

**From:** [Mark J. Matheson](#)  
**To:** [Laura Terway](#); [Kattie Riggs](#); [Amy Willhite](#)  
**Cc:** [Christina Robertson-Gardiner](#); [Miranda Sierra](#); [Gary Avery](#)  
**Subject:** For the record - Grievance  
**Date:** Monday, February 05, 2018 4:19:14 PM  
**Attachments:** [Norby ltr re17CV25621 Resp Motion for reconsideration.pdf](#)  
[Petitioner-Plaintiffs" Response in Opposition to Respondent's Motion for Reconsideration-Case No. 17CV25621-1.pdf](#)  
[ComplaintMummF.pdf](#)  
[KarinMorey.pdf](#)

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This email and attachment are part of the record to the grievance filed.

To points of fact the members need to be aware of

The CIC members, participants and attendee's should be aware the City's insistence the matter be investigated, reviewed and render a decision by the CIC. This was not my idea.

The second is that I believe the CIC members need to be aware the City of Oregon City lost their Motion for Reconsider in a Writ of Review proceedings. The same issue's in the grievances are incorporated into an ongoing lawsuit against Dan Holladay, Tony Konkol III, and the City of Oregon City.

For the record I made my position known that it was reckless for City staff to involve the members in an ongoing lawsuit without their knowledge or fully disclosing the details.

For the record and in full disclosure, I have attached the letter from Clackamas County Circuit Court upholding our response to their Motion for Reconsideration. This orders the City to reverse their local court decision to extract \$71,000 from the illegal execution of a stop work order based on bogus building code violation. I advise members to review all of the legal documents.

As for the grievance against Betty Mumm, and in regards to her conflict of interest, it is the same conflicts of interest that keeps her from appointing herself to be a CIC member, her relationship with the Mayor. As long as Dan Holladay is Mayor, Betty Mumm has a conflict of interest that keeps him from approving her appointment to a committee. The same rule should apply to her position as the Chair of BHNA.

The second grievance is simple. It's the definition of cyber bullying and it was done by someone who knows better but somehow feels embolden to indiscriminately lash out.

I strongly advise the CIC to reject the City's request to review the grievance because of the lawsuit. As the Pro Se litigator in the lawsuit its unethical to personally participate in the grievance. If they decide to go forward, I suggest all questions or inquiries should be reviewed by the City's attorney prior to sending them to be answered.

Mark

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Mark J. Matheson, Founder and CEO  
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503.953.0250

November 14, 2017

From: Mark J. Matheson, Candidate for Mayor Of Oregon City  
Vice Chair / CIC member for Barclay Hills Neighborhood Association  
855 Molalla Ave.  
Oregon City, Oregon 97045

Reply to: mark.matheson@drteamsint.com

To: Director Laura Terway, AICP  
Community Development Director  
221 Molalla Ave  
Oregon City, Oregon 97045

Re: Betty Mumm / Compliant - Support decision to suspend Betty Mumm as Chair of Barclay Hills Neighborhood Association

Dear Director Terway,

As you know, as well as others in the administration the conflict of interested Betty Mumm causes as the Chair of the Barclay Hills Neighborhood Association. Her personal relationship as the Mayor's girlfriend, landlord and employer has had a counterproductive on BHNA. Suspending her authority is a consistent application and reasoning for excluding Betty Mumm from accepting a place on the CIC. The of the matter is the same conflict of interest exists in both instances and will continue as long as Dan Holladay is Mayor.

Removing an elected official, regardless of their position is serious and it requires overwhelming support of material before taking an action. The material is organized in a 4-part format and it covers 12 points of concerns. Betty Mumm has adversely impacted BHNA and the complaint outlines resolutions and benefits for supporting the decision. The Founder's Clinic manager will be personally contacted and provided copies of the material before noon today. As far as notifying BHNA members a note on the Clinic's door and sending emails to people avoids complicating the situation. It also gives the oversight department an opportunity to review the material and delaying the elections protects any additional damage to BHNA authenticity.

The \$7.2 million lawsuit of against the City, Tony Konkol III and Dan Holladay should be considered before deciding on the course to the best course of action. The immediate need is to be consistent when it comes to dealing with conflicts of interest issues associated with Betty Mumm. It's assumes people will contact the City to confirm what its support and reinforces decision to suspend Betty Mumm and citing conflicts of interests as the reason.

Best Regards,

/s/ Mark J. Matheson, Candidate for Mayor Of Oregon City  
Vice Chair / CIC member for Barclay Hills Neighborhood Association

November 14, 2017

From:

Mark J. Matheson

Vice Chair / CIC member for Barclay Hills Neighborhood Association  
855 Molalla Ave  
Oregon City, OR 97045

To:

Betty Mumm  
Chair / Barclay Hills Neighborhood Association  
Address unknown,

Re: Effective Immediate, Suspending authority as Chair of BHNA

Ms. Mumm,

As the Vice Chair of the Barclay Hills Neighborhood Association (BHNA) and one of its two Chief Officers I am exercising an authority, under Article IV Section 1b *performing the duties of the Chair in his or her absence*, and absence of a working Steering Committee as defined in Article 5 Section 1, took a consensus among active association members to affirm that I have enough justification to suspend your authority as the Barclay Hills Neighborhood Chair. Effective immediately. This means you will not be able to moderate the elections next week.

This letter serves as a formal notification that a grievance was filed concurrently with the City of Oregon City. The grievance details a pattern of behavior from a small sample of incidents that directly violates the BHNA by-laws posted on the City of Oregon website.

Due processes, fair treatment and a courtesy you never extended to anyone who opposes you, I am providing a copy of the grievance to prepare yourself for a public discussion at the general meeting. I would suggest you discuss the issue with Gerald Walden, the attorney the City of Oregon City suggested Dan Holladay retain to defend the \$7.2 million lawsuit against him, Tony Konkol III and the City of Oregon City. As you obviously have to know, and it is very significant in my view that the insurance litigation attorney for the City separated their association with Dan Holladay after reading the full scope of the lawsuit. As the Pro Se representative in the lawsuit it is inappropriate to move forward without respectfully reminding you of mitigating circumstances and adversely impacting the litigation.

As per our bylaws, the grievances will follow its guidelines. As one of **only two** Chief Officers for the BHNA, I am authorized to take or initiate an action without convening a general or steering committee meeting. My premise for suspending your authorization until the matter can be reviewed by your peers is in the absence in the context of being non attentive to your obligations and responsibilities to Barclay Hills Neighborhood Associations.

Cc: Laura Terway, Director of Community Development

file

legal

## Complaint overview against Betty Mumm

With the Barclay Hills Neighborhood Association election scheduled to take place on November 14th, 2017 it is important for the oversight department of the Neighborhood Associations to support the action of suspending Betty Mumm from her position as its Chair. Its intervention is needed to provide the time for due process and allow members the opportunity to self govern over its special districts.

An interpretation of the bylaws the Vice Chair is one of only two Chief Officers ( **Exhibit A** ) and is equally authorized to execute an action as well as being responsible for the overall health and welling of its memberships ( **Exhibit B** ). The Chair and Vice Chair positions are distinctly identified from the remaining officers and committee positions. This includes its primary directive in response to City land use requirements, as well as adhering to Federal, State and local laws and regulations ( **Exhibit C** ).

The incident that is prompting a need for the Community Development Department to intervene boils down to the response ( **Exhibit D** ) Betty Mumm posted on the private social network to verify if she was still living within the association boundaries. Observant members became inquisitive when it became public that the house Betty Mumm lives in avoided a judicial foreclosed proceedings by selling the house for nearly the cost of the judgment to a private individual, as per records on file.

Regardless of the circumstances, the fact that Betty Mumm did not answer the question being asked was disconcerting because it seemed a fairly straight forward question from a member. She acerbated the incident by closing the discussion without posting an answer and reopening the thread long enough to post a reply. The screenshot ( **Exhibit D** ) indicates that Betty Mumm closed the discussion 4 minutes after posting her reply. It is apparent she has abandoned her duties at the detriment of the Association by advocating the City's interest. For the purpose of the compliant the word *absent* referenced in Exhibit B is being applied metaphorically in her duties as Chair.

I am using a standard 4-part assessment tool to delineate the issue, provide information, recommendations and the benefits for doing so.

## Situation

Even before Betty Mumm became the Chair of the BHNA she was reluctant to follow bylaws and boundaries. A suggestion I made as the Vice Chair was extending an olive branch to the losing candidate by suggesting to the Chair to appoint her as the Treasurer. I was unaware that Betty Mumm was the girlfriend and employer of the Mayor and it was disconcerting that the Chair made the personal choice to keep the information to himself.

**It clearly identified the first situation #1 that caused concern.**

It was alarming to the extent she kept the obvious conflict of interest from members she did not know and the people who knew had personal reasons to hide any association. Tony Uzuegbunam, the BHNA Chair at the time casually let the cat out of the bag and I immediately raised a concern. I let it be known that I would have never have suggested the Treasurer position if I had known of her affiliation.

It was astonishing to see the unethical state of mind from a former City Commissioner to be selectively secretive about an affiliation she was obligated to disclose ( **Exhibit E** ). I've come to find out her ethical indignation towards formality is the norm and not an isolated incident.

**Situation #2 that caused concern.**

Again, as a former City Commissioner and similar to the Karin Morey complaint, her behavior cannot be overlooked by informality or a person's inexperience. They have a cognitive awareness of policy and protocols which makes them more the culpable for their actions and less of chance of a volunteer making a mistake. As the Vice Chair and the CIC representative I've filed a complaint against Karin Morey for interfering with representing BHNA highlighting incidents of cyber bullying and harassment ( **Exhibit I** ). The situation Betty Mumm is self inflicted caused by taking the same autocratic positions on issue and parsing bylaws to avoid answering a direct question.

The easiest way to chronicle Betty Mumm's performance as Treasurer is when Shelley Batty was the Secretary impacted recruitment and censorship to the Mayor taking extraordinary actions to assure she was voted in as Chair. Since then the attendance, and the problems were reported to the oversight department as a matter of documenting the incidents.

**Situation #3 that caused concern.**

Just before Betty Mumm started taking liberties as Treasurer and self-promoting her position as a chief officer, the membership had started increasing attendance by using the City's private social network and responding to members needs. An unfortunate incident was turned into a positive even after a BHNA member was targeted by a disgruntled family member. They viciously spray painted graffiti on a residential street and destructive conversations began to fester on the City's private social network. As obligated to do by BHNA bylaws ( **Exhibit K** ) the issue was investigated then turned into a *whoop whoop* callout over the same private social network. In all the members started finding the meeting interesting and I reported improvements to the City's oversight department and looking forward to activating subcommittees to help manage the needs.

In contrast Betty Mumm assumed control of the meetings and the flow of information the association can only authentic 2 to 4 members speaking for over 5,200 members on critical issues impacting the community. Soon after Betty Mumm started asserting herself as one of the Chief Officers with help from Shelley Batty as the BHNA Secretary the Chair, Tony Uzuegbunam lost interest as an officer and the meetings deteriorated into nonsense and one sided discussions.

#### **Situation #4 that caused concern.**

Supporting concerns can be heard from an audio file of a CIC subcommittee tasked with suggesting policy modifications agreed that sampling less than 20 members on a subject was the minimum and anything less than 10 members made all three of us uncomfortable. It is unreasonable to expect the community to believe that a handful of people can adequately reflect the public's sentiment on a subject. The obvious situation when a system of checks and balances becomes prone to manipulation by a volunteer Mayor who historically overturns public decision he doesn't like. Case in point, the Urban Renewal Districts and the recent housing development published in the November 7, 2017 issue of the local paper. It is not a coincidence that Dan Holladay and Betty have the same approach towards public service.

The issue at hand is performance and adherence to rules that Betty Mumm is obligated to follow. Claiming Betty Mumm is bad at her job implies she has done more than use the BHNA for her personal agenda and censorship. As Treasurer and Chair, her influence calls into question the authenticity land use application for the last 3 year in, but not limited to 5 ways;

- As an officer and as one of two Chief Officers she is obligated under Article IX to disclose conflicts of interest ( **Exhibit E** ).
- Dismisses her obligation to provide notification to neighborhood meetings of events relating to the community ( **Exhibit F** ).
- She habitually ignores American Disability Act requests from members for recorded copies of public meetings, and contrary to Article XI Section 1 ( **Exhibit G** ) access to public meetings.
- Counterproductive behavior to the purpose of the association ( **Exhibit H** ).
- Refusing to investigate or present dissenting views ( **Exhibit L** )

In respect to Land use applications, BHNA minutes are bare of land use notifications and memberships comments on issues impacting their community ( **Exhibit S** ). The association's agenda is solely controlled by the association Chair ( **Exhibit B** ) and mandated to engage their members on issues ( **Exhibit F** ).

#### **Situation #5 that caused concern**

A reasonable case is made that all land use applications become suspect for 2 reasons.

