

From: Morgan, Mark
Sent: Fri, 19 Jun 2026 00:43:08 +0000
To: jblais@bcimedia.com
Subject: Demand for Retraction Correction and Apology
Attachments: Demand for Retraction Correction and apology.docx

Mr. Blias,

Ellen Stien requested I forward this demand to you.

Please address as soon as possible as the defamation of my profession reputation is ongoing.

Sincerely,

Sent from my Verizon, Samsung Galaxy smartphone
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Demand for Retraction, Correction and Apology

TO: Ballantine Communications, Inc.
Richard Ballantine Chairman of the Board
Shane Benjamin Managing Editor
Ellen Stein Opinion Editor/Editorial Board Member/ Contributor

FROM: Mark Morgan City Attorney Durango Colorado

RE: “*City Council silenced the voices of Durango residents*” Opinion Column by columnist Joe Lewandowski, published June 17, 2026 and “*Our View: Let the people speak*” Editorial by Ellen Stein published June 17, 2026.

DATE: June 18, 2026

DEMAND

This communication is formal demand for immediate retraction and removal of online access to the Opinion Column by columnist Joe Lewandowski, published June 17, 2026 titled *City Council silenced the voices of Durango residents* and the Editorial by Ellen Stein published June 17, 2026 titled “*Our View: Let the people speak*” the publishing of a correction article accurately reporting advice provided by the city attorney to the city council and actions taken by the city council relative to that advice, and the publishing of an apology for the publication of inaccurate information in editorial and opinions without investigation for accuracy and the refusal of immediate removal of said columns upon admission of knowledge of the inaccuracies.

DOCUMENTATION OF FALSE STATEMENTS

Inaccuracies from *City Council silenced the voices of Durango residence*

Language from the column reads, “*But Durango city leaders decided the voters shouldn’t get to find out. They denied citizens the right to vote – and a district court judge provided cover..*”.

The Durango city council passed resolution R-2026-0037 on April 21, 2026, calling for the citizen ordinance to be placed on the ballot June 30, 2026. The election was canceled by a judicial order in case number 2026 CV 30070 on May 14, 2026. The

quoted statement is an inaccurate and malicious misrepresentation of the facts designed to convince readers that the city council made a decision to deny the public their right to vote on the ballot measure. The facts are that the city council called an election and sought judicial clarity on the legality of calling that election. Weeks later a district court judge canceled the election that had been called by the city council.

The column further reads *“Councilors followed the advice of the city attorney, who advised the council to reject the proposal on the grounds that it was “administrative” in nature rather than “legislative” – and thus not eligible for a citizen vote.”*

This language is a gross, malicious and completely inaccurate statement of the city attorney’s advice to the city council. The city attorney advised the city council to seek judicial guidance on the administrative or legislative nature of the citizen ordinance. In the article *“Durango asks court to weigh in on anti-mask initiative”* dated April 27, 2026, the city attorney is quoted as follows:

Morgan said at a City Council meeting on Tuesday that state statute dictates citizen initiatives can pursue “legislative” ordinances but not “administrative” ordinances.

He said neither his office nor outside legal counsel could determine whether the proposed ordinance banning law enforcement officers from wearing masks on the job falls into the “legislative” or “administrative” category.

This article and the quoted words of the city attorney clearly demonstrate that the Durango Herald had prior knowledge that the offensive language was inaccurate.

The column goes on to read *“To help parse that distinction, the city paid \$20,000 to Denver law firm Holland & Hart for an independent legal analysis. Much of H&H’s five-page memo is dense legalese. But buried in plain language are statements that undercut the city attorney’s position. H&H wrote that application of the legislative/administrative distinction is “elusive” – hardly a ringing endorsement of the city’s legal footing.*

This language is built on the earlier completely inaccurate statement of the city attorney’s advice and goes on inaccurately and maliciously state that outside council provided an opinion undercuts the position of the city attorney. In fact, the advice provided by outside council and the city attorney to the city council was exactly the same. The column extensively quotes the memorandum from outside council but ignores the following advice in the memorandum, *“ The arguments that the Proposed*

Ordinance is legislative carry slightly more weight, but the best course of action may be to seek judicial review via a declaratory judgment action” and “..the City may wish to file a declaratory judgment action and seek judicial review.

The Durango Herald was provided these opinions from outside council yet the intentional and malicious selective use of quotes from the memorandum to state false conclusions in the column was ignored.

Having made this false distinction between the city attorney’s advice and outside council’s advice the column then states: “ *The city paid \$20,000 for the outside opinion – and that opinion leaned against them. That memo was available to every council member before the vote. It’s worth asking why they used the city attorney’s interpretation to, effectively, put duct tape over voters’ mouths.*” The column falsely attributes legal advice to the city attorney and then maliciously states the opinion was used take a fundamental right way from citizens.

In what can only be described as targeted malicious journalism, after a complete failure to edit, fact check or verify the multiple false statements of the *City Council silenced the voices of Durango residents* opinion column, Ellin Stein authored and editorial titled “*Our View: Let the people speak*” adopting and endorsing the false statements and intentional misrepresentations of former staffer and guest columnist Joe Lewandowski in his column.

Today on the opinion page, columnist Joe Lewandowski argues that Durango City Council silenced its citizens when it prevented the No Secret Police initiative from reaching the ballot.

We agree.

Earlier this month, the Herald's editorial board concluded that council chose prudence over principle when it declined to move forward with the measure (Herald, June 1). We argued that council could have adopted it as a statement of community values despite legal, financial and political risks.

We have since reconsidered that conclusion.

Not because the legal, financial or constitutional questions changed, but because we came to believe we were asking the wrong question.

Our focus was on whether council should adopt the measure itself. Under the city charter, council also had another option: allow voters to decide.

Upon reflection, that was the more fundamental question.

More than 1,700 residents signed a petition to bring the measure to a public vote. The issue was not whether council agreed with the proposal. It was whether voters should have been denied the opportunity to consider it.

Ms. Stein admitted she knew the statements in Mr. Lewandowski's column were inaccurate when they were sent to print yet she built her own malicious editorial based on those false assertions and ignored the fact that the city council did in fact send the matter to ballot and a district court judge (not the city council) canceled the election.

CONCLUSION

It has been easily and clearly demonstrated that the Lewandowski column was fraught with malicious misrepresentations and intentional inaccurate statements of advice provided to the city council by both the city attorney and outside council. There is an admission that these inaccuracies were known but ignored prior to publishing. A separate editorial was published knowingly exacerbating and repeating these false statements. These actions are defamatory and libelous.

Formal demand is made for immediate retraction and removal of online access to the Opinion Column by columnist Joe Lewandowski, published June 17, 2026 titled *City Council silenced the voices of Durango residents* and the Editorial by Ellen Stein published June 17, 2026 titled " and "Our View: Let the people speak".

Formal demand is made for immediate publication of a correction article accurately reporting advice provided by the city attorney to the city council and actions taken by the city council relative to that advice.

Formal demand is made for immediate the publishing of an apology for the publication of inaccurate information in editorial and opinions without investigation for accuracy and the refusal of immediate removal of said columns upon admission of knowledge of the inaccuracies.