

ANNA SCHARF
STATE REPRESENTATIVE
DISTRICT 23



May 4, 2025

HB 3789A Opposition

Dear Chair Taylor, Vice-Chair Bonham, and Members of the Senate Committee on Labor and Business,

If HB 3789 were truly about false impersonation, we wouldn't be discussing it here today. Falsely impersonating an individual or business, including a union or its representative, is already a *crime* under Oregon law AND it carries the same penalty as this bill—a fine of \$6,250. AND in addition to the crime, Oregon law *already* allows individuals to file civil lawsuits if they've been wrongly impersonated.

And you know what? This is a *good* thing. False impersonation *should* be a crime. And it's also a good thing that victims of the crime can file a lawsuit and if they prevail receive compensation. So, if Oregon law *already* provides these protections why do we need HB 3789?

I sit on the Labor and Workplace Standards Committee, and when we had the public hearing on this bill, it was portrayed during testimony that this was a widespread problem so I requested that examples be uploaded to OLIS so I could see these misleading mailers that were falsely impersonating their union reps.

Only one example was uploaded to OLIS. A Christmas looking mailer which showed a letter card with a QR code and an explanation of the Supreme Court decisions of Janus vs. AFSCME. That as a member of the Oregon School Employees Association they were covered under this Supreme Court decisions to opt out of the union and retain all of their earning AND maintain their union representation benefits. It even said in the consent section, and I quote "I AUTHORIZE Freedom Foundation to transmit this notice to OSEA and or my employer on my behalf." I struggled to see how this was false impersonation.

There was no OEA logo, no schoolbooks, little red schoolhouse, or anything that would have made me think it was even connected to the teacher's union. I didn't even know what union it was without reading the text of the mailer.

I was later able to acquire the envelope that the letter was mailed out in, and clearly on the return address it said Freedom Foundation? So, absolutely not false impersonation. The only thing I then wondered was why weren't both sides uploaded to the public record by a registered lobbyist?

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I believe HB 3789 is designed for one purpose only, to stop the bleeding of union dues since the Supreme ruling on Janus vs. ASCME in 2018. This bill invents a new definition of false impersonation specifically for unions—one that doesn't look *anything* like Oregon's existing laws against false impersonation—and that will give them the avenue they need to file civil lawsuits against their political opponent, the Freedom Foundation.

The bill sets damage amounts the same as the current law under the other definition of \$6,250. That is \$6,250 “per incident” which could be interpreted as “per piece of mail.”

This bill is a hit piece intended to stop the union dues from bleeding out of the pockets of the union AND be sued as a financially crippling weapon against the Freedom Foundation if a union can somehow convince a judge that they've been “impersonated” under the new condition of law that they created.

Colleagues, I urge your “no” vote. HB 3789 isn't supported by evidence, isn't supported union organizers, and doesn't benefit individual public employees. It only opens door for union lawfare against the Freedom Foundation which works to helps public employees exercise their Supreme Court validated, constitutional right to opt out of union dues.

I strongly urge a No vote on this bill, thank you.

Regards,

A handwritten signature in black ink, appearing to read 'A Scharf', with a stylized, cursive script.

Anna Scharf
State Representative – House District 23