

Local

Ethics complaint: nonjurisdictional

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Rancher and fellow NRAC member, Kody Justus, had filed the complaint asking for a review into any potential conflict of interest.

At that March 18 meeting, during the agenda item for appointing new members to the NRAC, the discussion as transcribed from the County's official audio recording of the meeting is as follows:

Commission Chair Bill Harvey says, "Next on is the matter of reappointment of members to the Natural Resource Advisory Committee, Order 2015-112, Laurene Chapman, Dick Fleming, Jan Kerns and Lane Perry."

Commissioner Mark Bennett then says to Kerns, "First of all, you have to declare a Conflict of Interest."

Kerns replies, "I do?" Bennett responds, "Yes." Kerns then says, "I don't do anything she (Jan) doesn't tell me to do."

Harvey says, "We didn't hear that, Tim." Laughter is heard in the background before Harvey continues with, "Is there a motion to accept these nominees?"

Bennett then says, "Yes, I think they should be commended. Some of them are sitting here; they have done yeoman's work and as we move into coordination it's going to be an even bigger task. So, I think that we certainly need to approve these folks. I move that we do."

Harvey says, "I make the second. All in favor say aye."

At that point, the audio captures without a break in the recording each commissioner individually saying, "Aye."

Harvey then concludes, "So it's done. And thank you very much for all of your hard work."

The Process. OGEC's mission statement is that it "will impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission will emphasize education in

achieving its mission. The regulatory jurisdiction of the Oregon Government Ethics Commission covers provisions of ORS Chapter 244, Oregon Government Ethics law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation law; and executive session provisions of Oregon Public Meetings law, ORS 192.660."

As the OGEC's jurisdiction is specialized and limited, the first step after receiving any complaint is to determine if it falls within their venue. If not, it will be dismissed for nonjurisdiction, which was the case with the Kerns complaint.

The commission said it would not take action one way or the other.

"I didn't file a complaint because I thought it fell under a jurisdiction. I filed a complaint because I think what I heard transpire on the audio recording of the meeting was wrong," said Justus.

Different Ethics Complaint, Different Kerns.

According to the OGEC, this is the second brush with their Commission by the Kerns family. In April of 2010, Kern's son, Tim Kerns, Jr. was investigated by OGEC on a conflict of interest complaint during his tenure as Board Chair with the Baker Valley Soil and Water Conservation District (SWCD). OGEC itself is listed online as the initial complainant.

Unfortunately, public records provided by OGEC show the name Tim Kerns rather than his son's name, Tim A. Kerns, Jr., as the target of that complaint.*

On Tuesday morning, SWCD District Director Whitney Collins said by phone that she would be contacting OGEC in hopes of correcting the name both in the file and in an online database, which is still visible to the public with the incorrect Kerns name. Collins also issued a statement on behalf of the SWCD, which can be viewed in its entirety on page 5.

A case was also opened against Laurie Owens of the SWCD at that same time, investigated, and

listed as "dismissed" with no order or penalty issued. Kerns, Jr.'s case was not dismissed.

In February 2014, after nearly four years with the case remaining open, an OGEC meeting was held. Minutes show Tim Kerns, Jr. did not testify. At that time, a unanimous vote closed the case with a decision to accept a "stipulated final order," signed by Kerns, Jr. on January 30, 2014 and Mary Kremer, Chair of the OGEC, on February 14, 2014.

That four-page legal order states that Case No. 10-143ETH in the Matter of Tim Kerns (sic) settles "any and all claims, allegations and charges by the Oregon Government Ethics Commissioner against Kerns."

The order outlines as facts that Kerns, Jr. held a position as Baker Valley SWCD Board Chair at the time when that organization entered into a project management agreement with Kerns, Jr.'s company, Willow Creek Resource Solutions regarding the Powder River Irrigation District Powder River off-stream watering project.

Willow Creek Resource Solutions, Inc. was formed legally in 2005 and dissolved in 2011. The corporation's owners are listed as with the Oregon Secretary of State as Kerns, Jr. and his former wife, Julie Kerns. The company's address is listed as 45306 Schoolhouse Road in Haines.

Also listed at that same address is the company, WillCom, Inc., owned by Tim and Jan Kerns, formed in 2008 but dissolved in 2010.

Tim and Jan Kern's other businesses—Kerns Rainbow Ranch, Inc., KRR Hay, Inc., and KRR Ag Repair and Service Inc.—are registered at their Quail Road address in Haines.

The order then states that in October of 2004, Kerns, Jr. "made a public declaration regarding the nature of his conflict of interest and refrained from participation in further discussions." This declaration came during a Board meeting at which requests

for qualifications were reviewed for hiring engineering services for that Powder River Irrigation District Powder River off-stream watering project.

