

Sizemore released from jail — but not from legal woes

By **DON McINTOSH**
Associate Editor

Dec. 4, one day after union adversary Bill Sizemore was placed behind bars for contempt of court, he was released from jail — but not from ongoing legal difficulty.

Because of the contempt of court ruling, Sizemore and a sham Nevada charity he created will likely owe \$500,000 to \$750,000 to two teachers unions, said union attorney Greg Hartmann. Plus, the judge granted the unions greatly expanded power to subpoena further testimony and documents from Sizemore, his groups and associates. And, evidence uncovered in the case could be the basis for further civil and criminal action against Sizemore and his millionaire financial backer, Loren Parks.

In the contempt of court ruling that sent Sizemore to jail, Multnomah County Judge Janice Wilson declared that he set up the American Tax Reform Foundation (ATRF) in order to evade the consequences of a jury award and judge's order, to support himself and his family while he worked to get five initiatives on this year's ballot, and to give his donors, particularly Loren Parks, an improper charitable donation tax break for donating to what were, in fact, political campaigns.

The ruling was the latest development in an eight-year legal battle that started when the Oregon Education Association and the American Federation of Teachers-Oregon sued two groups controlled by Sizemore. A jury found the groups had engaged in a pattern of criminal activity, including forgery and fraud in the course of getting initiatives on the 2000 ballot. That made the Sizemore groups liable for civil penalties under Oregon's Racketeering Influenced and Corrupt Organizations (RICO) law.

That jury decision is the source of frequent references to Sizemore as a "convicted racketeer," by his political opponents. Sizemore protested that in late November, filing a lawsuit in Marion County Circuit Court that accuses over a dozen groups and individuals of violating Oregon elections law by making false statements about him. The suit argues that calling Sizemore a "convicted racketeer" is false: first because a civil judgment is not the same as a criminal conviction, and secondly, because the jury found Sizemore's groups, not Sizemore himself, had violated Oregon's racketeering law.



Bill Sizemore is handcuffed and hauled off to jail Dec. 3 after a Multnomah County judge found him in contempt of court. Sizemore was released the next day, but his legal problems likely will continue, predicted labor attorney Greg Hartmann. Photos by Jeston Black and Jillian Smith



"If Sizemore wants to have a public legal fight about what we can call him that a judge hasn't already called him, then we'll have that fight," said Scott Moore, spokesperson for Defend Oregon, one of the groups named.

Of course, whatever inaccuracy it might be to call Sizemore a convicted racketeer pales in comparison to the misstatements Sizemore made under oath in sworn depositions and before Judge Wilson, and in forms he submitted to the Internal Revenue Service and the state of Oregon to secure his release from jail. In her contempt ruling, Wilson included a four-page appendix of "examples of deceit by Mr. Sizemore." Some of those examples could be used if District Attorney Michael Shrank decides to charge Sizemore with perjury. Hartmann said typically perjury charges begin with a judge referring a case for prosecution, and so far, Wilson has not said publicly she intends to do that.

Sizemore may also have opened himself up to further liability with intentional misstatements on tax and charitable forms he

turned in to get out of jail.

Wilson ordered Sizemore jailed after he broke a promise to turn in two years of tax and charitable forms for ATRF, forms which could shed light on whether he had violated the 2002 judge's order. Signing and turning in the forms was made a condition of his release from jail. He did that, and was released.

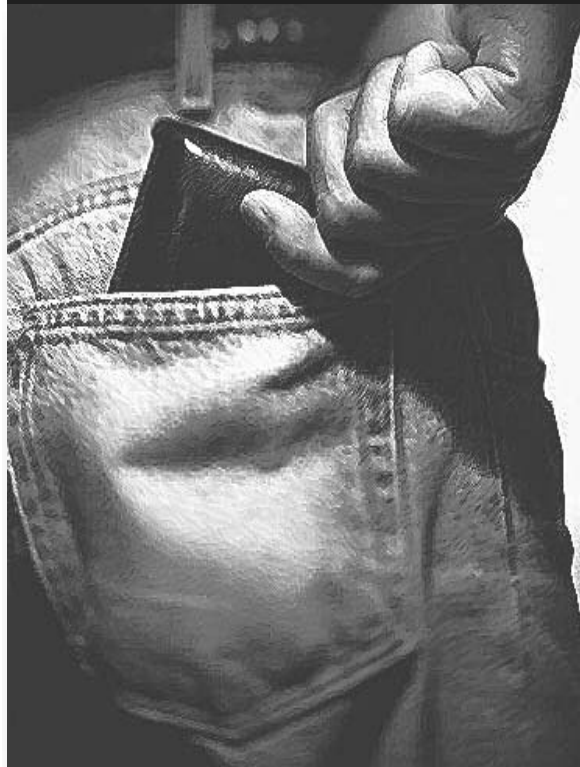
But as reported by the Oregonian Dec. 5, on the IRS forms, Sizemore swore that ATRF had not attempted to influence "a legislative matter or referendum," did not have officers or directors of the foundation who were related to one an-

other, and had not paid anyone excessive benefits. Yet, Wilson had determined that ATRF's true purpose was to fund Sizemore's political work. Sizemore's mother was on its board. And ATRF paid Sizemore and his wife hundreds of thousands of dollars for work that had no value and little relation to the foundation's stated mission; ATRF also loaned Sizemore money to buy property, bought his wife a car, paid for his family's groceries, and purchased a time share in Mexico.

Sizemore backer Loren Parks could also be found liable as the case unfolds. In 2000, the

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