

**Testimony AGAINST HB 2117 (2021) Sunsetting the Psychologist Associate
license-type.**

TO: Senate Committee on Human Services, Mental Health & Recovery, 5/5/2021

Following the letter on Minutes Delinquency I had to write to the Oregon Board of Psychology (OBOP) on 3/19/2019, I had to write OBOP again on 4/30/2021. They still had not published the minutes for the Regular Public meeting of 3/12/2021. By this time, HB 2117 had already passed in the full House (4/9/2021) and was just 4 days (2 work days) from a Public hearing on the bill before the Senate Committee on Human Services, Mental Health & Recovery.

It may be important to ask Charles Hill, Executive Director of OBOP/MHRA about the regular delinquency of OBOP minutes and how this affects the public's ability to participate in government.

All parties OPPOSED to HB 2117 were robbed of their right to oppose the bill by regular and sufficient means due to OBOP's intentional hiding of crucial information necessary to participate in Oregon government.

Christian Wolff, MA

Psychologist Associate (Oregon) Inactive
Healthcare Alliance for Regulatory Board Reform (HARBR)
Executive Co-Director & Co-Founder
7712 Westford Ct. | Fort Wayne, Indiana 46835
christianwolff@harbr-usa.org

April 30, 2021

"Oregon Board of Psychology"
3218 Pringle Rd. SE, Suite 130
Salem, Oregon 97302

Minutes Late Yet Again: Complaint, Remedy Demand, & Records Request

To: Charles Hill, Clifford Johannsen, LaReé Felton, Warren Foote/New OBOP & MHRA
AAG
Re: OBOP Regular Public Meeting Minutes Not Published Timely

Dear Addressees:

Complaint:

Again, you are inexcusably untimely in the publishing of OBPE Regular Public Meeting Minutes.

This is a regularly employed tactic of OBOP opacity and there is simply no other description for it. That you are perfectly capable of abiding by standards laid out in Oregon policy is clear. That I have spelled this out for you and have provided documentation to you of these policies is demonstrable. That you are repeat offenders is also demonstrable. This provides a clear and convincing argument for scofflaw behavior on the part of OBOP.

I have reason to believe that important matters of concern to the public, all licensees, and to myself have been discussed at these meetings.

Should any interested party find the plans, intentions, and actions of OBOP objectionable, the untimely delivery of minutes deprives them of fair opportunity to object, take action upon any objections they may have, or to respond in any way whatsoever to OBOP activity in a way which does not risk their own untimely or disqualifying responses.

The OBOP Strategic Planning minutes for OBOP Strategic Planning Meeting held November 14, 2020 indicates that OBOP plans to aggress the status of the Psychologist Associate license type, this time via legislative action. More specifically, Legislative Concept 0476 (LC 0476).

OBOP should be well aware that I successfully lead opposition to the Sunsetting of the Psychologist Associate license type twice in the past (2008 & 2014). It is plain to see why OBOP would not want me (personally) to know the details of any further development on this legislative concept. Because of your regular and considerable pattern of untimely minutes, I have NO idea whether this legislative concept ever became a bill and thus have not been in an informed position such that my fair opposition to it may be launched in a timely manner.

There is also the matter of Legislative Concept 0473 (LC 0473) noted in the OBOP Strategic Planning minutes for OBOP Strategic Planning Meeting held November 14, 2020. OBOP knows that I have successfully lead opposition to this when it has been presented to the Oregon Legislature as a bill in the past, and I have informed OBOP, in the past, that should this matter ever arise again, I shall lead an opposition to it again. It is plain to see why OBOP would not want me (personally) to know the details of any further development on this legislative concept. Because of your regular and considerable pattern of untimely minutes, I have NO idea whether this legislative concept ever became a bill and thus have not been in an informed position such that my fair opposition to it may be launched in a timely manner.

Delinquency (in calendar days):

March 12, 2021 Regular Public meeting to present (April 30, 2021): 49 days.
Stated in different form, this is 7 weeks or nearly 2 months.

Allowing for a 3 week grace period as described in the box below, April 2, 2021 to present (April 30, 2021), OBOP is 28 days (or 4 weeks, or 1 month) past the grace period in the production and dissemination of the March 12, 2021 Regular Public meeting minutes.