- Neighborhood associations have the right to appeal all land use decisions and are not restricted from commenting on application outside their own special district, as Tony Konkol III confirmed in the October 6, 2016 CIC meeting.
- Betty Mumm compromised relationship with Dan Holladay and cognitively dismissing Article I Section 3 in the association bylaws is enough to file a review of all application during his administration.

What needs reinforced is Betty Mumm's former experience as a City Commissioner precludes characterizing informality towards policy and mismanagement as inexperience, unaware or misinformed. Audio files tracking instances where she willfully misleads the membership with inaccurate information, obfuscated the answers, and/or omits information on a subject. An metaphor for her public perspective is build a narrative around an issue on a personal agenda and wrap it around obfuscations before delivering it in an empty box. Members are presented with exactly what Betty Mumm unfolds on a subject and misrepresented by having meetings that are 32 to 48 minutes long answers for the association without presiding over a due diligence process. A common phrase Betty Mumm repeats is *let's move on* and/or dismissing issues as unimportant violated the bylaws ( **Exhibit L** ) in hope to avoid answering a direct question she is obligated to provide.

#### **Situation #6 that caused concern**

Her responses to questions, reactions towards members, and having no interest filling vacant positions are supported by a year's worth of audio file from the steering committee and general meetings. She has abandoned using any of the associations subcommittees by merely saying they are not active with willful dismissal of the fact the BHNA bylaws encourages participation and the use of the subcommittees. ***It has to be noted that in the BHNA bylaws, the CIC is referred to as a special project. It implies the NA is not obligated to participate by assigning members to attend the CIC meetings ( Exhibit B ).***

Moreover a less appealing element to Betty Mumm's leadership is her autocratic management style to impose her perspective. The pinnacle of her rein came when she turned the steering committee into a nomination committee to expedite an election for the following month. An audio file supports the fact that there were dissenting views but no discussions. Betty Mumm will be heard making a unilateral decision to go forward with the elections without any nominees and other vacancies. It directly violates the BHNA bylaws ( **Exhibit B** ) where it states the Chief Officers are ex-officio members of all committees except for the Nominating Committee. For this reason alone, the oversight department for the City needs to support Betty Mumm's suspension. An audio file does reveal where she dismisses questions to promote 2 of the 6 official positions and reassigning CIC responsibilities to other members.

#### **Situation #7 that caused concern**

The fact of the matter is Betty Mumm is absent from a commitment to uphold the Association's bylaws for herself, and sporadically dispenses information. Betty Mumm's response and use of the City's private social network serves as the perfect example ( **Exhibit D** ) of discriminating against members ( **Exhibit G** ), and abuse of her authority in banning people from using the network. She is mandated to upholding same bylaws everyone else is willing to respect. One in particular bylaw that triggered the complaint in the first place, which is *submit address and telephone numbers of the chief officers shall be filed with the appropriate governmental agencies* ( **Exhibit A** ). The Chair and Vice Chair are the only positions identified as Chief Officers.

The immediate problems caused by Betty Mumm's habitually omitting important information became concerning during a steering committee. A BHNA member was expressing her discontent with Ed Lindquist pruning trees on City owned property that was loosely referred to a park. In an audio file Betty Mumm could be heard underscoring how appalling Ed Lindquist actions were as a former County Commissioner and State Representative to do such a thing, and mislead the group to think that the City had nothing to do with the decision to file charges or being involved with the prosecuting of Ed Lindquist.

With an obvious thirst to denigrate someone Betty Mumm omitted Ed Lindquist professional fire fighting experience, and the possibility of an extreme urban fire hazard from being improperly maintained by the City, as evident from the number of work orders or allocated funding. The situation at the time was similar to Southern California fires that destroyed homes and killed people within minutes and overwhelming local resources.

The audio files gives a reasonable person the impression that Betty Mumm nurtured the members hostility for her own personal reasons rather than following protocols ( **Exhibit K** ). She was also aware of the fact the member held a position on the City's Natural Resource Committee and the committee oversees the recreational green spaces within the City. At the time Betty Mumm was the BHNA Treasurer, but the public prodding of the problem and disregarding the community impact immediately caught my attention. There is a willful naiveté to believe that Betty Mumm wasn't aware the charges against Ed Lindquist were filed at the urging of the City and was fully aware its beyond a municipal courts jurisdiction to prosecute someone as a felon. I cataloged it as divisive behavior and counterproductive to the association ( **Exhibit H** ) and violated steering committee officer responsibilities ( **Exhibit K** ). I expressed my concern directly to Tony Uzuegbunam who was the Chair of BHNA. The audio recordings has Betty Mumm routinely supporting the City's interests rather than representing the membership. The relaxed response from the Chair became more of an issue as Betty Mumm recruited help from CIC and NA officer from other neighborhoods to interfere with any semblance of opposing issues impacting the membership.

#### **Situation #8 that caused concern**

In regards to filling critical positions, Betty Mumm was reminded 3 times the problems by not announce all of the vacancies and the need for a quorum ( **Exhibit J** ). The audio file from October 10, 2017 steering committee meeting, the audio/video recording of the CIC meeting on November 6, 2017 and the associations post card supports Betty Mumm fixation on specific positions. A steering committee quorum is specifically defined ( **Exhibit J** ), and Betty Mumm has had a year to activate a nominating committee.

#### **Situation #9 that caused concern**



The up and coming elections has become the stage for more of the same behavior as last year. The fiasco described in the complaint against Karin Morey ( **Exhibit N** ) for cyber bullying and harassment was an overview of high jacking an election and inappropriately nominating Betty Mumm and Shelley Batty to their position as Chair and Secretary. The Shelley Batty nomination and appointment as the Primary CIC representative came in abstention, and after Betty Mumm unilaterally vacated both positions a month after she was elected Chair. The decision prematurely terminated a filled position without a vote, and reset a 2 year clock for the alternate that had to be appointed to the CIC by the Mayor. It should be noted Shelley Batty was assigned the primary position against the will of over 50% of the members attending that day and Betty Mumm was derelict in her duties by not forwarding dissenting views as mandated by BHNA bylaws ( **Exhibit L** ). Her mishandling of the round of elections can only lead to more issue of authenticity and at the day's end, her conflict of interest and track record towards adhering to ethical standards makes it unreasonable for the oversight department to overlook egregious behavior from Betty Mum.

The minutes shows Dan Holladay directly and passively involving himself in BHNA. His interference manifest itself through Betty Mumm and impacts the association to act on issues its mandated to review and or has the authority to investigate. The minutes of the BHNA ( **Exhibit O** ) underlines the fact that Dan Holladay seconded Tom Batty's motion to nominate Betty Mumm as Chair and floated a motion to close the discussion that was supported by Mike Acosta. It should be noted that Mike Acosta who never attended an association meeting before, and during a discussion on the City's private social network he openly, and without hesitation was offered an opportunity to serve on the Urban Renewal Committee after showing an alliance to Dan Holladay on a contested issue.

#### **Situation #10 that is obviously cause for concern**

In prior interactions to notify the City the oversight department ignored the correspondence, and refused to uphold any comments, concerns or a collective request to support the neighborhood association. It is feasible to believe and backed by a history of complacency by departments that the City discriminates when it comes to who they will engage with and who they don't. Case and point, after the election and Shelley Batty was assigned the CIC primary position by proxy, it was carried forward by Betty Mumm. The obvious problems and conflict of interest didn't quantify the City getting involved. The inaction ultimately lead to condoning the behavior and was underscored by accepting Betty Mumm's collection of facts and placed Shelley Batty as the primary representative without acknowledging a dissenting view ( **Exhibit L** ) of an issue.

It's unclear if Dan Holladay ultimately approved both nominations Betty Mumm submitted or finally realized that one position was being vacated in the next election cycle and he only could appoint Shelley Batty. Betty Mumm failed to prepare or deliver a report to the membership. Her actions kept the issue from membership and the City in conflict of its bylaws ( **Exhibit H** ). The actions and the urgency Betty Mumm moved to nominate, elect and then promote by proxy Shelley Batty to the CIC serves is a situation the City willfully ignored.

The collection of audio files, emails and documents assembled over 3 years gives reasonable people cause for concern. The inequality of how the oversight department applies its policies and administrative authority contradicts its mission and shouldn't be influenced if it involve the girlfriend/employer of the Mayor. Indulging Betty Mumm autocratic style and tolerating constitutional because of her affiliation with the Mayor is the reason why the BHNA has a conflict on interest article in its bylaws. It has severely impacted efforts to recruit and engage the community on land use applications, and investigate issues impacting our neighborhoods.

#### **Situation #11 that caused concern**

The happenstance treatment of a network of special district design to empower a community to self-govern was high jacked when Dan Holladay made it a priority to change the CIC into his own image. A consortium of appointed members of the community who count on his approval to represent the interest of the City. Unfortunately the Mayor's informality and disregard for protocols leads enough reason to claim the process is severely compromised and to question the entire due land use application process. Why else would Dan Holladay deny Rivercrest Neighborhood Association their CIC selection that would have replaced Karin Morey as a CIC member that would have force her to vacant her position as Vice Chair. The audio/video files and minutes of the CIC confirms the fact that result of the CIC nomination submitted to Dan Holladay was never publically available for review. It also serves as restricting due process by not providing a method of filing for relief made by an official.

#### **Situation #12 that caused concern**

# Conflict

A root of the dysfunction in the Association is ignoring the conflict of interest Betty Mumm promotes by, but not limited to;

- an ongoing personal and employment relationship she Dan Holladay.
- hiding the conflict of interest from the membership and using alliances.
- using her alliance to influence issues impacting the community.

The conflict of interest has resulted in members losing interest. Her actions and inactions in executing her duties have reduced to a checked box for developers in their land use applications. The conflicts multiple when dissenting views and suggestions are indiscriminately omitted from the agendas. Case in point is when Betty Mumm denied the Vice Chair the time at a general meeting, but gave the same amount time to the City's employee. The audio, emails and minutes associated with the incident directly supports the claim that Betty Mumm vacated her alliances to the members as the result of having a conflict of interest with the Mayor impacting her abilities to represent the membership.

The conflict highlighted by the volatile situations migrated into questioning the authenticity of the land use applications, and the full faith and credit of the City to oversee its own responsibilities. Betty Mumm unethical state of mind lead her to cancel scheduled meetings in conflict with its bylaws ( **Exhibit P** ). Her wish for censoring has gone as far as to represent the association at the CIC meeting as an unscheduled presentation brought on by email problems. For the record, her explanation for the problem is the same as lying by omission, and the conflict comes from Betty Mumm's willful and malicious intent to use a disparaging narratives and not the truth.

Betty Mumm's earlier experience as a City Commissioner failed her in recognizing the use of private emails to conduct business on the behalf of the public is inappropriate. Her emails are being blocked from a privately secured commercial server, and directed to use the City's private social network, and the reasons why. Audio files from a steering committee meeting supports the fact that Betty Mumm was told that her emails are ex parte conversations on the behalf the public without their knowledge. Case in point the individual arrangements with The Rose House, The Mountain Cemetery and The Founders Clinic without prior approval. She was also informed that she couldn't be trusted to disseminate information without bias and couldn't be trusted to represent the association best interests.

Ultimately the immediate conflict comes when Betty Mumm's attempts to oversee the elections on November 14, 2107, and more than likely stage a *nutty* to push the elections through. In addition, there is an agenda item that is highly inappropriate for the forum. The BHNA Treasurer Janice Morris suggested donating money to the facility hosting the general meeting without a vote. Betty Mumm and Janice Morris are heard in the audio files misinforming a member and opposing the need to use the steering committee to investigate and prepare material to make an informative decision. They will be asking member to decide to donating some or all the Associations money to The Founders Clinic, while at the Clinic. In addition, they're proposing to take a vote to raise money for the Clinic without formulating a plan, identifying the benefits or discussing it with the members ( **Exhibit Q** ).

# Resolution

The immediate resolution is the City in supporting the action confirming on Parma Fascia review of the compliant to suspend Betty Mumm's authority as Chair.

The resolution needs the oversight department to support cancelling the November 14 2017 general meeting and avoid creating a spectacle. The fact of the matter is Betty Mumm was coy in responding to a reasonable question about whether she still lives in Barclay Hills Neighborhood Association ( **Exhibit D** ). The answer is directly in line with the association attempting to keep the listing accurate. ( **Exhibit A** ). The public record strongly indicates Betty Mumm no longer lives at 463 Mountview St. Oregon City ( **Exhibit R** ), and deflecting the answers by parsing a section of the bylaws created the need to find a resolution. In executing the Article V Section 5(b) the oversight department was complacent and only willing to verified Dan Holladay still lived within the City limits.

The proposed resolution is taking 6 months to fill vacancy and regain the trust of the members it lost due to Betty Mumm's management style. This assumes the oversight department consistently applies the same reasoning that excluded Betty Mumm from the CIC includes representing the association. The same conflicts of interest exists in both instances. The resolution includes removing Betty Mumm as the Chair of BHNA and recommitting efforts toward enforcing the Association conflict of interest bylaws.



