

December 1, 2014

ATTN: Sean Reyes, Utah Attorney General
Office of the Attorney General
Utah State Capitol Complex
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Salt Lake City, UT 84114-2320
Fax: 801-538-1121

Mr. Reyes:

Based on our October 24, 2014 meeting, wherein you committed to read and review my forthcoming malfeasance accusation, and because this regards an employee of your office, I direct the following matter to your attention.

As a taxpayer under [Utah State Code 77-6-2](#), I accuse your employee, Assistant Attorney General Paul Amann, of malfeasance, to include violating Utah State Codes, perjury, interfering in an ongoing investigation, obstructing justice, tampering with witnesses, acting under color of law, gross unprofessionalism, and violating his public trust. I request that you file this accusation in a timely fashion according to [Utah State Code 77-6-4\(1\)\(b\)](#), and take swift action against your employee.

On January 11, 2001, Amann personally directed, and participated in, the seizure of a minor child, Leigh Bierly. According to witness [Ira J. Reed's letter dated January 19, 2003](#) [Exhibit A]:

“I, Ira J. Reed, was present when **Mr. Paul Amman** [sic] **took Leigh Bierly back into State custody** on January 11, 2001.” [bold added]

According to a [January 11, 2001, Department of Child and Family Services \(DCFS\) “Activity Report”](#) [Exhibit B] by caseworker Kellie Lewis:

“AG [Assistant Attorney General Paul Amann] informed court that **he was taking physical custody of Leigh** back today. Judge Johanson said that it was up to the AG. Lisa hurried out of the court and Ira, the cab driver friend, had Leigh in the cab ready to go. **Paul Amann, the AG, and Bailif went out the door after Lisa.** Caseworker came to the cab also. Lisa was hysterical asking Paul not to do this. Paul told her that she was not complying with the safety plan she had signed... **Paul told her he was taking Leigh.** Lisa started crying and held Leigh tight, telling him that **he could not take her.** Caseworker told Lisa not to make this harder on Leigh than it had to be. Lisa gave Leigh to Bailif and he took her inside. Lisa slammed the cab door and told Ira that her lawyer would take care of it. Ira was arguing with the caseworker about the service plan. Caseworker went inside the court house and Leigh smiled at her and held out her arms. Caseworker transported Leigh to Christmas Box House.” [bold added]

Notice that the caseworker was only involved peripherally, and remained arguing with Reed while Amann and the bailiff made off with the child.

According to [Utah State Code 62A-4a-113\(2\)\(b\)\(i\)](#), your office has authority to “**advise** the division regarding decisions to remove a minor from the minor’s home.” [bold added] Your office does **NOT** have authority to remove minors from their homes or in front of court facilities. [Your own website](#) confirms this fact:

“Assistant Attorneys General from the Child Protection Division... give DCFS legal **advice** on its duties and responsibilities and represent the agency in making its recommendations regarding a child and family to the court.” [bold added]

Amann acted under color of law when he “informed” the court that “he was taking physical custody of Leigh” Bierly. He seized her in defiance of Utah State Code governing your office.

From [minutes of the adjudication trial](#) [Exhibit C] held on November 17, 2000, on the Bierly case, there is no mention or authorization to take Leigh Bierly. There was, however, a [court order issued on January 11, 2000](#) [Exhibit D], the day Amann seized Leigh Bierly, which specifically ordered that,

“**Leigh Bierly and Peter Bierly shall remain in their mother’s** [i.e. Lisa Bierly’s] **care** and DCFS shall provide protective supervision over the mother for their benefit.” [bold added]

Amann took the law into his own hands and blatantly defied this order. Far more significantly than the subsequent fraud and misuse of federal funds that inevitably accompanied this seizure, Amann violated the fourth amendment of the U.S. Constitution regarding seizure without due process, and [USC Title 42, Section 1141](#), wherein it is,

“...Unlawful for any governmental authority, or agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States... Types of misconduct covered include, among other things: 1. Excessive Force[,], 2. Discriminatory Harassment[,], 3. False Arrest[,], 4. Coercive Sexual Conduct[,], and] 5. Unlawful Stops, Searches, or Arrests[.]”

Amann also violated the [United Nations Convention on the Rights of the Child, article 37\(b\) and \(d\)](#):

“States Parties shall ensure that... (b) **No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law** and shall be used only as a measure of last resort and for the shortest appropriate period of time;... (d) Every child deprived of his or her liberty shall have the **right to prompt access to legal and other appropriate assistance**, as well as the **right to challenge the legality of the deprivation of his or her liberty** before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.” [bold added]

Evidence reveals that Amann also directed and ordered the earlier seizure of Leigh Bierly as a “sibling at risk”. In the [”Request for Shelter Form 972”, dated October 3, 2000](#) [Exhibit E], DCFS caseworker Barry Richards wrote:

“Child was removed per ‘Sibling at Risk’ @ **direction of AG — Paul Ammon** [sic, bold added]”.