Demand for Remedy

Post the minutes for the March 12, 2021 OBOP Regular Public Meeting immediately even if they have not been approved yet and you prefer to mark the minutes as a "draft."

Explain your current delinquency.

Explain your years-long pattern of delinquency in the publication of meeting minutes.

Overdue Payments (from the last time I had to remind you of the delinquency of your meeting minutes):

March 19, 2021 is the date of the most recent letter I wrote you about late OBOP minutes. As of that time, my stated demand for payment was as follows:

In the last letter, I included these payment demands:

Pay me \$100.00 for the trouble you have caused me in having to write this letter.

Pay me \$500.00 in punitive fees for your delinquency.

Send these fees to me via PayPal at christianwolff@harbr-usa.org.

Current Demand for Payment:

Pay me \$200.00 for the trouble you have caused me in having to write this letter.

Pay me \$1,000.00 in punitive fees for your delinquency.

Send these fees to me via PayPal at christianwolff@harbr-usa.org.

Total Payment Due Immediately:

\$1,800.00

Current Demand for payment (for this April 30, 2021 letter):

Pay me \$300.00 for the trouble you have caused me in having to write this letter.

Pay me \$1,500.00 in punitive fees for your delinquency.

Send these fees to me via PayPal at christianwolff@harbr-usa.org.

Total Payment Due Immediately (as of April 30, 2021):

\$3,600.00

This set of demands is not exhaustive and there may be more demands forthcoming as are reasonable.

Request for Records

March 19, 2021 is the date of the most recent letter I wrote you about late OBOP minutes. In that letter I requested that OBOP immediately do the following:

In lieu of or in addition to immediate publication of referenced OBOP Public Meeting minutes:

Immediately send the delinquent minutes directly to me via email at christianwolff@harbr-usa.org.

Waive any fees.

The only reason I have for requesting these records personally is your delinquency in publishing them to your website where, if timely, I could have accessed them for free.

As usual, OBOP immediately complied with my first demand that they published the MOST delinquent minutes, the January 8, 2021 Regular Public meeting minutes which at the time of my last letter were 2 months and 11 days delinquent.

Also, as usual, OBOP failed to comply with my demand that the LESS delinquent Regular Public minutes be published - or in the alternative, be sent to me directly even if marked as a "draft" (a records request). As pointed out above, it has now been 49 days or 7 weeks, or nearly 2 months) since the March 12 meeting.

Please review the **ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 2019**, part II(D)(7)(a), paragraphs 1 & 2 which is provided in boxed text in the pages of both the present letter and the last letter.

In the VERY LEAST, the minutes for the March 12, 2021 meeting are 4 weeks (or 28 days, or 1 month) DELINQUENT. This is in allowance of the GRACE Period afforded boards as described in the AG's Manual.

There are no special circumstances to excuse you. This is OBOP's longstanding pattern.

Repeated Request for Records

In lieu of or in addition to immediate publication of referenced OBOP Public Meeting minutes:

Immediately send the delinquent minutes directly to me via email at christianwolff@harbr-usa.org.

Waive any fees.

The only reason I have for requesting these records personally is your delinquency in publishing them to your website where, if timely, I could have accessed them for free.

Thank you for your immediate cooperation.

A handwritten signature in black ink, appearing to read "Carl Hoff". The signature is written in a cursive, somewhat stylized font.

ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 2019

II. PUBLIC RECORDS

D. REQUIREMENTS OF THE LAW

7. MINUTES AND RECORD KEEPING

a. Public Availability of Minutes (Paragraphs 1 & 2)

Any minutes or recording of a public meeting that does not take place in executive session must be made available to the public "within a reasonable time after the meeting."[\[675\]](#) Draft written minutes cannot be withheld from the public merely because they have not yet been approved; however, the governing body can identify the minutes as being in draft form when producing them to the requester. Any completed minutes or sound, video, or digital recordings are public records subject to disclosure under the Public Records Law.[\[676\]](#)

We assume that a governing body generally should be able to make a sound, video, or digital recording of a meeting available to the public within a few days following the meeting. However, we are told that the preparation of written minutes takes up to three weeks in the usual course of business: small bodies may not have the staff to prepare the minutes in just a few days, and larger bodies that do have substantial staff typically meet more often or for longer amounts of time. Three weeks arguably is within the "reasonable time" allowed by the statute, but a reviewing court may reach a different conclusion.