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Department of Justice
General Counsel-Salem

October 27, 2017



Margaret Wilson
Senior Assistant Attorney General
Oregon Department of Justice
1162 Court St NE
Salem, OR 97301-4096

Giles Gibson
Attorney at Law
AFSCME Council 75
6025 E Burnside St.
Portland, OR 97215

re: OLCC/AFSCME Council 75, Local 2505 (Roberts)

Dear Ms. Wilson and Mr. Gibson,

Enclosed is my opinion and award in the above matter. I have directed my invoice to Mr. Gibson's client's attention in accord with Art. 13, §13.4 of the agreement. I am grateful for your hiring me in this case, and for your professionalism.

I intend to submit the opinion and award for publication in the BNA Labor Arbitration Reports and elsewhere, and request your authorization to do so. In accordance with FMCS Code of Professional Responsibility for Arbitrators of Labor Management Disputes, Section (2)(C)(1)(c)(2), I will assume you do not object to my submitting the opinion and award for publication unless you advise me otherwise within thirty (30) days of the date of the award.

I look forward to working with you in the future.

Sincerely,

Kenneth J. Pedersen

KP/as

IN ARBITRATION

STATE OF OREGON, OREGON
LIQUOR CONTROL COMMISSION,

Employer

and

AFSCME COUNCIL 75, LOCAL 2505,

Union

OPINION AND AWARD
(Matt Roberts Discharge)

October 27, 2017

Arbitrator: Kenneth J. Pedersen

Appearances:

For the employer: Margaret Wilson, Sr. Assistant Attorney General, Labor & Employment Section, Oregon Department of Justice, Salem, OR

For the union: Giles Gibson, Legal Counsel, AFSCME Council 75, Portland, OR; Steve Sander, Local 2505 AFSCME President.

Witnesses:

For the employer: Bonnie Barasch, Director of Human Resources; Amy Navine, Manager; Scott Graham; Shannon Hoffeditz, Director of Compliance; Teresa Parker, Compliance Specialist 3; Steven Marks, Executive Director; Socorro "Toby" Vega, CYA Security Guard.

For the union: Matt Roberts, Grievant.

1. INTRODUCTION

The parties selected the undersigned to resolve a disciplinary dispute arising under their 2015-17 collective bargaining agreement. A hearing was held in the Police Department in Medford, Oregon on August 28 and 29, 2017. The parties stipulated that

the matter was properly before the arbitrator for a decision on the merits. After the hearing the representatives of the parties elected to submit closing arguments in writing. These were received by the arbitrator in timely fashion at which point the record was closed. Those helpful submissions have been carefully reviewed and considered herein.

2. FACTS

The Union is the exclusive representative of a bargaining unit of classified employees working for the Oregon Liquor Control Commission. (CBA, Art. 1, §1.1) The agency regulates the sale and service of alcoholic beverages in Oregon under Liquor Control Act as well as the sale of recreational marijuana in the state. The unit includes workers in the Liquor Regulatory Specialist/Inspector classification, who are charged with visiting licensed premises in the field and checking for compliance with liquor regulations. Inspectors are further charged with informing public and private interest groups regarding the legal requirements attendant to the sale and consumption of alcoholic beverages in Oregon.

Inspectors are peace officers and thus entrusted with powers of arrest, seizure and attendant responsibilities. They must successfully complete the Department of Public Safety Standards and Training (DPSST) academy training for liquor enforcement. Inspectors are required to be conversant with Oregon statutes and regulations as well as OLCC policies and procedures and other legal authorities. They have access to criminal history information through the Oregon Law Enforcement Data System (LEDS). Their work keeps Inspectors in the field much of the time. They are required to testify in court or administrative proceedings in support of citations or other regulatory enforcement

measures. Inspectors may carry agency-issued oleoresin capsicum (OC) spray and handcuffs but not firearms.

By policy, the OLCC has placed limits on an Inspector's law enforcement authority. Thus, the use of force by inspectors is "strongly discouraged" by the Commission. (E-7, 5). The OLCC's use of force policy is said to be "more restrictive than the Constitutional standard and state law." (*Id.*) The OLCC notes that it is "a regulatory agency, not a law enforcement agency" and, as such, inspector's peace officer authority may be exercised only "in connection with an offense related to the liquor laws or discovered criminal offenses of a licensee or permittee" during an OLCC investigation. (*Id.*) Inspectors are expected to partner with law enforcement agencies whenever the inspector reasonably believes that physical force might be required to effect an arrest. If, while detaining a person for a liquor law violation, an Inspector learns that the person has an outstanding warrant, the Inspector must call local law enforcement to execute the warrant. (E-8, 18). Inspectors may "use reasonable force to the extent reasonably necessary to safely defend themselves or others..." (*Id.*, 6).¹

In addition, OLCC policy forbids inspectors from pursuing suspects:

Inspectors are prohibited from engaging in pursuits of fleeing suspects. Suspects will not be pursued, either on foot or in a vehicle, in any situation. If a suspect attempts to flee from Inspectors, the Inspector will contact law enforcement for a response.

(E-8, 21). The OLCC's use of force and pursuit policies are implicated in this matter.

¹ In determining whether an Inspector behaved reasonably in deploying physical force, the OLCC considers the totality of the circumstances, including "a consideration that inspectors may have to make split second decisions in circumstances that are tense, uncertain and rapidly evolving." (E-7, 9; E-6, 6). The determination of reasonableness "is not based on hindsight." (*Id.*).

The Grievant Matt Roberts was employed by the OLCC as an Inspector in March 2009. He was assigned to the Medford Regional office. He was well-regarded by the agency; OLCC Executive Director Steve Marks testified that the Grievant had a good record of employment and was performing in a manner satisfactory to the agency prior to the events herein. He had never previously been disciplined by the OLCC. He was selected by the agency in the past to assist in building the curriculum for the OLCC Academy in cooperation with the DPSST.

The OLCC discharged the Grievant from employment in October 2016 following an incident on June 2, 2016. On that date the Grievant was conducting liquor law compliance checks at the Lithia Amphitheater at the Jackson County Fairgrounds in Medford, where an evening concert was scheduled at which beer was being sold. He was scheduled to work from 4 p.m. to midnight. Also present were security guards working for CYA Security, which had been hired for the event.²

Outside the seating areas of the outdoor Amphitheater, on the concourse near the concessions stands, Grievant noticed a young man holding two cups of beer. Suspecting him to be under the legal drinking age, the Grievant stopped the young man, identified himself as an OLCC inspector, and asked to see the man's identification. The young man claimed his friends inside the Amphitheater had his ID and so the Grievant followed him inside to where his friends were seated. The friends denied having the young man's ID, which increased the Grievant's suspicions. He asked the young man how he'd bought the beer and the young man held up a smeared and faint hand stamp.³ The Grievant

² The Grievant founded CYA Security in 2001 and owned it until hired by the OLCC in 2009. He was acquainted with several of the guards hired for the concert event.

³ Hand stamps are given to alcohol purchasers after they verify their age with identification, presumably to speed up future purchases.

suspected that the young man had attempted to transfer a hand stamp from a legal purchaser to his own hand by pressing them together. He asked the young man to return with him to the concourse.

Once there the Grievant asked the young man to put down the beers. They were approached by a woman who the Grievant recognized as an employee of the district attorney's office. She said she was the young man's aunt and claimed he was of legal age. When the Grievant asked for the young man's name he said he was [REDACTED] and gave his birthdate as [REDACTED]. At that, the aunt appeared to Grievant to want no further involvement and walked away. According to the Grievant [REDACTED] was in an agitated state and shouting obscenities.

The Grievant contacted the Emergency Communications of Southern Oregon (ECSO) dispatch office and asked the dispatcher to look up information on [REDACTED].⁴ He learned from the dispatcher that [REDACTED] was listed as "code 12," meaning there were outstanding warrants for him. The Grievant understood the warrants related to charges of assault, menacing, and harassment, none of which are Liquor Control Act violations. The dispatcher told the Grievant that a sheriff's deputy had been dispatched to arrest [REDACTED].

The Grievant didn't tell [REDACTED] about his conversation with dispatch. He suggested to [REDACTED] that they find a quieter area near the box office so the Grievant could complete his paperwork, intending to wait for the arrival of a deputy sheriff. The interaction had drawn the attention of one or more CYA security guards and of fellow

⁴ Grievant at this point recalled that a liquor licensee had turned in a piece of identification issued to [REDACTED] which another person used to gain access to the bar. The young man who had identified himself as [REDACTED] was unable to explain how that might have happened.

OLCC Inspector Chad Gray. According to Gray, [REDACTED] suddenly pushed a security guard and the Grievant and "sprinted" back into the Amphitheater.

During the subsequent investigation CYA security guard Soccoro "Toby" Vega said he and the Grievant ran into the Amphitheater behind [REDACTED]. Vega saw [REDACTED] slide into a position on the grass to hide, he believed, in his group of friends. Vega signaled the Grievant with a flashlight and the Grievant approached [REDACTED] and ordered him to get up. According to Vega, [REDACTED] ran between them toward the exit at the rear of the Amphitheater.⁵ The Grievant in his use of force report wrote that he followed [REDACTED] onto the concourse. Accounts of what happened next differ. In his initial use of force report the Grievant contended that once on the concourse he saw several members of the public attempt to block [REDACTED] way, saw [REDACTED] push two of them out of his way, then saw approximately five concertgoers force him to the ground and attempt to hold him there. Grievant told Director of Human Resources Bonnie Barasch that he added his body to the "scrum" in an attempt to restrain [REDACTED], who he said exhibited unusual strength, and to protect members of the public. While engaged in what he characterized as "ground fighting" with [REDACTED] the grievant sustained a split lip and road rash. He told Barasch in his July 7 interview that he informed [REDACTED] he was under arrest. (E-39, 53 ln. 23). Eventually Grievant and [REDACTED] stood up and Chad Gray handcuffed [REDACTED] and escorted him to the sheriffs deputies who had arrived in the interim.

Accounts by other witnesses did support the Grievant's version. CYA security guard Scott Graham wrote on June 2 that a bystander "took [REDACTED] to the ground" and

⁵ In his June 3 use of force report the Grievant wrote that "security" told [REDACTED] to stand "and be escorted out of the venue" whereupon [REDACTED] pushed security to the ground, then pushed the Grievant out of the way and fled toward the concourse. The security guards did not report being pushed to the ground by [REDACTED]

the Grievant alone then got on top of him. He later told OLCC that the Grievant "dove" onto [REDACTED] and put him in a neck hold. (E-11d, 2). In his testimony at the hearing Graham said he only remembers seeing the Grievant and [REDACTED] on the ground. Guard Detwiler observed the Grievant "struggling with an individual on the ground." He did not report seeing others in a "scrum," as Grievant characterized it. Guard Vega told the OLCC investigators that he only saw the Grievant and the suspect contending on the ground, and that a crowd formed around them that was hostile to the Grievant. (E-11f). An individual citizen who wrote an overwrought email complaint to the OLCC about the Grievant's actions did not reference multiple individuals wrestling on the ground. (E-18). Bill Maentz, a friend and business associate of the Grievant's, was present at the concert for his marketing business and observed the confrontation. (E-11g). According to Maentz he saw the Grievant put his hands on [REDACTED] shoulders and, when [REDACTED] tried to squirm away, the Grievant "kind of wrapped him up a bit" and then the two of them fell to the ground. (*Id.*). Maentz made no mention of others participating in a "scrum."

Jackson County Sheriff's Office Deputy Jillian Winston interviewed the Grievant at the Fairgrounds shortly after the incident. (E-13). The Grievant did not tell the deputy that when he came upon [REDACTED] on the concourse for the second time that there were five or more bystanders on top of him. Rather the deputy quoted the Grievant saying that he "tried to tackle" [REDACTED] and apply a headlock while inside the Amphitheater, but that [REDACTED] struck him in the face, splitting his lip.

One of the deputy sheriffs that took [REDACTED] into custody fished [REDACTED] wallet from his pants, found his identification, and told the Grievant that his name was actually

██████████, ██████████ younger brother, who was under the age of 21. The Grievant gave him a citation for Minor in Possession and the sheriff's deputy cited him for Disorderly conduct, Assault, Harassment and Resisting Arrest.

The Grievant reported the incident to his superior, and began writing his use of force report, finishing it the following day, June 3.

After reviewing the Grievant's use of force report and speaking to witnesses, Barasch placed the Grievant on paid administrative leave effective June 3, 2017. (E-20). An investigation was started, and the OLCC staff interviewed numerous witnesses. The Grievant was interviewed by Barasch in the presence of his shop steward on July 7.

In her September 26 letter Barasch notified the Grievant of the Commission's commencement of the process of terminating his employment. There were five charges against the Grievant which are paraphrased below:

- A. Violation of OLCC policies and procedures by pursuing ██████████ twice after he fled during a compliance check;
- B. Violation of OLCC policies and procedures by use of unnecessary physical force against ██████████;
- C. Untruthfulness and inconsistency in reporting the ██████████ incident in his use of force report, in describing it to his superior, to Sheriff's Deputy Winston, and in describing the matter to HR Director Barasch;
- D. Diminished credibility as a witness in court and regulatory proceedings as a result of the untruthfulness described in paragraph C; and
- E. Placing members of the public in physical jeopardy by improper use of physical force against ██████████ in a crowded concert venue, causing a hostile crowd to form and endangering security guards and others at the venue.

(E-5). A "pre-dismissal meeting" was conducted by Barasch and Director of Licensing

and Compliance Will Higlin on October 11, 2016, attended by the Grievant and his Local Union President Steve Sander. (E-40).

The Grievant was terminated by OLCC Executive Director Steve Marks effective October 20, 2016. In the letter Marks found merit to "some or all" of the five charges set out in Barasch's September 26 letter and thus directed his removal from state employment. A timely grievance was filed by the Union on the Grievant's behalf and the matter proceeded to an arbitration hearing before the undersigned in Medford on August 28 and 29, 2017.

3. AGREED ISSUES

Whether the Employer had just cause to discharge the Grievant pursuant to Article 12 of the collective bargaining agreement?

If not, what should the remedy be?

4. APPLICABLE CONTRACT PROVISIONS

ARTICLE 12 – DISCIPLINE AND DISCHARGE

Section 12.1 The principles of progressive discipline which normally begin with verbal warning shall be used except when the nature of the problem requires more serious discipline, such as an immediate suspension, termination, reduction in pay or demotion.

Section 12.2 An employee may be suspended, reduced in pay, demoted or discharged only for just cause.

ARTICLE 13 – GRIEVANCE PROCEDURE

Section 13.3 Arbitrator's Authority. The parties agree that the decision or award of the arbitrator shall be final and binding on each of the parties and that they will abide thereby. The arbitrator shall have no authority to add to, subtract from, or change any of the terms of this Agreement, to change an existing wage rate or establish a new wage rate. The arbitrator

shall have the power to return a grievant to employee status, with or without back pay, or to mitigate the penalty as equity suggests under the facts.

Section 13.4 Expenses of Arbitration. The arbitrator fee and expenses shall be paid by the losing party. If, in the opinion of the arbitrator, neither party can be considered the losing party, then such expenses shall be apportioned as in the arbitrator's judgment is equitable. All other expenses shall be borne exclusively by the party requiring the service or item for which payment is to be made.

5. POSITIONS OF THE PARTIES

The Employer: The OLCC acknowledges that it bears the burden of proof in this discharge case, and urges that the standard of proof should be a simple preponderance of the evidence. It would apply the seven tests of just cause conceived by Arbitrator Carroll R. Daugherty and first published in *Grief Bros. Cooperage Corp.*, 42 LA 555 (1964). Under those rules, it is contended, the discharge of the Grievant must stand.

OLCC says it has published clear rules establishing its expectation that employees will be accurate and truthful in reports and communications, and says that those rules were communicated to the Grievant. The Commission's policies regarding the use of force and pursuit of suspected violators are published in the OLCC Compliance Manual, the Employer maintains, a copy of which was in the Grievant's office. The Grievant was also trained on the use of force policy in 2014 the Employer contends.

The Employer asserts that its investigation was fair and reasonable, and argues there was no assertion to the contrary from the Union or the Grievant. There was no claim of bias against the individuals conducting the investigation, the Employer contends. It argues that the Grievant was given appropriate due process at each step in that he was provided with copies of the charges against him and had several opportunities to address them with management.

The Employer notes that the Grievant admitted for the first time at the hearing that he violated the OLCC policies governing the use of force and pursuit of suspects. As such, it contends, charges A, B, and E detailed above are no longer contested. As for the charges that the Grievant was untruthful and that his credibility as an Inspector within the OLCC and in court was impaired, the Employer asserts that the facts of the case bear these out, and details multiple instances in which it alleges the Grievant engaged in deceptive behavior. The Employer points out that the Grievant denied pursuing [REDACTED] or using force against him in violation of OLCC policy until the arbitration hearing when he finally admitted the infractions after hearing the evidence against him.

The Employer maintains that discharge was the appropriate disciplinary measure given the seriousness of the charges herein. Pursuing a suspect and initiating a use of force situation without justification under OLCC policies are serious offenses standing alone, the Employer contends. His untruthfulness in his reports to the Commission renders him unfit to serve in the position, the Employer argues, particularly since his actions may result in revocation of his certification from the DPSST, in which case he would be unable to perform his job duties as an Inspector. It requests that the grievance be denied and that the discharge be held to be for "just cause" under the contract.

The Union: The Union agrees that the burden of proof to establish just cause falls to the Employer in this disciplinary case, and argues the OLCC has failed to carry that burden. It contends that allegations of untruthfulness or dishonesty require proof not only of the underlying conduct, but also of a dishonest intent on the part of the Grievant, citing Norman Brand, ed., *Discipline and Discharge in Arbitration*, 226 (BNA Books, 1998) and cases cited therein. Thus, the Union maintains, it must be shown that the

allegedly untruthful statement was made with knowledge that it was untruthful or with the intent to mislead or deceive.

The standard of proof should be more than a simple preponderance, the Union argues. Rather, an allegation of dishonest intent should require proof by the more exacting "clear and convincing evidence" standard.

Here, there is insufficient evidence that the Grievant intended to mislead Supervisor Navine either in his verbal report of the incident or in his written report filed the following day, the Union contends. She erred in writing that the Grievant told her that he and a security guard were pushed to the ground twice by [REDACTED] (*See*, E-17). Rather, the Union contends, the Grievant never reported that he'd been pushed down, and only reported that a security guard was pushed down once, in his use of force report. Although the Grievant now recognizes his report that the guard was pushed down was factually inaccurate, his perception at the time was that [REDACTED] had pushed the guard down, the Union argues. His mistaken belief in that regard is not evidence of untruthfulness, the Union contends.

Nor did the Grievant intend to mislead Navine in characterizing the physical altercation with [REDACTED] as a "pig pile," it is contended. Rather, Grievant perceived there were four or five patrons who grabbed [REDACTED]. The fact that others did not back up the Grievant's perception is not evidence of an intent to deceive by the Grievant, as there are differences in almost all the witness accounts, the Union contends. Similarly, the Grievant truly did not believe himself to be running while following [REDACTED] but only walking hurriedly.

The now-undisputed charges that the Grievant violated the OLCC pursuit and use of force policies are insufficient, standing alone, to merit summary termination of an employee with an unblemished seven-year history of successful employment, the Union argues. This is particularly true where no adverse legal consequences have occurred as a result of the events of June 2, 2016, the Union maintains.

For these reasons the Union requests that the grievance be sustained, that the discharge of the Grievant be mitigated to a one-month suspension, that the Grievant be reinstated to his Inspector position, and that he be made whole in all other particulars.

6. DISCUSSION

A. The burden and quantum of proof

The collective bargaining agreement states that an employee may be discharged “only for just cause.” (E-1, §12.2). The parties agree that the Employer bears the burden of proof of establishing just cause for Grievant’s discharge.

Regarding the quantum of proof most arbitration cases are decided under the “simple preponderance of the evidence” standard applicable to most civil court cases. As the Union notes, exceptions to this are made primarily in cases involving criminal conduct or where an adverse finding is stigmatizing. In such cases arbitrators apply a higher burden of proof, typically the “clear and convincing evidence” standard.

Here, it is alleged that the Grievant was untruthful in reporting the circumstances of his encounters with [REDACTED] on June 2, 2016. For an individual in a law enforcement position an allegation of dishonesty is damaging to one’s professional reputation. Under the circumstances it is reasonable to require the Employer to carry its burden of

establishing "just cause" by clear and convincing evidence. As a practical matter, this means that the Employer must produce evidence establishing with high probability that the Grievant committed the infractions with which he is charged.

B. The allegations that the Grievant violated OLCC policy by (i) engaging in pursuit of [REDACTED]; (ii) improperly using force to subdue and apprehend him; and (iii) placed others in jeopardy by his pursuit and improper application of force.

Following the Employer's case in chief, as part of the Union's opening statement, Grievant conceded the allegations that he violated his Employer's policies by pursuing [REDACTED] and engaging him in a ground fighting contest on the concourse of the concert venue. He also conceded that his actions put others in danger. Prior to that, the Grievant maintained that he had not pursued [REDACTED], had deployed a reasonable and appropriate degree of force necessary to defend others, and had not unreasonably put others at risk.

No claim is made that the Employer is not entitled to enact rules limiting an Inspector's authority with respect to pursuit of suspects or the use of force. It is not contended that the rules are unreasonable. The Grievant was aware of his Employer's expectations in these areas.

The justification for the Employer's rules against pursuits and avoidable use of force is plain under the facts of this case. The Grievant followed [REDACTED] into the Amphitheater after he fled there following the initial encounter on the concourse. With the assistance of a CYA security guard, the Grievant located [REDACTED] on the grass of the darkened outdoor arena. At that point the Grievant knew that sheriff's deputies were on the way to the Amphitheater to apprehend [REDACTED]. Instead of simply keeping [REDACTED] in line of sight until the arrival of a sheriff's deputy, the Grievant exercised poor judgment

by, in effect, flushing his quarry by confronting [REDACTED] and telling him "come on, let's go."⁶ When [REDACTED] ran again the grievant gave chase onto the concourse where the fleeing suspect knocked over a man according to the Grievant and ran into others. Grievant then engaged [REDACTED] in a ground fighting match and was quickly surrounded by a crowd of concertgoers, including several [REDACTED] sympathizers. The Grievant suffered a split lip and road rash in the brawl, and blood was observed on [REDACTED]. Several of the guards feared that the Grievant was at risk of being kicked in the face by a member of the restive crowd encircling the two men as they wrestled on the ground. None of this melee would have happened if the Grievant had left [REDACTED] arrest to the Sherriff's deputies, who were known by him to be on the way to the Amphitheater.

These admitted policy violations are extremely serious infractions of reasonable and necessary OLCC rules and merit severe discipline. I need not reach the issue whether they would, standing alone, justify the Grievant's dismissal since I also conclude, as discussed below, that the Grievant was untruthful in his reporting of the matter. The combination of these violations furnished just cause under the agreement for the Employer to terminate him.

C. The charges of untruthfulness

An employer is entitled to honesty from its employees. If it can't believe its own workers, the employer can't entrust them with the job responsibilities and equipment necessary to their work. An employer's inability to trust its workers puts its overall mission at risk. A regulatory agency like the OLCC with law enforcement responsibilities

⁶ At this point the Grievant had no official basis on which to detain [REDACTED], [REDACTED] and his Aunt, a woman with whom Grievant was acquainted, both falsely claimed he was of legal drinking age. There was no clear violation of the liquor laws that would permit the Grievant to exercise his authority and detain [REDACTED]

must be confident that its agents will prepare truthful and accurate reports that will withstand scrutiny in the courts and in administrative proceedings. The public has the right to expect that peace officers will be scrupulously honest. Tolerance by agencies of intentional dishonesty undermines confidence in public institutions. At the same time charges of dishonesty are damaging to the career prospects of employees in that they carry stigma. It is accordingly necessary to carefully examine the evidence supporting a charge of untruthfulness. To sustain the charge of dishonesty, it must be clearly and convincingly shown that the Grievant made a false statement that he knew to be false, and that the statement was material to the matter under investigation. A false statement is "material" if it might alter the outcome or course of the disciplinary inquiry.