In the ["Shelter/Foster Placement Information Form"](#) [Exhibit F] presumably from that same date:

"Sibling @ Risk — **AG's order** (Medical Neglect of 2 y/o brother) MO's [mother's] transient/indigent circumstances)"

According to the [Office of Child Protection Ombudsman \(OCPO\) report on the Bierly debacle](#) [Exhibit G], there was no documentable evidence to remove Jordan Bierly:

"It appears that a more timely assessment and intervention may have precluded the need for removal." (page 3)

And according to a [November 1, 2004, Legislative Audit on the Bierly case](#) [Exhibit H]:

"We found that procedural errors were made during the removals of each of the children and, based on available documentation, we cannot definitely conclude that the removals were justified at that time." (page 1)

Page 8 of the OCPO report fingers Amann for pressuring the caseworker to remove Jordan Bierly's siblings from their home:

"On October 3, 2000, the CPS worker documented, '[Caseworker] has been in conference with AG-Paul Amann and GAL-Lisa who discussed the 'sibling at risk' factor of the 2-year old and 15-year old siblings of PV. **Amann and Lisa obliged [caseworker] to seek the immediate removal of siblings as noted.**'" [bold added]

And page 4 of the Legislative Audit affirmed this:

"On the other hand, administrators expressed concerns about how much the AAG and the GAL influenced the caseworker..."

It appears that Jordan Bierly was initially targeted for seizure due to gross errors of incompetence, and that Amann then attempted to conceal these horrific injustices. According to a [December 12, 2001, "List of SCF Overdue Actions by Worker for East Jordan"](#) [Exhibit I], there were two children by the first name of "Jordan" in the state system at that time. This report states that these cases were started within 1 day of each other: October 11, 2000, for Jordan Bierly and October 10, 2000, for a Jordan Rivard.

However, Richards removed Jordan Bierly [without a warrant and under color of law](#) on September 28, 2000, and, according to a ["Child Abuse Neglect Report"](#) [Exhibit J], page 2 of the [aforementioned OCPO report](#), and other evidence, the state "investigation" began earlier on September 12, 2000, when Richards conducted his only visit prior to abruptly seizing Jordan. In other words, no substantive investigation was conducted. This is again confirmed by page 2 of the OCPO report:

"Although the allegations included serious concerns for the medical well-being of Jordan, the CPS worker [Richards] **did not take further action on the case** until September 28, 2000, two weeks later, when he returned from a conference." [bold added]

According to an [affidavit by Lorraine Smith, a neighbor and eyewitness to Jordan's seizure](#) [Exhibit K]:

"I was present on September 28, 2000, a day that still haunts me, when caseworker Barry Richards stopped by my apartment looking for Lisa and Jordan Bierly.

"Mr. Richards showed me a card saying he was a DCFS worker and told me he had a warrant for Jordan and that police were waiting. He kept threatening and intimidating me that I would be an accessory and go to jail if I harbored Lisa and Jordan. I was scared and didn't know what to do. He kept referring to his clip board and once went to show me where it said that Jordan was in critical condition and needed immediate medical care, but then he pulled the clip board back before I could see it. I could see he had white papers on his clip board, but he never showed me a warrant or any other papers.

"I gave him my phone number and got him to leave so I could have time to talk to Lisa. We communicated over the phone and Mr. Richards continued to threaten and intimidate both of us. Lisa finally gave in because he threatened to put an APB on her and there would be nowhere she could run.

"I arranged to have him come back between 4:30 and 5:00 pm, as I recall, to take Jordan. Jordan was running, laughing, and playing with my grandchildren out in the yard. He was perfectly fine and in good health and I couldn't believe what was happening. "Later that evening, Mr. Richards called me and asked to speak to Lisa again. Lisa was still with me in my apartment because she was so traumatized, and so I put the phone on speaker. "**Mr. Richards said he thought he had made a big mistake and TOOK THE WRONG JORDAN.** He sounded panicked and very distressed. I was in shock." [bold caps added]

Did Barry have a warrant? *If so, WHOSE warrant did he have?* According to an [October 10, 2000, "Request for Shelter"](#) [Exhibit L], the following specifics were provided as to why the child in question needed to be sheltered:

"MO [mother] booked in jail on warrants."