However, the order goes on to say that Kerns, Jr. is then documented as discussing the project in 2006, 2007, later in 2007, and in 2008 without disclosing that conflict at any of those times. Because Kerns, Jr. was met with a conflict that would result in personal financial gain from the project, he was found in violation of ORS 244.120(2) — four "distinct violations," according to the OGEC order.

Kerns, Jr. stated he was unaware he needed to declare a conflict of interest after his initial declaration in 2004.

OGEC warned that Kerns, Jr. could be fined up to \$20,000 in civil penalties.

The order states that "terms of settlement" were eventually reached in which Kerns, Jr. "waived the statutory limit for investigation and indicated it was his desire to conclude the matter by agreeing to the terms in this order without completing the investigative phase. Although Mr. Kerns does not dispute the Commission's allegations as described in paragraph 3C above, he requested that the terms of the settlement reflect that he had no previous training regarding the provisions of ORS 244 and fully cooperated to resolve this matter."

The Commission then agreed to waive civil penalties and instead issued a "letter of education" to Kerns, Jr.

A spokesperson at OGEC said the actual case file is 91 pages in length. That entire file and other details such as the amount of money paid to Willow Creek Resource Solutions, were not obtained in time for this article.

(*Editor's note: An initial teaser for upcoming coverage reflected the name listed on the OGEC case, which was incorrect. The name is correct in the actual coverage. We regret any confusion.)

— OBITUARIES —

Patricia Lynn Cartmell CONTINUED FROM PAGE 2

Pat claims her employment history consisted of "a workhorse for life." She milked cows, took care of chickens, worked with horses, lots of yard work, flower beds, gardening and canning. She worked on many ranches as a "cowboy."

She enjoyed the horses and driving pony carts. Packing into the high country to hunt deer, elk and bear were special memories. Pat in her own words shared "Life itself was a ride." She loved a good party, being crazy, making memories. Pat collected Native American artifacts, fossils, marbles, and all things Western or related to horses. She studied and knew the importance of each piece collected.

Pat was lovingly referred to as "Aunt Pat Pat" to numerous nieces and nephews. She was preceded in death by her parents; baby sister Seral; brother Jim, sister Lori, brother Jerry, nephew Kim M. Virtue.

Pat is survived by brothers; Jack Virtue; Steve and Kim Virtue, Randy and Anna Virtue, Tom and Tina Virtue, Kent and Tammy Virtue. Brother-in-law Kenny Austin; Sisters; Shirley and Phil Barbera, Sandy Shumway and Mike Proschold, sister-in-law Marianne Virtue; Nieces and Nephews - Luke and Courtney Benson and children Remington and Welker, Luke and Ashley Austin, Buddy and Rhonda Hillman, Dustin and TJ Hillman and son Mason, Corey and Jessica Hillman and daughter Temperance, Cody Hillman and Nevada Hillman. Nicole Virtue; Garrett and Kerbie Virtue and Paisley; and many more nieces and nephews in other areas.

Pat had a compassion for others, she worried, said a prayer, always wanted to be of help if she could. And as the days would test her, she would say "It's always something." Those who would like to make a memorial donation in memory of Pat, may do so to the charity of their choice, through Tami's Pine Valley Funeral Home & Cremation Services, P.O. Box 543 Halfway, Oregon 97834.

Bishop Thomas Connolly

Formerly of Baker City, 1923-2015

Bishop Thomas Connolly, longtime spiritual leader of Eastern Oregon's Diocese of Baker, died April 24 at age 92. He had lived at Maryville Nursing Home since 2011.

The pontifical Mass of Christian Burial is 11 a.m., May 1, at St. Francis de Sales Cathedral in Baker City.

He was born and raised in Tonopah, Nev. and attended public grade school. His second home was St. Patrick Church in Tonopah, where he was confirmed and eventually was ordained a priest. He received seminary education at St. Joseph College and St. Patrick Seminary in the Archdiocese of San Francisco and was ordained by Bishop Thomas Gorman of Reno in April 1947. He served as an assistant pastor, a teacher and chaplain for the Serra Club. In 1949 he was enrolled at the Catholic University of America in Washington, D.C., where he obtained a license in canon law. He attended the Pontifical University of St. John Lateran in Rome from 1951 to 1952 to earn a doctorate in canon law. In 1952 he returned to the Diocese of Reno, then under the direction of the Bishop Robert Dwyer, who eventually became archbishop of Portland. Father Connolly served as assistant pastor and pastor at parishes in Reno and Elko. In 1968 he was named pastor of St. Theresa Parish in Carson City. In 1971, at age 49, Father Connolly received news of his appointment to Oregon from Reno's Bishop Joseph Green. He was the first native of the Diocese of Reno actively serving in the diocese to be appointed a bishop. Among his proudest accomplishments in the Diocese of Baker was the DeSales Education Program, faith formation for adults that was used in more than 7,000 parishes in the United States, as well as overseas.