The priority is the nominating committee recruiting potential candidates and giving members time to make informed decision, an opportunity to discuss their views and cast a vote to fill the vacancy. The private social network can appropriately meet BHNA land use obligations and engaging the public when the banning and banishing of people from using the service stops.

## **Benefits**

The immediate benefit is avoiding any further damages that could contribute to the litigation associated with Dan Holladay, Tony Konkol III and the City of Oregon City. As the Pro Se representative in a \$7.2 million litigation being reviewed by Clackamas County Circuit Court, there is an obligation to affirm the need to limit Betty Mumm from exacerbate the circumstances by involving people. An essential value to identifying her actions and making the comparison to specific sections were meant to limit the impact to members.

Supporting Betty Mumm's suspension as Chair gives the Association the opportunity to regroup its resources and time to dispatch a nominating committee to recruit members. Once the conflicts of interest are no longer influencing the flow of information the members will have more opportunities and methods of helping through its committees and subcommittees. The benefit is the association acts less like a club and more reflective of its neighborhoods.

## Exhibit A

- Section 4 The names, addresses and telephone numbers of the chief officers shall be filed with the appropriate governmental agencies responsible for notifying neighborhood associations of matters which affect them, and the association shall undertake to keep the listing correct.

## Exhibit B

### Article IV Officers

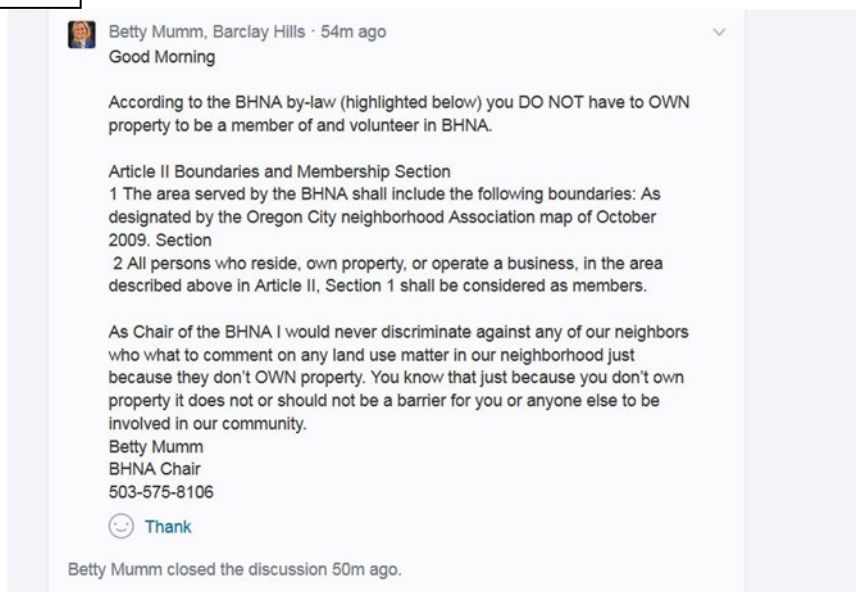
- Section 1 Officers shall be elected at the annual meeting for terms of two years and shall perform the following duties:
- CHAIR** – Presides at all general meetings of the membership and meetings of the Steering Committee; prepares the agenda for the general membership and special meetings, shall be an ex-officio member of all committees except the Nominating Committee; perform such other duties as shall be delegated by the Steering Committee. The Chair may appoint members to serve on special projects (e.g. The South Fork Water Board Citizen Advisory Committee, the Oregon City Rate Review Committee, Transportation Advisory Committee, and other committees of the City of Oregon City and other jurisdictions such as Tri-Met, Metro, C.I.C)
  - VICE-CHAIR** – Performs the duties of the Chair in his or her absence; and performs other duties as shall be delegated by the Steering Committee.

## Exhibit C

neighborhood.

- Section 3 The BHNA shall comply with all applicable Federal, State, and local laws and regulations.

## Exhibit D



## Exhibit E

### Article IX Conflict of Interest

- Section 1 A conflict of interest exists for a member whenever the member holds a personal financial interest which will be impacted by the action or inaction of the BHNA on a proposal before the membership or Steering Committee. A personal financial interest shall include a financial interest held by the member or by members of their immediate family. (Examples of personal financial interest would include: ownership of property, the use of control which is being considered by the BHNA; plans to purchase property, the use or control of which is under discussion by the BHNA, etc.
- Section 2 Whenever a member determines that he or she has conflict of interest relating to an item under discussion, they must inform the body (membership or Steering Committee) hearing the proposal that a conflict of interest exists. Having done so, they may still exercise their vote.

## Exhibit F

Section 1      The BHNA shall be accountable to the people in the neighborhood, defined by the above boundaries in Article II, Section 1. The association shall provide notification to the neighborhood of meetings, elections, action taken on issues, and other pertinent events as specified in these bylaws.

## Exhibit G

### Article XI      Non-Discrimination

Section 1      The BHNA must not discriminate against individuals or groups on the basis of race, religion, color, sex, sexual orientation, age, disability, national origin, income, or political affiliation in any of its policies, recommendations or actions.

## Exhibit H

Section 2      The purpose of the BHNA will be exclusively social and civic; to promote, coordinate and implement all aspects of community planning through neighborhood participation and advice to the City Commission, the Planning Commission and other planning and advisory bodies; to provide a vehicle for maximum citizen participation in promoting the livability and environment of the neighborhood; to participate together in their mutual interest and to promote and coordinate communication among its members and between neighborhood and City government, all which is not for profit.

## Exhibit I

Audio file from subcommittee meeting

## Exhibit J

### Article V      Steering Committee and Quorum

Section 1      There shall be a steering committee composed of the four elected officers currently serving, the immediate past chair of the BHNA and a minimum of two (2) and maximum of four (4) members elected at large. During the first year the steering committee shall be comprised of a minimum of five (5) members.

## Exhibit K

Section 5      The duties of the Steering Committee shall be to:

- a. Coordinate all activities of the association by acting as its spokesperson through review, discussion and by referring issues for a vote by the membership. Members of the Steering Committee shall make regular reports to the membership at general meetings, concerning all of the Steering Committee activities.
- b. Investigate thoroughly and keep the membership informed about issues or concerns to the association and neighborhood.

## Exhibit L

Section 3      Dissenting views on any issue considered by the neighborhood association shall, upon written request by any member, be transmitted along with any recommendations submitted for governmental review. Resolution of any grievances concerning the activities, policies or recommendations of the association shall be determined by majority vote of the members present at the association's meeting during which the grievance is scheduled for resolution. Both dissenting views and grievances shall be noted in the minutes.

# Barclay Hills Neighborhood Meeting

Date of Meeting: November 14

## Main Topic of Discussion:

- Elections—Vice Chair, Secretary, and Citizen Involvement Committee
- Land Use
- Oregon City Police Officer Mike Day, Homeless Liaison
- Karen Shimada, MPH Executive Director

Time:

**7:00 PM Meeting**

Location:

**Founders Clinic**

700 Molalla Ave

Oregon City, OR 97045

Come to your neighborhood meeting and meet your neighbors and find out what is going on in your city!

You can also join us on Next Door...  
Barclayhills.nextdoor.com  
Our Facebook group is  
"Barclay Hills Neighborhood"

Betty Mumm, Barclay Hills · 54m ago

Good Morning

According to the BHNA by-law (highlighted below) you DO NOT have to OWN property to be a member of and volunteer in BHNA.

### Article II Boundaries and Membership Section

1 The area served by the BHNA shall include the following boundaries: As designated by the Oregon City neighborhood Association map of October 2009. Section

2 All persons who reside, own property, or operate a business, in the area described above in Article II, Section 1 shall be considered as members.

As Chair of the BHNA I would never discriminate against any of our neighbors who what to comment on any land use matter in our neighborhood just because they don't OWN property. You know that just because you don't own property it does not or should not be a barrier for you or anyone else to be involved in our community.

Betty Mumm  
BHNA Chair  
503-575-8106

Thank

Betty Mumm closed the discussion 50m ago.

## Exhibit N

## Complaint filed against Karin Morey for Cyber Bulling and Harassment

## Exhibit O

## Minutes from Barclay Hills Neighborhood Association

## Exhibit P

- |           |  |
|-----------|--|
| Section 5 | Meetings of the Steering Committee shall be held as <b>scheduled</b> by the Steering Committee.  |
| Section 6 | Special meetings may be called by the Chair or by members (any three (3) members for a meeting of the Steering Committee and any ten (10) members for a meeting of the membership) provided the Steering Committee or general membership (as appropriate) is notified of the special meeting in writing at least seven (7) days in advance of the meeting. |
| Section 7 | All meetings of the Association shall be open to the public.   |

## Exhibit Q

- Section 5 Any and all organized efforts to raise funds for the BHNA shall be approved by the Steering Committee and ratified by majority vote of the General Membership.

Exhibit R

Recorded documents from Clackamas County





# OREGON CITY

## Community Development Department

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

*B Steiner  
Committee  
Aug. 2017*

### 2017 Barclay Hills Neighborhood – Land Use Information

This information is provided as an additional service to the Barclay Hills N.A. to inform you about land use applications that are proposed within the neighborhood association boundaries. This not a formal public notice. **Errors and omissions MAY EXIST!** Please Contact the Planning Division for further information on any of these items or if you have any questions about other applications.

The Planning Division provides public notice of all land use actions in accordance with OCMC 17.50. **Current land use application information is also posted on the City website at the following link:**

<http://www.orcity.org/planning/landuse>

**Please use our website – it is a great resource and has much useful information!**

**Thank You! Pete Walter, AICP, Associate Planner - PH: (503) 496-1568**

**Email: [pwalter@orcity.org](mailto:pwalter@orcity.org)**

Application	Date	Address	Zoning	Description	Status
<b>Recent and Pending Pre-Application Conferences for Projects in the N.A. boundary</b>					
PA 17-08	3/7	19340 Molalla	C	Replace Fire Station	Pre-Application
PA 17-21	5/21	715 Barclay Hills	R-6	1 home / Geo Haz / NROD	"
PA 17-30	6/28	1101 Molalla	MUC-1	New Commercial Bldg	"
PA 17-33	7/11	13896 Fir St	C / GI	New Manufacturing Bldg	"
PA 17-37	7/14	1015 Molalla	MUC-1	Variance / MJ Dispensary	"
PA 17-43	8/22	916 Laurel Ln	R-6	4 lot subdivision	"
PA 17-44	8/23	471 Mountainview Ave	R-2	8-12 unit apartment	"
PA-17-45	8/29	300 Linn Ave	R-3.5	Duplex	"
<b>Submitted Land Use Applications within the N.A. Boundary</b>					
SP 17-29	3/8		MUC-1	Metro Trail / Parking Area	Incomplete
SP 17-31	3/14	2005/2007 Bvcrk Rd	MUC-1	Parking lot	Approved w/ Cond.
CU 17-01 / SP 17-40 / VR 17-02/03	7/17	19340 Molalla	C	New Fire Station	Approved w/ Cond.
VR 17-05	7/21	1015 Molalla	MUC-1	Variance / MJ Dispensary	PC Hearing 9/11
<b>Significant Land Use Applications Outside of the N.A. Boundary (For more information see <a href="http://www.orcity.org/planning/landuse">http://www.orcity.org/planning/landuse</a>)</b>					



# OREGON CITY

## Community Development Department

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

Application	Date	Address	Zoning	Description	Status
CP 15-01 / DP 15-01: NR 15-05 / US 15-06:		Clackamette Cove	MUD	Cove Master Plan w/ Apartments (244)	Under Const. (Delayed)
CP 15-02 / ZC 15-04 / PZ 15-02		1500 Division St	MUE / R6	PWF Hospital - Master Plan and Zone Change	Under Const.
LE 15-03		Various / UGB		Beavercreek Road Concept Plan – Re-Adoption	Approved Next Step to Amend Zoning
LE 17-01		City Wide	City-wide	Accessory / Membrane Structure Code Revisions	Adopted June 21
<b>Long Range Planning</b>					
Equitable Housing	Volunteers for Project Advisory Team needed – Application process starts August 9!				
Riverwalk - WFLP	See <a href="http://www.willamettefallslegacy.org/">http://www.willamettefallslegacy.org/</a> Estimated 2018 construction of phase 1				

### Miscellaneous Info.

Please check out the "How Do I?" Section of our website or contact the Planning Division if you have any questions about the following topics:

- [How to Build an Addition to My Home?](#)
- [How do I Find a Map of My Property?](#)
- [How to Find My Property Lines?](#)
- [How to Hire a Wetland Consultant?](#)
- [How Do I Identify the Front Lot Line of My Property?](#)
- [How Do I Know When I Need Review by the Planning Division for my Project?](#)
- [What is the Process to Plant a Street Tree In Front of My House?](#)
- [How to Remove and Replace a Public / Street Tree?](#)
- [Verify A Nonconforming Use, Structure or Lot?](#)
- [How Do I Verify the Zoning Designation of a Property?](#)
- [How do I Make the Most Effective Comments on Development Applications?](#)

The Planning Division also supports and serves the following committees and boards:

- Citizen Involvement Committee
- Planning Commission
- City Commission
- Natural Resources Committee

...and if we don't know the answer we definitely will try to help figure out who does! ☺

## **Exhibit N**

## Complaint overview against Karin Morey

Karin Morey replied incoherently to a post about the City of Oregon City settling an unlawful termination suit on the private social network gives cause for a supervisory review of her comments and to clarify what she meant by the following statements

1. Spell my name right
2. Nextdoor is not approved as an official means of communication for any committee of the City.
3. This is a forum for citizens of Oregon City to share information and events as individuals
4. It is NOT a forum to post bias and grind your personal axe.
5. Take your diatribes elsewhere
6. Respect differing opinions and allow civil discourse of local issues without posting non-related links.
7. If you don't get your way, so sad
8. Most of us haven't at sometime in life
9. get on with it
10. pull up our britches and move forward

I am using a standard 4-part assessment tool to delineate the issue, provide information, recommendations and the benefits for doing so.