Notice that this date corresponds to the alleged start date of Jordan Rivard's case. Lisa Bierly was not booked in jail on any warrants or otherwise.

If Richards knew that Jordan required critical care, why didn't he seize him upon his first visit? Why was he completely ignorant of Jordan's medical condition and needs? According to multiple witnesses, Jordan was seized at approximately 4:45 pm and perhaps a few minutes earlier, which is confirmed by page 4 of the [aforementioned OCPO report](#) indicating that Lisa Bierly left *future* instructions for Jordan to receive his first insulin shot between 5:00 and 7:00 pm.

According to pages 3 and 4 of the OCPO report, it appears Richards lied about taking Jordan to a medical center, and that Richards and Jordan disappeared from any known record until approximately 6:45 pm when Jordan arrived at the Christmas Box House. Where did they go for two or more hours? Why did Richards ultimately take Jordan to entirely untrained workers at the Christmas Box House; rather than to a hospital for his supposed medical "crisis"?

Richards' "big mistake" may well have been in seizing *the wrong child from the wrong family*. He likely realized his grave error and frantically attempted to figure out how to save his job and cover his tracks. His gross incompetence, and a subsequent coverup by Amann and perhaps other collaborators, set in motion a series of tragic injustices that ruined the Bierly family.

Amann appears to have likewise been confused over which child was being seized. He repeatedly claimed on his [October 2, 2000, petition for custody of the Bierly children](#) [Exhibit M] that Jordan Bierly was a 17-year old born on April 9, 1983. Jordan was 7 years old at the time and born on April 9, 1993. This patently false age and date of birth is repeated in the [court's October 11, 2000, granting of the petition](#) [Exhibit N], and in the [October 2, 2000, court appointment of a GAL for Jordan](#) [Exhibit O].

How does one fail to identify the difference between a 17-year old and a 7-year old? Did Amann's petition even qualify as being verified and fact-based? Such incompetence is evident throughout Amann's involvement in this case, and complements his corrupt character.

Amann's misdeeds accelerated as Lisa Bierly resisted flagrant injustices and the case dragged on. In collaboration with his GAL accomplice, absent any statutory authority, and in direct violation of DCFS policy 315.9, Amann arbitrarily approved out-of-state travel for Jordan and Leigh Bierly while they were in foster care. According to page 12 of the [aforementioned OCPO report](#):

“On June 12, 2001, the caseworker documented that she asked Paul Amann, Assistant Attorney General, and Liz Knight, guardian ad Litem, ‘to get the courts approval for out of state travel for Leigh.’ The caseworker documented, “[**Paul Amann and Liz Knight**] **indicated Judge Johanson did not want to be bothered with the issue and they both approve [Leigh] going...**”

“DCFS policy #315.9 requires that if the whereabouts of the parent is known, DCFS should request the parents to sign a written release for travel on agency letterhead... DCFS policy also states that the Juvenile court shall be given written notice of the out-of-state travel including the location the child is going to and documentation that the parents have been given notice of their child's out-of-state.

“OCPO recommends that Linda Harris and her supervisor, Dan Reid, review DCFS policy #315.9 regarding foster children vacationing out-of-state with their foster parents.” [bold added]

In response to OCPO's recommendation, DCFS replied in a [September 25, 2001, memorandum from Patti Van Wagoner](#) [Exhibit P] to Linda Wininger:

“DCFS disagrees with this recommendation as the supervisor and caseworker have reviewed the policy and **are aware that they were out of compliance with this policy because of the intervention and direction of the Assistant Attorney General** [Paul Amann] and the Guardian Ad Litem [Elizabeth “Liz” Knight].” (page 3) [bold added]

With regard to GAL Knight, I have identified the aforementioned [October 2, 2000, court appointment of a GAL for Jordan](#) [see again Exhibit O], as well as the [October 3, 2000, “Notice of Appearance and Request for Information”](#) [Exhibit Q] wherein Knight was apparently assigned to Jordan Bierly. I was unable to identify a court assignment of her as GAL to Leigh Bierly and Peter Bierly, however.

Could Knight, under [Utah State Code 78A-6-902\(8\)\(e\)](#), be legally assigned to multiple children in an unmarried family whose natural fathers of previous marriage were known to be different? The courts recognized that Jordan and Leigh, in particular, had different fathers. And why did Amann recklessly permit, and seemingly encourage, Knight to act under color of law and to exercise so much influence over the Bierly children's cases and fate?

