

**Shaun W Robertson**

PO Box 142  
Mt. Vernon, OR 97865  
(541) 620-0211

[RobFam10@ORTELCO.net](mailto:RobFam10@ORTELCO.net)



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Representative Julie Fahey  
House Committee on Rules

RE: OPPOSITION TO SB207

Dear Rep. Julie Fahey & Committee Members:

I am testifying in opposition to SB207, which would give additional authority to the Oregon Ethics Commission to investigate—at its own volition—violations of the Oregon Public Meetings law regarding executive sessions.

In general, and based on my long history with Oregon agencies and the Ethics Commission regarding open meetings and ethics rules, I would be supportive of legislation to further empower the Commission and their staff to investigate potential violations of Oregon’s critical ethics and transparency laws. However, recent deliberations of the Commission and their decisions rendered thusly, give me great pause to grant them any additional authority as long as they demonstrate a propensity to make decisions on political, rather than factual bases.

In their most recent hearing, the Commission rendered a decision in a complaint in direct contradiction to their own staff’s recommendation and did so—as they expressed in their own words—based entirely on the oral testimony at hearing, without verification or substantiation of that testimony, to address supposed political motivations. Even though the staff and multiple commissioners pointed out that the verified facts of the complaint warranted an investigation, other commissioners outwardly expressed a need to “send a message” to complainants based on the Commissioner’s personal feelings and beliefs.

The entire hearing was an astonishing, outrageous and disgusting display of bias, lack of attention to facts, inability to distinguish misrepresentation and manipulation, and failure to adhere to the law limiting the basis for Commission decisions. Catastrophically, the Commission failed to call witnesses who could have offered first-hand testimony in rebuttal, their decision may not be appealed or challenged judicially, and, ultimately, there are no real “overseers” to oversee the overseers.

In that respect, why would anyone support enlarging the authority of a Commission that demonstrates a willingness to ignore the law constraining their decisions to the factual basis of the complaint, instead choosing to make decisions based on their emotions?

Sincerely,

Shaun W Robertson  
John Day