## Situation

By reviewing the item labeled **Exhibit A** in this document, we can only assume Karin Morey comments were directed towards me and not the post, or anything related to the City paying \$658,000 for a wrongful termination case. It compelled her to inform people of a City policy guide that does not exist, and ironically reminding them of their constitutional rights. The fact that I initially made a minor mistake spelling her name in the first line in my post (**Exhibit B**) it does not explain the intensity of her remaining comments. It is the focus of why I am asking her peers to review the incident.

In general Karin Morey spoke with some authority about officials protocols, as well as assuming a position as the content monitor for the City. Once she felt the obvious was corrected and defined the rules she attempted to infer there was vengeance within my comments without any content specificity, or what post triggered the reaction. This would be defined as the shiny objects to change the focus.

Without a discussion, she tried to order me to take my comments *somewhere else* and added more restrictions on posting comments on everyone's behalf. In my view it would have helped if she clarified why she had the impression how I was not *getting my way*, and quantify the reference of being sad. The comment could have been taken as snarky, or about something serious. But at the end of the day it is another shiny object to change the focus and adds nothing of value other than trying to inflame someone to react.

She felt embolden and secure enough from having to follow the same rules of conduct, hers or any other and launched into another round of publicly treating people like children and that she knows best. As narcissistic as the statements might have been, they trailed into incoherent references. Nonetheless the comment referring to that someone had their pants down makes no sense, but affirms there is undisclosed internal campaigning to block individuals from due process. Her reference to someone having problems getting over something, and without saying what it was underscores an underlying personal issue she may have. The moving forward comment would make more sense if we knew what we were moving forward from and underscores the fact that her point of view is what matters.



## Conflict

The issue at hand goes to an equal application of City of Oregon City policies in concert with the State of Oregon revised statutes, ethical code of conduct for officials, and legal proceedings. The public comment by Karin Morey in principle constitutes as sexual harassment and/or cyber bullying, which are both regulated actions and subject to being reviewed by her peers and oversight agencies.

Karin Morey mocked the idea in the past that her longtime residency in Clackamas County, and the fact she was supervising parole officer for Clackamas County had any influence over the community. It was well document during the grievance proceedings, (**Exhibit E**) and other instances were Karin Morey inserted herself into conversations that brought attention to an individual and not the issue at hand. No one has to go any further than watching the CIC meeting from October 6, 2017 where Karin Morey could not help from inserting herself into a conversation. The video should show that while I was correcting the record, she was bombastically opposing my statements with body gestures and bursts of information that she had privilege to and I didn't.

More specifically her visual discontent came while I was correcting Betty Mumm's testimony that characterized a group decision when in fact the decision was made unilaterally. What was clear was the issue did not involve her or her neighborhood and she was interfering with my obligation as the Vice Chair of the Barclay Hills Neighborhood Association. My role on the CIC does not takes precedence over my obligation to represent the truth or the members of the association. In less than a year I have personally noted 3 instances where Karin Morey position in the community, and as the Vice Chair of the Community Involvement Committee has adversely influenced an official outcome.

**The first (Exhibit C)** is an audio file that can be presented where Karin Morey interrupted a Barclay Hills Neighborhood Association meeting interfering with its elections. More specifically, in the midst of a question to Betty Mumm during her election bid for the Chair position. Karin Morin shouted that the elections were not a debate when Mumm's conflict of interest created by being Dan Holladay's girlfriend and employer came into question. The outgoing Chair failed to monitor the meeting. The BHNA minutes (**Exhibit D**) of the meeting shows Dan Holladay moving the nomination forward after Thomas Batty the husband of Shelley Batty submitted Betty Mumm name as Chair. It needs to be noted that Thomas Batty and Shelley Batty were appointed to a number of City committees by Dan Holladay, and were actively promoting the Oregon City Trail Alliance and had applied for a grant from the City.

Dan Holladay quickly moved to close the nominations and Mike Acosta seconded the motion. It should be noted that Dan Holladay recommended Mike Acosta for a position on the Urban Renewal District without extending the courtesy to anyone else over the private social network. BHNA members can confirm that the meeting was high jacked, and Karin Morey commented with jubilation at the following CIC meeting on December 12, 2016 that there was *more of them* at the meeting than BHNA members.

**The second, (Exhibit E)** will show that Karin Morey may see herself as trivial in the community as she stated in the grievance Miranda Sierra submitted to the CIC. Anyone reviewing the transcripts, audio/visuals files and documents can physically see her discontent towards people who don't share her personal point of view. It is reasonable to believe her previous position as a supervising parole officer with Clackamas County is contributing to a overly zealot approach and the entitlement to determine the constitutional rights of others.

My observation from the grievance proceedings as the Vice Chair of Barclay Hills Neighborhood Association was that Ms. Sierra was justified in her concerns, and brought the issue to the appropriate oversight panel for a review. It was immediately met with disdain by Karin Morey, the Vice Chair of the CIC, who also represents her neighborhood on the committee. More specifically she immediately emailed that she was not going to participate, which could not help from tainting the proceedings and influenced the grievance committee. What a review will not show is the fact that at the neighborhood meetings I attended during the proceedings, which included the Barclay Hills Neighborhood Association meetings, none of the CIC members notified their members of the grievance, as they were instructed to do as part of grievance process. Ultimately the collective actions of the CIC representatives robbed Ms. Sierra of due process.

The grievance committee made only a cursory reference to the social information portals the City identifies as important enough to include in the Community Involvement Committee and Neighborhood Association Public Involvement Plan. Ms. Sierra took the time to assemble a body of information for the grievance committee, but the Chair of the Grievance Committee kept the proceedings to the complaints relevance as it pertains to the Community Involvement Committee. Their only non-binding conclusion was the compliant did not meet the level of concern to develop any recommendations, but an odd reference towards paying a salary to the Mayor.

From my perspective the others principals in the grievance proceedings adhered to the formality of the proceedings. However Karin Morey had no hesitation vocalizing her anger to other CIC and NA members to the point that a couple of people came to her personal defense. It left the panel with the impression of a personal vengeance being waged against her. In fact the grievance was never personal in nature. It merely came down to her comments on the private social network and she happens to be the Vice Chair. It did influence Betty Mumm and Jesse Buss to provide opposing testimony. More to the point Betty Mumm was influenced enough to discriminately ignore Ms. Sierra's complaint as Chair of BHNA, and then turned around and spent the energy to testified against her.

It takes an indescribable level of naiveté to believe that Karin Morey did not influence the proceedings from its intended purpose. Which among other things highlighted policy issues in a civil manner. It was seen as a vehicle for personally attacking the Chair and Vice Chair of the CIC. As strange as it may sound, the set of individuals, Betty Mumm, Karin Morey, Shelley Batty and a few others are at the center of this issue and were involved in high jacking the BHNA elections and influencing both proceedings to favor their positions. What was deplorable to watch was Betty Mumm and Shelley Batty keeping their own members from reviewing the material and participating in the process, and arrogantly being on record undermining a members complaint.

For the record, at the October 6, 2017 CIC meeting, the lack of policy, whether intentional or not triggered the Chair of the grievance committee to share that he initiated an internal association working group to resolve the problems that are highlighted in Ms. Sierra grievance. The comment on record was *it seems we're going down that road again*, contradicts the idea of an isolated incident or misunderstanding between individuals.

The CIC panel should ignore the dated contribution William Gifford submitted on October 6, 2017 as helpful and stay vested in the current CIC and NA public involvement plan. Mr. Gifford's very dated information is emblematic of trying to put new wine in an old wine sack and another shiny object to change the subject.

**The third, (Exhibit B)** is a screen shot from the same private social network that triggered the reaction **(Exhibit A)** from Karin Morey. The reply to Ms. Sierra **(Exhibit F)** speaks for themselves. Even though the comments are taken as childish outburst it contradicts the notion that Karin Morey could be confused as the victim of cyber bullying, or reluctant to post on the private social network, as per her statement during the grievance proceedings. Her prior claim of being stifled raised the concern to prompt a local attorney Jesse Buss to support the notion, and ironically citing constitutional infringements in the same private social network. Again, her comments speaks for themselves, but I believe she needs to clarify her statements to the community in the same way she voiced her discontent.

The conflict is often times the cyber bully's defense is claiming it as a response to being bullied, and it is unlikely that spelling Karin Morey wrong by a misplaced "e" in her first name triggered what followed (**Exhibits A and E**).

After reading her reaction to a fairly inert post about a very serious issue impacting Oregon City a reasonable persons might believe; 1) that Karin Morey had the authority to give a true policy interpretation on the behalf of the City of Oregon City; 2) that Karin Morey had the authority to interpret private social network as it relates to the City of Oregon City, committees and associations; 3) that the information that Karin Morey is publically announcing is accurate and truthful; 4) that making derogatory posts is acceptable behavior for a person representing a neighborhood association, regardless if a title is used in her post or not.

The conflict is that all 4 illustrates a counterproductive territorial tendency and a pattern consistently used by the same set handful of people influencing City policy, and inaccurately presents information to the public as official.

For one, and by default the private social network requires a government agency to authorize its uses before they provide online services on the behalf of the community. Ms. Sierra highlighted this fact in her grievance package and identified Oregon City Police Department as the only official signatory. It is reasonable to believe the authorized contact person the private social network has on file is Chris Wadsworth from OCPD, and coincidently has publicly boasted being childhood friends with Karin Morey.

Karen Morey's line of thinking is not an uncommon notion among non technical people. As wrong as it might be social platforms do not operate using cookie cutter policies. However her response to Ms. Sierra (**Exhibit F**) is fundamentally inaccurate, but it is publicly framed as an absolute fact. Karin Morey emphasizes the words official and membership as to imply a proclamation from the City as a qualifier. It thoroughly ignores the private social network using the word in the context of a noun or pronoun. From the social private network perspective any official working for the City who authorizes to sign off satisfies the requirements and would be officially sanctioned by the local agency. It should be noted that all inquiries into discovering the list of people associated with the City that have administrative rights over users have gone unanswered.

In addition her interpretation excludes the fact that departments and groups associated with the City require the same type of authorization. It only cements the idea the private social network is an official public information outlet for the City. The private social network, unlike Twitter and Facebook uses an official delineated digital map of the Oregon City neighborhoods in their authenticated protocols. This emphasizes the differences between social sites, and non-technologist should refrain from talking about things they don't understand as fact. Karin Morey objections stems from her own misunderstanding and responding autocratically as a defense reaction that insights a combative interaction.

In general, and based on the surface of Karen Morey response she is obviously accustom to defining rules for others. The indicator from my observations is supported by the pattern of prefacing her statements with *This is*, *It is not*, and *Take your diatribes* without needing to quantifying the references. The remaining statements Karen Morey makes refers to a bias of some sort, and grinding personal axes. The conflict is the inflammatory insinuations and careless inhabitations as if she were protected from reprisal. A screen shot (**Exhibit G**) was taken 48 hours after Karin Morey policy interpretations. It exposes the fact that valid addresses can be excluded by a list of unknown members who have administrative rights to banish people for using the site.

The last indexed issues Karen Morey publically posted (**Exhibit A**) requires an explanation. Generally speaking, it is a fairly crude outburst from an experienced professional who is trained in manipulating human behavior as a parole officer. As the Vice Chair of the CIC it is reasonable to ask her to publically clarify why she believes my post has anything to do with her response, and how I am not getting my way. If she can provide an explanation why there is some sort of lingering animosity, and what might help clarify the source of her frustration. As far as using someone's life that you don't know, then conjure a prospectus to publically lead the

idea of some sort of special privilege is extremely irresponsible. The *get on with it* comment, only deepens an underlying issue none of us might be aware of, and didn't clarify what *it* is. For the sake of humor and to underscore that I am not taking her response personally, it would be comical to know why she believes someone was spanked and had to pull up their britches? My direct response would assure the community that my *britches* are at the right level for moving around.