Amann is identified by DCFS employees as having harmed the Bierly case. From a [July 20, 2001, email from DCFS employee Linda Harris](#) to DCFS employee Laray Brown [Exhibit R]:

“Paul’s behaviors need to end immediately. I believe he and Liz [Knight] have worked together and that **their behaviors have worked against the mother from the beginning... I do believe they DO NOT have the best interest of the children as their priority.**” [bold added]

Page 10 of the [aforementioned OCPO report](#) also reveals that Amann refused to hold a hearing to reunify Leigh Bierly with her mother:

“OCPO spoke to Linda Winger and LaRay Brown who confirmed that they did inform Ms. Bierly that Leigh should not have been removed and should be returned to Ms. Bierly’s care. OCPO questions that if this was the belief, why DCFS has not taken action to pursue having Leigh returned home. Ms. Winger reported that DCFS did ask Paul Amann, AAG to request a hearing, **but that Mr. Amann refused.**” [bold added]

This calculated resistance is echoed by page 4 of the [aforementioned Legislative Audit](#):

“It appears **this AAG’s strong opinions may have influenced some decisions...** Some DCFS staff were concerned **the AAG and GAL may have worked together against the mother’s interests when DCFS was trying to provide reunification services...**” [bold added]

This violates [your own website’s duties description](#) that,

“Assistant Attorneys General from the Child Protection Division... **assure that court orders entered** for the protection of the child and **for the rehabilitation of the family are enforced.**” [bold added]

According to [Linda Harris’ earlier May 31, 2001, entry within her August 6, 2001, “Activity Record”](#) [Exhibit S], which was apparently logged in to by Amann (“Login ID: pamann”):

“Met with Patti VanWaggoner, she informed me I could have this case put into my name at this time. **She also reviewed with me the request for a change in AAG in that she felt the Division needs appropriate representation.** I told her I would inform Paul and Liz of the change in worker and forward a copy to Julie Lund.” [bold added]

[Harris’ aforementioned email](#) [see again Exhibit R] also charged Amann with “bringing her personal life” into the case, “acting inappropriately”, and expressing “concerns with Paul regarding cases other than this as well.” Harris called for an “immediate meeting” with DCFS and other officials to discuss Amann’s unethical behavior.

Harris’ e-mail also notes that Amann contacted Lisa’s landlord. This apparently upset Harris, who told the landlord to only respond to her. Harris described the landlord as “relieved”.

Demonstrating Amann’s intimate mind games, manipulation, and harassment of the Bierlys, according to [DCFS caseworker Kellie Lewis’ May 18, 2001, “Activity Report”](#) [Exhibit T], Amann even “suggested” that Lisa Bierly lie to her own father:

“Call from Lisa. CW [caseworker] told Lisa regarding the letter from her father, that **if she didn’t want him to know that the children were in DCFS custody, that Paul Amann had**

suggested that she tell him the landlord wanted proof that she was going to be able to pay her rent.” [bold added]

Amann appeared to lie whenever it suited his private vendetta against the Bierly family. According to a [December 7, 2000, “Family’s Progress on Service Plan”](#) [Exhibit U], Kellie Lewis reported:

“Closing case because of administration error, due to AG [Amann] telling caseworker that PSS [Protective Services Supervision] services were ordered when they weren’t.”

During the January 11, 2001, shelter hearing for Jordan Bierly, Amann participated with Barry Richards in committing perjury. From [the transcript](#) [Exhibit V]:

AMANN: Jordan is currently...

BARRY: No, he as [sic] at the hospital, excuse me, at primary children’s medical center.

AMANN: Oh, and how long has he been at primary children’s medical center?

BARRY: I believe he was admitted on the 28th.

AMANN: So, he’s been there now for over a week?

BARRY: Yes, sir—almost for two weeks.

Page 3 of the [aforementioned OCPO report](#) confirms that Jordan Bierly was, in fact, not admitted to Primary Children’s Hospital until October 2, 2000, and only after Lisa Bierly and at least one other concerned citizen had insisted that he required better care than the gross neglect Richards had arranged for him.

It is fantastic to believe that Amann, by January 11, 2001, was unaware of Jordan Bierly’s assignment to, and profound lack of treatment at, the Christmas Box Home the night of his seizure (September 28, 2000), the subsequent neglect Jordan faced in the home of his first “shelter mother” beginning that night, his eventual admittance to Primary Children’s Hospital on October 2, 2000, and the pleas and protests of Lisa Bierly and others as to the medical neglect he was experiencing in state care. ***Amann led Richards to commit perjury and conceal relevant facts that would put in question the state’s entire case against the Bierly family.***

According to a [November 11, 2001, handwritten note by Bierly neighbor Kaye Sperry](#) [Exhibit W], Amann went to significant lengths to smear Lisa Bierly’s reputation, in spite of the fact that she had never been tried, or convicted, of being abusive or a “drug dealer”:

“Amann called his [Daryl, Leigh Bierly’s natural father] mother. Told her that Lisa was drug dealer. Told his mother lots of things about Lisa that Daryl doesn’t know.”