Regrettably I am led to the conclusion that the Grievant tried to cover over what he knew to be violations of OLCC policies. As the Grievant prepared his use of force report on July 2 and 3, he knew that issues had been raised about his contacts with [REDACTED] at the Amphitheater. What he wrote in that report was false in several respects, contrary to his affirmation of the Criminal Justice Code of Ethics' requirement that he be "[h]onest in thought and deed in both my personal and official life." (E-7, 4).

First, the responding Sheriff's Deputy wrote that the Grievant twice advised her he tried to tackle [REDACTED] after he ran from inside the Amphitheater back to the concourse. (E-13, 3). Witness Bill Maentz, a friend of the Grievant's, told OLCC investigators that the Grievant "wrapped [REDACTED] up" and they fell to the ground. (E-11g). Yet in his use of force report Grievant wrote that "a group of bystanders" grabbed [REDACTED] and forced him to the ground.

I credit Maentz and the Deputy's contemporaneous written account of what the Grievant told her. The Grievant sought to avoid blame for physically engaging [REDACTED] by attributing the start of the ground fighting to unidentified members of the crowd. His admission at the arbitration hearing that he used excessive force on [REDACTED] shows that his early efforts to minimize his role in fighting with the suspect were deceptive in nature.

Second the Grievant falsely claimed on repeated occasions that he did not pursue [REDACTED].⁷ In his use of force report he claimed to be physically unable to pursue [REDACTED] due to a past knee injury. He contended that OLCC Inspector Gray pursued [REDACTED] while he followed at a walk due to the injury. (E-19, 3). Later he altered his account to claim he hurriedly walked after [REDACTED]. Later still, in his pre-disciplinary meeting, the Grievant said he jogged after [REDACTED] to keep him in sight but still insisted he did not pursue him.⁸ (E-40, 58). Finally, after the Employer rested its case at the hearing, Grievant conceded that he pursued [REDACTED] in violation of OLCC policy. An employer is entitled to receive a full and complete account of an employee's actions at the beginning of an inquiry. An employee who continually falls back and revises his version of events upon learning the substance of the evidence against him undermines his employer's trust.

Third, although the sheriff's deputy report makes no mention of it, the Grievant claimed in his subsequent use of force report that when he final caught up with [REDACTED] for the second and final time, he saw "approximately 5 people attempting to secure [REDACTED]" on the ground. Later the Grievant told HR Director Barasch that he merely

⁷ Witness Maentz told OLCC investigators that Grievant "was chasing" [REDACTED] and that he (Maentz) "was kind of chasing along but Matt's faster than I am and the kid was faster than both of us." (E-11g, 1).

⁸ "My -- my contention on that is me jogging to keep somebody in sight is not a pursuit. Me sprinting, If I were able to, to overtake somebody and detain them, yes, that would be a pursuit." (E-40, 58).

added his body weight to the existing "scrum" of bodies already on top of [REDACTED].⁹ He claimed that he was attempting to prevent injury to members of the public. None of the other witnesses supported this claim. Guard Dylan Detwiler told Barasch he saw the Grievant and one other individual "struggling on the ground." Guard Vega, who'd signaled the Grievant after locating [REDACTED] in the crowd, told investigators he saw Grievant trying to physically control [REDACTED] "and they both ended up on the ground..." (E-11f, 7). Both Guards Vega and Graham testified at the arbitration hearing that they only saw two people on the ground, the Grievant and [REDACTED]. Again, at the arbitration hearing, the Grievant admitted he violated the OLCC use of force policies by engaging [REDACTED] in the manner described.

Grievant's retreat from his initial denial of pursuing [REDACTED] to his eventual admission at the arbitration hearing that he did so is troubling. So is his crabbed interpretation of the term "pursuit" during the investigation. The Grievant's initial claim that he intervened in a "scrum" out of concern "that here was a high risk of the public getting injured by this strong, young, and potentially violent male"¹⁰ was self-serving, and can only be understood as a contrived effort to put himself within the "defense of others" exception to the OLCC's use of force policy.¹¹ These justifications convince me that the Grievant made false statements during the investigation knowing they were false. The purpose was to evade responsibility for the alleged violations of OLCC policy. As such the false statements were material to the investigation.

⁹ The Grievant described it as a "pig pile" in his June 3 telephone conversation with Supervisor Navine.

¹⁰ (E-19, 3).

¹¹ Again, the OLCC use of force policy strongly discourages the use of force by Inspectors. (E-7, 5). One exception allows the Inspector to use physical force "to defend a third person from what the [Inspector] reasonably believes to be the use or imminent use of physical force..."

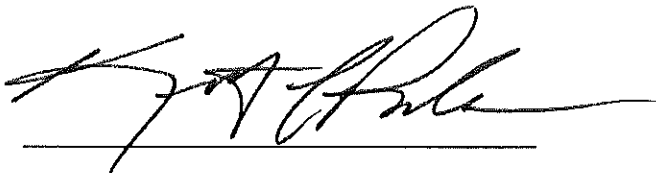
7. CONCLUSION

The Grievant was a capable and reliable Investigator for the OLCC, respected by his Employer and coworkers. It is unfortunate that his lapse in judgment led him to pursue a suspect and engage him in a ground fighting contest at a crowded concert venue in violation of OLCC policy. That, combined with his after-the-fact dissembling about his involvement, furnished just cause for the OLCC's decision to dismiss him from employment.

8. AWARD

1. The grievance is denied. The Employer had just cause under the collective bargaining agreement to terminate the employment of the grievant Matt Roberts;
2. In accordance with Article 13, §13.4 of the collective bargaining agreement, the arbitrator's fees and expenses shall be paid by the Union.

DATED: October 27, 2017
Seattle, Washington



Kenneth J. Pedersen, Arbitrator

1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

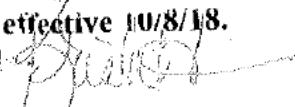
2 STATE OF OREGON

3 In the Matter of the Proposed
4 Revocation of the Basic Regulatory
5 Specialist Certification and Instructor
6 Certification issued to:

7 **MATTHEW ROBERTS**
8 DPSST #31889

9 TO: Matthew Roberts
10 [REDACTED]
11 Medford, OR 97504

**AMENDED NOTICE OF INTENT TO
12 REVOKE CERTIFICATION AND
13 PROPOSED/FINAL ORDER ON DEFAULT**

14 Request for Hearing Withdrawn on 10/8/18
15 Default Final Order effective 10/8/18.
16 By: Kristen Hibbard 

17 NATURE OF PROPOSED ACTION

18 In accordance with Oregon Revised Statute (ORS) 181A.640 and Oregon
19 Administrative Rule (OAR) 259-008-0070(4)(a)(B), the Department of Public Safety
20 Standards and Training (DPSST or Department) proposes to revoke your Regulatory
21 Specialist certification and Instructor certification. The Department may revoke a
22 certification if the public safety professional does not meet the minimum standards
23 established pursuant to ORS 181A.410, ORS 181A.640(1)(c) and set forth in OAR 259-
008-0010(6) and OAR 259-008-0070(4)(f)(A)(i), (ii), (iii), and (iv).

The Department's proposed revocation is based on the following findings of fact
and conclusions of law:

FINDINGS OF FACT

1. You currently hold a Basic Regulatory Specialist Certification and Instructor Certification.
2. Your prior employer, Oregon Liquor Control Commission (OLCC) initiated an investigation after receiving a complaint alleging you used excessive force on a suspect during a compliance check.
3. You provided conflicting reports of the incident to your supervisor and the Director during the investigation, and in the written use of force report.

- 1 4. On October 20, 2016, you were discharged from employment as a regulatory
2 specialist with OLCC.
- 3 5. You challenged your separation and on October 27, 2017, an Arbitrator issued an
4 Opinion and Award upholding your separation from employment.
- 5 6. On February 15, 2018, your case was presented to the Police Policy Committee (PPC)
6 in accordance with OAR 259-008-0070, based on your separation of employment
7 with OLCC.

8 ULTIMATE FINDINGS OF FACT

- 9 1. All public safety professionals must be of good moral fitness. The Department will
10 initiate a professional standards case upon receipt or discovery of information that
11 would lead an objectively reasonable person to conclude that the public safety
12 professional has violated Board established employment, training, or certification
13 standards for Oregon public safety professionals.
- 14 2. The Board through a policy committee may propose to revoke a public safety
15 professional's certifications under OAR 259-008-0070(4)(a)(B) if it finds that the
16 certified individual has engaged in misconduct as defined in OAR 259-008-
17 0070(4)(f)(A).
- 18 3. You have committed acts of dishonesty as defined by OAR 259-008-
19 0070(4)(f)(A)(i). You falsely claimed on repeated occasions that you did not
20 pursue a suspect during a compliance check. Additionally, you were dishonest by
21 falsely reporting the incident in your use of force report. Your acts of dishonesty
22 are evidence of your misconduct and are a separate and sufficient basis to revoke
23 your regulatory specialist certification and instructor certification.
4. Pursuant to OAR 259-008-0070(4)(f)(B), there are aggravating circumstances
present in case: your conduct occurred during your employment in public safety
and while acting in an official capacity. Additionally aggravating was your
dishonesty in an official use of force report in an attempt to conceal your policy
violations. There are no mitigating circumstances present in this case.
5. Your conduct impacts your ability to be employed as a public safety professional

1 because it violates the Code of Ethics, sworn and affirmed by you, which requires
2 you to be honest in thought and deed, to be exemplary in obeying the laws of the
3 land and the regulations of your department. Your conduct is particularly
4 egregious because you have demonstrated untruthfulness, poor judgment and an
5 inability to follow policies and procedures. Your integrity and veracity is a critical
6 component of a public safety professional's ability to perform their duties. Your
7 conduct has compromised your integrity and your demonstrated dishonesty and
8 gross misconduct renders you ineffective to serve as a public safety professional.
9 6. Each of these grounds is a separate and distinct basis supporting a determination
10 that you do not meet the minimum standards for certification as required by OAR
11 259-008-0070(4)(a)(B) and defined in 259-008-0070(4)(f)(A)(i), (ii), (iii) or (iv).
12 The Department is not required to prove that all grounds exist to revoke your
13 regulatory specialist certifications and instructor certification.

14 CONCLUSION OF LAW

15 The Board may revoke a certification if a public safety professional does not meet the
16 requirements for certification set forth in ORS 181A.640 and OAR 259-008-0010(6). Based on
17 your misconduct, you have violated the moral fitness standards for dishonesty as set forth in
18 OAR 259-008-0010(6) and 259-008-0070(4)(f)(A)(i). Each of these grounds is a sufficient basis
19 for revocation and each or any one of them is sufficient to support a revocation.

20 PROPOSED/FINAL ORDER

21 Matthew Robert's Basic Regulatory Specialist Certification and Instructor Certification
22 are hereby REVOKED. Your ineligibility period during which you may not reapply for any
23 public safety certifications is a lifetime for Dishonesty.

NOTICE OF RIGHT TO A HEARING

You are entitled to a contested case hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and the administrative rules of the Department.

1 Requests for hearings must be made in writing and must be filed with the Department no later
2 than twenty (20) days of the date of mailing this notice to you. To be effective, your request
3 must be mailed to:

4 **Kristen Hibberds**
5 **Department of Public Safety Standards and Training**
6 **4190 Aumsville Hwy SE,**
7 **Salem, OR 97317**

8 If you request a hearing, you will be notified of the time and place of the hearing and
9 provided with a description of the hearing procedures, right of representation and other rights
10 of parties related to the hearing in accordance with ORS 183.413(2), prior to the
11 commencement of the hearing. At the hearing, you have the right to represent yourself or be
12 represented by legal counsel. Legal aid organizations may be able to assist a party with limited
13 financial resources.

14 **Notice to Active Duty Service members.** Active duty service members are entitled to
15 stay these proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501.
16 You may contact the Oregon State Bar toll-free at (800) 452-8260, the Oregon Military
17 Department toll-free at (800) 511-6944, or the United States Armed Forces Legal Assistance
18 Legal Services Locator via the web at: [Armed Forces Legal Assistance \(AFLA\)](http://ArmedForcesLegalAssistance(AFLA).org) or
19 legalassistance.law.af.mil/content/locator.php for assistance.

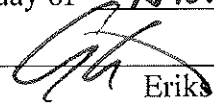
20 NOTICE OF FINAL ORDER AND APPEAL RIGHTS

21 If you fail to request a hearing within the time specified above, withdraw a hearing
22 request, notify the Department or the administrative law judge that you will not appear, or fail
23 to appear at a scheduled hearing, this Amended Notice of Proposed Revocation of Certification
and Proposed/Final Order automatically becomes a Final Order by Default effective upon
Board affirmation. In the event of a default, the Department designates the file, including any
materials you submitted that relate to this matter, as the record for purpose of proving a prima
facie case.

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You are entitled to judicial review of any final order issued in the matter of this Amended Notice of Intent to Revoke Certification in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date of this order.

IT IS SO ORDERED THIS 5 day of April 2018.



Eriks Gabliks, Director
Department of Public Safety Standards and Training

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DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
STATE OF OREGON

CERTIFICATE OF SERVICE

In the Matter of the Proposed
Revocation of the Basic Regulatory Specialist
Certification and Instructor Certification issued
to:

MATTHEW ROBERTS
DPSST #31889

I certify that on the 5th day of April, 2018, I served the foregoing, *Amended*
Notice of Intent to Revoke Certifications and Proposed/Final Order by Default on the party
hereto by mailing, by regular mail, postage prepaid and certified mail, return receipt requested,
true, exact and full copies thereof to:

Matthew Roberts
[Redacted]
Medford, OR 97504

Director
Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222

Department of Public Safety Standards & Training

By: [Signature]
Kristen Hibberds
Professional Standards Investigator/Coordinator

7015 1520 0001 7155 8857

U.S. Postal ServiceSM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature	\$	
Postage	\$	
Total Post	\$	
Sent To		
Street		
City, State, ZIP+4 [®]		

Postmark Here

Matthew Roberts
[Redacted]
Medford, OR 97504

PS Form 3800, April 2018 PSN 7530-02-000-9047 See Reverse for Instructions

NOTICE OF INTENT TO REVOKE
Public Safety Standards and Training
90 Aumsville Hwy SE
Medford, Oregon 97317
503 378 2100

Campus Public Safety Officer

Employee

Employee Information

First Name

Last Name

Supervisor

Supervisor Position Description

Job Title Director of Campus Public Safety

Position Number F98605

Org Unit Campus Public Safety

First Name

Last Name

Email

Position Details

Department Information

Job Location Ashland (15 A)

NOC/WorkComp Code 9101 - Colleges/Schools: All Other Employees

Position Information

Classification Title Campus Security/Public Safety Officer

Working Title Campus Public Safety Officer

Position Number F98337

Class Code D5522

E-Class Code CD- SEIU Hourly > .75 FTE

FTE 1.0

If FTE varies over 12 months, list dates and FTE

Diversity Statement

Southern Oregon University is a welcoming community committed to inclusive excellence and the celebration of diversity. Without diversity, our educational process is diminished. Working together in support of our commitment to diversity, we strengthen and enrich our role as learners, educators and members of a tightly connected global community. We encourage those who share in our commitment to diversity, to join our community and we expect all our employees to demonstrate an ability and desire to create an inclusive campus community.

Position Summary

Campus Public Safety serves Southern Oregon University in providing a safe and secure campus environment for University staff, faculty, students, residents, and visitors, as well as protecting campus property. The department achieves this mission by recommending, and enforcing related campus policies and procedures while providing appropriate training for University personnel and students. The Department patrols, investigates criminal activities and takes enforcement action for violations of local and state law while working in concert with outside law enforcement agencies.

Minimum Classification Qualifications

Minimum Qualifications are not established for this classification. The appointing authority is responsible for recruitment and selection. Refer to Personnel Rule 105-43-005.

Position Specific Minimum Qualifications

Required training may include, but is not necessarily limited to: first aid or first responder medical training, CPR training, crisis intervention techniques, fire or emergency response techniques, special driver training, physical fitness training, or the basic course(s) provided by the Board on Public Safety Standards and Training. Must be able to successfully pass a criminal history and background check. Possession of a valid Oregon driver's license and clearance to drive Oregon state owned vehicles or the ability to obtain by the date of hire. Ability to obtain current Oregon Department of Public Safety Standards and Training Certification within 6 months of hire.

Preferred Qualifications

Demonstrated skills in an institutional/educational environment. BA/BS Degree in criminal justice or related field. Knowledge of how a Campus Public Safety Department operates.

Knowledge, Skills, and Abilities

- Excellent communication skills; ability to effectively communicate information in a clear and understandable manner, both verbally and in writing. Demonstrated customer service experience requiring a very high level of diplomacy and professionalism to effectively handle a broad range of sensitive interpersonal situations.
- Ability to interpret and consistently apply a wide variety of policies and procedures. Ability to work with frequent changes in policies and procedures, under pressure of deadlines in a fast-paced environment.
- Analytical and research skills; ability to gather, evaluate, and to develop well-reasoned conclusions and recommendations. Ability to proactively assess work operations and anticipate potential problems; ability to develop and implement strategies for preventing/resolving problems.
- Ability to effectively perform work of a highly sensitive and confidential nature that requires access to information. Ability to exercise sound judgment and discretion, tact, and diplomacy. Must have high ethical standards.
- Must be able to make decisions under pressure.
- Initiative in independently planning, organizing, and performing work assignments within broadly defined parameters.
- Ability to coordinate various matters and determine the relative importance of each; ability to work with a high level of productivity and accuracy/attention to detail. Excellent organizational and time management skills with the ability to set own priorities to coordinate multiple assignments with fluctuating and time-sensitive deadlines.
- Computer skills and proficiency with a variety of computer applications including word-processing, spreadsheets, databases, online systems, social media platforms, Internet as well as online calendaring and email.

- Ability to initiate, establish, and foster communication and teamwork by maintaining a positive, cooperative, productive work atmosphere in and outside the University with the ability to establish and maintain effective working relationships within a diverse population and with those from various cultural backgrounds.
- Ability to adapt to and work effectively in a heavily bureaucratic environment which requires regular interaction with a number of levels within the organization and outside agencies.
- Working knowledge, or ability to quickly learn, university infrastructure, policies and procedures.
- Knowledge of investigative techniques and procedures.
- General knowledge of first aid. Ability to render assistance in accordance with procedures.
- General knowledge of crime prevention. Ability to assess hazardous situations and determine an appropriate course of action.

Special Conditions

- Familiarization with current briefing information, orders directives, and bulletins.
- Must be able to work a variety of shifts in all weather conditions and patrol campus in vehicles and on foot. Must be physically fit to perform the essential functions of the position and defend oneself and others if necessary.
- Must be willing to travel and attend training programs off-site for occasional professional development.
- Must be able to work additional hours and adjust working hours to meet special jobs. May be called back periodically to perform work as needed on an emergency basis.
- Must be able to successfully pass a pre-employment background check.
- Under the provisions of the Fair Labor Standards Act (FLSA):
 - Position classification defined as “exempt” **are not** subject overtime
 - Position classifications defined as “non exempt” **are** subject to overtime
- The person holding this position is considered a “mandated reporter” under the Oregon Revised Statutes and is required to comply with the requirements set forth by the Oregon department of Human Services.

Notice to Prospective Employees

Section 485 of the Higher Education Act, and The Federal Crime Awareness and Campus Security Act of 1990 (now referred to as the “Clery Act”), requires that prospective employees be notified of the availability of SOU’s Annual Security and Fire Safety Report. The report provides the annual statistics and campus policies for the reporting of and responding to campus crimes and fires; access to campus facilities; conduct code and campus policies on use, possession and sale of drugs/alcohol; and educational/information programs to inform the campus community about campus security procedures and crime prevention.

An electronic copy of the Annual Security Report (ASR) can be accessed at the following link:

<https://inside.sou.edu/assets/security/AnnualCrimeReportFinal.pdf>. A

physical copy of the ASR is available at no charge upon request. To request a copy please visit the Campus Public Safety Office at 382 Wightman Street, Ashland OR 97520. For more information call 541-552-6258, or email clerycoordinator@sou.edu.

Yes

This position must possess and maintain a current, valid Driver License.

Physical Demands

Must be able to maintain control of others, such as by seizing, holding, controlling, and/or otherwise subduing violent, assaultive, or physically threatening persons to defend oneself and others if necessary or prevent injury. Body strength and agility of all four limbs is necessary.

Classified Position Type

Regular

If limited duration is selected,
indicate start and end date of
appointment

Classified Appointment Start Date

Classified Salary Information

Pay Type	Hourly
FLSA	Non Exempt
Benefits Eligible	Yes
Work Hours	CPS is on duty 24 hours a day, 365 days a year. Position is expected to conform to flexible schedules that may include eight (8), ten (10), and twelve (12) hour shifts.
Appointment Basis	12 months
SEIU Salary Range	22
SEIU Step	Step 1
Monthly/Hourly Rate	\$20.62/hr
Adjusted Appt. Salary	

Funding Information

Pay Index Code

Index Code SECURE

Activity Code

% Split 90%

Funding source

Index Code PKGFEE

Activity Code

% Split 10%

Funding source

Duties

Job Duties

Duties	High visibility: Vehicle and foot patrol of University grounds and buildings. Ensures the security of the buildings. Observes persons and conditions and provides assistance when necessary (e.g., information, directions, access to buildings, late night safety escort, etc.)
Percent of total time	30
Duties	Responds to complaints and conducts effective comprehensive investigations to aid in the prosecution of suspects and/or the administering of SOU sanctions for prohibited

conduct. Takes enforcement action when appropriate. Maintains personal log of all on-duty activities, noting date, time, location and circumstances of all incidents; writes complete standardized report of all accidents, injuries, crimes, or other reportable matters; reports any unusual conditions or occurrences, and any important incident information to supervisor.

Percent of total time

25

Duties

Provides assistance to the public, students, faculty and staff by being a problem solver and performing community caretaker functions (e.g.assists drivers with jump starts).

Percent of total time

15

Duties

Works with student workers by training, supervising and coordinating special projects to be determined as the need arises.

Percent of total time

10

Duties

Responds to emergencies on campus and works with other public safety agencies to mitigate the situation. Responds to situations representing a threat to persons or property (e.g., break-ins, fights, drug activity, etc.); may intervene to prevent injury, and call for police assistance as necessary.

Percent of total time

10

Duties

Performs office duties, enforces parking violations, assists with servicing parking meters, assists with booting vehicles for parking enforcement and fills in for support staff when necessary

Percent of total time

10

By signing below, I acknowledge that I have read this position description and understand its content.

Employee Signature

Date

By signing below, I certify that all statements on this form accurately reflect the job assignment.