His favorite scripture passage was Luke 7:36-50, in which the sinful woman washes the feet of Jesus with her tears and them dries them with her hair. She forgives her sins. "It reveals the Jesus that I love," he said.

Travel Oregon

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Bishop continued, "Hopefully this will give you a good sense of how important tourism is both to the state and us as a region and as a county."

Scott West, an eastern Oregon native who grew up in Echo and has relatives in Baker City and the Hereford/Unity area, said, "It's always grand to come back home."

As West began talking he commended Bishop for the hard work he puts in and the amazing photographs he provides, "really making your part of the state recognized."

West noted that at the recent Governors' conference in Eugene, Bishop was recognized for his social media images and one of his images won best of show.

He said, "Oregon, from a statewide view was a 10-billion-dollar mark. Being just north of 400 mil-

lion in local and state tax contributions to the state economy. Things have been rising fairly steadily for the last decade. One very exciting thing we are seeing now is that some of the places in the State that have kind of lagged behind since the recession of 2008 are up north of those 2008 numbers. Lots of places have come back quicker but the fact that the whole state is recovering is really exciting.

"Lots of great work is being done at the state, regional and local levels. The 7 wonders campaign that was launched last year has been very successful. Successful not only on a statewide basis but also on a regional basis. We've seen some responses from all over the state, like the painted hills were we are seeing significant increases, 50% even."

West added, "You may be aware of the 7 wonders campaign; it's a take on the 7 wonders of the world. It identifies places as the 7 wonders of Oregon, grand geological sites. What we've found is there has been really resounding response from our consum-

ers both domestically and internationally."

West said, "We saw increases in all regions of Oregon from 25-40% over prior years. We can't take credit for all of the increase but it certainly has been a driving force. We are re-launching the campaign, it still has enormous traction and strength. And when we're looking at our travel responses from January, February and March of this year, lodging receipts are up on average 16% in every region. I think Eastern Oregon up over 14% for those three months. When visitors get here and are spending while they are here, it's great but what happens when they go home? It is really important to us that we sort of evangelize so when folks go home they are big fans of Oregon so they will consume products when they go home.

"We did research a couple years ago that indicated 60% of folks that traveled here, when they went home actually did consume products and 30-40% of those folks used those products more than one time with an additional

30-40% generating new trips around that product."

"Tourism is part of the answer," West continued, "but it is not the answer. We are a state that has been blessed with these 7 wonders but we are also a state that has people that want to take care of these 7 wonders. We are adding to the campaign a bicycling pulse. As you know Baker and Union county have some of the best biking space in the state. A study done a couple years ago indicated cycling was a \$400 million industry, just the travel part of it and with the manufacturing aspect factored in it's nearly a billion dollar industry, per year."

Gagliano added, "Eastern Oregon is really leading the way with bicycle tourism, with the most scenic byways in the state and the most cycling opportunities here, there is great road biking with the scenic splendor all around. We are the only state around that has a scenic bikeways program. With that we are the only state that has a bike-friendly business program that's geared toward visitors on a statewide basis

that began in John Day with Mike Cosgrove. He came up with the idea 'two wheels spoken here' so bicyclist know when coming through that they are welcome and there might be amenities for them like a bike pump or water or something to help make their trip better.

"So knowing that bicycling is such a big part of our economy we decided to add into our 7 wonders campaign, 7 bikes for 7 wonders. We chose 7 bike manufacturers to create 7 one of a kind bikes that are designed around and inspired by each of the 7 wonders of Oregon and meant to be ridden at each wonder. On May 6th an event will be held in Portland and we are going to bring all of the bike makers together. Governor Brown is going to come and speak, she is really excited about this nexus of manufacturing and tourism coming together. This will probably be the only time the bikes will ever be together. Beginning on June 15th we will be having a 'scavenger hunt' each week for the bikes so unless the people that find

the bikes decide to have a reunion..."

She said, "This will begin June 15 and continue through August 8, with the week of the July 4th off. We will start with providing clues on our social media and on Travel Oregon.com as to where the bikes are hidden at each of the wonders, a different one every week. The bikes will be locked up so they don't just wander off."

The marketing of the 7 wonders draws not only domestic visitors but international visitors who on average travel differently than Americans staying longer and without itineraries. They are easily persuaded to stay in an area when interesting attractions are available to them.

Gagliano stated that recently the 7 wonders campaign played internationally before the beginning of the movie "Wild" that is about the Pacific Crest Trail that runs through Oregon.

Inquiries regarding travel to the state significantly increased after that campaign spot ran.