Amann’s obsession to associate Lisa Bierly with drug abuse was apparent. According to [Linda Harris’ October 31, 2000, “Activity Report”](#) [Exhibit X], Kellie Lewis shared the following on November 30, 2000:

“Call to Paul Amann. He said he wanted random UA’s [urinalysis] put on Lisa’s safety plan because she had come up to the Sandy Court, and they thought she might be tweaked. Bailiff made her empty her purse. No drugs were found.”

Amann likewise abused the state informational systems and processes in an attempt to advocate premature adoption of Jordan and Leigh by recommending a potential foster care family ***the children had***

not yet been placed with. In [Amann's July 20, 2001, email](#) [Exhibit Y] to Elizabeth "Liz" Knight and Linda Harris, he wrote,

"As I understand it, Jordan will be moved to the home of Dave and Melissa Rioch [sic] today. The Rioch's are willing to adopt Jordan *and* Leigh. They currently have two children. Dave has diabetes and was raised in foster care. They live on horse property in South Jordan. Dave works in computers."

According to page 6 of the [aforementioned Legislative Audit](#):

"Administrators even became concerned that the foster care caseworker was overly influenced by the AAG and the GAL and became a monitor for the court's orders and an investigator of what the parent was not doing."

Establishing a *de facto* gag order over the Bierly case, Amann prevented key evidence from being gathered and presented by the defense to the court. He is also alleged to have held an *ex parte* meeting with the presiding Juvenile Judge in the case, and appeared to have instigated unethical meetings/confrontations whereby he badgered and intimidated potential witnesses.

According to an [August 7, 2001, statement by Bonnie Macri, then-Executive Director of JEDI for Women](#) [Exhibit Z], DCFS employee Heber Tippetts revealed in an August 3, 2001, meeting that Amann had held an *ex parte* meeting with Knight, the aforementioned GAL, and presiding Juvenile Judge Olaf Johansson, wherein they,

"...**had already decided** that Lisa's two youngest children, Leigh Bierly and Jordan Bierly were not to be returned home to Lisa." [bold added]

This noxious, back-room dealing is consistent with [Macri's August 7, 2001, written claim](#) [Exhibit AA] that she was present at DCFS-organized meetings where Paul Amman's "inappropriate" behavior was discussed. At one meeting,

"They discussed how **Paul had been taking information he was getting from outside sources and using it for his own agenda. They were angry that he had gone behind their backs to do things against their recommendation with Lisa and her children. Paul and Liz Knight have contacted Lisa's Landlord, Lisa's father, to her great detriment, Jordan's father, Lisa's neighbors and Judge Kwan [Taylorsville court] and sent the constable to a meeting I attended at the Cottonwood DCFS. On August 13th, we contacted most of these people who told us they were no longer allowed to speak to us because Paul Amman [sic] had told them not to.**" [bold added]

This is also consistent with Lisa Bierly's public and private claims that Amann repeatedly contacted individuals such as her neighbors, father, judges, and landlords, and was instrumental in turning them against her, and in having her family thrown out of their places of residence. Amman purportedly went house-to-house in her neighborhood in an attempt to poison her neighbors, and other potential witnesses, against her. In [Linda Harris' November 13, 2000, "Activity Report"](#) [Exhibit AB], we find the following:

"Spoke with [portion redacted] she indicated Lisa had contacted her about the contact with her neighbors... Lisa called and was very angry, reporting Paul had gone to her neighbors to ask them if Daryl was living in her home. Lisa said DCFS was not trying to help her at all because we were allowing our Attorney to go behind her back and cause problems with her neighbors."

Amann expanded his campaign to conceal relevant evidence and prevent the Bierly family from receiving adequate time to prepare their defense. In response to Macri's revelations of an *ex parte* meeting, consider [Amann's likewise-revealing email to Heber Tippetts and Julie Lund, dated one day later \(August 8, 2001\)](#) [Exhibit AC]. In it, Amann writes:

“My concern is that he [Lisa Bierly's attorney] may attempt to contact you to obtain an affidavit. I have advised him that he is not allowed to communicate with my clients directly pursuant to Rule 4.2 of the Supreme Court Rules of Professional Practice.” [bold added]

If there were nothing to Tippetts's alleged statements, why would Amann attempt to prevent him from issuing an affidavit? In an ethical and professional office and environment, Tippetts would have been encouraged to do so, and a responsible, objective, and credible Assistant Attorney General would have appropriately facilitated the creation of an affidavit to exonerate your office of wrongdoing — and even the appearance of wrongdoing.