Supervisor Signature

Date

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ORS 153.045 or 133.069

<input type="checkbox"/> CRIME(S) (See A on Back)	OR (Not Both)	<input checked="" type="checkbox"/> VIOLATION(S) (See B on Back)	<input type="checkbox"/> Traffic <input type="checkbox"/> Boating	<input checked="" type="checkbox"/> Other <input type="checkbox"/> Commercial Fishing	<input type="checkbox"/> Wildlife <input type="checkbox"/>
--	-------------------------	---	--	--	---

STATE OF OREGON }
 CITY/OTHER PUBLIC BODY Ashland
 COUNTY OF Jackson

Docket No. 19-0597
 Court: Municipal Justice
 Juvenile Circuit
 Community Tribal
 Peer

COMPLAINT
0637

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:

ID Type <input type="checkbox"/> CDL <input type="checkbox"/> Non-CDL	ID No.	State <u>CA</u>	License Class
Name: Last <u>ROBSON</u> First <u>JORDYNN</u> MI <u>C</u>			
Address		Tel No.	
[REDACTED]		[REDACTED]	
Def is: <input type="checkbox"/> Passenger <input type="checkbox"/> Employed to drive <input type="checkbox"/>			
Height	Weight	Hair <u>BRO</u>	Eyes <u>BLU</u>

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:

Offense Date on or about 02 27 19 Time 2333 AM PM
 Highway Premises open to public

At or near Location: ROOM 225 B SHASTA HALL SOU CAMPUS

INVOLVING THE FOLLOWING:

Type	Regis/VIN/ID No.	State	<input type="checkbox"/> Accident <input type="checkbox"/> Injury
Vehicle year, make, model, style, color. OR Other, describe:			<input type="checkbox"/> Property Damage <input type="checkbox"/> Endanger others
Other			<input type="checkbox"/> Driver not Reg. Owner <input type="checkbox"/> Haz Material <input type="checkbox"/> Com. Passenger Vehicle <input type="checkbox"/> Com. Vehicle

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

1. Violated (cite ORS/ORD/rule) <u>475.B.26</u>	Describe <u>MIP MARIJUANA</u>	Alleged Spd	Designated Spd	<input type="checkbox"/> Posted Limit <input type="checkbox"/> Radar <input type="checkbox"/> VBR <input type="checkbox"/> Pace <input type="checkbox"/> Laser
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state		<input type="checkbox"/> Safety Corridor <input type="checkbox"/> Pstd Sch Zn <input type="checkbox"/> Hwy Wk Zn		Presumptive Fine: <u>\$265</u>
2. Violated (cite ORS/ORD/rule) <u>471.430</u>	Describe <u>MIP ALCOHOL</u>			
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state		Presumptive Fine: <u>\$265</u>		
3. Violated (cite ORS/ORD/rule)	Describe			
<input type="checkbox"/> Intentional <input type="checkbox"/> Knowing <input type="checkbox"/> Reckless <input type="checkbox"/> Criminal negligence <input type="checkbox"/> No culpable mental state		Presumptive Fine:		

OTHER: _____ Expl. _____

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Date Issued 3/5/19 1st Officer Signature [Signature] Officer(s) Agency ID CPS

Print 1st Officer Name MATT ROBERTS 1st Officer ID No. 31889/794

2nd Officer of Arresting Person (If Not Officer) Signature _____ Print Name _____ 2nd Officer ID No. _____

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE

Mor/Day/Year <u>3/19/19</u>	Time <u>9AM</u> <input type="checkbox"/> AM <input type="checkbox"/> PM	<input checked="" type="checkbox"/> Ashland Municipal Court 1175 E. Main St. Ashland, OR 97520 (541) 482-5214	<input type="checkbox"/> Jackson County Circuit Court 100 S. Oakdale St. Medford, OR 97501 (541) 776-7171	<input type="checkbox"/> Justice Court 4173 Hammick Rd Central Point, OR 97502 (541) 774-1286
--------------------------------	---	--	--	--

Reserved for D.A. use
 ROBSON, JORDYNN C #12825 Can 4-9
 19V00044 01 MNR under 19V00044-1
 INITIAL APPEARANCE plea 3/19/2019

robertsm7@sou.edu	stephany.pearson@cityofmedford.org	Re: Stats for Greenway Recovery Project	3/19/2021 12:22	0
robertsm7@sou.edu	mayor@cityofmedford.org	Camping ordinance	3/31/2021 10:40	0
robertsm7@sou.edu	eric.mitton@cityofmedford.org	Re: Study session materials and link for March 25	4/1/2021 6:05	0
robertsm7@sou.edu	geoffrey.kirkpatrick@cityofmedford.org	Re: FW: Important Bear Creek Stewards Updates- Please read	8/17/2021 11:19	0
matt@cigarcave.biz	brian.sjothun@cityofmedford.org	Re: We fully support the Greenway sweeps and very much appreciate them	7/6/2021 9:19	0
robertsm7@sou.edu	gbkirkpatrick@cityofmedfordor.mail.onmicrosoft.com	Re: FW: Important Bear Creek Stewards Updates- Please read	8/17/2021 11:19	0
matt@cigarcave.biz	crystal.palmerton@cityofmedford.org	Re: Meeting with Brian	7/26/2021 18:14	0
robertsm7@sou.edu	cjneahr@cityofmedfordor.mail.onmicrosoft.com	Re: Request for Stakeholder Interview for Medford Community Court	12/14/2021 6:11	0
robertsm7@sou.edu	kimberly.boutiette@cityofmedford.org	Re: Request for Stakeholder Interview for Medford Community Court	12/14/2021 6:11	0
robertsm7@sou.edu	kmzerkel@cityofmedfordor.mail.onmicrosoft.com	Re: Request for Stakeholder Interview for Medford Community Court	12/14/2021 6:11	0
robertsm7@sou.edu	krboutiette@cityofmedfordor.mail.onmicrosoft.com	Re: Request for Stakeholder Interview for Medford Community Court	12/14/2021 6:11	0
robertsm7@sou.edu	cassandra.neahr@cityofmedford.org	Re: Request for Stakeholder Interview for Medford Community Court	12/14/2021 6:11	0
robertsm7@sou.edu	katie.zerkel@cityofmedford.org	Re: Request for Stakeholder Interview for Medford Community Court	12/14/2021 6:11	0
matt@cigarcave.biz	publiccomments@cityofmedfordor.mail.onmicrosoft.com	2021-125	10/20/2021 14:04	0
matt@cigarcave.biz	publiccomments@cityofmedford.org	2021-125	10/20/2021 14:04	0

Message Key: 000315757F1BF5EAD9B879F176C1CA04C6671182



From: Matthew Roberts
To: council@cityofmedford.org
Cc: publiccomment@cityofmedford.org
Addressed To: mayor@cityofmedford.org
Subject: Camping ordinance
Date: Wednesday, March 31, 2021 10:40 PDT

<EXTERNAL EMAIL **Click Responsibly!**>

3/31/2021

An open letter to the Medford, Oregon City Council

City Council members,

It is with great concern for our city that I write this letter. For the last several years, homeless camping along Bear Creek and the Greenway has been a growing issue impacting the lives of residents, voters, and those camped there.

The Greenway was designed to be a natural corridor joining the cities and towns along Bear Creek with a pleasant, family friendly, natural experience. A great deal of expense has been applied to the Greenway to build and maintain it. Currently, all that expense as well as the continuing costs of cleanup, maintenance, public safety, and crime prevention is being wasted as the conditions along the Greenway have driven the general public away.

The greatest concern for public safety along the Greenway is fire danger. The volume of illegal camping along Bear Creek has been increasing dramatically over the past few years and even more so post Alameda fire and the implementation of Measure 110. These camps, which can be plainly seen from I-5 throughout our city have been the source of 220 illegal fires in 2020. This year promises to be another drought year and fuels along the Greenway will be particularly primed for burning. Homeless camping along Bear Creek has been identified as the cause of at least 4 large fires in the recent past with at least one death caused by those fires. Permitting the continued illegal and unsanctioned camps to continue places the city at risk. It is your duty as public servants to mitigate that risk! Failure to do so with the knowledge of the risks and past fire activity will fail the public trust in your office and place the city at risk of legal action should you allow the camping to continue.

Other concerns regarding the unlawful camping include crime issues: property crimes and violent crimes are common along the Greenway with 2 murder investigations within the last 3 weeks! Alleged rapes amongst campers are not uncommon as are alleged beatings of elderly campers by other greenway campers. These stories are relayed to homeless support workers regularly even if they are not reported to local law enforcement.

Environmental concerns are growing as well. The volume of trash at camp locations along the Greenway is at an all-time high, with bio-hazards like used hypodermic needles from chronic drug use, human waste, abandoned car batteries, fuel containers, plastic refuse, and a broad array of discarded materials litter the banks and even the waterway. Bear Creek is a tributary of the wild and scenic Rogue River. The trash deposited in and around the waterway ultimately makes its way into the river and later into the ocean. It is unforgivable that the city allows this sort of massive dumping of waste by campers who cannot be responsible enough to clean up after themselves. The water quality of Bear Creek as reported by the Oregon Department of Environmental Quality is the poorest of any waterway in the Rogue Basin, including waterways that pass through agricultural areas. Coliform bacteria levels have been tested as high as 3000 ppm. Camping activity erodes the banks of Bear Creek, denudes the plant life along the creek, and evidence has been shown to indicate that poaching of protected fish species (who's return to the habitat has been a long-term goal of Greenway architects), occurs within the city limits.

Tourism, economic, and real estate concerns abound as well. A single drive along I-5 shows the Greenway rife with makeshift shelters, large encampments, piles of trash from one end of town to the other. The city invested heavily in the Harry and David baseball/ softball complex to draw large tournaments to the area and benefit from the visiting families. With the South exit being the defacto hub of illegal camping and virtually all the hotels in the area offering splendid views of "paradise", the name the transient community has given the large camp there, can you imagine parents feeling comfortable bringing their children here to play ball? Oh! Don't forget the lost revenue from the transient lodging tax (hotel tax) as visitors forego staying here due to the disturbing and unpleasant neighborhood. Realtors and business mentors report difficulty selling homes or enticing qualified professionals to the area due to the impression our city presents upon arrival. I am unable to imagine any prospective business owner or prospective employee feeling that Medford was a healthy, safe, and productive environment for my business or family based on the devastation that is the Greenway.

Frustration among the voting public is beginning to boil over. There is a definitive disparity in the way the city deals with tax paying home owners and residents, and the ever growing encampments along the Greenway. If I were to deposit mountains of trash in my front yard, defecate in the bushes, toss used needles about to harm people walking in my neighborhood, surely the city would take corrective action. There is no such action being taken along the Greenway. The campers have learned that they can disregard societal expectations and the city will clean up after them at no cost (to them). These camps are illegal in the first place, are utilizing and destroying public land, are extremely costly to the city budget, environment, and reputation, yet there is no activity by the council taken to correct the behavior. I would believe that the city's liability in sending public employees to this area to clean up places the city at risk for lawsuits if the employees are injured or exposed to the biohazards. One might also assume that the city may be found negligent in protecting the city from the fire risk with the prior knowledge of the risk and previous fire behavior. Just a thought.

Lastly, I would like to suggest that the council enact the anti-camping ordinance and divert the funds formerly used for patrol and cleanup toward additional resources for the truly unhoused and treatment programs for the addicted and mentally ill. Solve problems instead of chasing them. Again, just a thought.

I fear that the council's failure to act at this juncture will permanently erode the public trust in the offices of councilors as well as discard a large amount of public buy-in on this matter. I vicariously represent more than 2500 local residents who are passionate about this issue and are expecting you to take positive and direct action on this important issue.

Respectfully,

Matt Roberts

The Greenway Recovery Project

Fwd: Please Stop Camping on the Greenway - Support Letter

ryan.mallory@thiefhunterlabs.com Ryan Mallory
To: Robertsm7@sou.edu

Friday, March 19, 2021 at 10:55:55 PM Pacific Daylight Time

Hi Matt,

See what that form sends below.

-Ryan

Ryan Mallory

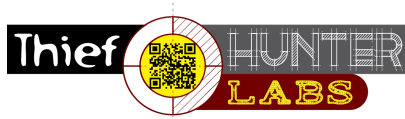
Owner & Senior Consultant

ThiefHunter Labs LLC

Ryan.Mallory@ThiefHunterLabs.com

541-951-6995 office

866-951-6995 toll free



ThiefHunterLabs.com



The [Scanner Group](#) People on Facebook with 175,000 Account Impressions in Southern Oregon & Northern California.

----- Forwarded message -----

From: **Scanner Group - A Facebook Original** <admin@jacksoncountyscanner.com>

Date: Fri, Mar 19, 2021 at 10:53 PM

Subject: Please Stop Camping on the Greenway - Support Letter

To: <ryan.mallory@thiefhunterlabs.com>

Dear Medford City Councilors & Jackson County Commissioners,

Here is my statement of support for stopping camping on the Greenway. Please have it recorded into the public record on this subject. I have included my contact information and a more personal statement below as well.

I live in Jackson County, and am concerned about the current state of affairs relative to community safety, fires, criminal activities, hard drug use, general refuse and human waste on the Bear Creek Greenway. I support the City of Medford Town Council and Jackson County Board of Commissioners passing new ordinances or strengthening existing laws to support enforcement of no camping laws within the Medford City limits and County borders. Please move forward in helping people currently camping on the Greenway find available services and enforce no camping policies so the Greenway can recover and be used by all local citizens and visitors again.

Must live in Medford and/or Jackson County, OR::	I live in Jackson County, Oregon, I live in Medford, Oregon
Additional Comments (optional):	The greenway has gone to hell. It's time to enforce the law.
Please send the statement and my comments for me.:	Checked
First Name:	Johnny
Last Name:	Doe
Email:	johnny@doe.com
Address:	100 Sunshine Rd

2/18/22, 3:55 PM

Google Vault - Fwd: Please Stop Camping on the Greenway - Support Letter

City:

Medford

US States:

OR

Zip:

97504

From: Kristina M. Johnsen <Kristina.Johnsen@cityofmedford.org>
Sent: Wednesday, March 24, 2021 10:04 AM
To: Brian N. Sjothun; Kelly A. Madding; Eric B. Mitton; Scott A. Clauson; Eric W. Thompson
Subject: Greenway Recovery Project Inquiry Recap
Attachments: City of Medford Homelessness Initiatives (3.77 KB)

Hello,

Matt Roberts reached out to me this morning and identified himself as the owner of the Greenway Recovery Project<<https://www.facebook.com/savemedford>> facebook page. Matt asked if the City had any information they'd like shared with the page audience regarding efforts along the Greenway and the proposed prohibited camping ordinance.

I thanked Matt for reaching out and asking the City to be part of the conversation and provided him with the following information:

* We're currently working on dispelling misinformation on the following topics:

- o The draft prohibited camping ordinance is not Eric Mitton's and was created at the direction of the City Council. The City Council will be the deciding factor on next steps of the ordinance.
- o The maximum penalty of the draft ordinance is not six months in jail.
- o The Urban Campground now has 62 spaces, not 48 as reported earlier this week.

* I provided Matt with yesterday's shelter availability stats and stressed that this number fluctuates day-to-day. I also provided the 30 yard dumpster stat to provide an idea of how much garbage the City is collecting on a regular basis.

* I reiterated that oral requests are not being done in person for City Council meetings at this time and encouraged individuals interested in providing public comment to email publiccomments@cityofmedford.org<<mailto:publiccomments@cityofmedford.org>>.

* Finally, I provided a recap of some of our current initiatives related to homelessness and beautification of our public spaces. See attached.

Please let me know if you have any questions.

Thank you,

KJ

Kristina Johnsen | Communications & Marketing Manager City of Medford, Oregon
411 W 8th Street, Medford, OR 97501

Ph: 541-774-2087 | C: 503-407-7002

Website<<http://www.ci.medford.or.us/>> | Facebook<<https://www.facebook.com/CityofMedford/>> |

Twitter<<https://twitter.com/CityofMedford>>

Message Key: 00031575577566E5F4CEB5F3117C755F06A79553



From: "Geoffrey B. Kirkpatrick"
To: "Trevor C. Arnold"
Cc: "Justin R. Ivens" <cityofmedford.org>, "Scott A. Clauson"
Addressed To: saclauson@cityofmedfordor.mail.onmicrosoft.com, trevor.arnold@cityofmedford.org, jrивens@cityofmedfordor.mail.onmicrosoft.com
Subject: Request from Matt Roberts
Date: Thursday, March 18, 2021 10:49 PDT

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I was very clear with Matt that while I wear the uniform I am not going to endorse one side or another and that it is not our position to appear to support one side or another. However, he has asked me for statistics and background for the LVT and greenway operations.

I have provided him, as I would anyone who asked, with information that has been put out in public meetings or via my emails to the public that cover our work on the greenway: My canned citizen response as to the state of the greenway, Eric Mitton's letter to the NHLC and the Livability Team outreach #'s (how many housed, referred, etc.).

What I have not given him is information that we have not released, such as our Livability Encampment Survey numbers and the report on that survey. I would like to get these numbers to him along with the percent increase and mapping of those camps.

He is also looking for the amount we spend on policing the homeless, which is a large task. I am just not sure how much I should give him. I want to remain publically neutral in an official capacity.

Any thoughts would be helpful.

Thanks

Geoff Kirkpatrick | Sergeant - Livability Team/Code Enforcement
City of Medford, Oregon | Police Department
219 S Ivy Street, Medford, Oregon 97501
Ph:541-774-2226 | C:541-816-7706

Message Key: 0003157501B76E9786A272FB3E526DB056390AEB



From: "Geoffrey B. Kirkpatrick"
To: "Trevor C. Arnold"
Cc: "Justin R. Ivens" <cityofmedford.org>, "Scott A. Clauson"
Addressed To: justin.iven@cityofmedford.org, scott.clauson@cityofmedford.org
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Message Key: 00031575BDEB58C303CBDF63F9E3BA3C4D736629



From: "Justin R. Ivens"
To: "Geoffrey B. Kirkpatrick"
Addressed To: geoffrey.kirkpatrick@cityofmedford.org
Subject: RE: Request from Matt Roberts
Date: Thursday, March 18, 2021 10:53 PDT

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Sent: Thursday, March 18, 2021 10:50 AM
To: Trevor C. Arnold <Trevor.Arnold@cityofmedford.org>
Cc: Justin R. Ivens <Justin.Ivens@cityofmedford.org>; Scott A. Clauson <Scott.Clauson@cityofmedford.org>
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Message Key: 00031575935934C5F66C3D6F9632C93EFCF6AF8A



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To: "Geoffrey B. Kirkpatrick"
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City of Medford, Oregon | Police Department
219 S Ivy Street, Medford, Oregon 97501
Ph:541-774-2226 | C:541-816-7706

First of many emails

Geoffrey.Kirkpatrick@cityofmedford.org Geoffrey B. Kirkpatrick

Thursday, March 18, 2021 at 9:44:13 AM Pacific Daylight Time

To: RobertsM7@sou.edu 'RobertsM7@sou.edu'

Matt,

Below in italics is my canned response that I give the public when I receive complaints about the state of the greenway.

I am also attaching an updated statistics sheet for the Livability Team that shows our outreach data to date (369 people referred to the Urban Campground, 70 to the Kelly Shelter, 64 to other housing, etc.). It also shows that we personally have housed 387 homeless people into transitional living since Sept of 2019.

The last attachment is the Deputy City Attorneys response to the homeless advocate law centers letters that they sent saying why our proposed ordinance is illegal. These law groups are NOT LOCAL and have no connection with our city or community

My name is Geoff Kirkpatrick and I am a Sergeant with the Medford Police Department. I currently supervise in our Community Engagement Division and one of the teams that I supervise is our Livability Team. This team is purely focused on issues relating to homelessness and is heavily involved with the Bear Creek Greenway.

The issue of homelessness and the far reaching impacts that it has on the homeless themselves and the community around them cannot be simplified. The City of Medford is extremely aware of the complex issues surrounding those exact visible impacts that you addressed in your email. The City has enacted a Homeless Action Plan that includes objectives such as increased affordable housing, budgeting to address the issue, enforcement, outreach and other solutions. Your Police Department's role as it relates to our homeless population has, over the years, morphed from a primarily enforcement role to a slightly different model. There are many reasons for this such as results driven data, court cases outlining what can and cannot be done and trying to find a model that actually produces results. Those outcomes have to benefit not only the unsheltered citizen, but the citizens living in the community as well.

It would be very simple for us to go and remove the homeless from those visible areas that you mention, throw their stuff away and clean up the trash. However, recent court rulings and other factors prohibit us from this type of response. See [Martin v. Boise](#) and [Blake v. Grants Pass](#). In September of 2019, the city leadership created the Medford Police Department Livability Team, a group of dedicated officers to address livability issues on our Greenway and downtown areas. That team, since inception has been critical in the relationship development, housing, mentoring, guiding, advocating and enforcement of our unsheltered homeless population. We have seen many successes in partnering with our social service agencies and to date have connected hundreds of people to transitional housing and off of the street.

Just like all aspects of life, COVID has affected our abilities as of late. When the COVID pandemic began, the Jackson County Health Department requested that all unsheltered homeless persons to shelter in place and thus the enforcement of people camping on City owned property ceased. We saw a huge increase in our homeless population during this time and with social service organizations closed and enforcement not being done, the visible effects of homelessness really have come to a forefront (trash, camps, graffiti etc...). In late July, the city leadership in partnership with Rogue Retreat opened the [temporary urban campground](#). This gives the Livability Team the ability to refer those camping on the greenway and along I-5 to the campground and into a managed system that will facilitate them getting into transitional housing when available. This is just another step in how we are trying to think outside the box to address these issues in a legal and ethical manner. However, we are still not enforcing camping ordinances because the current legal challenges to our law. We are working hard to come up with a new law that will enable us to restrict usage of the greenway, but changing laws, during a pandemic, is a terribly slow process. The revised Prohibited Camping ordinance has been written

to reflect the needed changes per our court system and should be voted on by the Medford City Council in April of 2021, prior to the start of Fire Season.

The complex issue of maintaining a City that is conducive with a great place to work, live and play while at the same time being bound to legal and ethical issues in solving the homelessness issue is not something that is taken lightly. We are working hard to fix the issues that you pointed out. We see them too. Unfortunately if we displace a homeless individual and clean up the mess, it does not solve the issue, it simply puts it elsewhere. We are working hard towards long term solutions and will do our best as your public servants to work hard for you. Trust me when I tell you that I see your concerns, I hear you and I know that there is a problem. We are working through legal solutions to these issues, but currently we are not conducting our traditional "sweeps". We are however coordinating with our parks department and Oregon Department of Transportation on getting trash cleaned up.

Thank you for reaching out and for taking the time and effort to bring matters to our attention.

I am working on getting you much, much more.

Thank you for caring about our community.

Geoff Kirkpatrick | *Sergeant – Livability Team/Code Enforcement*

City of Medford, Oregon | Police Department

219 S Ivy Street, Medford, Oregon 97501

Ph:541-774-2226 | C:541-816-7706

Attachments:

Weekly Update 03-08 to 03-12.pdf 383k

2021-03-10 Response memo to NHLC.PDF 92k

Message Key: 000315751C9AC6C3EA25C21225AB9D19EE3C6E95



From: "Geoffrey B. Kirkpatrick"
To: "Justin R. Ivens"
Addressed To: justin.iven@cityofmedford.org
Subject: RE: Request from Matt Roberts
Date: Thursday, March 18, 2021 10:56 PDT

I am here and will be free

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Sent: Thursday, March 18, 2021 10:54 AM
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Message # 6

Message Key: 000315753EB4AA50EA2ECEEEB0FCABB83EF86E70

From: "Geoffrey B. Kirkpatrick"
To: "Justin R. Ivens"
Addressed To: jrivals@cityofmedfordor.mail.onmicrosoft.com
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Date: Thursday, March 18, 2021 10:56 PDT



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Greenway Recovery Project

5 d · ⚙️



Yet another example of how unregulated and uncontrolled homeless activity in our parks is dangerous. The accused is well know by law enforcement to frequent the 9th street foot bridge area and has a significant, violent criminal history. It is this type of person who preys on the homeless as well.



KTVL CBS 10 News, Medford ✓

5 d · 🌐

A man has been arrested in connection with a shooting that took place Sept. 23 in a downtown Medford parking lot near Almond Street and East 9th Street.