Karin Morey posts cannot be mistaken as just an ordinary volunteer doing their best and made a mistake in responding in the manner she did. The "*volunteer doing their best mantra*" has been overplayed to explain away unprofessional behavior. Karin Morey is a highly trained and experienced professional which makes the idea of having a passive involvement and no influence ridiculous. Having influence isn't regulated to influencing a collective of likeminded people. It includes controlling a topic, discriminately applying code of conduct as Vice Chair of the CIC, nonverbally showing her discontent while people are talking, and interfering in other neighborhoods internal affairs

However, her public comments on a private social network cannot be ignored. Filing a complaint is predicated on explanation before making a determination of which course of action to take. As a reminder and because informality can be used to overlook serious implications, her comments were considered inappropriate when she was employed as a supervising parole officer, but they meet today's generic standard for filing a sexual harassment and cyber bullying complaints.

## Resolution

Karin Morey reacting to a post that had very little to do with her dwindles to an attempt of cyber bullying, and harassment by any other name is still harassment. As a professional who has a documented skill set and knows the difference between conflict resolution and creating a hostile environment Karin Morey is obvious sense of entitlement can't be the focus of the complaint. It should only serve as a civilized catalysts for updating the mechanics for improving the City public electronic footprint into its community. Which ironically was an objective Ms. Sierra had in mind when she spent the time developing the information for her grievance complaint, stemming from this type of bad behavior from the same set of people.

Any resolution requires re-visiting using private social network. It should be followed by creating a standing subcommittee under the CIC to manage the discussion environment, but not the content. Their responsibilities would include a non-bias representation of city-wide issues, and adhering to individual constitutional rights granted under the first amendment. Assigning editorial responsibilities to qualified members could orchestrate open discussions and regulate the traffic without having to ban anyone from using the service.

## Benefits

A simple exercise and application in democracy would reduce the need to revisit the same issue in the future, and the autonomy of a standing Issues Committee significantly minimizes the temptation of the circumstances resurfacing. As beneficial as it might be for officials and others to use social media it is recklessly to take for granted that ethical, political and legal regulation will always lag behind technology advancements. It has to be said that the US Supreme Court recently citing Donald Trump blocking Twitter followers was unconstitutional, which only leads people to believe that banning someone from a private social network used by an agency is also unconstitutional. Therefore the obvious benefit to avoid banning anyone from a private social network is avoiding being sued in federal court again.

## Exhibit A



Karin Morey, Rivercrest · Edited 2d ago



- 1) Spell my name right
- 2) NextDoor is not "approved" as an official means of communication for any committee of the city. This is a forum for citizens of Oregon City to share information and events as individuals. It is NOT a forum to post bias and grind your personal axe.
- 3) Take your diatribes elsewhere, respect differing opinions and allow civil discourse of local issues without posting non-related links.
- 4) If you didn't get your way, so sad. Most of us haven't at sometime in life, get on with it, pull up our britches and move forward.



Thank 4 Thanks

## Exhibit B

A

Anna Matheson, Barclay Hills · Edited 9h ago



In regards to requests by people to avoid talking about anything upsetting, which is a very tall order, I need to remind them that the CIC for Oregon City approved the use of [nextdoor.com](https://nextdoor.com). It has the City's authorization to post topics that impact Neighborhood Associations. It does not say it can ban people for topics like unknown individual managing the site do a lot.

Amy Wilhite, Barbara Renken, Karin Morey, Jesse Buss, Steve VanHaverbeke and Gary Fergus developed the language for the City of Oregon City Citizen Involvement Committee and Neighborhood Association Public Involvement Plan. With City staff in tow they spent a lot of time to create the policy the NA and CIC are mandated to follow.

Therefor, speaking your mind is being promoted by the City, and IS a constitutional right in the United States. If someone does not like the topic, the United States gives it occupants the choice to turn the channel. It does not give unknown individuals who are close the Mayor the right to banish people from speaking or keep NA leadership from representing their neighborhood.

The Frasher issue, along with a lot of other wasteful spending is something people like Paul Edger are very concerned with. Individuals like Mike Acosta placing artificial requirements like providing a lists and becomes upset because someone doesn't comply with nonsense, he suddenly has an epiphany that shows something nefarious afoot. Or in other words, throwing a shiny object into the conversation to keep us from talking about the real issues.

Again, I am using my wife's account because Betty Mumm and others with Lead status have banished me from posting comments on [nextdoor.com](https://nextdoor.com).

Sincerely,

Mark J. Matheson, Candidate for Mayor of Oregon City

Vice Chair / CIC representative for Barclay Hills Neighborhood Association

## Exhibit C

Audio file - available upon court order

## Exhibit D

Minutes from Barclay Hills Neighborhood Association

## Exhibit E

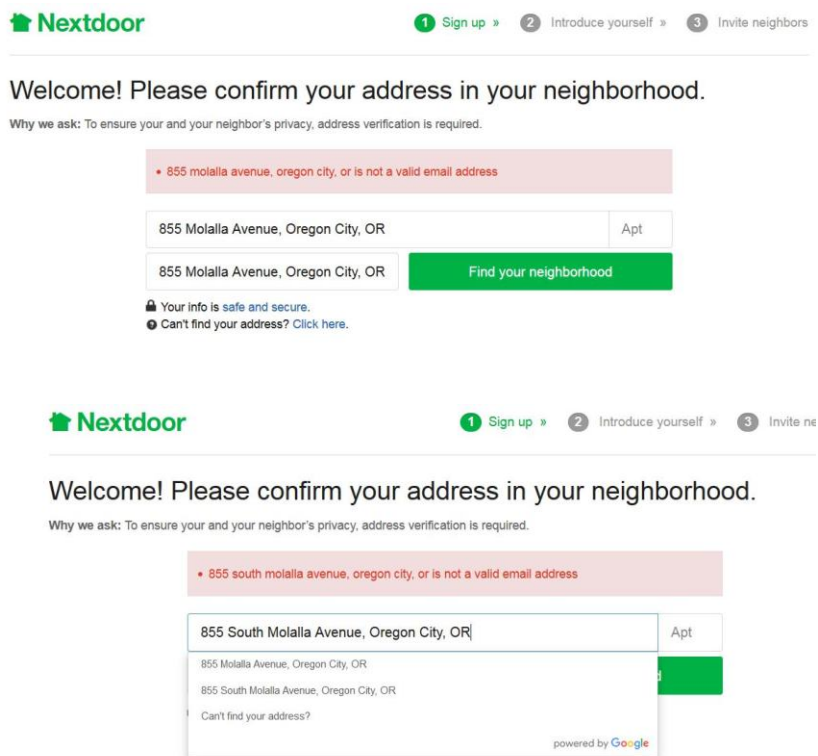
Grievance Complaint Package - 3.27.2017

## Exhibit F



A screenshot of two comments on the NextDoor platform. The first comment is from Miranda Sierra, McLoughlin, posted 2 days ago. It says "RE: No 2 I do believe OCPD would beg to differ :)" and includes a link to a NextDoor agency detail page for the Oregon City Police Department. Below the comment is a "Thanked!" status with 2 thanks. The second comment is from Karin Morey, Rivercrest, also posted 2 days ago. It is a clarification stating that specific departments do have NextDoor "memberships" and can post to share with the community, along with Facebook and Twitter. It notes that no social media site has been designated as the "official" one. This comment has a "Thank" status with 1 thank.

## Exhibit G



Two screenshots of the NextDoor website's address verification process. Both screenshots show the "Welcome! Please confirm your address in your neighborhood." message and a progress bar with three steps: "1 Sign up", "2 Introduce yourself", and "3 Invite neighbors".

The top screenshot shows an error message: "855 molalla avenue, oregon city, or is not a valid email address". Below this, there are two input fields for the address, both containing "855 Molalla Avenue, Oregon City, OR". The first field has an "Apt" dropdown menu. A green "Find your neighborhood" button is visible. Below the inputs, there are two links: "Your info is safe and secure." and "Can't find your address? Click here."

The bottom screenshot shows a similar error message: "855 south molalla avenue, oregon city, or is not a valid email address". The input fields show "855 South Molalla Avenue, Oregon City, OR" in the first field and "855 Molalla Avenue, Oregon City, OR" in the second field. The "Apt" dropdown menu is also present. The "Find your neighborhood" button is green. Below the inputs, there are two links: "Your info is safe and secure." and "Can't find your address? Click here." The bottom right corner of the form area says "powered by Google".

## Exhibit O



Barclay Hills Neighborhood Association

Meeting Minutes

November 15, 2016 – 7PM

Call to Order – 7:05 PM

Opening Introductions

Presentation on charges on our Utility Bill – Finance Director Wyatt Parno and Marci Berreth Customer Service Supervisor

The city utility bill is broken out per function and according to who handles pieces of the function. Water Treatment is South Fork Treatment, Water distribution is administrative overhead and the actual pipes that bring the water to our homes.

Storm water management the street drains and pipes.

Pavement maintenance is just that. 100% goes directly into maintenance on Oregon City Streets.

C-SAF fee, a temporary fee to build a new police station. It will go away as soon as the new police station is paid for.

Wastewater collection covers the sewer pipes that take waste to the treatment plant.

Wastewater Treatment is Water Environment Services (Clackamas County).

Review and approval of minutes Dan moved to approve, Janice second, approved by voice vote.

Election of Officers

Nominations for Chair, Thom nominated Betty, Dan Seconded.

Betty gave her background as a previous city commissioner and as one of the people who reinstituted the neighborhood associations. She planned the first picnic and helped plan the second. She has served as treasurer and has attended every general and steering committee as meeting since she has been on the board.

Moved by Dan to close and seconded by Mike Acosta

Approve 7, Nay 1

Nominations for Secretary, Dan nominated Shelley Batty, Janice Seconded.

Approve 9, Nay 1

Police Liaison Report –

Brandt provide the stats for the period and the new maps of where calls are made in the neighborhood.

Standing Committee Reports

- CIC – Mark reported on the meeting. He was unhappy that the Molalla corridor project is working on 213 to Beavercreek and not doing additional work on the Barclay Hills section of the street.
- There were no other city committee reports.

New Business

Ideas from the body regarding future speakers.

How do we get sidewalks fixed?

Who do you want to come speak at meetings?

Hedges and other obstructions to site lines being addressed so we can safely enter and exit neighborhood streets.

Barclay Hills Estates were promised a secondary exit from the community for over 25 years but it still hasn't happened. They are a death trap if a fire happens.

Lighting in the neighborhood is white, white and it is too bright. Dan says the city is aware and is working on bringing in better quality and less harsh as the older bulbs are retired.

How do we make Stafford Park a dog park? Parks and Rec Dept. would handle that. Aaron should come to the NA steering to help set up a plan to make that happen.

Adjourn

## Complaint overview against Karin Morey

Karin Morey replied incoherently to a post about the City of Oregon City settling an unlawful termination suit on the private social network gives cause for a supervisory review of her comments and to clarify what she meant by the following statements

1. Spell my name right
2. Nextdoor is not approved as an official means of communication for any committee of the City.
3. This is a forum for citizens of Oregon City to share information and events as individuals
4. It is NOT a forum to post bias and grind your personal axe.
5. Take your diatribes elsewhere
6. Respect differing opinions and allow civil discourse of local issues without posting non-related links.
7. If you don't get your way, so sad
8. Most of us haven't at sometime in life
9. get on with it
10. pull up our britches and move forward

I am using a standard 4-part assessment tool to delineate the issue, provide information, recommendations and the benefits for doing so.

## Situation

By reviewing the item labeled **Exhibit A** in this document, we can only assume Karin Morey comments were directed towards me and not the post, or anything related to the City paying \$658,000 for a wrongful termination case. It compelled her to inform people of a City policy guide that does not exist, and ironically reminding them of their constitutional rights. The fact that I initially made a minor mistake spelling her name in the first line in my post (**Exhibit B**) it does not explain the intensity of her remaining comments. It is the focus of why I am asking her peers to review the incident.

In general Karin Morey spoke with some authority about officials protocols, as well as assuming a position as the content monitor for the City. Once she felt the obvious was corrected and defined the rules she attempted to infer there was vengeance within my comments without any content specificity, or what post triggered the reaction. This would be defined as the shiny objects to change the focus.

Without a discussion, she tried to order me to take my comments *somewhere else* and added more restrictions on posting comments on everyone's behalf. In my view it would have helped if she clarified why she had the impression how I was not *getting my way*, and quantify the reference of being sad. The comment could have been taken as snarky, or about something serious. But at the end of the day it is another shiny object to change the focus and adds nothing of value other than trying to inflame someone to react.