Amann's *de facto* gag order also cowed Linda Harris, again the DCFS caseworker then assigned to Lisa Bierly. In [Harris' June 5, 2001, “Activity Report”](#) [Exhibit AD], she wrote:

“Emailed Paul Amann and Liz Knight to inform them this case had been assigned to me. I told them I was informed there was a problem with contacting **my client**, Lisa, except through Attorney's [sic]. I also told them I would need to be able to contact her to provide appropriate services and would need to hear from them as soon as possible so I could move forward with this case.” [bold added]

Amann dragged his feet on providing key evidence as well. For Bierly's November 17, 2000, trial, [Amann's office waited until November 15, 2000, to provide discovery documents](#) [Exhibit AE], giving them less than 48 hours to prepare their defense.

Bierly's later attorney, Wayne Searle, claimed in a [letter of appeal to Amann dated August 23, 2001](#) [see again Exhibit AD], that Amann was working behind the scenes to deny them Utah's Government Records Access and Management Act (GRAMA) requests until after September 17, 2001, the date of her termination proceeding; when the information would be of no relief to their defense. Amann only sent out [discovery documents on September 13, 2001](#) [Exhibit AF], giving them less than 4 days to prepare their last defense.

This pattern of behavior is corroborated by a [letter from Lisa Bierly to Mark Shurtleff in 2003](#) [Exhibit AG]. To my knowledge, no thorough investigation of this serious allegation regarding Amann's purposeful and malicious circumvention of, at the very least, the spirit of [Utah's GRAMA](#) process was ever conducted.

Various sources have repeatedly accused Lisa Bierly of being resistant to the state's forced intervention. Ironically, Amann had this to say of her in the [aforementioned October 2, 2000, petition for custody of the Bierly children](#) [see again Exhibit M]:

“The mother has, **since the child Jordan was taken into custody**, decompensated and has been acting irrationally. DCFS feels the well-being of Peter and Leigh is threatened and will take these children into custody as soon as is practicable... The mother is transient, currently living in hotels.”

Amann demonstrated malicious audacity by concealing — from the public and any court — the fact that his own malfeasance was largely, if not entirely, responsible for Lisa Bierly’s so-called “decompensation”; that many of her subsequent “irrationalities” were based upon injustices he perpetrated, and that he attempted to force her into transiency. Again, he defied your [own website’s purported duties description](#):

“Assistant Attorneys General in the Child Protection Division... **assure that the evidence is clear**, the abuse or neglect serious, and that **proper legal processes are followed whenever the state decides to intrude into the privacy of a family** in order to protect a child.” [bold added]

In the course of his duties, Amann abused other innocent people, ignored Utah State Codes requiring reunification services, and *destroyed the credibility of your office*. Consider page 5 of the [aforementioned Legislative Audit](#):

“Although we focused on just this case, it appears that some of the concern that DCFS had with this AAG was broader. **A DCFS staff member felt that this AAG tended to favor removing children rather than providing services to preserve families...**” [bold added]

Consider an [October 15, 2001 email from Amman’s boss at the time, Julie Lund](#), to DCFS employee Laray Brown [Exhibit AH]. Lund was responding to Brown, who had written the following serious complaint to her:

“I am very concern about **Paul’s lack of professionalism...** The lack of trust that DCFS’s has for Paul is hurting the working relationship **as well as hurting children. Paul is hurting the credibility of the AG’s Office.**” [bold added]

Notice the subject of this forwarded e-mail from Amann: “Fwd: Re: (Mo)Lester.” This was a derisive, disparaging nickname Amann had assigned to an individual who had not been proven guilty of such a crime.

In forwarding Amann’s correspondence to Lund, Roland Oliver added,

“This is the last email sent by Paul sent to Shannon. It contains the trail of the conversation. What is concerning to me is the file alone and **some of the continued attitude of the content.**” [bold added]

[DCFS employee Carolyn Thomas’ March 19, 2001, email](#) [Exhibit AI] to Heber Tippetts and Laray Brown, implied that Amann was also a problem on other cases during this time, throwing tantrums, providing false information, and “telling” employees to remove another child:

“Today, Paul Amann called Scott questioning him about the case. Stating someone had called him and said we were removing a sibling at risk. Scott told him we were not removing and faxed the police report to him, and explained the home situation. **Of course this set Paul off.** Paul called Scott back stating he had spoken to ‘someone’ at the Sheriff’s Office who said that Mike Mitchell was going to file Negligent Homicide against the Mother and called DCFS to remove the infant because he was going to be out of town this week. **This was not the information he gave Lauren when they spoke Friday on the phone.** Paul called again **telling** Scott this case was still a red tag **and to go out and remove.**” [bold added]