KTVL.COM

22-year-old arrested in connection with downtown Medford shooting

A man has been arrested in connection with a shooting that took place Sept. 23 in a downt...



9

3 comments 1 share

👍 Like

💬 Comment

➦ Share



Oldest ▾



Larry Lindenberg

When are we going to bring back capitol punishment and do away with these worthless criminals

Like Reply 4 d



Alessandro Vene

If you're a regular citizen you can't even park your car in that area without a permit, but somehow they just leave people camping in RVs and broken down cars for weeks at the time with no repercussion, no fines or jail time for littering either, this city is failing miserably in taking care of the problem

Like Reply 4 d



4



Lynae Marie Entenmann

Alessandro Vene we have literally been told by police that they have more rights than us.



Greenway Recovery Project

Intro

The Greenway has become a blight for Southern Oregon communities. It is time to reclaim and recover

i Page · Community group

📍 Medford, OR, United States, Oregon

Photos

[See All Photos](#)



Carla Willis

Hmmm, I wonder if Governor DeSantis can help us out with transportation....these destructive homies need to go! 🌞



8

Like Reply 1 w



Stephanie Murray Prince

Carla Willis good idea but the problem is Governor DeSantis is transporting immigrants to sanctuary cities and Oregon has been declared a sanctuary STATE by our all-knowing governor. So we are probably on the list of places to send them,



2

Like Reply 1 w



Erhan Cam

Stephanie Murray Prince Oregon has been declared a sanctuary state for 3 decades. We're definitely at a tipping point...



Like Reply 1 w



Carla Willis

Stephanie Murray Prince, we'll then...how about dropping them off at K 🐼 's house...I'm so over these destructive people!



2

Like Reply 1 w



Dan Westbrook

Stephanie Murray Prince Oh I have a completely different place to send them 😊



Like Reply 6 d



Intro

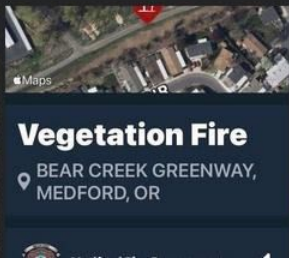
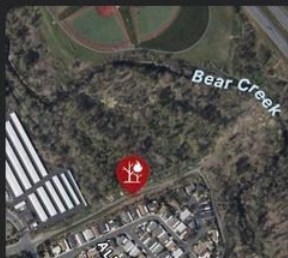
The Greenway has become a blight for Southern Oregon communities. It is time to reclaim and recover

i Page · Community group

📍 Medford, OR, United States, Oregon

Photos

[See All Photos](#)



↳ 4 replies



Randy Lewis

Load them up and take them to the desert. Can't burn much there. Just saying

Like Reply 6 w



Roger Parker

And here's what I ran into today while on my daily morning walk with my dog 🙄
the first picture is of the fire by the bmx track and the second is on the path by the creek created by south Medford highschool



Like Reply 6 w



Greenway Recovery Project

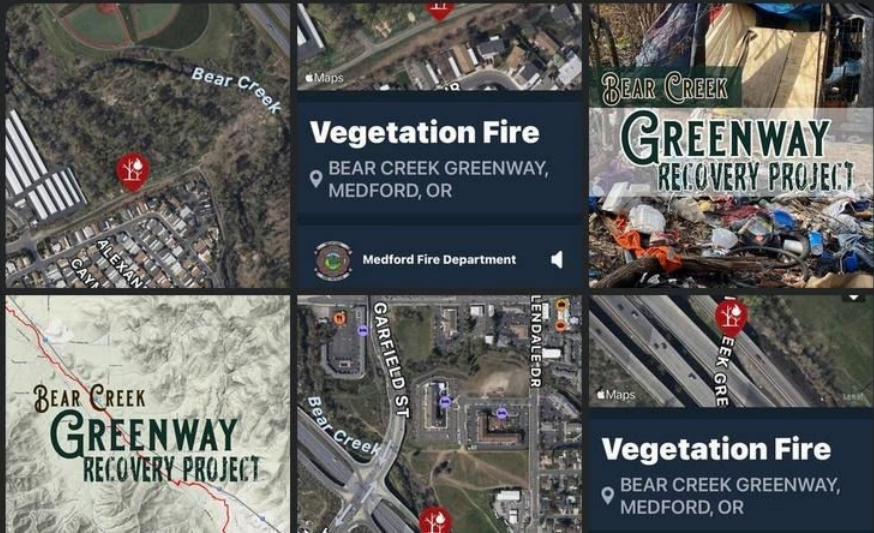
The Greenway has become a blight for Southern Oregon communities. It is time to reclaim and recover

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Photos

[See All Photos](#)



Cyndi Rach

The druggies don't care if they burn down people's homes and towns.

Like Reply 8 w



Kurt Quistorff

Cyndi Rach citizens aren't doing much about it

Like Reply 8 w



Cyndi Rach

Kurt Quistorff need better/different government that actually cares about hard working, tax paying citizens.

Like Reply 8 w



Author

Greenway Recovery Project

Cyndi Rach just sayin'. Matt Roberts for Medford City Council Ward 4

Like Reply 8 w



Trever Whetzel

Greenway Recovery Project He'd have my vote if I still lived down there.

Like Reply 8 w



Mary Taravella

Cyndi Rach no they do not!

Like Reply 8 w



Ryan Mallory ▸ Southern Oregon Outdoors - Photos, Views, Hikes, 4x4 Runs



20 March 2021 · 🌐

YOUR HELP...I have a project going to make the greenway safer with another group of citizens and I'm hoping this group will sign my online letter because I need a couple of thousand signatures by April 1st to present to the Medford City council and Jackson county commissioners



BEAR CREEK

GREENWAY
RECOVERY PROJECT

SCANNERGROUP.COM

STOP Illegal Camping on the Bear Greek Greenway - Scanner Group - A Facebook Original



21

8 comments 4 shares



Greenway Recovery Project

Intro

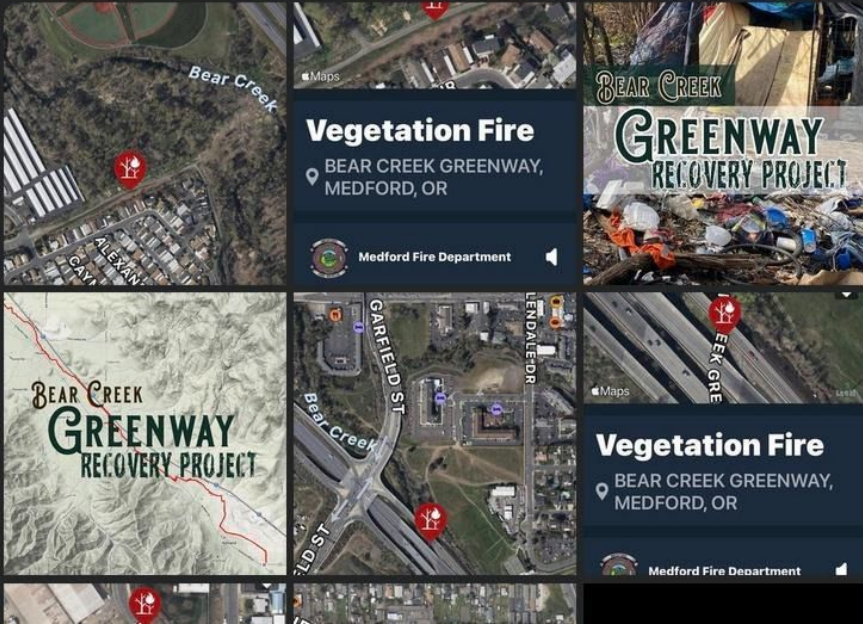
The Greenway has become a blight for Southern Oregon communities. It is time to reclaim and recover

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Photos

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Like Reply 7 w

Shelley Heusser

Why doesn't someone in a position to do so declare a State of Emergency and put the National Guard all along the Greenway? There is plenty of clean up that needs done as well. It's only a matter of time until another city is burned to the ground. It's unacceptable that our "leaders" just sit around and let this continue.

Like Reply 7 w

Cheryl Lashley
Shelley Heusser

That is an excellent idea, which means it'll probably get no response. All the dead trees along the Greenway that Almeda took out need to be removed, they're just big, tall match sticks waiting for ignition 😡

Like Reply 7 w

Shelley Heusser

Cheryl Lashley If we keep doing nothing (like California) Southern Oregon will be gone as we once knew it! If this isn't an emergency I don't know what is.

Like Reply 7 w

Sonja Marino

Cheryl Lashley that is not the job of the National Guard. It is a local issue.

Like Reply 7 w

Shelley Heusser

Says who? Has your house been burned down by a bum?! I say it's an emergency we put an end to it.

Like Reply 7 w Edited



Greenway Recovery Project



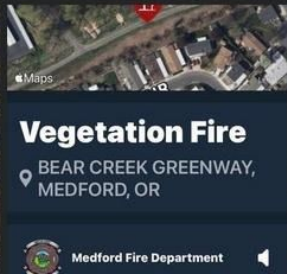
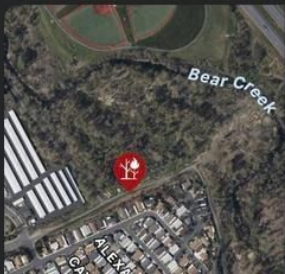
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Photos

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Arthur Kent

For 300 years in this country you had the freedom to do whatever you wanted to yourself as long as you didn't harm another person or their property. Personal responsibility and personal accountability were vital to survival since there was no social service safety net except your family and your church. Each of those support systems had accountability built in and if you burned those bridges you were on your own. The opioid epidemic of the 1850's is a perfect example. Everyone knew people who became addicted to opium and died from habitual use and or capitol punishment imposed for criminal activities. At that time, drug addicts only overdosed once because there was nobody there to save them. The process of self destruction was a powerful lesson not to engage in those behaviors. Likewise, peer pressure was a powerful preventive force but we have removed the stigma of drug use and enabled bad behavior designating drug users as "victims" and enabling their choice to engage in self destruction. Remove the social support system. Enact severe penalties for personal and property crimes. Outlaw Narcan and the issue will solve itself in one generation. Enabling behavior will only encourage more of that behavior.

Like Reply 5 w



2



Greenway Recovery Project

Intro

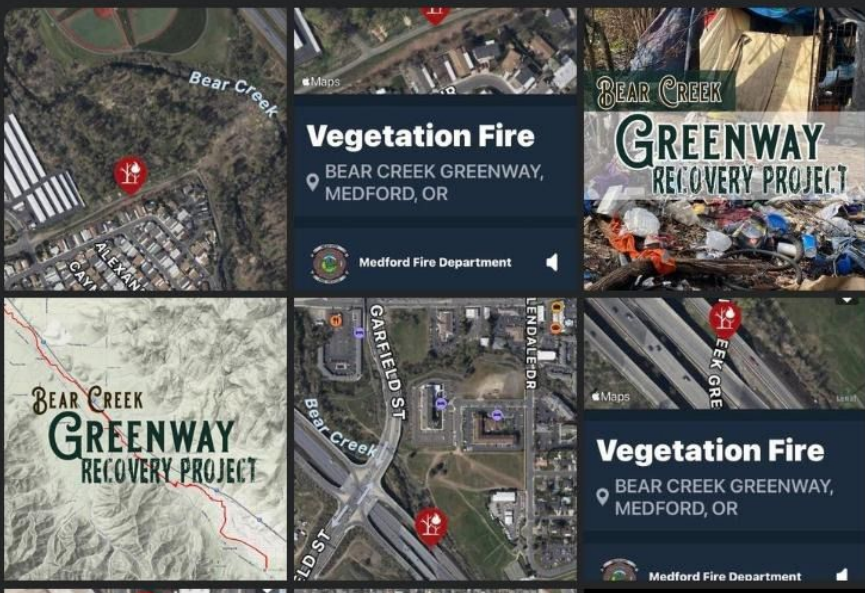
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Medford, OR, United States, Oregon

Photos

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Like Reply 3 w



Ted Krempa

It was literally impossible NOT to notice the build up at Hawthorne the past week. Is MPD blind or just looking the other way, like Medford Council....DO SOMETHING !!!! Also, Exit 27 is starting up again...visible carts and tents.....DO SOMETHING, MPD....

Like Reply 3 w



Samantha Erikson

Ted Krempa, I think MPD looks the other way. 🙄

Like Reply 3 w



Jerry Nikodym

Ted Krempa need to build mental healthcare and addiction centers again , lock up criminals !!!

Like Reply 3 w



Larry Lindenberg

Jerry Nikodym and increase the severity of the criminal punishment

Like Reply 3 w



Reply to Ted Krempa...



Samantha Erikson

Have you seen the camp by the old Pier 1. Yikes it's a eye sore. 🤔

Like Reply 3 w



Ulises Gamino

Gonna have to get a group together and run them out ourselves to protect our community since local government isn't doing anything.

Like Reply 3 w



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Bill Meyer

15 August · 🌐

I refuse to view Medford's push to install 2 "Indestructible" public toilets (\$360,000 approx for purchase and installation) as "progress". A pox on the 9th circuit court of appeals' house for hamstringing cities with decrees essentially force coddling the drunk, drugged up, deranged and disorderly. "Weary Travelers" using the toilets (per the Mail Tribune article) don't need "Indestructible" toilets. Trashy criminal types drive the need for such "infrastructure". Yes, I'm passing judgement on behavior.

👍👎👤 38

27 comments 6 shares

👍 Like

💬 Comment

➦ Share



Oldest ▾



Kurt Quistorff

Yeah, Medford is done for

Like Reply 7 w

👍 3



Stephanie Murray Prince

It may be advertised as indestructible but that doesn't keep our arson happy parasites from trashing it, peeing and pooping all over it and making it so disgusting that no taxpayer would use it. And why do we need indestructible toilets anyway? Non-vagrant citizens would never try to trash it and the walking parasites will consider it a challenge.

Like Reply 7 w

👍 4

Greenway Recovery Project's Post



44w Like Reply



Jon Peterman

Special thanks to Melissa Jones with the stabbin wagon and Ryan Scott of Newman United Methodist church in GP

Both handing out "harm reduction" kits

Everything but the dope so you can stay in your addictions



44w Like Reply

7 🤔 😞

Greenway Recovery Project's Post



Exactly!!! It's not compassionate to enable people to continue destroying their lives. We need to lift them up and get them help! ❤️

51w Like Reply



Stephanie Murray Prince

And arrest all those who are not addicts and just using the situation to be irresponsible and let others take care of them.

51w Like Reply



Jon Peterman

But but but the stabbin wagon.....

Melissa Jones

Samantha Strong

Toren McKnight

They are perpetrators not advocates

51w Like Reply Edited



Stephanie Smith

Jon Peterman I'm wondering if they think they are helping by enabling them ..

Greenway Recovery Project's Post



View all 21 replies



Jon Peterman

Toren McKnight, Samantha Strong, and Melissa Jones all say they are helping the homeless but all they do is promote "safe" drug use and "safe" sex while harassing



5



Greenway Recovery Project



Follow



Beth Lurene



Erika Anne Moore



Add friend



Diane Prinzer



Add friend



Beth Foster



Comment as Sam Becker

Greenway Recovery Project's Post



View all 21 replies



Jon Peterman

Toren McKnight, Samantha Strong, and Melissa Jones all say they are helping the homeless but all they do is promote "safe" drug use and "safe" sex while harassing officials and doing nothing for the homeless population

They are anti God and anti law and want the populace to pay for it all

1y Like Reply



Jon Peterman

By the way Samantha Strong is an lgbt advocate and works at Griffin Creek elementary with your students

She is a child sex groomer working amongst your kids

1y Like Reply



Reply to Jon Peterman



Group	Report Recorder	IncidentType
CAMPUS PUBLIC SAFETY	MATT ROBERTS	MEDICAL ASSIST
CAMPUS PUBLIC SAFETY	MATT ROBERTS	ORDINANCE VIOLATION
CAMPUS PUBLIC SAFETY	MATT ROBERTS	CRIMINAL THREAT
CAMPUS PUBLIC SAFETY	MATT ROBERTS	PROPERTY/FOUND/SUSP.
CAMPUS PUBLIC SAFETY	MATT ROBERTS	CIVIL DISPUTE
CAMPUS PUBLIC SAFETY	MATT ROBERTS	THEFT : THEFT FROM PUBLIC BUILDING
CAMPUS PUBLIC SAFETY	MATT ROBERTS	SUSPICIOUS : SUSPICIOUS ACTIVITY
CAMPUS PUBLIC SAFETY	MATT ROBERTS	THEFT : THEFT/OTHER,TRESPASS
CAMPUS PUBLIC SAFETY	MATT ROBERTS	MEDICAL ASSIST
CAMPUS PUBLIC SAFETY	MATT ROBERTS	PROPERTY/FOUND/SUSP.

Incident Discovered/Called I

2024-02-15T14:21:00

2023-12-20T13:24:00

2023-12-12T18:30:00

2023-10-24T13:50:00

2023-09-01T08:40:00

2023-08-01T07:31:00

2023-07-21T12:11:00

2023-06-08T17:00:00

2023-06-06T10:30:00

2023-06-01T14:30:00

RECEIVED
 NOV 01 2020
 PAYROLL

Full lift thru 12/31

SD Southern OREGON UNIVERSITY		Classified- SALARIED Non-Exempt Employee Timesheet				Show Actual Hours Worked				Total Work Hours			Leave Hours Used					
Day	Date	Shift 1 - Time In	Shift 1 - Time Out	Shift 2 - Time In	Shift 2 - Time Out	REG	OT PAY	OT COMP	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other (expl)		
Pay period runs 1st through the 31st of the month																		
SU	1/1/2017	8:15:00	12:00:00	12:30:00	14:00:00	7.25			2.75									
Month/Year: Oct-20		Employee ID No.: [REDACTED]																
Name (Please Type): Roberts, Matthew																		
Department: CPS																		
FTE:		Est. Hours Worked Over FTE Monthly Avg:																
Supervisor's Name (Please Type): Robert Gibson																		
We certify that the hours indicated on this record are correct.																		
Employee's Signature: [Signature]		Date: 11/3/2020																
Supervisor's Signature: [Signature]		Date: 11/04/2020																
Submit approved timesheet to the Payroll Services Dept (Churchill Hall - Rm 143) 2 business days after the last business day of the month																		
For Payroll Use Only																		
Hours Worked		Hours Drawn		Total Hours		Standard Month												
172		8		180		1760												
For Payroll Use Only																		
Beginning Balance		218.73		178.73		32		50.25		33.5		24						
Hours Accrued		8		8		12												
Hours Taken						8.00												
Next Month Available		220.73		180.73		32		54.25		33.5		24						
For Payroll Use Only																		
Weekly Total # 1						12.00		8.00										
Weekly Total # 2						36.00												
Weekly Total # 3						40.00				8		4						
Weekly Total # 4						35.00						4						
Weekly Total # 5						48.00		8.00										
Totals for this Month						172.00		16.00		8		8						

OTD = 81.69 + 48 = 129.69 x 0.083 = 10.76

SB

DCS paid 11/30/20
 SD(84), OTD, OT

172 x 1.5 = 12 fcomp

comp times = 119.75 after oct

RECEIVED

φ

SO Southern OREGON UNIVERSITY		Classified- SALARIED Non-Exempt Employee Timesheet				Show Actual Hours Worked				Total Work Hours			Leave Hours Used					
Day	Date	Shift 1 - Time In	Shift 1 - Time Out	Shift 2 - Time In	Shift 2 - Time Out	REG	OT PAY	OT COMP	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other (expl)		
	1/1/2017	8:15:00	12:00:00	12:30:00	14:00:00	7.25			2.75									
Pay period runs 1st through the 31st of the month																		
Month/Year: Nov. 2020	Employee ID No.:											4.00						
Name (Please Type): Roberts, Matthew																		
Department: CPS																		
FTE:	Est. Hours Worked Over FTE Monthly Avg:																	
Supervisor's Name (Please Type): Robert Gibson																		
We certify that the hours indicated on this record are correct																		
<i>Matthew Roberts</i> 12/2/2020																		
<i>Robert Gibson</i> 12/03/2020																		
Submit approved timesheet to the Payroll Services Dept (Churchill Hall - Rm 143) 2 business days after the last business day of the month																		
For Payroll Use Only																		
Hours Worked	Hours Drawn	Total Hours	Standard Month															
168	14	184	168															
For Payroll Use Only	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	Lwop	Other										
Beginning Balance	226.73	180.73	32	54.29	33.5	24	50											
Hours Accrued	8	8	8				8											
Hours Taken			8	8.00														
Next Month Available	234.73	194.73	32	40.29	33.5	24	8											
For Payroll Use Only																		
Weekly Total # 1							36.00					4						
Weekly Total # 2							48.00	20.00										
Weekly Total # 3							36.00					4						
Weekly Total # 4							48.00	12.00										
Weekly Total # 5																		
Totals for this Month							152.00	42.00				8	8					

cannot receive add'l comp

$12.00 + 8.00 = 20.00$
 $- OTD = 81.69 + 48 = 129.69 \times 0.083 = 10.76$

$- OTD = 81.69 + 48 = 129.69 \times 0.083 = 10.76$

All HOLIDAY HOUR FOR ^{108 32} PAY, PLEASE
 SO(108), DCS, OT, OTD,
 ROP (not straight) paid 12/31/20

MVA

ROP(2) = paid for

OTD
 10.76
 + 10.76
 21.52

SB

RECEIVED

φ

SO Southern OREGON UNIVERSITY		Classified- SALARIED Non-Exempt Employee Timesheet				Show Actual Hours Worked				Total Work Hours			Leave Hours Used					
Day	Date	Shift 1 - Time In	Shift 1 - Time Out	Shift 2 - Time In	Shift 2 - Time Out	REG	OT PAY	OT COMP	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other (expl)		
Pay period runs 1st through the 31st of the month																		
Month/Year: 12. 2020	Employee ID No.: [REDACTED]																	
Name (Please Type): Roberts, Matthew	1																	
Department: CPS																		
FTE:	Est. Hours Worked Over FTE Monthly Avg:																	
Supervisor's Name (Please Type): Robert Gibson																		
We certify that the hours indicated on this record are correct																		
Employee's Signature: [Signature]		Date: 1/4/21																
Supervisor's Signature: approved via email		Date:																
Submit approved timesheet to the Payroll Services Dept (Churchill Hall - Rm 143) 2 business days after the last business day of the month																		
For Payroll Use Only																		
Hours Worked	Hours Drawn	Total Hours	Standard Month															
204	12	2160	184															
For Payroll Use Only	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other										
Beginning Balance	234.73	194.73	32	40.25	33.5	24	50	8										
Hours Accrued	8	8	8	12														
Hours Taken	12.00																	
Next Month Available	242.73	202.73	40	46.25	33.5	24	8											
For Payroll Use Only																		
Weekly Total # 1						36.00					4							
Weekly Total # 2						48.00	8											
Weekly Total # 3						36.00					4							
Weekly Total # 4						48.00	8											
Weekly Total # 5						36.00					4							
Totals for this Month						180.00	8	8			12							

OTD 81.69 + 48 = 129.69 x 0.083 = 10.76

comp addl accrue comp

8 - accrued

✓ SD (84), DCS, OT, OTD paid 1/29/21

204 x 1.5 = 12 fcomp

RECEIVED

FEB 01 2021



Classified - SALARIED Non-Exempt
Employee Timesheet

PAYROLL

Pay period runs 1st through the 31st of the month

Month/Year: Jan-21

Employee ID No.:

Name (Please Type): Roberts, Matthew

Department: CPS

FTE: Est. Hours Worked Over FTE Monthly Avg:

Supervisor's Name (Please Type): Robert Gibson

We certify that the hours indicated on this record are correct

Employee's Signature: Date: 2-1-21

Supervisor's Signature: approved via email Date:

Submit approved timesheet to the Payroll Services Dept (Churchill Hall - Rm 143)
2 business days after the last business day of the month

For Payroll Use Only

Hours Worked	Hours Drawn	Total Hours	Standard Month
108	8	170	168

For Payroll Use Only	Sick Leave	Vac Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other
Beginning Balance	242.73	202.73	40	410.25	33.5	24	8	
Hours Accrued	8	8	8					
Hours Taken				8.00				
Next Month Available	250.73	210.73	48	38.25	33.5	24	8	

For Payroll Use Only

Weekly Total # 1	-	-	-	-	-	-	-	-
Weekly Total # 2	48	40.00	8	-	-	-	-	-
Weekly Total # 3	36.00	-	-	-	-	-	4	-
Weekly Total # 4	48	40.00	20	8.00	-	-	-	-
Weekly Total # 5	36.00	-	-	-	-	-	4	-
Totals for this Month	168.00	8.00	8	-	-	-	-	-

W DCS, OT (including HOL) 168 28
paid 2/26/21

Day	Date	Show Actual Hours Worked				Total Work Hours			Leave Hours Used							
		Shift 1 - Time In	Shift 1 - Time Out	Shift 2 - Time In	Shift 2 - Time Out	REG	OT PAY	OT COMP	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other (expl)
	1/1/2017	8:15:00	12:00:00	12:30:00	14:00:00	7.25			2.75							
SU	1/31/2021															
M																
T																
W																
Th																
F	1/1/2021		holiday													
SA	1/2/2021															
SU	1/3/2021															
M	1/4/2021	06:00am	06:00pm			12.00										
T	1/5/2021	06:00am	06:00pm			12.00										
W	1/5/2021	06:00am	06:00pm			12.00										
Th	1/7/2021	06:00am	06:00pm			12.00	8									
F	1/8/2021															
SA	1/9/2021															
SU	1/10/2021															
M	1/11/2021												4.00			
T	1/12/2021	06:00am	06:00pm			12.00										
W	1/13/2021	06:00am	06:00pm			12.00										
Th	1/14/2021	06:00am	06:00pm			12.00										
F	1/15/2021															
SA	1/16/2021															
SU	1/17/2021															
M	1/18/2021	06:00am	06:00pm	holiday	worked	12.00	12									
T	1/19/2021	06:00am	06:00pm			12.00										
W	1/20/2021	06:00am	06:00pm			12.00										
Th	1/21/2021	06:00am	06:00pm			12.00	8.00									
F	1/22/2021															
SA	1/23/2021															
SU	1/24/2021															
M	1/25/2021												4.00			
T	1/26/2021	06:00am	06:00pm			12.00										
W	1/27/2021	06:00am	06:00pm			12.00										
Th	1/28/2021	06:00am	06:00pm			12.00										
F	1/29/2021															
SA	1/30/2021															

cannot accrue additional comp

8 - accrued

12 - holiday hrs used



Classified- SALARIED Non-Exempt
Employee Timesheet

Pay period runs 1st through the 31st of the month

Month/Year: Jan-21

Employee ID No.: [REDACTED]

Name (Please Type): **Roberts, Matthew**

Department: **CPS**

FTE: _____
Est. Hours Worked Over
FTE Monthly Avg: _____

Supervisor's Name
(Please Type): **Robert Gibson**

We certify that the hours indicated on this record are correct

[Signature] 3/1/21
Employee's Signature: _____ Date: _____

Approved via email
Supervisor's Signature: _____ Date: _____

Submit approved timesheet to the Payroll Services Dept (Churchill Hall - Rm 143)
2 business days after the last business day of the month

For Payroll Use Only

Hours Worked	Hours Drawn	Total Hours	Standard Month
108	8	176	100

For Payroll Use Only	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other
Beginning Balance	250.73	210.73	48	38.25	33.5	24	8	
Hours Accrued	8	8						
Hours Taken				8.00				
Next Month Available	258.73	218.73	48	30.25	33.5	24	8	

Day	Date	Show Actual Hours Worked				Total Work Hours			Leave Hours Used							
		Shift 1 - Time In	Shift 1 - Time Out	Shift 2 - Time In	Shift 2 - Time Out	REG	OT PAY	OT COMP	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other (expl)
	1/1/2017	8:15:00	12:00:00	12:30:00	14:00:00	7.25			2.75							
SU																
M	2/1/2021	06:00am	06:00pm			12	4.00	8	4.00							cannot receive comp
T	2/2/2021	06:00am	06:00pm			12.00										
W	2/3/2021	06:00am	06:00pm			12.00										
Th	2/4/2021	06:00am	06:00pm			12.00										
F	2/5/2021															
SA	2/6/2021															
SU	2/7/2021															
M	2/8/2021										4.00					
T	2/9/2021	06:00am	06:00pm			12.00										
W	2/10/2021	06:00am	06:00pm			12.00										
Th	2/11/2021	06:00am	06:00pm			12.00										
F	2/12/2021															
SA	2/13/2021															
SU	2/14/2021															
M	2/15/2021	06:00am	06:00pm			12	4.00	8	4.00							
T	2/16/2021	06:00am	06:00pm			12.00										
W	2/17/2021	06:00am	06:00pm			12.00										
Th	2/18/2021	06:00am	06:00pm			12.00										
F	2/19/2021															
SA	2/20/2021															
SU	2/21/2021															
M	2/22/2021										4.00					
T	2/23/2021	06:00am	06:00pm			12.00										
W	2/24/2021	06:00am	06:00pm			12.00										
Th	2/25/2021	06:00am	06:00pm			12.00										
F	2/26/2021															
SA	2/27/2021															
SU	2/28/2021															
M																
T																
W																
Th																
F																
SA																
						For Payroll Use Only										
						Weekly Total # 1	4.8	48.00	8							
						Weekly Total # 2		36.00				4				
						Weekly Total # 3	4.8	48.00	8							
						Weekly Total # 4		36.00				4				
						Weekly Total # 5										
						Totals for this Month	152.00	100				8				

DCS, OT paid 3/21/21

comp = 111.75

108

58



Classified- SALARIED Non-Exempt Employee Timesheet

Pay period runs 1st through the 31st of the month

Month/Year: Mar-21 Employee ID No. [REDACTED]

Name (Please Type): Roberts, Matthew

Department: CPS

FTE: Est. Hours Worked Over FTE Monthly Avg:

Supervisor's Name (Please Type): Robert Gibson

We certify that the hours indicated on this record are correct

Employee's Signature: Date: 4/1/21

Supervisor's Signature: approved via email Date:

Submit approved timesheet to the Payroll Services Dept (Churchill Hall - Rm 143) 2 business days after the last business day of the month

For Payroll Use Only			
Hours Worked	Hours Drawn	Total Hours	Standard Month
102	38	200	184

For Payroll Use Only	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other
Beginning Balance	158.75	248.75	48	30.25	33.5	24	8	
Hours Accrued	8	8		0				
Hours Taken	12.00	18.00		8.00				
Next Month Available	154.75	206.75	48	28.25	33.5	24	8	

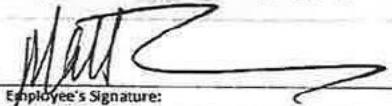
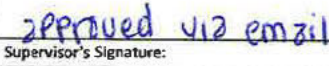
Day	Date	Show Actual Hours Worked				Total Work Hours			Leave Hours Used							
		Shift 1 - Time In	Shift 1 - Time Out	Shift 2 - Time In	Shift 2 - Time Out	REG	OT PAY	OT COMP	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other (expl)
	1/1/2017	8:15:00	12:00:00	12:30:00	14:00:00	7.25			2.75							
SU																
M	3/1/2021	06:00am	02:00pm			8.00										
T	3/2/2021	06:00am	06:00pm			12.00										
W	3/3/2021	06:00am	06:00pm			12.00										
Th	3/4/2021	06:00am	06:00pm			12.00		4.00								
F	3/5/2021															
SA	3/6/2021															
SU	3/7/2021															
M	3/8/2021											4.00				
T	3/9/2021												12.00			
W	3/10/2021	12:00pm	06:00pm			6.00							6.00			
Th	3/11/2021	06:00am	06:00pm			12.00										
F	3/12/2021															
SA	3/13/2021															
SU	3/14/2021															
M	3/15/2021	06:00am	02:00pm			8.00										
T	3/16/2021	06:00am	06:00pm			12.00										
W	3/17/2021	06:00am	06:00pm			12.00										
Th	3/18/2021	06:00am	06:00pm			12.00		4.00								
F	3/19/2021															
SA	3/20/2021															
SU	3/21/2021															
M	3/22/2021											4.00				
T	3/23/2021	06:00am	06:00pm			12.00										
W	3/24/2021	06:00am	06:00pm			12.00										
Th	3/25/2021															
F	3/26/2021															
SA	3/27/2021															
SU	3/28/2021															
M	3/29/2021	06:00am	02:00pm			8.00										
T	3/30/2021	06:00am	06:00pm			12.00										
W	3/31/2021	06:00am	06:00pm			12.00										
Th																
F																
SA																

W DCS, OT paid 4/30/21 102 x1.5 6 of comp

comp = 109.75

RECEIVED

φ

SO Southern OREGON UNIVERSITY		MAY 04 2021 Classified- SALARIED Non-Exempt Employee Timesheet				Show Actual Hours Worked				Total Work Hours			Leave Hours Used					
Day	Date	Shift 1 - Time In	Shift 1 - Time Out	Shift 2 - Time In	Shift 2 - Time Out	REG	OT PAY	OT COMP	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	LWOP	Other (expl)		
	1/1/2017	8:15:00	12:00:00	12:30:00	14:00:00	7.25			2.75									
Pay period runs 1st through the 31st of the month		SU	3/28															
Month/Year:	April, 2021	Employee ID No.:	[REDACTED]															
Name (Please Type):	Roberts, Matthew																	
Department:	CPS																	
FTE:	Est. Hours Worked Over FTE Monthly Avg:																	
Supervisor's Name (Please Type):	Robert Gibson																	
We certify that the hours indicated on this record are correct		Th	4/1/2021	06:00am	6:00pm													
 Employee's Signature: _____ Date: 5/4/21		SA	4/2/2021															
 Supervisor's Signature: _____ Date: _____		M	4/3/2021															
Submit approved timesheet to the Payroll Services Dept (Churchill Hall - Rm 143) 2 business days after the last business day of the month		SU	4/4/2021															
For Payroll Use Only		M	4/5/2021									4						
Hours Worked	Hours Drawn	Total Hours	Standard Month															
160	20	180 ^{OT}	170															
sec mar 12 hrs OT		Th	4/6/2021	06:00am	06:00pm	12.00												
For Payroll Use Only	Sick Leave	Vac. Leave	Holiday	Comp FLSA	Comp Cont.	Pers. Leave	Lwop	Other										
Beginning Balance	254.73	208.73	48	28.25	33.5	24	8											
Hours Accrued	8	8		0														
Hours Taken				20.00														
Next Month Available	262.73	216.73	48	14.25	33.5	24	8											
For Payroll Use Only		SA	4/11/2021															
		M	4/12/2021	06:00am	02:00pm	8.00												
		T	4/13/2021	06:00am	06:00pm	12.00												
		W	4/14/2021	06:00am	06:00pm	12.00												
		Th	4/15/2021	06:00am	06:00pm	12.00	4	4.00										
		F	4/16/2021															
		SA	4/17/2021															
		SU	4/18/2021															
		M	4/19/2021									4.00						
		T	4/20/2021	06:00am	06:00pm	12.00												
		W	4/21/2021	06:00am	06:00pm	12.00												
		Th	4/22/2021									12.00						
		F	4/23/2021															
		SA	4/24/2021															
		SU	4/25/2021															
		M	4/26/2021	06:00am	02:00pm	8.00												
		T	4/27/2021	06:00am	06:00pm	12.00												
		W	4/28/2021	06:00am	06:00pm	12.00												
		Th	4/29/2021	06:00am	06:00pm	12.00	4	4.00										
		F	4/30/2021															
		SA																
						Weekly Total # 1	12.00	4.00										
						Weekly Total # 2	36.00											
						Weekly Total # 3	44.00	4.00				4						
						Weekly Total # 4	24.00											
						Weekly Total # 5	44.00	4.00				16						
						Totals for this Month	160.00	16.00				4						

✓ DCS, OT paid 5/28/21

160 x1.5
of comp

comp = 95.75

Roberts' posts on the job, courtesy of Information for Public Use

Date	Hours	Posted	Posting time											
4/29/21	6:00 AM - 6:00 PM	Yes	9:16 AM											
4/28/21	6:00 AM - 6:00 PM	Yes	5:17 PM	8:10 AM										
4/27/21	6:00 AM - 6:00 PM	Yes	1:38 PM											
4/26/21	6:00 AM - 2:00 PM	Yes	1:11 PM											
4/20/21	6:00 AM - 6:00 PM	Yes	3:23 PM	12:27 PM										
4/15/21	6:00 AM - 6:00 PM	Yes	5:35 PM	10:04 AM	9:38 AM									
4/14/21	6:00 AM - 6:00 PM	Yes	3:26 PM	2:37 PM	2:30 PM	2:06 PM	12:06 PM							
4/13/21	6:00 AM - 6:00 PM	Yes	4:20 PM											
4/12/21	6:00 AM - 2:00 PM	Yes	4:55 PM	4:37 PM	10:53 AM									
4/8/21	6:00 AM - 6:00 PM	Yes	10:07 AM											
4/7/21	6:00 AM - 6:00 PM	Yes	5:29 PM	4:54 PM	12:46 PM									
4/6/21	6:00 AM - 6:00 PM	Yes	12:56 PM											
4/1/21	6:00 AM - 6:00 PM	yes	5:39 PM	5:19 PM	4:52 PM	4:50 PM	3:25 PM	2:11 PM	2:01 PM	12:54 PM	11:03 AM	9:27 AM		
3/31/21	6:00 AM - 6:00 PM	yes	5:30 PM	5:18 PM	5:14 PM	5:12 PM	3:28 PM	2:26 PM	12:21 PM	12:19 PM	12:04 PM	9:24 AM	8:09 AM	
3/30/21	6:00 AM - 6:00 PM	yes	5:49 PM	3:19 PM	12:01 PM	11:26 AM	9:22 AM	9:10 AM	7:58 AM					
3/29/21	6:00 AM - 2:00 PM	Yes	4:30 PM	12:32 PM	12:29 PM	10:28 AM	9:50 AM							
3/24/21	6:00 AM - 6:00 PM	Yes	6:00 PM	4:06 PM	2:20 PM	11:49 AM	9:59 AM	9:01 AM						
3/23/21	6:00 AM - 6:00 PM	Yes	5:30 PM	3:46 PM	3:32 PM	9:53 AM								
3/18/21	6:00 AM - 6:00 PM	Yes	2:29 PM											
3/17/21	6:00 AM - 6:00 PM	Yes	5:25 PM	2:34 PM	2:16 PM	12:20 PM	11:38 AM	11:24 AM	11:00 AM					



MARION COUNTY SHERIFF'S OFFICE

JASON MYERS, SHERIFF

April 8, 2016

Cathy Stevens
Marion County Sheriff's Office
100 High St. NE
Salem, OR 97301

On April 7th, 2016, you participated in a due process meeting to address charges of failure to follow Marion County Sheriff's Office policy 1150, Standard of Conduct, and Marion County Personnel Rules Article 9, Section 3.

After carefully reviewing the investigation and information you provided during the due process meeting, it has been determined that there is cause for taking personnel action based on the findings.

This letter provides notification of the following action:

PERSONNEL ACTION: Termination: Effective April 12, 2016

GROUNDS FOR ACTION: Cause

After careful consideration and review of all the information put before me, I find that the disciplinary action that has been brought before you is appropriate.

Cathy, although there were several violations of the Standard of Conduct Policy sustained against you, there is no greater egregious conduct in law enforcement than untruthfulness. It is contradictory to our duty and the oath we have taken. The discovery that you encouraged a private citizen to falsify information to a fellow law enforcement officer aggrieves me significantly. Upholding the public's trust is the highest honor for which we serve and our commitment to it must be unflinching.

We wish you well in the future.

Sincerely,

Jason Myers, Sheriff

CC: Personnel File
Supervisor's File
Human Resource Analyst

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**THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
STATE OF OREGON**

In the Matter of the Basic, Intermediate and
Advanced Corrections Certifications issued
to:

CATHERINE D. STEVENS
DPSST No. 29841

**STIPULATION VOLUNTARILY
RELINQUISHING CERTIFICATIONS**

Catherine D. Stevens and the Department of Public Safety Standards and Training (DPSST) stipulate to the following matters:

1. On or about October 20, 1995, Catherine D. Stevens was hired by the Marion County Sheriff's Office as a corrections officer.
2. On or about December 4, 1996, Catherine D. Stevens was granted a Basic Corrections certification.
3. On or about August 31, 2001, Catherine D. Stevens was granted an Intermediate Corrections certification.
4. On or about May 4, 2005, Catherine D. Stevens was granted an Advanced Corrections certification.
5. Catherine D. Stevens wishes to terminate this proceeding by voluntarily relinquishing her certifications pursuant to OAR 259-008-0070(9)(k).
6. Catherine D. Stevens stipulates to the entry of this Final Order that her certifications are voluntarily relinquished, and thereby permanently revoked, pursuant to OAR 259-008-0070.
7. Catherine D. Stevens stipulates and agrees that she is waiving her right to a hearing or appeal under OAR 259-008-0070.

IT IS SO STIPULATED this 29th day of April, 2016.

Catherine D. Stevens

Catherine D. Stevens DPSST #29841

IT IS SO STIPULATED this 29 day of APRIL, 2016.

Eriks Gabliks

Eriks Gabliks, Director
Department of Public Safety Standards and Training
STATE OF OREGON

DPSST

PERSONNEL ACTION REPORT

F-4

Forward To DPSST Within Ten Days Of These Actions

SECTION A: EMPLOYEE INFORMATION

1. DPSST Number
29841
(No number? Leave Blank)

on file as Stevens

2. Name: Last First Middle
Melgard-Stevens, Catherine D.

3. Date of Birth
[REDACTED]

4. Date Employed
10/20/1995

5. Agency
Marion County Sheriff's Office

6. Division/Branch
Enforcement/Operations

7. Rank or Position
Deputy

8a. Discipline (Mark all that apply) (See Page 2 definitions)
 Police Parole & Probation Emergency Medical Dispatch
 Corrections *mult. discipline* Telecommunications Instructor (For DPSST/DOC mandated courses only)
 Regulatory Specialist

8b. See page 2 for definitions
 Certifiable Non-Certifiable

8c. Are you currently in a certifiable position in more than one discipline? Yes (If yes, check all that apply)
 Police Corrections Parole & Probation Tele. Emergency Medical Dispatch Instructor Regulatory Specialist

SECTION B: NEW EMPLOYEE Complete Sections A, B, E

9. Gender Male Female

10. Race/Ethnicity

11. Social Security Number

12. Background Completed Per OAR 259-008-0015
 Yes No

13. High School Education (List School, Location, State) Diploma GED

14. Basic Course(s) Previously Completed
 None Corrections Telecommunications
 Police Regulatory Specialist Emergency Medical Dispatch
 Parole & Probation

15. Date Fingerprints submitted to Oregon State Police I.D. Services

16. Prior Certifiable Experience (List only Full-Time)
 Full Time: Years _____ Months _____

Agency	Address	Certifiable Employment Dates									
		From				To					
		Month	Day	Year	Rank	Month	Day	Year	Rank	Discipline	

SECTION C: SEPARATION FROM EMPLOYMENT Complete Sections A, C, E

17. Date of Separation
4/12/2016

18. Type of Separation
 Resignation Lay-off Retirement
 Resignation during investigation Deceased Retirement in lieu of termination
 Resignation in lieu of termination Probationary Discharge Retirement while under investigation
 Resignation - Other Probationary Discharge for FTEP Failure Only Medical Retirement
 Resignation - Settlement Agreement Discharge for Cause Other reason _____

SECTION D: EMPLOYEE STATUS CHANGE Complete Sections A, D, E

19. Date of Status Change

20. Type of Status Change
 Promotion Demotion Leave of Absence
 Reclassification Demotion-Voluntary Military Leave of Absence
 Transfer Name Change Return from Leave of Absence

21. Previous Rank, Position, Branch or Name

22. Current Rank, Position, Branch or Name
See page 2 for definitions of certifiable positions
 Certifiable Non-Certifiable

NOTE: For employees new to a certifiable position, complete box #12, 13 and 15 in Section B

SECTION E: SIGNATURE REQUIRED

23. I certify that the information entered on this form has been verified and is substantiated by records maintained by this agency. I understand that falsification of this document makes my certification(s) subject to denial or revocation under ORS 181.662 and OAR 259-008-0070

Signature *[Signature]* Title *Undersheriff*
 Agency Head or Authorized Representative

Printed Name TROY M. CLAUSS Date 4.19.16

FOR DPSST USE ONLY

Certified Position <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Corrections <input type="checkbox"/> P & P <input type="checkbox"/> LEI <input type="checkbox"/> Tele <input type="checkbox"/> EMD <input type="checkbox"/> Instructor	Training Required <input type="checkbox"/> Yes <input type="checkbox"/> No	FTM Required <input type="checkbox"/> Yes <input type="checkbox"/> No	Processed By/Date
FP Number	LEDS <input type="checkbox"/> Clear	OJIN <input type="checkbox"/> Clear	E-Court <input type="checkbox"/> Clear	NDD Check <input type="checkbox"/> Processed By/Date <i>MA 5-3-16</i>

*Copy to PS.
Revoked m*

BRADY INDEX

- Trpr. Shaun Swisher (OSP)-Dishonesty in police investigation; convicted of Perjury and Off. Misconduct I (DA# 06-9053); DO NOT CALL. No longer employed by local LE.
- Dep. Elsa Navarro (MCSO) – Dishonesty in police investigation. DO NOT CALL. Still employed as of 7/18.
- Ofc. Nicholas Lake (SPD) – Dishonesty to superior. DO NOT CALL. No longer employed by local LE.
- Sgt. Jason Brockie (WBP) – Domestic Violence charges DO NOT CALL. No longer employed by local LE
- Ofc. Tony Rodriguez (WBP) – Public Indecency in Polk Co. Resigned. DO NOT CALL. No longer employed by local LE.
- Ofc. Tony Gonzalez (SVP) – Sexual crime convictions. DO NOT CALL. No longer employed by local LE.
- Ofc. Sterling Alexander (SPD) – Sex crime conviction; lying in trial. DO NOT CALL. No longer employed by local LE.
- Ofc. Brian Livingston (TRP) – Sex crime convictions. DO NOT CALL. No longer employed by local LE.
- Ofc. David Ball (SYP) – Allegations of arrests without probable cause. No longer employed by local LE.
- Ofc. Nick Bielenberg (SVP) – Disposition of evidence. No longer employed by local LE.
- Ofc. Ben Joliff (KZP) – Dishonesty during internal investigation. No longer employed by local LE.
- Ofc. Scott Roth (Dallas PD) – Theft, Official Misconduct, falsification of evidence. Not known to be employed in local LE.
- Ofc. Erica Grissom (KZP) – Possible issue of dishonesty with agency; little information; can call as a witness pending further info but must disclose. No longer employed with local LE.
- ██████████ SVP; formerly HBP) – **UPDATE: NOT BRADY PER JVO, AUGUST, 2010.** Copy of letter opinion is in file.
- Cpl. Dennis Keena (SPD)-Dishonesty in internal police investigation; retired 11-30-10.
- Ofc. Rico Ramirez (former SPD) – resigned; Lane Co. was special prosecutor; pled guilty to Official Misconduct I on 7/22/11. DO NOT CALL. No longer employed in LE.
- Chief Brent Earhart (formerly Mt. Angel PD; Aurora PD) – lying during dispute with Mt. Angel City Administrator; stripped of his DPSST certification on 7/28/11. Not LE.
- Dep. Robert Arnsmeier (MCSO)-Official Misconduct Prosecution-case dismissed with resignation and surrender of DPSST certification. DO NOT CALL. Not LE.
- Sgt. Corey Simons (SMO; formerly stationed in Salem)-Convicted of REAP in Linn County. DO NOT CALL. No longer sworn officer. Employed as dispatcher for SMO.
- Trpr. Ed Tudela (SMO; Capital Mall)-Prosecuted for Theft in Polk County-FOUND NOT GUILTY BY COURT; Decertified by DPSST. DO NOT CALL. Not LE.

