

>>> CONTINUED FROM P. 6

BRO's strategy in the short term is hyper local. "Our position is that we're not looking to the courts to win the freedom to marry," Buchert says. "We're doing the work that we need to do: the grassroots organizing and having the conversations we need to have with our friends and family about why marriage matters in Oregon." — Shannon Finnell

FORMER COUNTY ATTORNEY FILES WHISTLEBLOWER SUIT

A former county attorney has filed an intent to sue Lane County for wrongful termination, retaliation for the exercise of First Amendment rights for speaking out on matters of public concern and for whistleblowing. A tort claim notice letter that was hand-delivered to County Counsel (and District Attorney) Alex Gardner Oct. 29 says that Marc Kardell was fired after he raised concerns about misuse of county funds and the actions of County Administrator Liane Richardson that were causing "a multitude of problems" within the county.

Kardell, whose cases for the county as part of the Land Management Division (LMD) included representing it against controversial Parvin Butte miner Greg Demers, also filed a complaint on Nov. 14 against the county in Lane County Circuit Court for not responding to a public records request and failure to respond to a request for a personnel record in a timely manner.

Kardell's tort claim notice says that when he raised concerns about the way Richardson and others were conducting county business, "particularly the multiple investigations that lacked legitimate bases and were costing the taxpayers actual dollars as well as lost productivity and loss of county personnel, he was summarily escorted out the door with no notice under the guise of a 'layoff.'"

Richardson spent at least \$24,000 in investigations against progressive commissioners Pete Sorenson and Rob Handy. Her allegations against the commissioners, which included voting against her, talking to the media and in Handy's case, having negative body language and facial expressions, were deemed unfounded by an outside investigator.

The tort claim notice letter from Kardell's attorney Margaret Wilson says that on April 6, 2012, Richardson chastised him for offering to contribute to a gift for the departing county information officer, Amber Fossen. County

emails obtained by *EW* support this allegation. Also around April 6, Kardell emailed the county board chair, per county policy, about an "inappropriate comment" made to him by one of Richardson's staff members.

On April 11, Gardner informed Kardell that the county would be investigating him for reasons including Richardson no longer wanting him "to perform work for her office."

Gardner himself is also implicated in the document. The letter says that at one point Gardner intervened and prevented Kardell from refusing a 5 percent step increase in pay. The letter says Kardell refused the increase because of the county's financial difficulties. The refusal was approved by Human Resources, but Gardner blocked it "opining that Mr. Kardell simply wanted to 'look good' in front of the Board of Commissioners." Kardell then donated what he estimated would be the net pay raise, \$3,100, to the county.

The letter also addresses Kardell's communication to the county board and Gardner in regard to budget issues surrounding the employment of another attorney in the office, Stephen Vorhes. Kardell's email, written from his private account and on a day off work, expressed concern over cuts in LMD and asked the board to wait on a six-month review of the department before changing the status of "valuable members of the office." Vorhes, who in the past had served as acting county counsel, was apparently asked to retire. Attorneys and members of the public wrote the county opposing the cuts.

The public records suit is requesting documentation from the county supporting the reasons for Kardell's lay off. Kardell has been asking for the records since early September, the suit says.

When asked for comment on the case, the county responded, "It's Lane County's long-standing practice not to discuss either litigation that has been filed, potential litigation that may be filed or personnel matters. Any response by county will be as part of legal proceedings or the appropriate personnel hearing or arbitration." — Camilla Mortensen

IS THE LTD BUS WATCHING US?

Smile: You're on camera all over Eugene these days. Do a Google search for "Eugene webcam" and you'll find cameras filming public spaces from the UO to the Owen Rose Garden. A recent revelation that Lane Transit District (LTD) had looked into not just videoing but also audio recording individual conversations on Eugene-area buses has

local defenders of civil liberties concerned.

A Dec. 10 story on *The Daily* that was picked up by Wired.com revealed that LTD had sent out a request for proposals that sought "microphones capable of distilling clear conversations from the background noise of other voices, wind, traffic, windshields wipers and engines." According to the story, LTD requested a minimum of five audio channels spread across each bus, and "each audio channel shall be paired with one or more camera images and recorded synchronously with the video for simultaneous playback."

Andy Vobora, LTD spokesman, says that the story cited a request that was not fulfilled, and the buses still only have two mics, not five — one for the driver and one for the rest of the bus. Vobora says LTD has been video and audio recording for several years and has a sign at the front of the bus announcing that. He says the reason for increasing the mics was in order to monitor if "something going on that violated someone's rights" and cited examples of accusations of racism of sexual harassment that without audio cannot be substantiated.

He says that the "vast majority of bus riders appreciate knowing we have that [recording] capability when something comes up."

Attorney Lauren Regan of the Civil Liberties Defense Center is concerned about the mic request. She says, "It is really unfortunate that people, particularly lower income people who really have no choice but to use public transportation, are basically coerced into giving up their rights to privacy while using that resource."

Regan says those concerned about surveillance are often told, "If you're not doing anything wrong, then you shouldn't care." But she says, "If we don't assert our right to privacy and right to live in a state where the government is not constantly monitoring its people for whatever reason then we lose those rights."

She disputes the idea that "Big Brother" monitoring people when they go out in the public domain makes people safer, calling it Orwellian: "It's not about keeping us safe because nobody is live monitoring that feed." Regan says her guess is that LTD called for the mics because, "This is something they can tell their mega-insurance company they are doing and lower insurance rates."

That's trading the right to privacy for the financial bottom line, she says.

Vobora says that in response to recently voiced concerns, LTD is looking into increasing signage and putting information into bus newsletters, particularly during times such as the beginning of the school year when ridership increases. — Camilla Mortensen

EARLY DEADLINES

Christmas and New Year's Day fall on Tuesday this year, which totally messes with our deadlines for the next two issues. We go to press on Mondays instead of Wednesdays these weeks, though we hit the streets as usual on Thursdays. Please reserve ad space as early as possible for our Dec. 27 and Jan. 3 issues. Questions? Call 484-0519. Thanks and happy holidays from all of us at EW.

"FEED YOUR CRAVINGS!"

BATES
STEAK HOUSE & SALOON
433 EAST BROADWAY

VOTED BEST STEAK

best of eugene 2009-2010

DON'T FEEL LIKE COOKING THIS YEAR? BATES IS OPEN!

CHRISTMAS EVE & DAY
MONDAY, DECEMBER 24 4PM-9PM
TUESDAY, DECEMBER 25 4PM-8PM

COME IN AND CELEBRATE YOUR HOLIDAYS WITH EUGENE'S FINEST STEAKS!

CALL FOR RESERVATIONS

OPEN FOR DINNER 7 DAYS A WEEK • (541)683-3108

EUPHORIA CHOCOLATE COMPANY

Where all gifts are the perfect size and the perfect color

And there are hundreds of choices under \$20.

Get Euphoric this Holiday Season

17th & Willamette (541) 343-9223
Oakway Center (541) 343-0407

Stewart at Bertelsen (541) 344-4605

euphoriachocolate.com