She felt embolden and secure enough from having to follow the same rules of conduct, hers or any other and launched into another round of publicly treating people like children and that she knows best. As narcissistic as the statements might have been, they trailed into incoherent references. Nonetheless the comment referring to that someone had their pants down makes no sense, but affirms there is undisclosed internal campaigning to block individuals from due process. Her reference to someone having problems getting over something, and without saying what it was underscores an underlying personal issue she may have. The moving forward comment would make more sense if we knew what we were moving forward from and underscores the fact that her point of view is what matters.

## Conflict

The issue at hand goes to an equal application of City of Oregon City policies in concert with the State of Oregon revised statutes, ethical code of conduct for officials, and legal proceedings. The public comment by Karin Morey in principle constitutes as sexual harassment and/or cyber bullying, which are both regulated actions and subject to being reviewed by her peers and oversight agencies.

Karin Morey mocked the idea in the past that her longtime residency in Clackamas County, and the fact she was supervising parole officer for Clackamas County had any influence over the community. It was well document during the grievance proceedings, (**Exhibit E**) and other instances were Karin Morey inserted herself into conversations that brought attention to an individual and not the issue at hand. No one has to go any further than watching the CIC meeting from October 6, 2017 where Karin Morey could not help from inserting herself into a conversation. The video should show that while I was correcting the record, she was bombastically opposing my statements with body gestures and bursts of information that she had privilege to and I didn't.

More specifically her visual discontent came while I was correcting Betty Mumm's testimony that characterized a group decision when in fact the decision was made unilaterally. What was clear was the issue did not involve her or her neighborhood and she was interfering with my obligation as the Vice Chair of the Barclay Hills Neighborhood Association. My role on the CIC does not takes precedence over my obligation to represent the truth or the members of the association. In less than a year I have personally noted 3 instances where Karin Morey position in the community, and as the Vice Chair of the Community Involvement Committee has adversely influenced an official outcome.

**The first (Exhibit C)** is an audio file that can be presented where Karin Morey interrupted a Barclay Hills Neighborhood Association meeting interfering with its elections. More specifically, in the midst of a question to Betty Mumm during her election bid for the Chair position. Karin Morin shouted that the elections were not a debate when Mumm's conflict of interest created by being Dan Holladay's girlfriend and employer came into question. The outgoing Chair failed to monitor the meeting. The BHNA minutes (**Exhibit D**) of the meeting shows Dan Holladay moving the nomination forward after Thomas Batty the husband of Shelley Batty submitted Betty Mumm name as Chair. It needs to be noted that Thomas Batty and Shelley Batty were appointed to a number of City committees by Dan Holladay, and were actively promoting the Oregon City Trail Alliance and had applied for a grant from the City.

Dan Holladay quickly moved to close the nominations and Mike Acosta seconded the motion. It should be noted that Dan Holladay recommended Mike Acosta for a position on the Urban Renewal District without extending the courtesy to anyone else over the private social network. BHNA members can confirm that the meeting was high jacked, and Karin Morey commented with jubilation at the following CIC meeting on December 12, 2016 that there was *more of them* at the meeting than BHNA members.

**The second, (Exhibit E)** will show that Karin Morey may see herself as trivial in the community as she stated in the grievance Miranda Sierra submitted to the CIC. Anyone reviewing the transcripts, audio/visuals files and documents can physically see her discontent towards people who don't share her personal point of view. It is reasonable to believe her previous position as a supervising parole officer with Clackamas County is contributing to a overly zealot approach and the entitlement to determine the constitutional rights of others.

My observation from the grievance proceedings as the Vice Chair of Barclay Hills Neighborhood Association was that Ms. Sierra was justified in her concerns, and brought the issue to the appropriate oversight panel for a review. It was immediately met with disdain by Karin Morey, the Vice Chair of the CIC, who also represents her neighborhood on the committee. More specifically she immediately emailed that she was not going to participate, which could not help from tainting the proceedings and influenced the grievance committee. What a review will not show is the fact that at the neighborhood meetings I attended during the proceedings, which included the Barclay Hills Neighborhood Association meetings, none of the CIC members notified their members of the grievance, as they were instructed to do as part of grievance process. Ultimately the collective actions of the CIC representatives robbed Ms. Sierra of due process.

The grievance committee made only a cursory reference to the social information portals the City identifies as important enough to include in the Community Involvement Committee and Neighborhood Association Public Involvement Plan. Ms. Sierra took the time to assemble a body of information for the grievance committee, but the Chair of the Grievance Committee kept the proceedings to the complaints relevance as it pertains to the Community Involvement Committee. Their only non-binding conclusion was the compliant did not meet the level of concern to develop any recommendations, but an odd reference towards paying a salary to the Mayor.

From my perspective the others principals in the grievance proceedings adhered to the formality of the proceedings. However Karin Morey had no hesitation vocalizing her anger to other CIC and NA members to the point that a couple of people came to her personal defense. It left the panel with the impression of a personal vengeance being waged against her. In fact the grievance was never personal in nature. It merely came down to her comments on the private social network and she happens to be the Vice Chair. It did influence Betty Mumm and Jesse Buss to provide opposing testimony. More to the point Betty Mumm was influenced enough to discriminately ignore Ms. Sierra's complaint as Chair of BHNA, and then turned around and spent the energy to testified against her.

It takes an indescribable level of naiveté to believe that Karin Morey did not influence the proceedings from its intended purpose. Which among other things highlighted policy issues in a civil manner. It was seen as a vehicle for personally attacking the Chair and Vice Chair of the CIC. As strange as it may sound, the set of individuals, Betty Mumm, Karin Morey, Shelley Batty and a few others are at the center of this issue and were involved in high jacking the BHNA elections and influencing both proceedings to favor their positions. What was deplorable to watch was Betty Mumm and Shelley Batty keeping their own members from reviewing the material and participating in the process, and arrogantly being on record undermining a members complaint.

For the record, at the October 6, 2017 CIC meeting, the lack of policy, whether intentional or not triggered the Chair of the grievance committee to share that he initiated an internal association working group to resolve the problems that are highlighted in Ms. Sierra grievance. The comment on record was *it seems we're going down that road again*, contradicts the idea of an isolated incident or misunderstanding between individuals.

The CIC panel should ignore the dated contribution William Gifford submitted on October 6, 2017 as helpful and stay vested in the current CIC and NA public involvement plan. Mr. Gifford's very dated information is emblematic of trying to put new wine in an old wine sack and another shiny object to change the subject.

**The third, (Exhibit B)** is a screen shot from the same private social network that triggered the reaction **(Exhibit A)** from Karen Morey. The reply to Ms. Sierra **(Exhibit F)** speaks for themselves. Even though the comments are taken as childish outburst it contradicts the notion that Karin Morey could be confused as the victim of cyber bullying, or reluctant to post on the private social network, as per her statement during the grievance proceedings. Her prior claim of being stifled raised the concern to prompt a local attorney Jesse Buss to support the notion, and ironically citing constitutional infringements in the same private social network. Again, her comments speaks for themselves, but I believe she needs to clarify her statements to the community in the same way she voiced her discontent.

The conflict is often times the cyber bully's defense is claiming it as a response to being bullied, and it is unlikely that spelling Karin Morey wrong by a misplaced "e" in her first name triggered what followed (**Exhibits A and E**).

After reading her reaction to a fairly inert post about a very serious issue impacting Oregon City a reasonable persons might believe; 1) that Karin Morey had the authority to give a true policy interpretation on the behalf of the City of Oregon City; 2) that Karin Morey had the authority to interpret private social network as it relates to the City of Oregon City, committees and associations; 3) that the information that Karin Morey is publically announcing is accurate and truthful; 4) that making derogatory posts is acceptable behavior for a person representing a neighborhood association, regardless if a title is used in her post or not.

The conflict is that all 4 illustrates a counterproductive territorial tendency and a pattern consistently used by the same set handful of people influencing City policy, and inaccurately presents information to the public as official.

For one, and by default the private social network requires a government agency to authorize its uses before they provide online services on the behalf of the community. Ms. Sierra highlighted this fact in her grievance package and identified Oregon City Police Department as the only official signatory. It is reasonable to believe the authorized contact person the private social network has on file is Chris Wadsworth from OCPD, and coincidently has publicly boasted being childhood friends with Karin Morey.

Karen Morey's line of thinking is not an uncommon notion among non technical people. As wrong as it might be social platforms do not operate using cookie cutter policies. However her response to Ms. Sierra (**Exhibit F**) is fundamentally inaccurate, but it is publicly framed as an absolute fact. Karin Morey emphasizes the words official and membership as to imply a proclamation from the City as a qualifier. It thoroughly ignores the private social network using the word in the context of a noun or pronoun. From the social private network perspective any official working for the City who authorizes to sign off satisfies the requirements and would be officially sanctioned by the local agency. It should be noted that all inquiries into discovering the list of people associated with the City that have administrative rights over users have gone unanswered.

In addition her interpretation excludes the fact that departments and groups associated with the City require the same type of authorization. It only cements the idea the private social network is an official public information outlet for the City. The private social network, unlike Twitter and Facebook uses an official delineated digital map of the Oregon City neighborhoods in their authenticated protocols. This emphasizes the differences between social sites, and non-technologist should refrain from talking about things they don't understand as fact. Karin Morey objections stems from her own misunderstanding and responding autocratically as a defense reaction that insights a combative interaction.

In general, and based on the surface of Karen Morey response she is obviously accustom to defining rules for others. The indicator from my observations is supported by the pattern of prefacing her statements with *This is*, *It is not*, and *Take your diatribes* without needing to quantifying the references. The remaining statements Karen Morey makes refers to a bias of some sort, and grinding personal axes. The conflict is the inflammatory insinuations and careless inhabitations as if she were protected from reprisal. A screen shot (**Exhibit G**) was taken 48 hours after Karin Morey policy interpretations. It exposes the fact that valid addresses can be excluded by a list of unknown members who have administrative rights to banish people for using the site.

The last indexed issues Karen Morey publically posted (**Exhibit A**) requires an explanation. Generally speaking, it is a fairly crude outburst from an experienced professional who is trained in manipulating human behavior as a parole officer. As the Vice Chair of the CIC it is reasonable to ask her to publically clarify why she believes my post has anything to do with her response, and how I am not getting my way. If she can provide an explanation why there is some sort of lingering animosity, and what might help clarify the source of her frustration. As far as using someone's life that you don't know, then conjure a prospectus to publically lead the

idea of some sort of special privilege is extremely irresponsible. The *get on with it* comment, only deepens an underlying issue none of us might be aware of, and didn't clarify what *it* is. For the sake of humor and to underscore that I am not taking her response personally, it would be comical to know why she believes someone was spanked and had to pull up their britches? My direct response would assure the community that my *britches* are at the right level for moving around.

Karin Morey posts cannot be mistaken as just an ordinary volunteer doing their best and made a mistake in responding in the manner she did. The "*volunteer doing their best mantra*" has been overplayed to explain away unprofessional behavior. Karin Morey is a highly trained and experienced professional which makes the idea of having a passive involvement and no influence ridiculous. Having influence isn't regulated to influencing a collective of likeminded people. It includes controlling a topic, discriminately applying code of conduct as Vice Chair of the CIC, nonverbally showing her discontent while people are talking, and interfering in other neighborhoods internal affairs

However, her public comments on a private social network cannot be ignored. Filing a complaint is predicated on explanation before making a determination of which course of action to take. As a reminder and because informality can be used to overlook serious implications, her comments were considered inappropriate when she was employed as a supervising parole officer, but they meet today's generic standard for filing a sexual harassment and cyber bullying complaints.

## Resolution

Karin Morey reacting to a post that had very little to do with her dwindles to an attempt of cyber bullying, and harassment by any other name is still harassment. As a professional who has a documented skill set and knows the difference between conflict resolution and creating a hostile environment Karin Morey is obvious sense of entitlement can't be the focus of the complaint. It should only serve as a civilized catalysts for updating the mechanics for improving the City public electronic footprint into its community. Which ironically was an objective Ms. Sierra had in mind when she spent the time developing the information for her grievance complaint, stemming from this type of bad behavior from the same set of people.

Any resolution requires re-visiting using private social network. It should be followed by creating a standing subcommittee under the CIC to manage the discussion environment, but not the content. Their responsibilities would include a non-bias representation of city-wide issues, and adhering to individual constitutional rights granted under the first amendment. Assigning editorial responsibilities to qualified members could orchestrate open discussions and regulate the traffic without having to ban anyone from using the service.

## Benefits

A simple exercise and application in democracy would reduce the need to revisit the same issue in the future, and the autonomy of a standing Issues Committee significantly minimizes the temptation of the circumstances resurfacing. As beneficial as it might be for officials and others to use social media it is recklessly to take for granted that ethical, political and legal regulation will always lag behind technology advancements. It has to be said that the US Supreme Court recently citing Donald Trump blocking Twitter followers was unconstitutional, which only leads people to believe that banning someone from a private social network used by an agency is also unconstitutional. Therefore the obvious benefit to avoid banning anyone from a private social network is avoiding being sued in federal court again.