Ofc. Scott Nowning (SPD)-false statement that resulted in criminal investigation. NO CRIMINAL CHARGES FILED (DA#11-6360). May call as a witness but **must disclose** Brady packet of investigative information per finding by JLR. See Letter from Court dated 2-22-12. Still employed as of 7/18.

Ofc. Lincoln Cornthwaite (SPD)-resigned in lieu of dismissal prior to completion of probationary period for being untruthful to his coach. Will not use as witness. [REDACTED] (Turner PD)-DOJ Declines Prosecution (see letter dated 10-26-12) following investigation regarding Off Misconduct; NOT Brady. No disclosure required.

Ofc. John Manitsas (Salem PM)-determined unfit to testify in any Marion County Case by DA Beglau (see letter in index dated 1-18-12). Currently still employed at Salem PD.

Ofc. David Walters (Turner PD)-untruthful during IA investigation (see letter in index dated 3-12-13). No longer employed in local LE. DO NOT CALL.

Ofc. Joe Horn (Salem PD)-discharged for dishonesty during IA (see letter in file from SPD dated 4-15-13). DO NOT CALL. No longer employed by local LE.

Jacy Gamble/aka Duran (DOC investigator)-investigated by state police for theft. No charges filed. MUST DISCLOSE. See report packet pdf. PEC will triage filing of cases.

Det. Dmitry White (KZP)-admitted DV incident with spouse. Lack of confidence and dishonesty concerns (see later in index dated 12-3-13). DO NOT CALL. No longer employed in local LE.

Ofc. Dan Kelly (Woodburn PD)-veracity issue with agency; employment issues pending as of 4-1-14. May call as witness but **must disclose**. See PEC or G-drive for discovery packet.

Ofc. Waymon Hubbard (Salem PD)-convicted of DV Harassment and Contempt of Court (vio of R/A) 6-19-14. Resigned. DO NOT CALL.

Det. Dave Steele (OSP)-found to have lied to a Federal Tribunal regarding his handling of evidence in a Death Penalty prosecution. *Must Disclose as necessary*. DO NOT CALL. Resigned and surrendered DPSST certification.

Ofc. Brandon Hanes (Salem PD)-convicted of Harassment 2-18-15 in 14C45032. Resigned. DO NOT CALL.

Deputy Adam Garner (SMS-jail)-found to be untruthful in personnel investigation. 6-30-15. Resigned. DO NOT CALL.

Deputy Alicia Golsan (SMS)-found to be untruthful in personnel investigation. 2-1-16. Not retained as employee (did not pass probation period). DO NOT CALL.

Det. Vaughn Edsall (KZP)-terminated from Keizer PD for untruthfulness in personnel Investigation (notice from KZP 1-28-16). DO NOT CALL.

Ofc. Dennis Smith (SMP)-found to be untruthful in personnel investigation. 1-11-16. Resigned. DO NOT CALL.

Deputy Cathy Stevens (Melgard) (SMS)-found to be untruthful during an investigation. Terminated. DO NOT CALL.

Deputy (Detective) Mathieu LaCrosse (SMS)-determined by DA to be unreliable witness due to disregard for constitutional rights, laws, policies, and standards of proper police practice. STILL EMPLOYED as of 8/16. DO NOT CALL.

Officer Stephen Richardson (KZP)-Found (and admitted) to be untruthful to fellow

officers about police experience. Resigned. DO NOT CALL.

Officer Tim Cobos (WBP)-Convicted of 3 counts of Official Misconduct and lied during investigation. Resigned from agency. Surrendered DPSST certification. DO NOT CALL.

Trooper Daryl VanHoose (SMO)-Sustained allegations of untruthfulness during IA. Resigned from agency. DO NOT CALL.

Officer Abe Dedek (SMP)-determined to be dishonest during criminal investigation. Resigned. DO NOT CALL.

Officer Steven Livingston (SMP)-Admitted lying during personnel investigation. Resigned. DO NOT CALL.

Officer Lacey White (TRP)-Resigned following IA by SMP regarding inaccurate reporting of time worked. DO NOT CALL.

Officer Omar DeMarco (SMP). Resigned following IA by SMP regarding DUII and dishonesty during that criminal investigation. DO NOT CALL.

Deputy Cody Lane (MCSO)- Terminated for findings of dishonesty and criminal conduct (declined prosecution- see *Brady* file). DO NOT CALL.

Officer Seth Thayers (SMP). Criminally convicted in multiple counties of theft and controlled substance criminal behavior. DO NOT CALL.

Deputy Matthew Higgins (MCSO)- Resigned following two separate MCSO internal investigations. DO NOT CALL.

Stacey White (NW Senior and Disability Services)- Charged with VRO in Marion County (SMP case 18-24975) and must discover CCH. Terminated from NWSDS. Will use as witness, but must disclose packet of information. (See *Brady* file)

Officer Daniel Altabef (SYP). Terminated from Stayton PD. Officer use of force and subsequent investigations. Not *Brady* and will use as a witness. However, investigation packet is discoverable. (Contact *Brady* packet discovery person)

Officer Marcus Risteen (KZP). Terminated for dishonesty during IA. DO NOT CALL.

Officer Daniel Kerbs (WPD). Convicted in Washington County Circuit Court (17CR49588) of Online Sexual Corruption of a Minor. Terminated. DO NOT CALL.

Deputy Jerry Wollenschlaeger (MCSO). Criminally charged by MCDA. Case civilly compromised over MCDA objection. Resigned. DO NOT CALL.

Detective Dale Huitt (MCSO). Retired after findings of dishonesty in an internal investigation. DO NOT CALL.

Peter Arnautov (OSP). Terminated from OSP for unprofessional conduct. Inappropriate statements of bias regarding homosexuals. DO NOT CALL WITHOUT SUPERVISOR APPROVAL (not a Salem Trooper- only known Marion Co case was 1999).

Detective/Officer Craig Halupowski (WPD). DO NOT CALL without TTL/Supervisor approval. Resigned prior to findings in several internal investigations regarding untruthfulness and unprofessional conduct.

Ofc. Rene "Reno" Bravo (SVP; formerly HBP) – Brady. DO NOT CALL. Criminally convicted in 2020.

Trooper Justin Henrick (OSP). DO NOT CALL WITHOUT SUPERVISOR APPROVAL. ADDITIONAL DISCOVERY NEEDED. Tier II -Discovery Obligation to Defense. Moved from Klamath to Albany Area Command. Klamath Co Judge ruled his personnel file is discoverable to defense. Does not work in Marion County, so no formal Marion Co investigation pursued; however, opinion letter discoverable to defense.

Officer Brian Webber (Independence PD). DO NOT CALL. Terminated from Independence PD. Since termination, multiple criminal convictions in Marion and Polk Counties. Do NOT CALL and run CCH for most recent criminal history.

Civilian Employees

Laura Klein-Branton (DHS) – Lied during Juvenile Court shelter hearing; will not call as a witness

Nicole Crofts/DeSantis (SMP) – lied during disciplinary action at Salem Police Dept. No longer employed by local LE.

Katie Merola (DHS)-untruthful in official DHS report; will not call as a witness

Elva Ramirez (Juvenile PO/DHS)-discharged from County Employment for dishonesty;
DO NOT CALL AS WITNESS

Jennifer Carranza (DHS-CW) – resigned in lieu of termination after being found untruthful during personnel investigation (see letter in file from WB 5-26-15);
DO NOT CALL AS WITNESS

James Martichuski (SMP)-Property Control Supervisor-terminated for untruthfulness (see Chief's letter 5-27-15 and WB notice letter 7-8-15) DO NOT CALL AS WITNESS

Ashley Burton (DHS)-lied during arrest for DUII with minor in car (12-24-16) (see WB decision letter). DO NOT CALL AS WITNESS. Resigned.

Dawn Stan (DHS)-old conviction for Unlawful Obtaining of Public Assistance (past 15 years). DISCLOSE BUT MAY STILL CALL AS WITNESS. Still employed at DHS as of 10/17. BPM sent blanket notification to court, juvenile consortium and DOJ 10/17. See him or TTL for any other direction.

Fran Huffman (SMP Evidence Tech). DO NOT CALL AS A WITNESS. Terminated for findings of dishonesty for investigation for creating hostile work environment for racial statements. Sent letter to PUD and MCAD Jan 2020.

Sarra Beach (Marion County Juvenile Dept.) Will Call. Notice to Consortium Attorneys send 10/19/2020; Juv Dept to use PO on Consortium atty cases only. Prior convictions, expunged. No discovery- see file.

Johnson

OfficerLast:

Amv

OfficerFirst:

M

38753

BPSSTNo:



Next Action Date:

Staff: **Kristen Turley**

Next Action

Agency: **Benton County Sheriff's Office**

Discipline: **Corrections**

Date started: **3/15/2010**

Reason for revocation: **Discharge for Cause**

03 15 10 KT F4 recvd with cc of term letter for discharge for cause-untruthfulness. Will issue NOI.

04 01 10 KT NOI issued. 4/21/10 is the 20th day.

04 19 10 KT Request to stay pending grievance.

11 08 10 TK reviewed case, email to Sheriff Simpson on arb status

03 14 11 KT Letter to Johnson allowing 20 days to request hearing based upon her discharge being upheld.

04 15 11 KT No response from Johnson. Close case.

Flag Skills Mgr:

Revocation/Closed Date: **4/15/2011**

Result: **Revoked**

Ineligibility Period: **Lifetime**

Stipulation:

IADLEST: **Yes**

Revoke Skills Mgr: **Yes**

Ethics Bulletin: **90-J**

HPPA:

Hearings Expense: **\$0.00**

DOJ Expense: **\$0.00**

DPSST Certified Instructor:

Notified WSIN:

Monthly Report Next Action All

Next Action Theresa Next Action Kristen

Next Action Rebecca Next Action DOJ

Next Action VACANT

OREGON DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

DPSST

PERSONNEL ACTION REPORT

F-4

Forward To DPSST Within Ten Days Of These Actions

SECTION A: EMPLOYEE INFORMATION

2. Name: Last First Middle			3. Date of Birth	1. DPSST Number
Johnson Amy M			[Redacted]	38753
5. Agency		6. Division/Branch		4. Date Employed
A Benton County Sheriff		Corrections		4/1/99
8a. Discipline (Mark all that apply)			8b. See page 2 for definitions of certifiable positions	
<input type="checkbox"/> Police <input checked="" type="checkbox"/> Corrections <input type="checkbox"/> Parole & Probation <input type="checkbox"/> Telecommunications <input type="checkbox"/> Emergency Medical Dispatch			<input checked="" type="checkbox"/> Certifiable <input type="checkbox"/> Non-Certifiable	
8c. Are you currently in a certifiable position in more than one discipline? <input type="checkbox"/> Yes (If yes, check all that apply)				
<input type="checkbox"/> Police <input type="checkbox"/> Corrections <input type="checkbox"/> Parole & Probation <input type="checkbox"/> Telecommunications <input type="checkbox"/> Emergency Medical Dispatch				

SECTION B: NEW EMPLOYEE Complete Sections A, B, E

9. Gender	10. Race/Ethnic	11. Social Security Number	12. Background Completed Per OAR 259-008-0015									
<input type="checkbox"/> Male <input type="checkbox"/> Female			<input type="checkbox"/> Yes <input type="checkbox"/> No (For Police, Corrections and P & P disciplines)									
13. High School Education (List School, Location, State)												
<input type="checkbox"/> Diploma <input type="checkbox"/> GED												
14. Basic Course(s) Previously Completed			15. Date Fingerprints submitted to Oregon State Police I.D. Services									
<input type="checkbox"/> None <input type="checkbox"/> Police <input type="checkbox"/> Corrections <input type="checkbox"/> Parole & Probation <input type="checkbox"/> Telecommunications <input type="checkbox"/> Emergency Medical Dispatch												
16. Prior Certifiable Experience (List only Full-Time)												
Full Time: Years _____ Months _____												
Certifiable Employment Dates												
Agency		Address		From		To		Discipline				
				Month	Day	Year	Rank	Month	Day	Year	Rank	Discipline

SECTION C: SEPARATION FROM EMPLOYMENT Complete Sections A, C, E

17. Date of Separation	18. Type of Separation		
C 2/26/10 (2-25-10)	<input type="checkbox"/> Resignation <input type="checkbox"/> Resignation during investigation <input type="checkbox"/> Resignation in lieu of termination <input type="checkbox"/> Resignation - Other <input type="checkbox"/> Probationary Discharge <input checked="" type="checkbox"/> Discharge for Cause <input type="checkbox"/> Lay-off <input type="checkbox"/> Deceased <input type="checkbox"/> Retirement <input type="checkbox"/> Retirement in lieu of termination <input type="checkbox"/> Retirement while under investigation <input type="checkbox"/> Medical Retirement <input type="checkbox"/> Other		

SECTION D: EMPLOYEE STATUS CHANGE Complete Sections A, D, E

19. Date of Status Change	20. Type of Status Change		
D	<input type="checkbox"/> Promotion <input type="checkbox"/> Reclassification <input type="checkbox"/> Transfer <input type="checkbox"/> Demotion <input type="checkbox"/> Demotion-Voluntary <input type="checkbox"/> Name Change <input type="checkbox"/> Leave of Absence <input type="checkbox"/> Return from Leave of Absence		
21. Previous Rank, Position, Branch or Name		22. Current Rank, Position, Branch or Name	
NOTE: For employees new to a certifiable position, complete box #12, 13 and 15 in Section B			
See page 2 for definitions of certifiable positions <input type="checkbox"/> Certifiable <input type="checkbox"/> Non-Certifiable			

SECTION E: REQUIRED FOR ALL ACTIONS

23. I certify that the information entered on this form has been verified and is substantiated by records maintained by this department. I understand that falsification of this document makes me subject to penalty under ORS 162.055, et al, and ORS 162.305.

E Signature: Katie Cooper Title: Admin Asst
 Department Head or Authorized Representative

Printed Name: Katie Cooper Date: 2/25/10

FOR DPSST USE ONLY

Certified Position	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Police <input type="checkbox"/> Tele	<input type="checkbox"/> Corrections <input type="checkbox"/> EMD	<input type="checkbox"/> P & P	Training Required	FTM Required	Processed By/Date
					<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>Mr 2-26-10</u>
FP Check Number	Processed By/Date		QJIN Check		Processed By/Date	NDD Check	Processed By/Date

Copy to Kristen



National Decertification Index



Post Data Entry Clerk Post
Data Entry Clerk

Add New Record

Log Off

Change Password

Complete the following form to the extent allowed and press the 'Add Record' button below to add a new decertification record to the database.

Index Options

- Add Record
- Modify Record
- Delete Record
- Search Database

First Name: Amy

Middle Name: M

Last Name: Johnson

Social Security Number: [REDACTED] (###-##-####)

Certification Number: 38753

Identification Number:

Date of Birth: [REDACTED] (YYYY-MM-DD)

Service Agency: [REDACTED]

Service Begin Date: 1999-04-01 (YYYY-MM-DD)

Service End Date: 2010-02-25 (YYYY-MM-DD)

Certification Status: [Revoked for Cause]

Status Date: 2011-04-18 (YYYY-MM-DD)

Add Record

Johnson, Amy M. (38753)

Sex: Female **Birth:** [REDACTED] **Age:** [REDACTED] **File #:**
Ethnic: White **Type:**
Education:
Email:

Driver License: **State:** **Expires:**

Home Address n/a	Telephone Home: 0 - Mobile:	Work: Mobile: Pager:
----------------------------	--	---

Emergency Contacts n/a

Employment Summary

Benton County Sheriff's Office Hired: 4-01-1999	- Inactive Last Action: 2-25-2010 Discharged	Total Service: 10 Years 330 Days
--	--	---

Assignment: **Pos/Rank:** Deputy Sheriff
Level: **Classif.:**
Shift: :
Function: Corrections

Philomath Police Department Hired: 1-07-2000	- Inactive Last Action: 3-01-2001 Resigned	Total Service: 1 Years 53 Days
---	--	---------------------------------------

Assignment: **Pos/Rank:** Reserve Officer
Level: **Classif.:**
Shift: :

Certification

Level	Date	Status	Cert #	Certified	Expires	Probation
Corrections Officer Basic	4-15-2011	REVOKED		2-13-2006		
Corrections Officer Intermediate	4-15-2011	REVOKED		4-19-2007		
First Aid	9-22-2009	Completed			9-22-2011	
CPR	3-30-2009	Completed			3-30-2011	
CPR	9-25-2007	Completed			9-25-2008	
First Aid	7-23-2007	Completed			7-23-2010	

Johnson, Amy M. (38753)

Employment History

<u>Benton County Sheriff's Office</u>		Status: Inactive	
Date: 2-25-2010	Action: Discharged		
Assignment:		Pos/Rank: Deputy Sheriff	
Level:		Classif.:	
Shift:		:	
Function: Corrections			
<u>Benton County Sheriff's Office</u>		Service: 5 Years	31 Days
Date: 1-24-2005	Action: Reclassification	Status: Active	
Assignment:		Pos/Rank: Deputy Sheriff	
Level:		Classif.:	
Shift:		:	
Function: Corrections			
<u>Philomath Police Department</u>		Status: Inactive	
Date: 3-01-2001	Action: Resigned		
Assignment:		Pos/Rank: Reserve Officer	
Level:		Classif.:	
Shift:		:	
<u>Philomath Police Department</u>		Service: 1 Years	53 Days
Date: 1-07-2000	Action: Hired	Status: Active	
Assignment:		Pos/Rank: Reserve Officer	
Level:		Classif.:	
Shift:		:	
<u>Benton County Sheriff's Office</u>		Service: 5 Years	298 Days
Date: 4-01-1999	Action: Hired	Status: Active	
Assignment:		Pos/Rank: Civilian Employee	
Level:		Classif.:	
Shift:		:	

Training

Course	Title	Date	Hours	Score	Status
10-0915	Agency Policies / Procedures	2-15-2010	4.00	0.00	Passed
10-0728	Inmate Classification	2-12-2010	0.50	0.00	Passed
10-0733	Inmate Orientation - Rules & Regulations	2-10-2010	0.50	0.00	Passed
			2010 Pass/Complete:	5.00	
09-0774	Crime Scene Investigation	12-02-2009	1.00	0.00	Passed
09-0686	Suicide Intervention Training	11-30-2009	1.50	0.00	Passed
09-0904	DPSST Revocation / Ethics Bulletin Review	10-31-2009	4.00	0.00	Passed
09-0249	Range 3000	10-24-2009	0.50	0.00	Passed

Johnson, Amy M. (38753)

09-0143	Handgun Training	10-14-2009	4.00	0.00	Passed
09-0427	Disaster Planning	9-30-2009	0.50	0.00	Passed
09-0109	Confrontational Simulation	9-23-2009	4.00	0.00	Passed
09-0753	Jail / Prison Gangs	9-22-2009	0.50	0.00	Passed
09-0756	Officer / Facility Training - Other	9-22-2009	0.50	0.00	Instructed
09-0955	First Aid	9-22-2009	4.00	0.00	Passed
09-0427	Disaster Planning	9-02-2009	0.50	0.00	Passed
09-0924	Sexual Harassment	9-01-2009	1.00	0.00	Passed
09-0129	Firearms Training	6-08-2009	4.00	0.00	Passed
09-0114	Defensive Tactics	5-27-2009	4.00	0.00	Passed
09-0143	Handgun Training	5-23-2009	1.00	0.00	Passed
09-0276	Use of Force - Other	5-19-2009	0.50	0.00	Passed
09-0143	Handgun Training	4-18-2009	1.50	0.00	Passed
09-0951	CPR / AED	3-30-2009	2.50	0.00	Passed
09-0276	Use of Force - Other	2-24-2009	1.00	0.00	Passed
09-0928	Workplace - Other	2-24-2009	2.50	0.00	Passed
09-0276	Use of Force - Other	2-24-2009	1.00	0.00	Passed
09-0477	Personnel Topics - Other	1-14-2009	3.00	0.00	Passed
			2009 Pass/Complete:	42.50	Instructed: 0.50
08-0915	Agency Policies / Procedures	12-30-2008	0.50	0.00	Passed
08-0915	Agency Policies / Procedures	11-26-2008	0.50	0.00	Passed
08-0704	Eagle User's Group	11-25-2008	0.50	0.00	Passed
08-0766	Legal Issues in Jails & Prisons	11-25-2008	0.75	0.00	Passed
08-0915	Agency Policies / Procedures	11-24-2008	0.50	0.00	Passed
08-0915	Agency Policies / Procedures	11-24-2008	0.50	0.00	Passed
08-0129	Firearms Training	9-18-2008	16.00	0.00	Passed
08-0276	Use of Force - Other	6-25-2008	3.00	0.00	Passed
08-0915	Agency Policies / Procedures	6-10-2008	0.50	0.00	Passed
08-0915	Agency Policies / Procedures	6-10-2008	0.50	0.00	Passed
08-0131	LEO Flying Armed	5-22-2008	2.00	0.00	Passed
08-1215	Street Survival for Women	5-06-2008	1.00	0.00	Passed
08-0653	Community - Other	4-08-2008	1.00	0.00	Passed
08-0210	Street Survival (Calibre Press)	2-27-2008	16.00	0.00	Passed
08-0502	Rules Training	1-16-2008	0.50	0.00	Passed
08-0477	Personnel Topics - Other	1-16-2008	1.00	0.00	Passed
			2008 Pass/Complete:	44.75	
07-0905	Ethics	10-11-2007	3.00	0.00	Passed
07-0950	CPR	9-25-2007	1.00	0.00	Passed
07-0949	AED	9-25-2007	0.50	0.00	Passed

Johnson, Amy M. (38753)

07-0129	Firearms Training	9-07-2007	16.00	0.00	Passed
07-0738	Prison Rape Elimination Act	9-06-2007	1.00	0.00	Passed
07-0738	Prison Rape Elimination Act	8-09-2007	8.00	0.00	Passed
07-0955	First Aid	7-23-2007	1.00	0.00	Passed
07-0367	Leadership Conference - Other	3-02-2007	3.00	0.00	Passed
07-0728	Inmate Classification	3-01-2007	8.00	0.00	Passed
			2007 Pass/Complete:	41.50	
06-1352	Crisis Intervention - Mental Illness	12-14-2006	1.00	0.00	Passed
06-0682	Public Information Officer	9-28-2006	16.00	0.00	Passed
06-0307	FTEP (Field Training & Evaluation Program)	7-28-2006	40.00	0.00	Passed
06-1121	Customer Service	4-19-2006	2.00	0.00	Passed
06T002	Corrections Field Training Manual	2-06-2006	50.00	0.00	Passed
			2006 Pass/Complete:	109.00	
05-0001	DPSST Basic Corrections <i>Admin Aide Kay West 541-766-6811 kay.h.west@co.benton.or.us</i>	12-16-2005	200.00	0.00	Passed
05-1917	Range 3000	12-07-2005	0.50	0.00	Passed
05-1917	Range 3000	11-16-2005	0.50	0.00	Passed
05-1917	Range 3000	11-08-2005	0.50	0.00	Passed
05-0130	Range 3000	9-23-2005	1.00	0.00	Passed
			2005 Pass/Complete:	202.50	
			Total Pass/Complete:	445.25	Instructed: 0.50

Education

Date	Degree	Major	School	Hours	Q/S
3-23-2001	Bach Scien	Psychology	Oregon State University	181.1	Q

Attributes

Effective	Expires	Topic	Attribute
7-22-2010	7-22-2010	Archive	Yes
1-18-2005		Form Received	F2 completed on

Notes

Date	Topic	Title
2-13-2006	Waivers Notes	time ext for bas corr cert till 3/24/06 per kelli
2-01-2006	Letters	12 month certification letter sent
1-25-2006	Certification Notes <i>FTM-ok; extension needed-ok in problem file</i>	missing for bas corr cert-ok
11-08-2005	Code of Ethics	ok



Benton County Sheriff's Office

Diana Simpson, Sheriff

180 NW 5th Street, Corvallis, OR 97330
541.766.6858 FAX 541.766.6011

February 26, 2010

Deputy Amy Johnson
Benton County Corrections Facility
Corvallis, OR 97330

Re: Internal Investigation #2010-01-06

We have completed our review of the investigation into the allegation that you were untruthful when answering questions in a separate internal investigation. This allegation constitutes a violation of the BCSO General Order Rules of Conduct, paragraph 7.2.8 – Truthfulness. We have included in our review the investigation of the allegation, the investigative interview with you, and information provided at the Due Process hearing.

