

Unfounded Investigation

County documents show a spending scandal

I just feel this whole thing to be an incredible waste of time and of taxpayer money,” Lane County Commissioner Pete Sorenson said of a recent \$16,000 investigation. The investigation concluded that not only are commissioners within their First Amendment rights to speak to the media, but it is also within their elected authority to vote as they see fit “on issues, policies and appointments.”

Documents show that County Administrator Liane Richardson spent \$16,000 of taxpayer money in a strange investigation of her allegations against commissioners Rob Handy and Sorenson that were judged on Sept. 23 to be unfounded and without evidence. Aaron Olson of Local Government Personnel Institute (LGPI), which “offers human resources and labor relations assistance to cities, counties and special districts,” conducted the investigation.

Among Richardson’s allegations were “comments made about Commissioner Handy’s body language and facial expressions demonstrating retaliatory behavior toward Ms. Richardson in board meetings.” Olson found no evidence to support the allegation in his finding of fact.

This is not the first time Richards has accused a colleague of having body language issues. In a 2006 *Corvallis Gazette Times* article Richardson accused a judge whom she argued in front of as a deputy district attorney in Benton County of being “disdainful” of her in court and showing it through “eye-rolling and impatient sighs.” Richardson resigned from her position, she said, because of the animosity she felt the judge directed toward her, according to the article.

The unfounded allegations against Handy and Sorenson are identical in the LGPI findings. They include “feeding questions to a *Eugene Weekly* reporter regarding decisions Ms. Richardson is making in certain areas,” not voting for “Ms. Richardson’s appointment as permanent county administrator,” and retaliating against Richardson because of her role as county legal counsel in the Ellie Dumdi lawsuit.

The investigation targets Handy specifically, in addition to the allegations of body language issues, for not communicating with Richardson, calling her a “liar” and saying she “is not to be trusted,” and having his attorney send her a letter. The investigator wrote in regard to the allegation that Handy told Richardson’s staff “she is a liar and not to be trusted,” that “I contacted the names provided by Ms. Richardson and those persons refuted Ms. Richardson’s allegation.”

In a July 11, 2011 email to commissioners Sid Leiken, Jay Bozievich and Faye Stewart (copied to Madilyn Zike, the

county’s human resources director), Richardson specifies that she is concerned about Handy discussing her hiring of former television news reporter Rick Dancer for \$40,800 to make videos for the county, as well as discussing diversity issues and economic development. *EW* attempted to get documents related to Dancer’s hiring over an equally qualified proposal for \$14,640 but was told by the county that the public records request would cost hundreds of dollars.

Handy said, “I think the report from the consultant hired to ‘investigate’ this matter clearly shows that our county administrator took things personally that weren’t personal.” He added, “I had hoped that this report would not be leaked, as it makes Lane County look bad and it makes our county administrator look bad.”

The investigator wrote that the letter sent by Handy’s attorney, which apparently caused Richardson to decline assistance from an outside mediator, was “not a form of retaliation but a response to an ongoing problem that needed intervention then and still does today.”

Handy said, “instead of an internal mediation, county funds were used to address Ms. Richardson’s personality conflicts.”

The investigator’s report concludes, “The facts of this investigation do not support her complaint and there is no relevant evidence detected or found to meet the preponderance standard of validating Ms. Richardson’s allegation of retaliation.”

Richardson did not respond to a request for comment before press time.

Handy said the investigation was “a strange way to go about things, and, I have heard, very expensive. There has never been any apology offered to Commissioner Sorenson and myself for being put through this. I think there should be.”

Handy said he believes Richardson should personally repay the almost \$50,000 of county funds spent on this investigation — \$16,000 for the investigator and \$25,000 to hire an attorney to give Richardson legal advice and representation “in employment issues of the county” — and he says he plans to bring this issue of repayment up before the board.

The reason Richardson cited in emails and in the LGPI documents for believing Handy and Sorenson would retaliate against her was for her role as county counsel in the Seneca Jones-funded lawsuit brought by Dumdi and Ed Anderson against Sorenson, Handy and former commissioner Bill

Fleenor. The suit resulted in a controversial and convoluted ruling that said Handy, Sorenson, Stewart and former commissioner Bill Dwyer violated public meetings laws in their discussions about the county budget via serial email discussions. Because Dwyer and Stewart were not named in the timber company-funded suit they were not found in violation or asked to pay thousands as a result of the settlement.

The settlement did not require Handy and Sorenson to admit any wrongdoing in the case, nor does it appear to have affected the way any other Oregon government agency runs. In the recent decision to terminate UO President Richard Lariviere from his position, the Oregon Board of Higher Education president took a poll of the board before it made its official vote almost a week later.

An email from Richardson to Zike on Jan. 19, 2011 starts, “I want to make a record that Commissioner’s (sic) Handy and Sorenson will attempt to retaliate against me for my role in Dumdi,” and goes on to say she does not believe they will vote for her as permanent county administrator.

According to the emails *EW* examined, Richardson authorized an expenditure of \$25,000 of county money to hire an attorney while contemplating filing a retaliation complaint against the county.

Richardson signed the contract with Laura T.Z. Montgomery of Gleaves Swearingen Potter & Scott LLC on July 12, 2011. This was the day after she sent an email to commissioners Leiken, Bozievich and Stewart accusing Handy of retaliating against her for her role in the Dumdi case. Dumdi and Anderson were represented by lawyers from Gleaves Swearingen Potter & Scott in the open meetings lawsuit, meaning that Richardson hired a law firm to represent her in her role as county administrator that had already represented interests possibly adverse to the county.

Montgomery appears to have represented Richardson during the LGPI investigation, as her initials and/or the words “Received from Laura T.Z. Montgomery” appear on several of the documents.

Board Chair Stewart did not respond to an inquiry from *EW* before press time as to whether he or other commissioners knew it appeared Richardson was contemplating a retaliation complaint against the county at the same time she was being hired for a permanent position as county administrator.

Handy says, despite all the unfounded investigation, “I pledge to continue to work with Ms. Richardson as one professional to another — I have never done less.” **EW**

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