## Exhibit A



Karin Morey, Rivercrest · Edited 2d ago



- 1) Spell my name right
- 2) NextDoor is not "approved" as an official means of communication for any committee of the city. This is a forum for citizens of Oregon City to share information and events as individuals. It is NOT a forum to post bias and grind your personal axe.
- 3) Take your diatribes elsewhere, respect differing opinions and allow civil discourse of local issues without posting non-related links.
- 4) If you didn't get your way, so sad. Most of us haven't at sometime in life, get on with it, pull up our britches and move forward.



Thank 4 Thanks

## Exhibit B

A

Anna Matheson, Barclay Hills · Edited 9h ago



In regards to requests by people to avoid talking about anything upsetting, which is a very tall order, I need to remind them that the CIC for Oregon City approved the use of [nextdoor.com](https://nextdoor.com). It has the City's authorization to post topics that impact Neighborhood Associations. It does not say it can ban people for topics like unknown individual managing the site do a lot.

Amy Wilhite, Barbara Renken, Karin Morey, Jesse Buss, Steve VanHaverbeke and Gary Fergus developed the language for the City of Oregon City Citizen Involvement Committee and Neighborhood Association Public Involvement Plan. With City staff in tow they spent a lot of time to create the policy the NA and CIC are mandated to follow.

Therefor, speaking your mind is being promoted by the City, and IS a constitutional right in the United States. If someone does not like the topic, the United States gives it occupants the choice to turn the channel. It does not give unknown individuals who are close the Mayor the right to banish people from speaking or keep NA leadership from representing their neighborhood.

The Frasher issue, along with a lot of other wasteful spending is something people like Paul Edger are very concerned with. Individuals like Mike Acosta placing artificial requirements like providing a lists and becomes upset because someone doesn't comply with nonsense, he suddenly has an epiphany that shows something nefarious afoot. Or in other words, throwing a shiny object into the conversation to keep us from talking about the real issues.

Again, I am using my wife's account because Betty Mumm and others with Lead status have banished me from posting comments on [nextdoor.com](https://nextdoor.com).

Sincerely,

Mark J. Matheson, Candidate for Mayor of Oregon City

Vice Chair / CIC representative for Barclay Hills Neighborhood Association

## Exhibit C

Audio file - available upon court order

## Exhibit D

Minutes from Barclay Hills Neighborhood Association

## Exhibit E

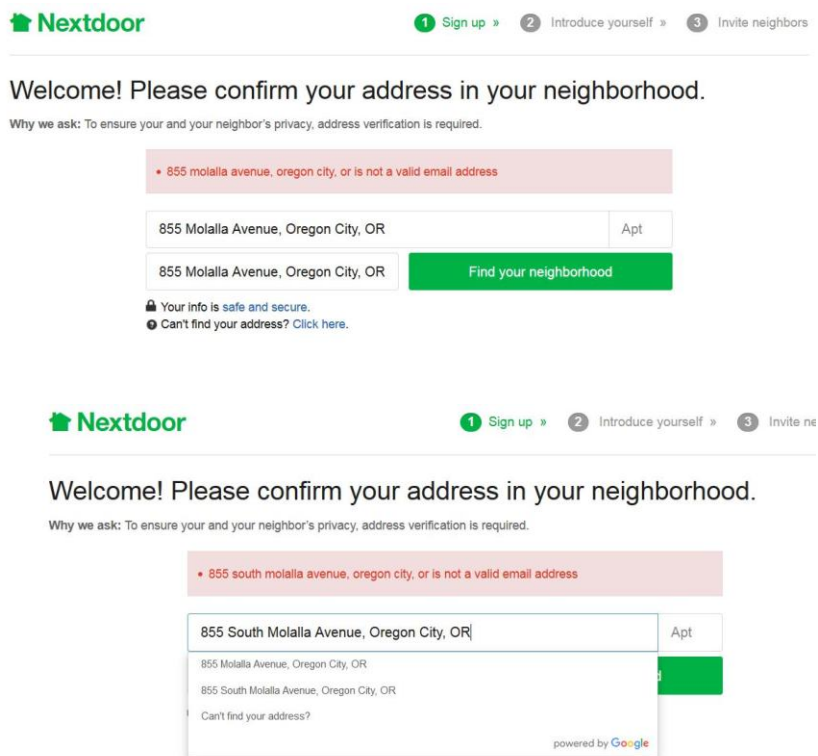
Grievance Complaint Package - 3.27.2017

## Exhibit F



A screenshot of two comments on the NextDoor platform. The first comment is from Miranda Sierra, McLoughlin, posted 2 days ago. It says "RE: No 2 I do believe OCPD would beg to differ :)" and includes a link to a NextDoor agency detail page for the Oregon City Police Department. Below the comment is a "Thanked!" status with 2 thanks. The second comment is from Karin Morey, Rivercrest, also posted 2 days ago. It is a clarification stating that specific departments do have NextDoor "memberships" and can post to share with the community, along with Facebook and Twitter. It notes that no social media site has been designated as the "official" one. This comment has a "Thank" status with 1 thank.

## Exhibit G



Two screenshots of the NextDoor website's address verification process. Both screenshots show the "Welcome! Please confirm your address in your neighborhood." message and a progress bar with three steps: "1 Sign up", "2 Introduce yourself", and "3 Invite neighbors".

The top screenshot shows an error message: "855 molalla avenue, oregon city, or is not a valid email address". Below this, there are two input fields for the address, both containing "855 Molalla Avenue, Oregon City, OR". The first field has an "Apt" dropdown menu. A green "Find your neighborhood" button is visible. Below the inputs, there are two links: "Your info is safe and secure." and "Can't find your address? Click here."

The bottom screenshot shows a similar error message: "855 south molalla avenue, oregon city, or is not a valid email address". The input fields show "855 South Molalla Avenue, Oregon City, OR" in the first field and "855 Molalla Avenue, Oregon City, OR" in the second field. The "Apt" dropdown menu is also present. The "Find your neighborhood" button is green. Below the inputs, there are two links: "Your info is safe and secure." and "Can't find your address? Click here." The bottom right corner of the form indicates it is "powered by Google".



# CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT  
CLACKAMAS COUNTY COURTHOUSE  
807 MAIN STREET, ROOM 301  
OREGON CITY, OREGON 97045

Susie L. Norby  
Circuit Court Judge

(503) 650-8902  
FAX (503) 650-8909

January 31, 2018

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RE: Mark & Anna Marie Matheson v. City of Oregon City, Dan Holladay & Anthony Konkel III  
Clackamas Circuit Court Case No. 17 CV 25621

Gentlemen & Ms. Matheson:

This Letter Opinion contains the court's ruling on the Respondent's Motion for Reconsideration.

## Contextual Summary

The court issued a Letter Opinion on December 29, 2017 granting the Mathesons' Writ of Review, reversing the Oregon City Municipal Court's April 25, 2017 Corrected Final Order/Judgment, and remanding the case to the Municipal Court for entry of a Judgment consistent with that reversal. On January 16, 2018, Oregon City filed a Motion for Reconsideration. Oregon City argues that a result of reversal is that "the City is prejudiced in its ability to enforce its building codes and potentially protect its citizens."

On January 29, 2018, the Mathesons filed a Response in Opposition to the City's Motion for Reconsideration.

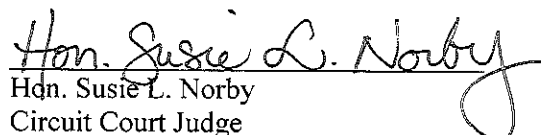
## Ruling

The City's Motion for Reconsideration implies that the ruling on Writ of Review in this case sabotages the City's ability to keep citizens safe, by undermining its efforts to enforce protective provisions in its Building Code. To the contrary, the City continues to have substantial power to pursue code enforcement action, as long as it does so in a way that withstands objective review. If the City still believes that circumstances on the Mathesons' roof constitute a code violation, then the City may choose

to begin a new code enforcement action. Code violations occur in slices of time. There is no res judicata or claim preclusion against a future allegation of code violation merely because a previous similar allegation was already concluded. The only relief no longer available to the City after this court's reversal on Writ of Review is the revival of accumulating daily fines that reach back to 2016.

The Motion for Reconsideration is denied. Attorney David Lewis is directed to file a form of Limited Judgment to formalize the rulings on Writ of Review.

Very truly yours,

  
Hon. Susie L. Norby  
Circuit Court Judge



# CIRCUIT COURT OF OREGON

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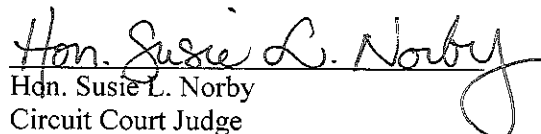
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The Motion for Reconsideration is denied. Attorney David Lewis is directed to file a form of Limited Judgment to formalize the rulings on Writ of Review.

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Hon. Susie L. Norby  
Circuit Court Judge

1 Mark J. Matheson  
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4 Oregon City, Oregon 97045  
5 (503) 953-0250  
6 [mark.matheson@drteamsint.com](mailto:mark.matheson@drteamsint.com)  
7 On behalf of Petitioner/Plaintiffs, *Pro Se*

8 **IN THE CIRCUIT COURT FOR THE STATE OF OREGON**  
9 **FOR THE COUNTY OF CLACKAMAS**

10 ANNA MARIE MATHESON,

Case No.: 17CV25621

11 Petitioner/Plaintiff,

**PETITIONER/PLAINTIFFS' RESPONSE  
IN OPPOSITION TO RESPONDENT'S  
MOTION FOR RECONSIDERATION**

12 MARK J. MATHESON, THE ADVANTAGE  
13 GROUP, LLC, NW, an Oregon limited  
14 liability company, OREGON CITY  
15 COMMUNITY EMERGENCY RESPONSE  
16 TEAM, an Oregon nonprofit corporation,  
17 and A BETTER OREGON CITY  
18 COALITION, an Oregon nonprofit  
19 corporation,

20 Plaintiffs,

21 vs.

22 CITY OF OREGON CITY, an Oregon  
23 municipal corporation formed under the  
24 laws of the State of Oregon,

25 Respondent/Defendant,

26 DAN HOLLADAY, the City of Oregon City  
27 Mayor, in his official and personal capacity,  
28 and ANTHONY J. KONKOL, III, the City of  
Oregon City Manager, in his official and  
personal capacity,

Defendants



## INTRODUCTION

On January 16, 2018, the Respondent the City of Oregon City (the City) filed a Motion for Reconsideration of the Honorable Susie J. Norby's Letter Opinion dated December 29, 2017 in the above-captioned matter (the Letter Opinion). Within the Letter Opinion, Judge Norby ruled that there is no substantial evidence in the record to support Honorable Laraine McNiece's rulings on the scope of the construction project and the legality of the Stop Work Order<sup>1</sup> as set forth in the Corrected Final Order/Judgment issued by Judge McNiece on April 25, 2017 in the City of Oregon City Municipal Court (the Municipal Court). For that reason, Judge Norby ruled that the Corrected Final Order/Judgment shall be reversed.

Judge Norby ordered the City's attorney of record, David C. Lewis, to prepare a Limited Judgment to formalize her rulings. Rather than prepare a Limited Judgment as ordered, the City instead filed a Motion for Reconsideration of the Letter Opinion, which essentially asks the Court to remand this matter back to the Municipal Court to conduct a new hearing because of the City's failure to provide a full recorded hearing as required by law.

As outlined below, the City has failed to establish any reason why Judge Norby should reconsider her decision. Petitioner and Plaintiff Anna Marie Matheson (Mrs.

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<sup>1</sup> See Letter Opinion at page 6.

Matheson) and Plaintiff Mark J. Matheson (Mr. Matheson) respectfully request that the Court deny the City's Motion for Reconsideration for the following four (4) reasons.

## ARGUMENT

### 1. The City's Motion for Reconsideration Should Be Denied Because There is No Such Procedural Remedy Allowed Under Oregon Law

First, the City's Motion for Reconsideration should be denied because there is no such procedural remedy allowed under Oregon law. Indeed, former Oregon Supreme Court Chief Justice Edwin J. Peterson said it best when he mused in a concurring opinion:

The so-called "motion for reconsideration" appears neither in the Oregon Rules of Civil Procedure nor in any other Oregon statute. Lawyers filing motions to reconsider after entry of judgment might better denominate such a motion as a "motion asking for trouble" for questions arise concerning whether the filing of such a motion extends the time for appeal.<sup>2</sup>

Here, it is unclear whether the City has filed the Motion for Reconsideration as a legal tactic to extend the time to file an appeal, or whether the City actually believes that Judge Norby should reconsider her well-reasoned Letter Opinion. The Court of Appeals addressed this dilemma in *Alternative Realty v. Michaels*<sup>3</sup>:

In *Schmidling*, we admonished lawyers not to file "motions for reconsideration." However, as this case and *Carter v. U.S. National Bank*,

---

<sup>2</sup> *Carter v. U.S. National Bank*, 304 Or. 538, 546, 747 P.2d 980 (1987). See also, *Schmidling v. Dove*, 65 Or. App. 1, 5, 670 P.2d 166 (1983) (*Held*: Parties seeking "reconsideration" must do so by means of a motion for new trial under ORCP 64).