I find that the allegations are sustained and that they constitute a violation of Rules of Conduct General Order as described above. This conduct is in direct violation of the standards expected of a Benton County Sheriff's Deputy. By reason of this conduct you are hereby terminated as an employee of Benton County, effective 5:00 p.m. February 25, 2010.

You are directed to bring in all Sheriff's Office equipment issued to you as a member of the Sheriff's Office. This includes all uniform equipment, all duty gear, all identification, access cards, and badges. You are to arrange with Lieutenant Schlegel to have all Sheriff's Office property returned before 5:00 p.m. today, February 26, 2010. At that time, your final paycheck will be given to you.

If you disagree with this termination, you have the right to file a grievance in accordance with your Collective Bargaining Agreement. You should contact your Deputy Sheriff's Association representative if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Diana L. Simpson".
Diana L. Simpson
Sheriff

COPY

cc: HR, file, BCDSA



King Theresa

From: King Theresa
Sent: Monday, November 08, 2010 10:55 AM
To: 'SIMPSON Diana'
Cc: Turley Kristen
Subject: Amy Johnson DPSST 38753

Greetings Sheriff

Can you advise of the status of the arbitration in this matter?

Regards,

Theresa

Theresa M. King

DOC BCC Audit Program Coordinator - 503 378 8334

Professional Standards Investigator/Coordinator - 503 378 2305

Standards and Certification Division
Oregon Department of Public Safety Standards and Training
4190 Aumsville Hwy SE
Salem, Oregon 97317
(503) 378 - 4600 FAX
theresa.king@state.or.us

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Oregon

John A. Kitzhaber, MD, Governor

Department of Public Safety Standards and Training

4190 Aumsville Hwy SE

Salem, OR 97317-8983

503-378-2100

<http://www.dpsst.state.or.us>

March 14, 2011

Amy Johnson
[REDACTED]

Dear Ms. Johnson:

On April 1, 2010, a Notice of Intent to Revoke your Basic and Intermediate Corrections Certifications was issued to you based upon your Discharge for Cause from the Benton County Sheriff's Office. On April 6, 2010, we received your request for hearing.

DPSST received a copy of the February 2011, Opinion and Award issued by arbitrator Nancy Brown. Based upon the arbitrator's award, your discharge for cause was upheld.

Your discharge for cause mandates the revocation of your certifications. If we do not receive a request for hearing within 20 days from the date of mailing, the revocation of your certifications will become final by default.

If you have any questions regarding this process please contact me at (503) 378-6702 or kristen.turley@state.or.us.

Sincerely,

Kristen Turley
Standards & Compliance Coordinator
DPSST

THE MATTER OF THE ARBITRATION

between

BENTON COUNTY
The Employer

and

BENTON COUNTY DEPUTY SHERIFFS'
ASSOCIATION
The Union

OPINION AND AWARD
(Amy Johnson Grievance)

Before Arbitrator:

Nancy E. Brown

Date of Hearing:

November 4 and 5, 2010

Location of the Hearing:

Corvallis, Oregon

Representing the Employer

Diana Moffat
Local Government Personnel Institute
Executive Director
Labor Relations Attorney
P.O. Box 908
Salem, Oregon 97308

Representing the Union

Joseph Lindsay
Garrettson, Gallagher, Fenrich & Makler, P.C.
3220 NW 185th Avenue, Suite 100
Portland, Oregon 97229

This matter came before the arbitrator selected by the parties to resolve a dispute under their Collective Bargaining Agreement. Mr. Joseph Lindsay represented the Benton County Deputy Sheriff's Association hereinafter referred to as the "Association" and the Grievant, Amy Johnson hereinafter referred to as the "Grievant". Ms. Diana Moffat represented Benton County hereinafter referred to as the "Employer" or the "County". The hearing was held November 4 and 5, 2010 in Corvallis, Oregon.

At the hearing there was full opportunity for the parties to submit evidence, to examine and cross-examine witnesses, and to argue the matter. The exhibits were entered into the record without objection. The witnesses were not sequestered. All witnesses testified under oath as administered by the arbitrator. The parties elected to submit the matter on the basis of the

evidence presented at the hearings as well as closing arguments. The hearing was officially closed on December 15, 2010 upon receipt of the briefs.

I. CONTRACT LANGUAGE

Collective Bargaining Agreement between Benton County and the Benton County Deputy Sheriff's Association. July 1, 2007 to June 30, 2010 in relevant part:

Article 23.1 Discipline:

23.1 Corrective Discipline. The County agrees with the tenets of progressive and corrective discipline when appropriate. The County shall neither discipline nor discharge any post-probationary deputy without just cause. Pursuant to this Section "just cause" means:

"a cause reasonably related to the employee's ability to perform required work. The term includes any willful violation of reasonable work rules, regulations or written policies...."
(ORS 236 350(3))

23.4. Presence of Association Representative. A deputy shall have the right to have a representative of the Association present during disciplinary meetings. If the purpose of an interview relates to the disciplinary process, the deputy shall be so advised.

II. BENTON COUNTY SHERIFF'S OFFICE RULES OF CONDUCT.

Policy in relevant part:

2. The Sheriff's Office shall maintain a set of Rules of Conduct for its employees and volunteers. Members shall abide by these rules or may be subject to disciplinary action. The Rules of Conduct for all employees and volunteers of the Benton County Sheriff's Office are as follows:

2.8. Truthfulness

Members shall fully and truthfully answer all questions specifically related to their performance of official duties within the scope of various protections afforded them under the U.S. Constitution, federal and state law as well as bargaining agreements and personnel rules. Failure to be truthful in regards to the performance of official duties will result in termination.

III. ISSUE

The County proposed the issue as follows:

- 1) Did the County have just cause, pursuant to Article 23.1 and 23.5 of the Collective Bargaining Agreement to discipline Amy Johnson?
 - a. If yes did the Sheriff abuse her discretion in selecting the level of discipline imposed?
 - b. If no, what is the appropriate remedy?

The Association proposed the issue as follows:

Whether the termination of the employment of Amy Johnson by the County was supported by just cause. And what is the proper remedy?

I frame the issue as follows:

Did the County violate Article 23.1 of the Collective Bargaining Agreement when they disciplined the Grievant? If so, what is the remedy?

I find that the Association's framing of the issue indicates that a violation of Article 23.5 is not an issue before me.

IV. BACKGROUND

The Grievant prior to her termination was a Corrections Deputy and worked in the County jail. In 1999 she filled a limited term assignment and in 2005 she was hired full time. On January 5, 2010 the County opened an investigation regarding the Grievant 's interaction with Sergeant J [REDACTED]—insubordination- and for making rude, hurtful and unproductive comments to co workers – unbecoming conduct. Corrections Sergeant Rabago was assigned to conduct this interview. Sergeant Stephens of the Benton County Sheriff's Office, Patrol Division coached her prior to and observed the investigatory interview with Sergeant Rabago and the Grievant. Sergeant Rabago at the conclusion of the investigation sustained the charges of unbecoming conduct and insubordination

During the above interview, the Grievant was asked a question regarding her making disparaging comments about the sexual orientation of a co worker, Deputy S [REDACTED]. The question was: Do you recall making statements on multiple occasions to varied staff about [REDACTED] S [REDACTED] sexuality? That you think he is gay...that you just know he is. The Grievant responded: No...I've heard other staff members say things and I just said that's a good way to get into a sexual harassment suit. Sergeant Rabago noted in her final report that she had concern that the Grievant may not have been truthful in her answer to this question.

The Sheriff directed the Under Sheriff to conduct a second investigation regarding the allegation of untruthfulness. Sergeant Rabago was again the assigned investigator. She interviewed several Corrections Deputies on January 28 and February 3, 2010. Rabago then turned the investigation over to Under Sheriff Jackson. Under Sheriff Jackson reinterviewed [REDACTED] M [REDACTED] on February 10, 2010. He interviewed the Grievant on February 15, 2010; present at this meeting were Sergeant Rabago and later into the meeting the Association President.

The due process hearing for the Grievant's untruthfulness allegation was held on February 25, 2010. On February 26, 2010, the Sheriff terminated the Grievant's employment. The Association filed a grievance on her behalf on March 2, 2010. This grievance proceeded through the steps of the parties' grievance procedure without resolution. It is this grievance that is properly before me.

V. COUNTY'S ARGUMENTS

The County submits that just cause exists and that termination was the appropriate discipline to be imposed given the violation that has been proven by clear and convincing evidence. The most succinct definition of just cause is that enunciated in his decisions by Arbitrator Thomas Levak. In summary, a just cause analysis involves three basic questions. (1) Were the charged offenses proved by clear and convincing evidence? (2) Was the employee afforded fundamental due process rights implicit in the just cause clause? (3) Was the penalty imposed reasonably related to the seriousness of the offenses, the employee's disciplinary record and any mitigating or extenuating circumstances? The first component must be satisfied by the employer while the second and third components fall within the area of affirmative defense and must be established by the defending labor organization.

The County has proven by clear and convincing evidence that the Grievant violated the County policy regarding truthfulness. It was a simple question. She was asked if she made statements regarding S ██████ sexuality and she answered no...I've heard other staff members say things and I just said that's a good way to get into a sexual harassment suit". At the end of the investigatory interview she made additional statements about this line of questioning which, in essence, affirmed her previous denial.

The Association dissected the question itself over and over at the hearing to explain the Grievant's "mistake" in answering the question. The bottom line is that Johnson clearly knew how to clarify a question and deal with a compound question during her testimony and during the interview itself. She showed throughout the interview that she knew how to track changes in topic without confusion.

The Association also argues that their attorney tells them to only answer the specific question. Yet there was no evidence that she personally had received that advice prior to her first investigatory interview.

During the second investigatory interview and during a conversation with the Under Sheriff, other employees stated that they had heard the Grievant make statements about S ██████ sexuality. Sergeant Stephens was present at the first investigatory interview when the question regarding Deputy S ██████ sexuality was asked. Sergeant Rabago testified that she and Sergeant Stephens discussed immediately after the interview that they were concerned that she had not told the truth when answering this specific question. Sergeant Stephens, trained

investigator, also described in his testimony as to the many characteristics that led him to conclude that the Grievant had been untruthful.

At the hearing, the Association raised a number of issues and/or factual considerations. The County provided adequate notice to the Grievant at each step in the investigatory and disciplinary process. She never testified that she did not receive actual notice. There is nothing in the Agreement that requires a particular form of notice. The Grievant knew that untruthfulness was a dischargeable offense. The Sheriff was very clear as to the need to be truthful.

The Association's contention that prior to the due process hearing, it was determined that the Grievant would be terminated is without merit. The fact that the payroll form was signed prior to the hearing was a mistake. Furthermore when the Sheriff became aware of the mistake she immediately stopped the processing of the form. Nor was the change in the schedule evidence that the decision was predetermined. It was a roll over schedule; there was no change in the regular schedule.

Under Sheriff Jackson testified that he made no representation to the Association or the Grievant that she would be reinstated if she came in and cleared up claimed discrepancies from her interview. The Association was well aware that it was the Sheriff who was the ultimate decision maker in this case. The Sheriff has always taken the position that dishonesty is not acceptable; her decision to terminate was not influenced by her position on the DPSST Board. There was no evidence presented that Sergeant Rabago and Undersheriff Jackson were anything other than objective and fair. In fact both were trying to do anything they could to give the Grievant the opportunity to show that she was not untruthful.

The facts as presented demonstrate just cause for discipline. The Grievant's conduct warrants termination. The County's decision was reasonable. The arbitrator should not substitute her judgment for that of County management unless she finds that the penalty was excessive, unreasonable or that management has abused its discretion. That is not the case here. The County requests that the grievance be denied in its entirety and that the Association as per the Agreement be required to pay all associated arbitrator fees.

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VI. UNION'S ARGUMENTS

The County terminated the Grievant without just cause. The burden of proof lies with the County and the standard of proof due to the severity of discharge especially for dishonesty must be clear and convincing. The County failed to do this. The County did not prove intentional dishonesty. The Sheriff based her decision at the time of termination on the investigatory file including a recording of the first interview. It is what evidence her decision was based on at the time of termination and not after the fact information that should be considered. At the time of her decision to terminate, the file contained interviews none of which supported the allegation that the Grievant had been untruthful. None of her co workers and her supervisor interviewed stated that they had heard the Grievant make comments about Deputy S [REDACTED] sexuality. The Deputy himself did not recall any such comments made to him by the Grievant.

The Grievant gave an honest answer to the question she was asked. The question was: Do you recall making statements on multiple occasions to varied staff about [REDACTED] S [REDACTED] sexuality? That you think he is gay...that you just know he is. The design of this question is flawed. It is a compound question therefore it is difficult to determine what part the person is answering. This particular question came out of left field in this interview; there was no subject matter transition. The Grievant testified that she was still thinking of J [REDACTED] the original topic of the interview when this question was asked. So that she basically heard only the second part of the compound question...that you think he is gay...that you just know he is. She felt that it was very accusatory. This was particularly troubling to the Grievant and in her mind an emotionally charged question.

There was a misunderstanding built into the compound nature of the question. When asked the question, the Grievant made a noise of discomfort and answers no sheepishly. But what is she answering no to? Is she answering no to recalling statements more than one to varied staff? Or is she answering no that she does not recall saying numerous times to varied staff members that she thinks he is gay? Or is she answering no to the statement that she thinks the Deputy is gay ...she just knows he is? She testified that she did not think or know that he was gay as he is engaged to a member of the opposite sex and he has never admitted to being gay. Based on her remarks at the end of interview, it is the comment you know that he is gay to which she answered no. This was a truthful answer to that part of the question.

In addition she answered truthfully to the first part of the question. While she has acknowledged that she has made statements to varied staff that she thought that the Deputy was odd or different, she has consistently maintained that she does not recall making various statement about his sexuality.

Not only was the question flawed but so was the initial interview. This was Sergeant Rabago's first interview. She was biased as she had determined based on information from the other interviewees that the Grievant had made these statements. Therefore when the Grievant answered no, Sergeant Rabago just knew she was lying and quickly moved on to the next question. There was no follow up questions to clarify the Grievant's response. Sergeant Rabago testified that the Grievant's demeanor radically changed as well. There was no accounting for any personal traits of the Grievant when she is under stress. The Grievant is a nervous talker, she does not interview well; she sometimes laughs inappropriately, her voice cracks and she takes umbrage to insinuations that she is prejudiced. Yet it was these very traits that the Sergeant Rabago and Deputy Stephens used to determine that she was lying.

The interviews during the truthfulness investigation did not support the County's allegation. The interviewees could not recall Amy specifically making comments about S [REDACTED] sexuality or specifically saying that he was gay. The responses were at best general and vague as to specifics.

Under Sheriff Jackson and the Sheriff were clear that they did not use the interviews of B [REDACTED] or R [REDACTED] in any decision making. Under Sheriff Jackson's written recording of his conversation with S [REDACTED] and D [REDACTED] was not before the Sheriff when she made the decision to terminate the Grievant. Therefore they must have relied on the interviews discussed above; hardly substantial evidence that the Grievant was untruthful. Nor does the content of the email support the Under Sheriff's contention that he told the Sheriff of this conversation the day after it occurred. Even the if Sheriff used this conversation in her decision making, it was nothing but misinterpreted double hearsay. The testimony of D [REDACTED] and S [REDACTED] and that of the Under Sheriff demonstrate that the Under Sheriff' understanding and therefore his recollection was incorrect or built on inaccurate assumptions.

In addition to failing to conduct a full, fair, or objective investigation, there were significant violations of the Grievant's due process rights. The County effectively imposed the discipline of termination prior to her due process hearing. Personnel Action forms were signed; she was taken off the roll over schedule and the consensus at the management meeting was that she was guilty as charged.

The County's discipline of Johnson is not even handed. Prior to the Grievant's termination, no other employee had even been disciplined for untruthfulness despite numerous allegation of it under the current Sheriff. Nor was termination reasonably related to the seriousness of the offense and the Grievant's record of service. The Grievant's denial of a surprising compound question is at worst an understandable, short answer to a bad question. The Grievant was a valued employee known by her co workers as a "hard worker"

The Union requests that the grievance be sustained and that the Grievant be reinstated and made whole.

VII. DISCUSSION

The issue before me is whether the County violated Article 23.1 of the Collective Bargaining Agreement when they disciplined the Grievant? Article 23.1 states in relevant part: The County shall neither discipline nor discharge any post-probationary deputy without just cause. Pursuant to this Section "just cause" means:

".... The term includes any willful violation of reasonable work rules, regulations or written policies" (ORS 236 350(3)). The County alleges that the Grievant willfully violated the BCSO General Order Rules of Conduct, paragraph 7.2.8 –Truthfulness. She was untruthful when answering a question in an internal investigation.

In my analysis of whether the County had just cause to terminate the Grievant will be based on the following questions. 1. Did the employee have prior knowledge that this misconduct would lead to discipline up to and including discharge? 2. Was the rule or policy violated reasonable? 3. Did the employer conduct a fair and impartial investigation prior to administering the discipline? 4. Did the employer prove that the employee had committed the misconduct for which he was terminated? 5. Was the penalty reasonable under the circumstance?

1. Did the employee have prior knowledge that this misconduct would lead to discipline up to and including discharge? The Sheriff in her annual "State of the Office" address and upon other occasions emphasized the requirement that deputies must be truthful in the conduct of their official duties. (Testimony of the Sheriff) The Code of Ethics and Memorandum of Understanding, General Order on "Rules of Conduct" were signed by the Grievant in 2010. Each of these documents referenced the rule regarding truthfulness. The rule itself states that failure to be truthful in regards to the performance of official duties will result in termination. I find that the Grievant had prior knowledge that lying during an internal investigation would lead to termination.

2. Was the rule or policy violated reasonable? There is no dispute that the rule was reasonably related to the business of the Sheriff's Office.

3. Did the employer conduct a fair and impartial investigation prior to administering the discipline? The County investigated the allegation of untruthfulness prior to terminating the Grievant. Sergeant Rabago conducted the first part of the investigation and then it was turned over to Under Sheriff Jackson. The Union contends that both investigators were not impartial. Sergeant Rabago was biased as her husband and the Grievant had had disagreements and the Under Sheriff had personal feelings. However I find that there was no evidence to support the Union contention. From the credible testimony of both, there appeared to be a sincere desire to find a way to exonerate the Grievant and have her return to work.

The Union contends that the County had determined prior to the Grievant's due process hearing that she was to be terminated. The Payroll Action form requesting her final check was processed prior to the date of the due process hearing. I was not persuaded by the Union's argument. Prior to the due process hearing the Under Sheriff gave a "heads up" that a final check may be needed. The problem arose because the person responsible for payroll was absent and someone inexperienced began the processing immediately. The Sheriff when made aware of the mistake immediately stopped the processing. The request was made again for a final check following the due process hearing. (Testimony of the Under Sheriff and the Sheriff) I find that it is plausible that the first processing of the Payroll Action form was just a clerical mistake and nothing more.

Sergeant Rabago testified that she had developed a future schedule that did not include a roll over schedule assignment for the Grievant. She also testified that it was for her own

purposes as the one in charge of schedules. Due to staff limits if she loses one staff member it makes it difficult to staff; she testified that she wanted to see what potential problems there may be in staffing. It was her oversight that she did not put the Grievant back in after reviewing the future staffing configuration. This schedule was therefore on the general drive and was seen by someone. Sergeant Rabago also testified that she did not know the outcome at that time. It is significant that the Grievant was not removed from the regular schedule but only from the roll over schedule where there would have been the possibility that she would not be available. I found the Sergeant's explanation to be credible and logical considering her responsibilities as scheduling officer. I did not find as argued by the Union that this demonstrated that a decision had been made prior to the due process hearing.¹

As to the extent or breath of the investigation, that is the concern of the employer who bears the burden of proving that the employee is guilty as charged. After the initial interviews by Sergeant Rabago the investigation was turned over to the Under Sheriff. He reinterviewed Deputy M [REDACTED] at the request of the Association. The Under Sheriff and the Sheriff testified that they did not consider the interview answers by Deputies B [REDACTED] and R [REDACTED] as they considered them to be unreliable.²

The Union argues that Under Sheriff Jackson had told the Union executive officers that if the Grievant came in and explain that her response was a result of misunderstanding the question that she would not be disciplined. Yet the Union contends the Sheriff terminated the Grievant; this demonstrates that the investigation was not fair or impartial. It is unfortunate that there was this misunderstanding. I do not find that the Under Sheriff made the representation that the Union puts forth. He testified that he did not. In that conversation one of the Union Officers stated "how about the Sheriff's policy about you lie you die." The Under Sheriff testified that he

¹ The Union also puts forth as evidence the management meeting where there was a consensus that the Grievant had lied. This meeting was prior to the due process hearing. I too was troubled by this. However upon reflection and based on the testimony and demeanor of the Sheriff, I conclude that she is capable of making her own decisions and did so after receiving and considering input from the due process hearing.

² It was the interview statements of these two Deputies that generated the specific question and the Grievant's response. Her response led to the second investigatory interview. The Union argues that the fact that the statements were so unreliable and known to be so by management, the second investigation should never have begun. In other words it was these statement that were the catalyst for the untruthfulness charge. However I read the Sheriff and Under Sheriff's testimony to mean that these unreliable statements were not used as evidence to prove that she lied but instead they relied on other evidence gained through the investigation in to the allegation of untruthfulness.

responded “we were not there yet.” The Association was aware that the Sheriff would be the ultimate decision maker in these matters. She had pledged to the Association that she would be the one deciding on discipline when a Deputy’s property rights were involved

4. Did the employer prove that the employee had committed the misconduct for which he was terminated?

The County has alleged that the Grievant was untruthful when answering a question during her investigatory interview regarding insubordination and making rude, hurtful and counter productive comments to other members of the Correction Facility. (I will refer to this as the first investigation) The question was as follows: Do you recall making statements on multiple occasions to varied staff about [REDACTED] S [REDACTED] sexuality? That you think he is gay...That you just know he is? She responded: No ...I’ve heard other staff members say things and I just said that’s a good way to get into a sexual harassment suit.

