

A promising start comes to troubling end

Gov. Kate Brown's decision to hire Oregon's first public records advocate in January 2018 was a promising step toward addressing deficiencies with how agencies, at both the state and local level, comply with the state's public records law.

It's troubling, though, that the first person to have the job, Ginger McCall, last week announced her resignation, effective Oct. 11. McCall cited "meaningful pressure from the Governor's General Counsel to represent the Governor's Office's interests on the Public Records Advisory Council, even when those interests conflict with the will of the Council and the mandate of the Office of the Public Records Advocate."

McCall said that during a January 2019 meeting with Misha Isaak, the governor's general counsel, Isaak told McCall she should be "less ambitious."

Worse yet, considering the ostensible purpose of McCall's position is to ensure that the public — which is to say, each of us — has access to records to which we are legally entitled, McCall said she felt that Isaak had implied she should not reveal, in particular to journalists, that she was expected to parrot the governor's office script even if it conflicted with her beliefs.

In other words, the state official supposedly committed to transparency says she was told to drape an opaque cloak over crucial aspects of her job.

Brown's communications director, Chris Pair, disputes McCall's claims that she was pressured.

Pair said the Legislature, in creating the Office of the Public Records Advocate, decided that the position would be under the governor's authority.

This might well be part of the problem here.

If McCall's successor is to truly serve as an advocate for the public, rather than a mouthpiece for the government, then he or she needs to be insulated from influence, whether direct or implied, from state officials.

That's because there is

an inherent, and unfortunate, tension between government officials who hold these records, and members of the public, including journalists, who want to have a look at those records as the law prescribes.

McCall cited shortcomings in how the law is applied in November 2018

with her first public report about transparency in Oregon. She noted, among other things, that the fees agencies charge to supply public records are "highly discretionary" and "a perennial source of animosity, confusion, and frustration for public bodies and requesters alike."

McCall also pointed out that the law has "little accountability" for agencies that fail to comply with records requests.

A potential model for Oregon's public records advocate is the position that was once relatively common in America's larger newspapers but today, sadly, is rare — an employee known as either the public editor or the ombudsman.

The basic idea was that the public editor would hold the newspaper accountable for errors but also, and more importantly, to examine, with the eye of a journalist, potential lapses in ethical standards.

This concept was credible, of course, only when the newspaper published the public editor's findings, and opinions, without alteration or influence.

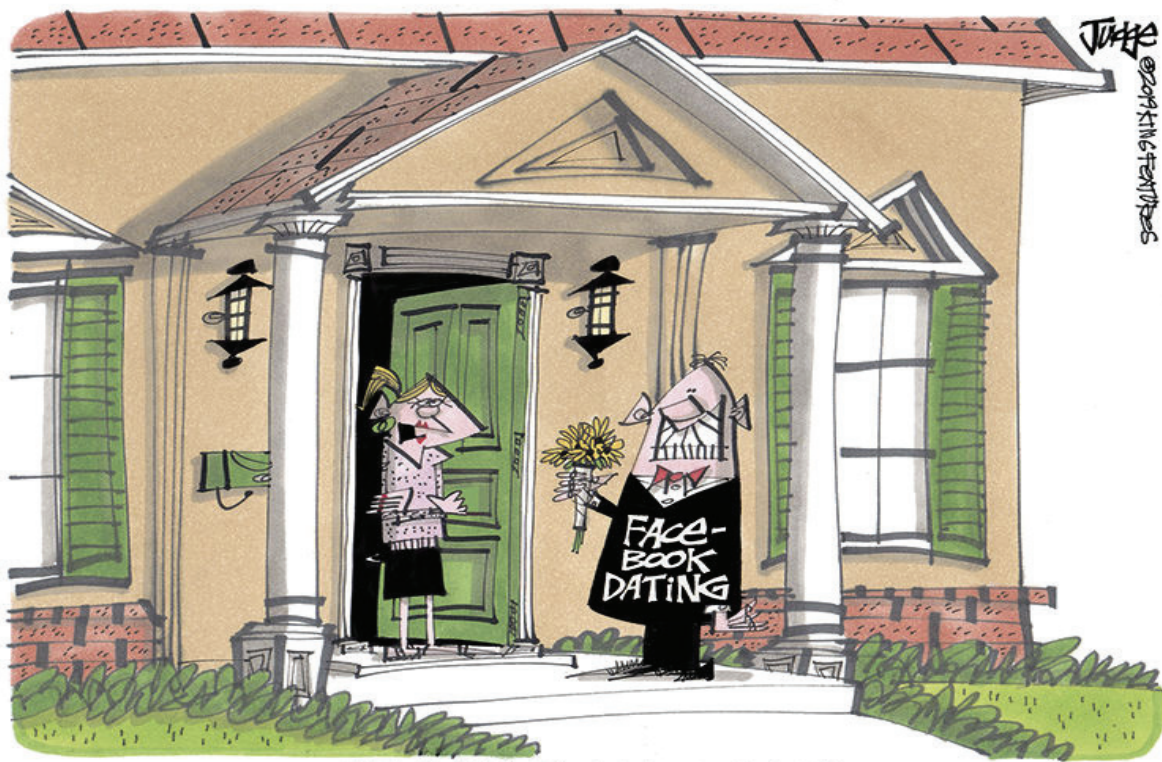
Newspapers are private businesses. They are not subject to the public records law. Yet they seem to value the independence of an ombudsman more than Oregon state officials do.

Gov. Brown said last week that she agrees with McCall that the records advocate "should be truly independent." Brown also said she planned to meet with McCall to discuss ways to "create a truly independent position."