<sup>3</sup> 90 Or. App. 280, 285, 753 P.2d 419 (1988)

1 supra, show, attorneys continue to do so. The result is confusion as to  
2 whether a motion is a request for a new trial so as to extend the time in  
3 which to file a notice of appeal or whether the motion serves the narrower  
purpose merely to get a trial judge to rethink a decision.<sup>4</sup>

4 The above dilemma is precisely why there is no such procedural remedy as a  
5 “motion for reconsideration” under Oregon law. It would seem that the City’s lawyers  
6 should already be aware of this; Petitioner/Plaintiffs cannot help but wonder out loud  
7 why the City is wasting taxpayer money by filing a motion that is not even authorized by  
8 Oregon law. For this reason alone, the City’s Motion for Reconsideration should be  
9 denied.  
10

11 **2. The City’s Motion for Reconsideration Should Be Denied Because the**  
12 **City Failed to Establish That It is Entitled to a New Trial**

13 As the Court held in *Schmidling*, parties seeking a “reconsideration” must do so  
14 by filing a motion for a new trial pursuant to ORCP 64. To the extent the Court  
15 chooses to treat the City’s Motion for Reconsideration as a motion for a new trial, the  
16 City’s argument that it should be entitled to a new hearing based on the lack of a full  
17 recording is nonsensical and vexing, given that the City argued *against* remanding to  
18 the Municipal Court in both its brief and at the December 11, 2017 hearing before Judge  
19 Norby. The City also asserted in its brief that the lack of a full recording did not violate  
20 Mrs. Matheson’s due process rights.<sup>5</sup>  
21  
22  
23  
24  
25

26 <sup>4</sup> *Id.*, 90 Or. App. at 284.

27 <sup>5</sup> See City’s Response Brief on Writ of Review at page 12:1-3.

1 Yet, now that Judge Norby has ruled in Petitioner/Plaintiffs' favor, the City is  
2 reversing its argument, even going so far as to say that "as a result of the incomplete  
3 court recording, the City is prejudiced in its ability to enforce its building codes and  
4 potentially protect its citizens."<sup>6</sup> The operative and key word in that sentence is  
5 *potentially*.  
6

7 "Potential" is defined as follows:

8 1: existing in possibility : capable of development into actuality  
9 potential benefits

10 2: expressing possibility; specifically : of, relating to, or constituting a verb  
11 phrase expressing possibility, liberty, or power by the use of an auxiliary  
12 with the infinitive of the verb (as in "it may rain")<sup>7</sup>

13 To argue that the City should be entitled to a new trial because the City *possibly*  
14 may need to protect its citizens from some unknown danger does not establish a valid  
15 reason for the Court to grant the City a new trial. Simply put, the City has not shown  
16 that it is entitled to a new trial. To quote the City from its own brief:

17 The Oregon Supreme Court has made clear in the appellate courts where  
18 the underlying trial court audio record was destroyed, that, to obtain a  
19 reverse on that ground, the appellant/petitioner must show (1) due  
20 diligence in attempting to find and supply a record; and (2) "must make at  
21 least a prima facie showing of error, or unfairness in the trial, or that there  
22 has been a miscarriage of justice." *Smith v. Custom Micro, Inc.*, 311 Or  
23 375, 379 811 P2d 1371 (1991).<sup>8</sup>

24  
25  
26 <sup>6</sup> City's Motion for Reconsideration at page 2:17-18.

27 <sup>7</sup> *Merriam Webster Dictionary*, 10<sup>th</sup> ed.

28 <sup>8</sup> See City's Response Brief on Writ of Review at page 12:20-25.

1 Again, the City's only argument is that its ability to protect the public may  
2 somehow, possibly, *may* be compromised if it is not allowed to have a new hearing.  
3 That argument is nonsensical, not only because we are talking only about the mere  
4 "potential" of having to protect the public, but also because the property at issue is a  
5 1916 residence that is private and not even open to the public. Additionally, the  
6 argument is nonsensical because the City did not know and will never know the extent  
7 and scope of the activities on the Matheson property. The City admitted under oath that  
8 it did not know what the extent or scope of the activities were before issuing the illegal  
9 Stop Work Order. This was on the part of the hearing that was recorded.<sup>9</sup> The City also  
10 admitted under oath on the recording that not all activities on private property require a  
11 permit.<sup>10</sup>

14 The City has failed to establish that it is entitled to what it is asking for.<sup>11</sup> For  
15 this second reason, the City's Motion for Reconsideration should be denied.

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22 <sup>9</sup> See City's ER-3 at page 22, where Chris Long testified: "The house was opened up and we don't know  
23 what the scope is so we need to contact them." See also City's ER-3 at page 31, where Mike Roberts  
24 testified he had never been on the property and that his conclusions were based on the photographs and  
by driving by.

25 <sup>10</sup> See City's ER-3 at page 21.

26 <sup>11</sup> Even if the Court were to treat the City's Motion for Reconsideration as a motion for a new trial, we also  
27 note that the City's motion is filed prematurely, because a party is not entitled to file a motion for a new  
trial until after the judgment has been entered. See ORCP 64 E F(1). There has been no judgment  
entered because the City did not follow Judge Norby's instructions. This is another reason why the City's  
Motion for Reconsideration should be denied.

1                   **3.     The City’s Motion for Reconsideration Should Be Denied Because**  
2                   **Judge Norby Carefully Considered All of the Evidence in the Record**

3                   The City implies that Judge Norby would not have ruled in the manner that she  
4                   did if there had been a full recording of the hearing. For that reason, the City argues  
5                   that Judge Norby should exercise her power to remand this case to the Municipal Court  
6                   for a new hearing.

7  
8                   While it is true that Her Honor has the power to remand this matter pursuant to  
9                   ORS 34.100, as will be discussed in more detail below, Judge Norby considered that  
10                  option but instead chose to rule in the manner that she did. More importantly, it is clear  
11                  from her Letter Opinion that Judge Norby carefully considered all of the parties’  
12                  arguments and “exhaustively”<sup>12</sup> reviewed the photographic evidence which the City  
13                  argued established its case against Mrs. Matheson. In fact, in its brief, the City argued  
14                  that the lack of a full recording was no big deal, because the photographs alone  
15                  allegedly established that Mrs. Matheson needed to obtain a permit:  
16

17                         Even a cursory review of those pictures is sufficient to establish that a  
18                         reasonable person could conclude that more than 15% of the roof had  
19                         been removed.<sup>13</sup>

20                  Judge Norby obviously did not agree with the City’s analysis of the photographs.  
21                  In particular, Judge Norby pointed out that, viewing the photographs in the light most  
22                  favorable to Judge McNiece’s rulings, the pictures simply do not establish that more  
23

24  
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26                  <sup>12</sup> Letter Opinion at page 5.

27                  <sup>13</sup> City’s Response Brief at page 15:14-15.

1 than fifteen percent (15%) of the skip sheathing had been removed, necessitating a  
2 permit. Unlike Judge McNiece, who failed to articulate why she ruled in the manner  
3 that she did, Judge Norby set forth a well-reasoned Letter Opinion, outlining why she  
4 made her decision.  
5

6 Judge Norby concluded that it was not necessary to address the remainder of the  
7 arguments because her ruling that there is no substantial evidence in the record to  
8 support Judge McNiece's rulings on the scope of the construction project and the  
9 legality of the Stop Work Order is dispositive.  
10

11 Judge Norby clearly understood the ramifications of her decision. After  
12 judiciously considering all of the arguments, testimony and evidence, Judge Norby  
13 determined that the Corrected Final Order/Judgment should be reversed. The City  
14 should not be entitled to a do-over merely because it has sour grapes over Judge  
15 Norby's careful analysis of the evidence presented. For this third reason, the City's  
16 Motion for Reconsideration should be denied.  
17

18 **4. The City's Motion for Reconsideration Should be Denied Because Judge**  
19 **Norby Already Considered and Rejected the Argument for Remanding**  
20 **This Matter to the Municipal Court**

21 Based on her Letter Opinion, Judge Norby already considered whether to  
22 remand this matter for a new hearing. Specifically, Judge Norby listed all of  
23 Petitioner/Plaintiffs' assignments of error, including the error on the City's part in failing  
24  
25  
26  
27

1 to provide a full recording of the hearing below.<sup>14</sup> Obviously, Judge Norby read the  
2 briefs on this issue and listened to Petitioner/Plaintiffs' argument at the December 11,  
3 2017 hearing that if the Court refused to reverse the Corrected Final Order/Judgment  
4 than this matter should be remanded because of the recording issue.  
5

6 In her Letter Opinion, Judge Norby noted that the City conceded at the  
7 December 11, 2017 hearing that it was responsible for providing a full recording of the  
8 hearing, despite its argument to the contrary in its brief. Judge Norby also summarized  
9 the City's argument that Petitioner/Plaintiffs allegedly failed to establish a remedy for the  
10 failure to provide a full recording in her Letter Opinion.<sup>15</sup>  
11

12 On review, Judge Norby held that the Petitioner/Plaintiffs established that Mr.  
13 Matheson exercised due diligence in attempting to obtain a full record. Clearly, Judge  
14 Norby understood what each party's position was on the issue of remanding the matter  
15 to the Municipal Court. Thus, Judge Norby's decision to reverse the Corrected Final  
16 Order/Judgment took into account that she could have remanded the matter to the  
17 Municipal Court for a new hearing.  
18

19 Instead of accepting Judge Norby's Letter Opinion, the City now "flips the script"  
20 and argues for the first time that it is entitled to a new hearing based on the City's own  
21 failure to provide a full recording of the hearing. For the City to now claim that "if the  
22 City were prohibited from re-trying the issues in this case, it could jeopardize not just the  
23

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24  
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26 <sup>14</sup> See Letter Opinion at page 2.

27 <sup>15</sup> *Id.* at page 3.



current residents of the home, but future residents and first responders”<sup>16</sup> is nonsensical and insulting to Judge Norby’s well-reasoned analysis.

This Court has ruled, as a matter of law, and the Court's decision is not subject to review or reconsideration simply because the lawyers for the City quibble with the Court's analysis. Furthermore, the legal arguments raised simply fail—Judge Norby has already rejected the arguments made with regard to remanding this matter to the Municipal Court, and nothing has been provided to this Court which would merit reconsideration.

Absent any new evidence or controlling law that has changed since the Court was fully briefed on this matter, mere disagreement with Judge Norby's ruling does not provide a valid reason to remand this to the Municipal Court for a new hearing. Judge Norby has already considered and rejected that argument. Therefore, as Chief Justice Peterson famously remarked, the City has made a frivolous "motion asking for trouble." For this fourth and final reason, the City's Motion for Reconsideration should be denied.

## CONCLUSION

For the all of the foregoing reasons, points and authorities, the City's Motion for Reconsideration should be denied. Petitioner/Plaintiffs respectfully request that the Court order the City to prepare a Proposed Limited Judgment consistent with Judge Norby's Letter Opinion within seven (7) days of the date the Court denies the City's

<sup>16</sup> City's Motion for Reconsideration at page 2:21-23.

1 Motion for Reconsideration and serve the Proposed Limited Judgment on  
2 Petitioner/Plaintiffs pursuant to UTCR 5.100(1)(c).

3 DATED this 29th day of January, 2018.

4 Respectfully submitted,

5  
6 /s/ Anna Marie Matheson  
7 Anna Marie Matheson, Petitioner/Plaintiff  
8 *Pro Se*

9  
10 /s/ Mark J. Matheson  
11 Mark J. Matheson, Plaintiff  
12 *Pro Se*

1 **CERTIFICATE OF SERVICE**

2 I, Mark J. Matheson, a Plaintiff herein, hereby certify that I have this day served a  
3 true and correct copy of the foregoing Petitioner/Plaintiffs' Response in Opposition to  
4 the Respondent's Motion for Reconsideration through the eFiling system pursuant to  
5 UTCR 21.100 to Respondent and Defendants' attorneys of record as follows:  
6

7 David C. Lewis, Attorney at Law  
8 Kraemer, Lopez & Lewis  
9 P.O. Box 1469  
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Of Attorneys for City of Oregon City and Anthony J. Konkol, III

11 Gerald L. Warren, Attorney at Law  
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16 Of Attorneys for Dan Holladay

17 DATED this 29<sup>th</sup> day of January, 2018.

18 Respectfully submitted,

19  
20 /s/ Mark J. Matheson  
21 Mark J. Matheson, Plaintiff  
22 *Pro Se*  
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24  
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