

KAFKA-ESQUE COUNTY CASE

Marc Kardell didn't look like a fight-the-power kind of guy at his "name-clearing hearing" in the Lane County commissioners' offices on Jan. 18; he looked like the proper, grey-haired attorney and public servant he is, or rather, since being fired by Lane County last May, was.

Kardell is poised to file a lawsuit against the county for wrongful termination, retaliation for exercising First Amendment rights for speaking out on matters of public concern and retaliation for whistleblowing, according to a tort claim notice that *EW* obtained and wrote about in December.

"My job was to work for the county, not for the right or the left," Kardell said, pointing to cases that ranged from mining at Parvin Butte to defending the county's controversial redistricting that progressives say benefited conservative County Commission candidates.

The R-G made a public records request in late December for the tort claim notice that triggered the name-clearing hearing, which allowed Kardell to address the issues brought up by the documents before they were released.

Lane County's press release about the name-clearing hearing said it is offered "when potentially stigmatizing information is publicly disclosed" about that former government employee; however, the information released appeared more stigmatizing to the county than to Kardell.

The former attorney took the opportunity to point out his successes as a lawyer for the county, showed budget documents that appeared to indicate his being fired for budget reasons was not substantiated by the budget itself and discussed the morass of difficulties that have arisen in recent years in Lane County government.

Kardell said, "If you've read Kafka's *The Trial*, where

somebody goes around trying to figure out what all's going on here, and you can't figure it out, and that's what it was feeling like to me."

Kardell alleged that his concerns about various secretive investigations that the county was spending thousands of dollars on, his questioning of the decision to end another attorney's employment as well as his attempt to not take a raise when other county employees were being laid off seemed to trigger the ire of County Administrator Liane Richardson. Richardson had asked for harassment investigations against two county commissioners who voted against her hiring. The harassment allegations were found to be unsubstantiated.

Kardell wonders if he himself was investigated. His attorney, Margaret Wilson, recently received 650 pages of material after

ter filing a public records suit, but at the time of the hearing had not had a chance to review them yet. "There were things I didn't know, and I didn't know what I didn't know," Kardell said of the Kafka-esque time at the county offices. — *Camilla Mortensen*

CITY EYES EXPENSIVE, UNRULY PARTIES

Eugene City Council is scheduled to vote Jan. 28 on new penalties for unruly parties, but some Eugeneans say those fines aren't so fine. The proposed social host ordinance would lower the number of attendees required to deem a party "unruly" and make landlords liable for police response costs after the fourth offense.

The ordinance would be enacted after two or more listed offenses (such as noise violations, public urination, menacing) occur at a party with a minimum number of people, and judges could levy fines up to \$1,000. Critics, including UO's student government, say that it could target students, who are often poor, with unfair fines and become the difference between attending school and dropping out. Supporters think

it could diminish the loud party culture around the UO campus.

A November 2012 public hearing drew objecting residents and landlords, and the ordinance was revised with details to be released this week after *EW*'s publication.

Police Commission Analyst Carter Hawley says the ordinance would replace Eugene's current social host ordinance, which has some flaws, including the number of parties that would trigger the ordinance, 25. "By the time a party gets to 25 people, it's already unruly and really hard to manage," she says. The November version of the ordinance listed more than five people as the "unruly gathering" threshold. Hawley says that number will be increased due to concerns from council, and clarifying language about multi-family complexes and community service options in lieu of fines was also added, and they're considering removing littering from the list of offenses that make a party eligible for the ordinance.

Adding landlords to the list of legally responsible people, Hawley says, gives efficacy to an ordinance that often applies to a mobile population of renters. She says that roommates sometimes switch who responds to the police at the door to avoid repeat penalties in one name, avoiding increasing fines. "There was no graduated penalty," she says. "It was easy to get around the intended progressive discipline."

The ordinance doesn't apply to bars and restaurants with OLCC licenses, according to Hawley, but she said that it might be applicable to other gathering places. "It doesn't need to be all things to all people," Hawley says. "It's intended just to get to repeat unruly party throwers and the property owners who let them have them." — *Shannon Finnell*

HOMELESS COUNT COMING JAN. 30

A door-to-door census collects U.S. demographic info, but if you don't have a door you don't count. On Jan. 30 there will be a street count, which means every homeless person found on the streets as well as in shelters will be accounted for. Unsheltered people will be asked to fill out a

WHO KILLED SWEET PEA?

Friends of Michael David Rister, who was better known downtown as Sweet Pea, want to know who the assailants were that they say attacked him. Sweet Pea, a homeless street artist, was often seen outside the Circle K and Pita Pit in Eugene. Friends are working on a memorial celebration for him, and they also say they want justice for him in his death.

