds to the Complaint allegations that further comments made by Robinson continued disparagement of the Complainant, and citing concerns over the lack of further statement from Agniel. The contents and tenor of all actions alleged as violative currently remain available on recordings from the respective meetings.

Complainant asserted the Robinson and Agniel violated three subsections of the Code of Ethics, identifying the subsections and quoting particular language. The parts alleged to have been violated are identified in the Complaint, quoted here in their entirety, as:

1-212(a)(ii) – “. . . acts or actions that are incompatible with the best interests of the city . . .”²

¹ Further, I note and assert that in my review, analysis, and investigation of the Complaint and its related allegations, no discussion, interview, or investigation occurred between myself and any of the individuals identified in the Complaint as related to any portion of the Complaint. That is, while I may or may not have had conversations with the Mayor, councilmembers, and staff in the normal course of business from the time of receiving the Complaint through the date of today’s letter, I had no conversations with any such individual related to the Complaint itself or my investigation.

² Section 1-212(a)(ii) appears to have a strong nexus with disclosing financial and similar interests, and may be intended to be limited to such, but for purposes of this review, should be considered even in the isolated way quoted in the Complaint.

1-212(a)(iii) – “[Members of the governing body] are bound to observe in their official acts the highest standards of morality. . .” and “. . .conduct in both official and private affairs should be above reproach.”

1-212(c) – “. . . civil and professional in the performance of their duties . . .”

Of note is that subsection (a) is under the heading “Purposes, policy, goals, and guidelines,” and (c) is under the heading of “General expectations of conduct.” Section 1-212(k)(i)(B) states that an investigation shall not generally be commenced related to “policy disagreements, or complaints related to the general ***purposes, policies, goals, or guidelines*** of this code, or ***general expectations of conduct*** provided in this code.” (emphasis added). The Complaint specifically and exclusively cites to alleged violations of those aspects, and accordingly an investigation is not necessarily required.

Nonetheless, without seeking to rest merely on a technical escape hatch, an initial assessment was undertaken to see if Complainant’s allegations, if true, might constitute an actionable violation of the Code of Ethics. My determination is that the totality of the allegations in the Complaint, if true, would not be such a violation.

The Code of Ethics does state (albeit while still focused on ethical conflicts) that “[t]his code of ethics policy is intended to be self-enforcing and is an expression of the standards of conduct expected by the city,” under a subsection appropriately titled “[s]elf-responsibility.” The actions alleged in the Complaint are of a nature that should be self-enforced under the responsibility of individual members of the governing body. While the expectations of conduct may not rise to the level that either the members or the public might expect, this sort of conduct is not itself violative of the Code of Ethics in a manner that requires censure under the Code of Ethics.

These findings do not condone the alleged action, nor is there a finding made that the Complaint is frivolous under Section 1-212(k)(iii). However, the Complaint is centered and related on the purposes, policies, and goals of the code, as well as the general expectations of conduct, and is therefore subject to limitations on investigations and enforcement. *See generally*, Section 1-212(k).

Concerning Councilmember Ian Graves (“Graves”), at this time, there is no decision as to whether or not “non-reporting” might itself at some point rise to be a violation of the Code of Ethics, but if it were to ever be so, it would as a threshold matter likely need to be some sort of heightened and special knowledge, as the quoted section related to bringing a claim for others is not a mandatory requirement.

The specific portion cited in the Complaint alleging a violation by Graves is essentially one of comity, not on its face creating an independent duty would could be a violation. Section 1-212 (g)(1)(A) speaks to what a member “may” do in seeking to pursue an alleged violation with a formal written complaint. And while there is also language about how a member of the governing body “should” consult with the potentially violative member, “should” is suggestive but does not rise to the level of being directory or mandatory. Moreover, between the purpose of the section and the subjective nature of belief required even for an action that “should” take place, where no ultimate violation was found, the lack of a submitted written ethics complaint (as of the date of this letter) by Graves is not a violation of the Code of Ethics.

The analysis of Section 1-212 (g)(1)(A) as inviting first recourse among members of the Governing Body holds true for the alleged facts and concerns identified in the Complaint as against Mayor Mikkelson. That is, the lack of a submitted written ethics complaint (as of the date of this letter) by Mayor Mikkelson is not a violation of the Code of Ethics. No other allegations of action or inaction by Mayor Mikkelson appear to exceed the category of it being general conduct, and no violation of the Code of Ethics was found.

The Code of Ethics speaks to presenting investigative findings to the council committee of the whole, if necessary, but also clarifies that where a complaint primarily involves complaints related to the general expectations of conduct, the City Attorney “shall not present any investigative findings to the council committee of the whole...” Section 1-212(k)(i)(c). Accordingly, no presentation of findings shall be made other than as a response to the Complainant and those who are the subjects of the Complaint.

As required by the Code of Ethics, a request is made on Mr. Jordan to forward these findings to the Complainant, Robinson, Agniel, and Graves. Remittance to Mayor Mikkelson will be satisfied through the direct send of this letter to him.

Thank you for your attention to this matter. If either of you have any questions or concerns, please contact me immediately to discuss.

Very truly yours,

HUNTER LAW GROUP P.A.

A handwritten signature in black ink, appearing to read "Alex J. Aggen". The signature is fluid and cursive, with the first name "Alex" and last name "Aggen" clearly distinguishable.

ALEXANDER J. AGGEN