The County based its decision to terminate the Grievant for untruthfulness on the following: (1) the interviews with Deputy M [REDACTED]; (2) the conversation with Deputy M [REDACTED] (3) the February 15th interview with the Grievant; (4) the conversation with S [REDACTED] and D [REDACTED] (5) the recording of the interview with the Grievant in the first investigatory interview; (6) the Sergeant’s report and documentation of the first investigation; (7) the Grievant’s response itself. I shall discuss each of these in detail.

(1)Sergeant Rabago interviewed Deputy M [REDACTED]. In that interview he responds to the question: Has Deputy Johnson ever made any remarks to you or in your presence about Deputy [REDACTED] S [REDACTED] sexuality? He states: “I don’t remember her actually bringing it up. It has been a general item of conversation many times though. Ever since the whole hot tub story and when he invited me to the movies, people have definitely been talking. Amy was in the room when these conversations took place, but I don’t remember specifically what was said. But she was part of the conversation”.

Based on this statement I conclude that Deputy S [REDACTED] sexuality was a topic of conversation many times among varied Correction Deputies. While Deputy M [REDACTED] did not remember specifically what was said, he did remember that she was part of the conversation. The Union argues that just because she was in the room does not mean that she made comments about his sexuality.

Deputy M [REDACTED] statement reads she was part of the conversation; I find that meant she was contributing such statements to the conversation and was not a mere observer. In fact, Deputy M [REDACTED] is then asked if other than generally speaking about it have you every (sic) heard Amy say anything about [REDACTED] sexuality. He responded just the casual conversation, never nothing to him or never calling him names or anything. This statement would further support the conclusion that the Grievant participated in the conversation.

A second interview with Deputy M [REDACTED] was conducted by Under Sheriff Jackson and again he was asked if he had ever witnessed the Grievant make comments regarding Deputy S [REDACTED] sexuality. His response was "I think we all have. I don't remember comments saying [REDACTED] was gay. The conversations were more like wandering (sic) if he was or that Amy perhaps thought he might be." While he also commented that [REDACTED] had made more comments than anyone and seems to regularly talk about it; this does not negate the fact that Amy made comments and that Amy perhaps thought he might be gay. Deputy M [REDACTED] comments in this second interview are consistent with those he made in his first interview with Sergeant Rabago.

(2) Deputy M [REDACTED] came to Sergeant Rabago and talked to her about the situation. He had heard of the allegation from Deputy M [REDACTED] who had been interviewed by the Association. He expressed his frustration that the Grievant was in trouble when it was [REDACTED] who always brings up the subject of being gay. He also stated that he had not witnessed the Grievant saying anything about [REDACTED] in his presence. The focus of his conversation was about [REDACTED] the hot tub incident and the fact that he stirred up everything yet never seems to get into trouble. I do not find that the fact that he personally had not witnessed any statement from the Grievant to negate the statement of others.

(3) On February 15, 2010, Under Sheriff Jackson interviewed the Grievant the purpose of the hearing was to ask additional questions related to her initial response. The Grievant asked to meet with him prior to this regularly scheduled meeting to discuss circumstances of the initial investigation. During this prior meeting, the first investigation regarding her conduct to her co workers was discussed. The Under Sheriff felt that the Grievant was sincere and remorseful. Then the Grievant wanted to talk about the statements made to Sergeant Rabago during the investigation even if her representative had not yet arrived. She explained how that when she heard that question all she heard was are you a bigot and did you treat [REDACTED] differently because of your personal dislike of him. She further said that she doesn't care about his sexual orientation.

The Grievant explained that she has warned other staff about such comments and when she heard the question she thought now I am going to get in trouble for the same thing I have warned other about.³

One of the purposes of this investigatory meeting was to give the Grievant an opportunity to explain how she had misunderstood the question. The Union has maintained that the Grievant only registered the last part of the question and interpreted that as accusing her of being a bigot. That was her explanation as to why she said no; she did not care about his sexual orientation. But in addition to that explanation she stated that she thought she would get in trouble for sexual harassment the same thing she had warned others about. (In her response to the question in the first interview she said that she had warned others that this could result in a sexual harassment suit.)

On February 3rd Deputy M [REDACTED] had a conversation with Sergeant Rabago in which he referenced a question from the Union as to whether Amy had come into the room and said to the effect...you guys should stop talking about that or that's enough. He did recall that someone said that but did not recall who as he was zeroed in on [REDACTED] as the two were having a heated discussion. (County Exhibit C 11) These documents had been reviewed by the Under Sheriff prior to the February 15th meeting. (Testimony of Under Sheriff)

4. Directly after the start of the investigation on alleged untruthfulness, Corporal S [REDACTED] and Deputy D [REDACTED] spoke to the Under Sheriff. They had listened to the taped recording of the Grievant's initial interview with Sergeant Rabago and also talked to the Grievant. During this conversation with the Under Sheriff, Corporal S [REDACTED] stated that he knew she was lying as he was there when she made comments. His testimony at the hearing was consistent with this statement to the Under Sheriff.

Deputy D [REDACTED] stated that there were serious issues raised in her response to the question. He then nodded his head in confirmation to the Under Sheriff's saying it was obvious she lied. Deputy D [REDACTED] testified that he did have issues with her response to the question but they were related to the format of the question itself, the lack of follow up and that something was stressing her. While he did not recall nodding; any nod would have been in confirmation

³ The Union argues that the notes of both Sergeant Rabago and the Under Sheriff were not verbatim and that the interviews with the exception of the first investigatory interview with the Grievant were not taped. Therefore their contents are suspect. However the investigatory interviews were memorialized following the interview and while not word for word I find are valid representations of what was said.

that he had issues not a confirmation that the Grievant was lying. In the Under Sheriff's email of March 10th he states that concerns about the confusion of the question arose after the Deputy had nodded. It was at that point that the Under Sheriff said that if there was confusion the Grievant should come and speak to him.

There is an apparent conflict between what the Under Sheriff recorded in his email and the testimony of Deputy D [REDACTED]. The nod in question could have been as explained by the Deputy or as understood by the Sheriff or it could have been a reflexive, non committal movement. However I do give some weight to the Sheriff's understanding that it confirmed his statement that the Grievant was obviously lying. Corporal S [REDACTED] testified credibly that when both he and Deputy D [REDACTED] listened to the tape recording, they believed that the Grievant was lying. They met with the Grievant and presented her with their opinion that she was untruthful; it was at that time that the Grievant explained why she had answered as she did. Deputy D [REDACTED] was present during the testimony of Corporal S [REDACTED] and confirmed his testimony without amendment.

The Union argues that this conversation was not known to the Sheriff when she made her decision to terminate the Grievant. The Sheriff did not reference in either oral or written form that she had relied on this evidence. It was only at the second step of the grievance procedure that was this mentioned. Further proof that the Sheriff was unaware of the conversation was the fact that the Under Sheriff emailed her a report of this conversation on March 10th; after the Grievant was discharged. This email began: "a few things I thought of last night for the discipline grievances".

I however was not persuaded that the Sheriff was unaware of this conversation and therefore the germane statements of Corporal S [REDACTED] and Deputy D [REDACTED]. There were two times that the Under Sheriff was especially emphatic during his testimony and one was when he testified that he had kept the Sheriff informed all along including the conversation in question. I find this testimony credible as the Sheriff testified that employees of the Sheriff's Office will be truthful during the course of their official duties. This was extremely important to her and was a part of a pledge she had made to the community when elected. The Under Sheriff would have been well aware of her interest in the investigation into this allegation and would have more likely than not been sure that she was kept in the loop. In addition, I was not persuaded that the words...a few things I thought of last night...proved that this was the first the Sheriff was made

aware of the conversation. Without previous knowledge of the conversation, the content of the email would have required further explanation or at least clarification. There was no evidence that the Sheriff requested further clarification.

(5) Sergeant Rabago recorded the interview of the Grievant during the first investigatory interview. This recording was reviewed by the Under Sheriff and the Sheriff. Sergeant Rabago testified that the Grievant's demeanor changed when this question was asked and answered. It was this changed demeanor that caused both she and Deputy Stephens to be concerned that the Grievant was being untruthful. The Union argues the change in demeanor were merely personal traits of the Grievant when she under stress and not substantial evidence of her lying. The Grievant was not good at interviewing.

I was not persuaded by this argument. I find the direct questioning of the Grievant regarding her laughing inappropriately or her voice cracking to be staged. Testifying in arbitration is stressful yet these personal traits did not reoccur during the Grievant's testimony nor were they common in the full recording of the investigatory interview. ⁴

6) Both the Sheriff and the Under Sheriff had before them Sergeant Rabago's report and documentation of the first investigation. This report included a transcript of the tape of the Grievant's interview. Included are the question and the Grievant's response and her statement regarding this question at the end of the interview. The Union maintains that the question itself is the root of the problem. The question was a compound question and it arose out of nowhere during the interview; the interview was about her interaction with J [REDACTED]; there was no transition between this question and the previous one. The Union argues that there was no follow up questions seeking clarification to the Grievant's answer and that this is the responsibility of the interviewer. The Union maintains that BCSO Association members are trained by their attorneys to answer questions with a direct yes or no and not elaborate; the Grievant is now being disciplined for her direct response. I did not find any of these contentions to be persuasive.

I agree with the County's observation that the Grievant had no difficulty in answering compound questions which were also asked during this same interview and during her testimony at the hearing. She also clarified her answers during the hearing. Reviewing the first interview

⁴ The Grievant testified under direct questioning that she had not been assigned to a full time position as a Correction Deputy because she did not interview well. However in the cross examination of this witness it was apparent that other performance problems were more likely than not to have delayed any full time assignment.

in its entirety I find that the Grievant did not appear to have any difficulty switching from one specific topic to another.

There was testimony that the Union's attorney's advice to members when being interviewed was to only answer yes or no; this training was presented only to the Executive Board of the Association. The only advice the Association officers gave the Grievant prior to the first investigatory interview was to be truthful. (Testimony of D [REDACTED]) The Grievant in fact elaborated on her no response in the first investigatory interview. Not only did she apparently not make multiple comments to varied staff regarding Deputy S [REDACTED] sexuality but she told others that such comments would get them in trouble for sexual harassment.

There was opinion expressed as to whether a follow up question was necessary by both Deputy S [REDACTED] and Deputy D [REDACTED]. However I found the explanation given by Sergeant Rabago to be a rational reason why there was no follow up question. Deputy S [REDACTED] an experienced interviewer advised her that if she believed that the interviewee was being untruthful, she should just move on. To do otherwise could result in an investigation into truthfulness and she did not have the authority to do so. On cross examination Deputy D [REDACTED] acknowledged that an interviewee had an obligation to clarify their answer to any misleading questions.⁵

The Union argues that the County did not prove that the Grievant intended to be untruthful. The Union contends that in cases of untruthfulness it is necessary to prove that the employee intended to misrepresent. While I checked the reference the Union cited in support of this contention, I found that this section of *Discipline and Discharge in Arbitration* related to falsification of company records or employment applications and not truthfulness as in this case. This aside if an employee denies something he/she knows to be true; this act must be intentional or willful.

7. The County argues that the Grievant's response to the question in and of itself demonstrates that her answer was untruthful. The question was Do you recall making statements on multiple occasions to varied staff about [REDACTED] S [REDACTED] sexuality? That you think he is gay...that you just know he is. She answered no. Meaning she did not make statements on multiple occasions to varied staff about [REDACTED] S [REDACTED] sexuality. Yet the interviews of Deputy

⁵ The Union asserts that Sergeant Rabago intentionally did not ask a follow up question as she was biased toward the Grievant and in essence wanted to catch her being untruthful. I did not find any evidence on the record to support that assertion and found that she was merely following Deputy S [REDACTED] advice.

M [REDACTED] and statement and testimony of Corporal S [REDACTED] are clear that she did just that. While the Grievant contends that she has made general comments about the fact that he is odd or different, the interview statements of Deputy M [REDACTED] and Corporal S [REDACTED] refer specifically to comments regarding his sexuality. The answer no is also responsive to the words that you think he is gay...that you just know he is. Meaning she does not think he is gay nor does she just know he is. Yet Deputy M [REDACTED] when interviewed by Under Sheriff Jackson stated that while no one has said that he was gay the conversations were more wondering if he was or that Amy perhaps thought he might be. It was those conversations that Deputy M [REDACTED] said the Grievant was a part. Considering the evidence in its totality I find that this analysis of the Grievant's response to the question to be valid and reasonable.

In addition, the Union argues that the Grievant's comment at the end of the interview demonstrate that she heard the question as an accusation that she was a bigot. However this comment could also be an elaboration of her "no" response. She was not a bigot nor cared about anyone's sexuality. This would be true of one who did not make statements about another's sexuality or speculated as to whether or not they were gay. I also take note of the Grievant's explanation that when she heard the question she thought she would get into trouble for the very thing she had warned others about. ((County Exhibit 15) Her statement at the end of the interview could also reflect a need to protect herself from any potential sexual harassment charge.

For the reasons discussed in detail above I find that the County proved by clear and convincing evidence that the Grievant was untruthful in her answer to the question; the misconduct for which she was disciplined.

5. Was the penalty reasonable under the circumstance?

If the employer has proved that the employee is guilty of the misconduct for which he or she was charged, then the arbitrator should not substitute his or her judgment as to the level of discipline imposed for that of management's unless management has abused its discretion and the level of punishment is arbitrary, discriminatory nor unreasonable under the circumstances.

I find that the County was even handed in the level of discipline imposed. The Sheriff was clear that while untruthfulness was disciplined with less than termination in the past, beginning with her administration termination would be the level of discipline for proven untruthfulness by employees of the Sheriff's Office. In the other investigations into allegations

of untruthfulness the employees are exonerated or the charge was unfounded or lacked sufficient evidence. Therefore there would no reason for termination. Deputy B [REDACTED] proposed termination for untruthfulness was dropped due to procedural problems with the investigation. Here as discussed above there were no proven procedural problems related to the investigation of the Grievant for untruthfulness.

I find that termination was a reasonable level of discipline. In matters of untruthfulness, it is generally held that progressive discipline is not needed. The need for truthfulness in the performance of the duties of a deputy are integral to the integrity and reputation of the Sheriff's Office. Therefore a violation of the General Order requiring truthful in the performance of a Deputy's official duties is a serious offense. The Grievant was not a fifteen or twenty year employee. While the Grievant was described as a hard worker she did not have a clean disciplinary record.

In conclusion, I find that the Grievant knew before hand that her misconduct would result in termination. The County conducted a fair and impartial investigation prior to imposing discipline. The County proved that the Grievant was guilty of the misconduct charged. The level of discipline imposed was non discriminatory and reasonable under the circumstances. Therefore the County had just cause for its disciplinary action.

VIII. CONCLUSION

Based on the evidence and the reasons discussed above I find that the County did not violate Article 23.1 of the Collective Bargaining Agreement when they terminated the Grievant. The County had just cause for terminating the Grievant. Therefore I make the following Award.

IX. AWARD

1. The Grievance is denied.
2. As per the Agreement, the fee and expenses of the arbitrator are the responsibility of the Association.

Respectively submitted this ____ day of February 2011

Nancy E. Brown, Arbitrator

Kristen Turley,

I received notification from DPSST in regards to the revocation of my Basic and Intermediate Corrections Certifications, as a result of my termination from the Benton County Corrections Facility. At this time, my termination is in the process of being grieved.

I respectfully request a stay of all proceedings until which point the grievance can be resolved. Please contact me with any questions you may have regarding my request.

Thank you for your attention to this matter,

A handwritten signature in cursive script, appearing to read "Amy Johnson".

Amy Johnson
DPSST 38753



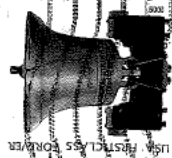
Angie Johnson



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DEPARTMENT OF PUBLIC SAFETY
STANDARDS AND TRAINING

Department of Public Safety Standards & Training
Attn: Kristen Turley/Standards & Compliance
4190 Aumsville Hwy SE
Salem, OR 97317

973175554



1 THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
2 STATE OF OREGON

3
4 In the Matter of the Revocation
5 of the Basic and Intermediate Corrections
6 Certifications Issued to:

7
8 **AMY M. JOHNSON**
9 DPSST No. 38753

**CONTESTED CASE NOTICE OF INTENT
TO REVOKE, OPPORTUNITY TO BE
HEARD, AND FINAL ORDER REVOKING
CERTIFICATIONS IF NO REQUEST FOR
HEARING IS RECEIVED**

No timely hearing requested. 4/15/11
Default/Final Order effective:

NATURE OF PROPOSED ACTION By: 

10 The Department of Public Safety Standards and Training (DPSST or Department)
11 proposes to revoke your Certification(s). This Notice is provided pursuant to Oregon Revised
12 Statute (ORS) 181.661, Oregon Administrative Rule (OAR) 259-008-0070(9) and OAR 137-
13 003-0505. This Notice contains an order revoking your Certification(s). This Order will become
14 effective, unless you request a hearing within twenty days of the mailing of this Notice as shown
15 on the attached Certificate of Service. OAR 137-003-0670(1)(a) and OAR 259-008-0070(9).

16 **STATEMENT OF RIGHT TO HEARING:**

17 **AUTHORITY AND JURISDICTION FOR HEARING**

18 You are entitled to a contested case hearing before the Department under the provisions
19 of the Administrative Procedures Act (ORS Chapter 183) and the administrative rules of the
20 Department. If you request a hearing, it will be conducted in accordance with the contested case
21 provisions of the Oregon Administrative Procedures Act (ORS Chapter 183), the Attorney
22 General's Model Rules of Procedure, and OAR 259-008-0070(9).

23 Page 1 - **JOHNSON - CONTESTED CASE NOTICE OF INTENT TO REVOKE, OPPORTUNITY TO
BE HEARD, AND FINAL ORDER REVOKING CERTIFICATIONS IF NO REQUEST FOR
HEARING IS RECEIVED**

1 **STATEMENT REGARDING REPRESENTATION AND HEARING PROCEDURES**

2
3 If you request a hearing, a description of the hearing procedure will be provided to you in
4 accordance with ORS 183.413, prior to the commencement of the hearing. At the hearing, you
5 have the right to represent yourself or be represented by an attorney of your own choosing and at
6 your own expense. Judicial review of the decision by the Department is provided by ORS
7 181.664 and 183.480 at the request of any person adversely affected or aggrieved by the order.

8 **PARTICULAR RULES AND STATUTES INVOLVED**

- 9
10 1. ORS 181.662(4) and OAR 259-008-0070(3)(a)(A) *require* the Department to revoke
11 the certification of a public safety professional who has been "discharged for cause" from
12 employment as a public safety professional. "Discharge for cause" is defined as:
- 13 (i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception,
misrepresentation, falsification.
 - 14 (ii) Disregard for the Rights of Others: Includes violating the constitutional or civil rights
15 of others, conduct demonstrating a disregard for the principles of fairness, respect for the
rights of others, protecting vulnerable persons, and the fundamental duty to protect and
16 serve the public.
 - 17 (iii) Gross Misconduct: means an act or failure to act that creates a danger or risk to
18 persons, property, or to the efficient operation of the agency, recognizable as a gross
deviation from the standard of care that a reasonable public safety professional or
instructor would observe in a similar circumstance.
 - 19 (iv) Incompetence: means a demonstrated lack of ability to perform the essential tasks of
a public safety professional or instructor that remedial measures have been unable to
20 correct.
 - 21 (v) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a
benefit, avoid a detriment, or harm another, and abuse under the color of office.

1
2
STATEMENT OF MATTERS ASSERTED AND CHARGED

- 3 1. On or about January 24, 2005, you were hired by the Benton County Sheriff's Office
4 as a corrections officer.
- 5 2. On or about February 13, 2006, you were issued a Basic Corrections Certificate.
- 6 3. On or about April 19, 2007, you were issued a Intermediate Corrections Certificate.
- 7 4. On or about February 25, 2010, you were discharged for cause from employment as a
8 corrections officer with the Benton County Sheriff's Office. As such, you are in
9 violation of ORS 181.662(4) and OAR 259-008-0070(3)(a)(A), thereby *requiring* the
10 revocation of the Certification(s) issued to you.

11
12
NOTICE OF PROPOSED ACTION

13 Based on the above, *the Department will revoke your Certification(s)* in the State of
14 Oregon *twenty (20) days* after this Notice is mailed to you, unless you notify the Department in
15 writing that you request a hearing. If you do not request a hearing, this Notice constitutes a Final
16 Order revoking your Certification(s). This Order will become effective by default if you do not
17 request a hearing within twenty days of the date indicated on the Certificate of Service, which
18 accompanies this *Notice of Intent to Revoke and Order*, pursuant to OAR 137-003-0670 and
19 OAR 259-008-0070(9).

20 Pursuant to OAR 259-008-0070(a), if an individual who has been discharged for cause
21 from employment as a public safety professional or instructor is served with a Notice of Intent to
22 Deny or Revoke Certifications (NOI), and provides notice to the Department within the time
23 stated in the NOI that the discharge has not become final, the Department may stay further action

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BE HEARD, AND FINAL ORDER REVOKING CERTIFICATIONS IF NO REQUEST FOR
HEARING IS RECEIVED

1 pending a final determination.

2
3 **HOW TO REQUEST A HEARING:**

4 **CONSEQUENCE OF FAILURE TO REQUEST A HEARING**

5
6 **IF YOU DESIRE A HEARING, YOU MUST NOTIFY THE DEPARTMENT IN**
7 **WRITING THAT YOU REQUEST A HEARING.** This request must be received by the
8 Department **within 20 days** of the date of **mailing** this notice to you. Upon timely receipt of
9 your request, the Department will notify you of the date, time and place of the hearing. To be
10 effective, your notice must be sent to Kristen Turley, Standards & Compliance Coordinator,
11 Department of Public Safety Standards and Training, 4190 Aumsville Hwy SE, Salem, Oregon
12 97317.

13 If you fail to request a hearing within the required twenty (20) days, or if you fail to
14 appear at a scheduled hearing, this *Notice of Intent to Revoke and Order Revoking Certification*
15 will become final by default and no further order will be served on you. Your Certification(s)
16 will be revoked. Pursuant to OAR 137-003-0505(2)(a), the records of the proceedings in this
17 case to date, including the Department's files on the subject matter of the contested case,
18 automatically become part of the contested case record upon default for the purpose of proving a
19 *prima facie* case.

20 IT IS SO ORDERED THIS 31 day of MARCH, 2010.

21 Department of Public Safety Standards and Training

22 
23 _____
Eriks Gabliks, Director

BEFORE THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING OF
THE STATE OF OREGON

In the Matter of the proposed Revocation
of the Basic and Intermediate Corrections
Certifications Issued to:

CERTIFICATE OF SERVICE

AMY M. JOHNSON
DPSST No. 38753

I certify that on the 1st day of April, 2010, I served the foregoing
**Contested Case Notice of Intent to Revoke, Opportunity to be Heard, and Final Order
Revoking Certification(s) if No Request for Hearing is Received** upon the party hereto by
mailing, by regular mail, postage prepaid and certified mail, return receipt requested, true, exact
and full copies thereof to:

Amy Johnson
[REDACTED]

Sheriff Diana Simpson
Benton County Sheriff's Office
(via regular mail)

Krista L Turley

Department of Public Safety Standards & Training
STATE OF OREGON

0465 446E 0000 0960 6002

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Amy Johnson
[REDACTED]

CERTIFICATE OF SERVICE

1/2010

**Department of Public Safety Standards and Training
Memo**

DATE: March 15, 2010
TO: Eriks Gabliks, Director
FROM: Kristen Turley,
Standards & Compliance Coordinator
SUBJECT: NOI Notice

Attached for your signature is the above document on Amy Johnson, formerly employed by the Benton County Sheriff's Office.

Johnson was discharged for cause after an internal investigation determined that she was untruthful when answering questions during a separate internal investigation.