Amann's actions and attitudes have been publicly confirmed by former DCFS administrator Adam Trupp in media sources like the *Salt Lake City Weekly*:

“I don't think we would come out in any way and stand up in defense of the AG's office in what they did in that case,' says Trupp, adding that **Amann's actions amounted to a 'seminal event' in Utah's child-welfare system.** 'If you are a prosecutor wanting to prosecute, and punish, and seek retribution, which there's certainly a place for, then you shouldn't be in this system,' Trupp says.” [bold added]

Source: “[Broken Home: One woman's arduous custody battle wins child-welfare reforms, and nothing more.](#)” Shane Johnson, *Salt Lake City Weekly*, June 11, 2007.

This article also quotes former representative Matt Throckmorton, who corroborated Amann's habitual abuse by claiming to have received a series of intimidating e-mails from Amann; forwarding at least one of those messages to your office:

“The e-mails began innocuously enough, Throckmorton says. Every few days, Amann would write, inquiring about the next hearing. But then the cables turned 'bizarre,' 'annoying,' 'amazing,' 'almost juvenile,' Throckmorton says. He forwarded **one particularly 'harassing' e-mail 'questioning why a conservative lawmaker such as Throckmorton would take up for someone like Bierly'** to Amann's superiors, after which he says the pestering ceased. Considering the stature of Amann's office, Throckmorton says, **'if he was willing to write that kind of e-mail to a state legislator, that supports the validity of the concerns that [Bierly] raised about how he treated her in court.'**” [bold added]

In [Assistant Attorney General David Carlson's December 31, 1999, email](#) [Exhibit AJ] to Roland Oliver, we learn that Amann abused other state employees:

“In order to address Paul's problems, I really need to know exactly what he is doing **to tick everyone off...** I received a complaint from the Salt Lake Region similar to what you have been complaining about to me. Salt Lake, however, confirms that it is Paul's attitude that is the problem. They report that **he acts like it is his way or the highway, that he is in charge of the case and that the workers work for him. They complain that he is rude and condescending...**” [bold added]

In addition to action against Amann's malfeasance detailed above, your office should conduct a full, public investigation on any other damage he perpetrated during the course of his dubious career. The evidence presented here — much of it provided by whistleblowers whose consciences would not allow them to remain silent to such willful abuse of power — undoubtedly represents the proverbial tip of the iceberg.

With regard to the Bierly case, consider the [October 23, 2001, email from DCFS employee Laray Brown](#) to Amann's boss at the time, Julie Lund [Exhibit AK], which again revolved around Amann's misconduct and the growing distrust and conflict between your office and DCFS:

“This case is the very essence of political ramifications. **For me the most disturbing issue is that Jordan and Leigh may lose their mother, not because she cannot parent but she is not in compliance. I am not sure this is how the system should work...** As an agency, DCFS has not taken the stance to terminate visitation (more confusion and opportunity for conflict). **Most of our parents are so inadequately represented in Juvenile Court that they do not have a voice.** As far as trust, it goes both ways. Credibility is an issue DCFS works on daily.” [bold added]

Mr. Reyes, what about the credibility of *your* office? When will Amann's "long train of abuses and usurpations" ([Declaration of Independence](#)) be aggressively disciplined and corrected in full public view?

In the October 24, 2014, meeting with you, your employee, Assistant Attorney General Wade Farroway, seemed to downplay the potential role your office could play in setting some of these matters right. He implied that if Lisa Bierly's family had only enjoyed better attorney representation, perhaps things would have gone differently, but that it was likely too late for her to obtain justice from the courts. He also theorized that Bierly should take comfort that her efforts have helped to spark statutory and other reforms in Utah — as though that were the best she and her family should hope for from their cruel ordeal.

Justice and legitimate government do not operate so myopically and callously, however. Farroway's hypotheses as to future court actions do not excuse your office from its fiduciary responsibility to attempt to right a series of wrongs and injustices created and exacerbated by *your* collective involvement. "Your cause is just, but I can do nothing for you," [[U.S. president Martin Van Buren's purported statement](#) to Mormon church founder Joseph Smith] is an indefensible position to take.

Your office unethically represented the prosecution and people of Utah against the Bierly family — and doubtless other families. No other agent of the court is as culpable as is your office. An entire well-funded team of superior attorneys representing the Bierly family — had they been able to afford it — would have been hard-pressed to overcome the calculated series of abuses and persecutions perpetrated by your unfit, effectively unchallenged, and malevolent employee.