That shouldn't be difficult. The governor should start by making sure her general counsel supports the independence of the public records advocate rather than cajoles that person to defer to the governor's office.



Ginger McCall



"I HAVE TRUST ISSUES."

GUEST COMMENT

Issues with opioid data

By Steve Suo

I edited The Oregonian/OregonLive article on opioids and pharmacies that your publication critiqued on Aug. 23. Our report was based on The Washington Post's national ranking of pharmacies by opioid pills purchased, per county resident, per year. You raised concerns about the analysis, which put Howard's Drugs, in Lake County, and Len's Drug, in Grant County, in the top 0.1 percent of 83,000 pharmacies in the country.

There is a shortcoming to the Post's approach. Dividing every store's pill purchases by its county population dilutes the rates for urban stores, most of which serve only a fraction of their urban markets.

Prompted by your article, we asked the Post about its methodology. Investigative Editor Jeff Leen said that the ideal measure would have been a pharmacy's pill orders per actual opioid customer. That information was not available from the database, so the Post used an imperfect measure that had support from experts. The choice was

made after consultation with mathematicians for the parties suing opioid manufacturers. The Drug Enforcement Administration has used the same methodology to identify pharmacies for scrutiny. Speed and simplicity were also factors in the Post's decision to publish the numbers while it continued to work on a more nuanced ranking system.

Is there a fairer way to compare urban and rural stores? Since publication, we've followed your suggestion to divide each county's population by its number of stores. Howard's and Len's would remain outliers, but not as extreme as in the Post's rankings. They would be in the top 11 percent and 8 percent of stores nationally, but so would dozens of other Oregon stores, and thousands across the country.

Of course, this method has its own issues. Some urban pharmacies presumably have a much bigger market share than others. Many serve commuters from suburban counties as well as local residents.

For another perspective, we examined the Post's rates for stores in counties averaging less than 1.5 pharmacies in business from 2006

to 2012 (Grant County's status today). Out of 435 similarly situated, rural stores nationwide, Howard's rate was higher than 430. Len's was higher than 400, and it's worth noting that one other pharmacy served Grant County throughout this period.

Much to their credit, the two Oregon pharmacy owners gave us lengthy interviews and provided needed context that we included in our article. The Lake County owner noted that his was the lone pharmacy for local residents, and the Grant County owner noted the higher rates of injury in rural jobs.

We very much appreciate the Eagle's reporting on this. We will be publishing an editor's note to highlight the limitations you have identified. In the end, the Post's ranking system identifies outliers, but other methods put urban stores at the very top. Our story lacked important caveats acknowledging the challenges of reaching a meaningful common denominator. Your story is leading us to rectify that in print and online.

Steve Suo is the watchdog and data editor for The Oregonian/OregonLive.

FARMER'S FATE

Remembering those mental notes

Honesty is the best policy, of course, but sometimes those little white lies sneak in:

My water intake *always* exceeds that of Gatorade.

I would *never* eat the whole bowl of popcorn by myself.

Starting the day before the rooster gets out of bed is *exciting*.

I *need* that new pair of shoes.

I *know* I'll find it here again.

But the biggest lie I tell myself is "I don't need to write it down, I'll remember it."

It's not a lie I've used sparingly either. That little lie has seemed to play on repeat throughout my life.

"That is such an easy phone number to remember. I don't need to write it down." Days later, scrambling through the phone book hoping to remember their last name.

Biology class: "That concept is so simple there is nothing to write down at all." Called on in class later to explain the process, I find myself stammering, flipping through empty notebook pages, hoping to remember at least one



Brianna Walker

key word.

Making a mental grocery list also seems like a great idea — until I come home and realize that the sale on milk or eggs had distracted me, and

I'd forgotten the two main ingredients I was going after.

My kids will say or do something really funny, and I momentarily think I should write it in their baby books — but it's so funny that who could forget it? Then that night, trying to repeat the story to my husband, I find I am lucky to even have a general idea of what the incident was about.

Or standing at the parts counter wishing like crazy you would have at least written the filter number in the dust on the side of the pickup.

The worst for me is writing material. Something funny will happen, and immediately I'll think of a great anecdotal story. Sometimes I'll even share it with

my husband, and we'll laugh and brainstorm about where I could go with it. Then days later, I will pull out my laptop and my notebook where I attempt keep my day-to-day notes — and I will discover that I never wrote those thoughts down.

There is little point asking my husband. His long-term memory storage is filled with equipment stats and commodity prices. His short-term memory is basically just to determine if it's worthy of being in long term before being deleted. He probably couldn't recall the color of hat I wore yesterday, but he'll never forget 14 years ago when I threw out the new Fastlane instead of the old one.

Now I will sit in front of an empty screen and empty baby books — wishing I would have taken more time to write down the funny stories, the amusing quips, the hilarious snapshots of our life.

Maybe I should pick up a bottle of ginkgo biloba next time I'm in town — that's supposed to be good for one's memory. I think I'll make a mental note.

LETTERS TO THE EDITOR

Lamenting the loss of Raddue Campground

To the Editor:

Our family has been camping and having family reunions at Raddue Campground on Beech Creek since at least the 1930s.

We were planning on having

a family reunion at Raddue this year with family coming from Montana, Idaho, Washington, Nevada and Oregon.

We couldn't have our reunion at Raddue because the picnic table and outhouse were gone. Our family has elders who need these facilities.

Also, the road into Raddue had a deep rut, making it hard to enter without damaging your vehicle.

I am sorry there is no Raddue anymore. It was the last wishes of three of our family members before their death to camp in Raddue one last time. They loved it that much.

Now there is only a sign that says Road 131. This is a big part of our family history that has been taken away.

Arvilla Harris Fox



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