Mayo Finch, who knew Sweet Pea for the last six or seven years and saw him almost every day near Finch's downtown home, says that this is not the first time one of his homeless friends has been killed, and he wants the people who attacked Sweet Pea to know that this wasn't just a fight: "I want them to know they killed somebody."

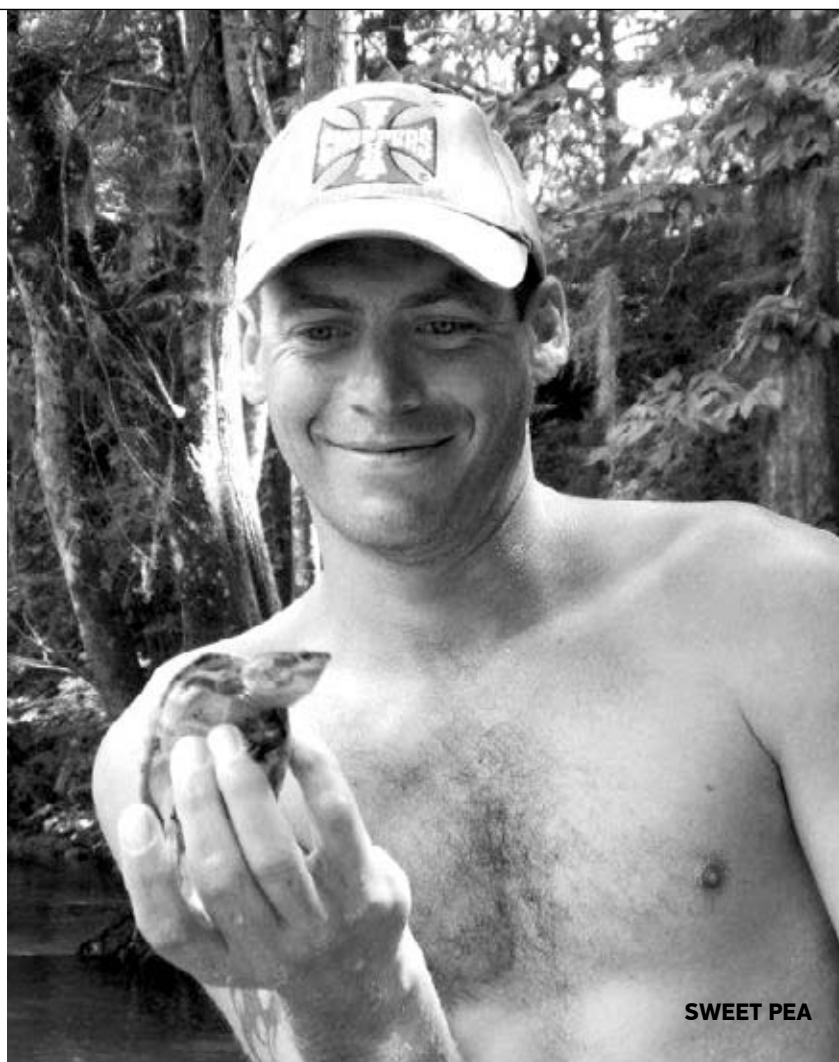
Finch says, "Being brutally assaulted for being homeless is right on the verge of a hate crime."

Finch ran into Sweet Pea not long after the altercation and says he saw his friend looking beat up. Sweet Pea told him he had been jumped by a "bunch of well-dressed kids in their teens and 20s" who tripped him and began kicking him because he was homeless. Finch says Sweet Pea told him the assailants were laughing as they beat him.

Sweet Pea went to the hospital for his injuries

but was released, according to Finch, and then later went back in only to die of a brain hemorrhage. A death notice has not been published as of press time, but Eugene police confirmed his Jan. 4 death and friends on Sweet Pea's Facebook memorial page (wkly.ws/1f3) say his remains have been cremated and his mother has been contacted. Finch believes that Sweet Pea gave a statement to the police about the attack. A Eugene police spokesperson says that Sweet Pea "was witnessed to have fallen during a seizure in which he hit his head, causing head trauma," and adds that according to the medical examiner "head trauma, due to fall, due to seizure episode" was the cause of death.

Sweet Pea has been a part of the Eugene community since the 1990s, his friend Rachel Mitrani says, meeting with fellow Deadheads on 13th Avenue to mourn the death of Jerry Garcia. Newspaper reports might tell of altercations Sweet Pea (listed under his given name of Rister) had with others, but friend Jillette Henson says, "He was very loved among his friends. The kind of person that lights up the room when he enters it. Always full of positive vibes. A good soul." Others remember Sweet Pea's artwork and tell of his signature saying, telling passersby, "Hey, you dropped your smile." — *Camilla Mortensen*



SWEET PEA

PHOTO BY ALLEN DENT