Certainly the courts involved in the Bierly case were not fully informed as to Amann's rogue private vendetta, the evidence he attempted to conceal, and the illegalities and gross unprofessionalism of his conduct. Nor were they all aware that a state employee had, in a DCFS-organized meeting, evidently accused a presiding Juvenile Court Judge of participating in *ex parte* communications to pre-determine the Bierly children's fate, or that Amann had intimidated that employee, and others, into silence.

Amann's career of malicious bullying, harassment, and deceit no doubt helped to influence federal authorities who terminated the State of Utah's involvement in the multi-agency Internet Crimes Against Children Task Force (ICAC). According to the media,

"Shurtleff said he was disappointed with the FBI's decision, a move that **appears to have coincided with a U.S. Attorney's Office decision to revoke federal deputization of state prosecutor Paul Amann, an assistant AG** who had been filing Internet cases in U.S. District Court." [bold added]

Source: "[FBI breaks with Utah sex-crime task force](#)," by Brent Israelsen and Linda Rosetta, *Salt Lake Tribune*, January 1, 2006.

Then-U.S. attorney for Utah, Paul Warner, also provided the following statement:

"With all due respect to [Amann], I run this office. I make decisions about this office. **I expect all my prosecutors to file cases consistent with the guidelines we have.**" [bold added]

Justice requires that Amann's malfeasance be fully and publicly disclosed by your office regarding the matters involved in the Bierly case, and any others like it. We can prognosticate what the courts might do **AFTER** the general public and elected officials know all the relevant facts — facts which your office possesses and has consistently suppressed.

Your predecessors demonstrated a profound disinterest toward investigating and correcting such rampant abuses of power. Mark Shurtleff, currently under indictment, was informed on several occasions of

Amann's malfeasance. Rather than take appropriate action, he had the audacity to [award Amann his "2007 attorney of the year"](#).

Shurtleff's apprentice, John Swallow, also currently under indictment, was likewise repeatedly informed of Amann's malfeasance during his Legislative and Attorney General tenure. Rather than take appropriate action, he had the audacity to celebrate Amann as "one of the 2013 Child Advocate of the Year winners." According to [your office's press release](#):

"Paul Amann is known as 'Buzzsaw' for his ability to cut through all the garbage and focus on the horrific harms being committed against children," says Attorney General John Swallow. "Paul deserves this honor. He has worked tirelessly to protect children for the past ten years."

Your office now has ample opportunity to *begin* acting in an ethical and professional fashion. If your predecessors can so callously reward malfeasance, injustice, and corruption, you can certainly do much more to correct clear and blatant injustices committed against the Bierly family and others.

[Your web page](#) claims that one of your priorities is to, "Restore public trust by focusing the office on ethics and excellent legal work." It declares that,

"Efficiency and transparency are key components to the foundation of strong government. The ability for citizens to see what their representatives are doing is vital to prevent corruption."

It also makes the following bold commitment:

"Keeping families safe is a top priority, especially from violent crimes like domestic abuse and crimes towards children. Our office prosecutes these crimes to the fullest extent of the law to help secure a safe living environment in for Utah families."

If your commitment has meaning, then you must take timely and appropriate action against a child predator and human rights abuser like Amann. His malfeasance clearly abused the Bierly children and parents, and harmed other innocent Utahans caught up in the dangerous vortex of his nefarious schemes.

As a separate, but related, matter from the above malfeasance accusation against Amann, your office should:

- Provide a full, public apology to Lisa Bierly and her family for your office's prominent role in deliberately destroying their family;
- Provide the Bierly family, and any other significantly-wronged parents and children, appropriate representation toward obtaining meaningful, substantive relief from harmful and unethical behavior perpetrated by state employees;
- Actively support child welfare reforms, such as the right of parents to be tried by an impartial jury prior to having their rights terminated; and
- Establish an impartial citizen review panel — comprised entirely of individuals free from affiliation with government agencies and association with the state child welfare system — to investigate other such cases, and bring relevant information to the public's attention.

Finally, I request that you keep me informed as to your actions on this matter. Time is of the essence; particularly with regard to your office's lack of credibility to date.

Sincerely,

Daniel Newby
1379 West Appomattox Way
Taylorsville, UT 84123
Phone: 801-281-2670

P.S. Confidential sources have shared that Amann and his former boss, Julie Lund, allegedly engaged in a romantic affair, which, if verifiable, constitutes another significant fact purposely concealed from the public and courts. Under [Utah State Code 63G-2-204\(3\)\(b\)](#), I hereby request, in expedited fashion to benefit the public, any and all communications regarding the nature of their relationship.