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Windwave owners under investigation by state ethics commission

Board votes to move forward with 'complex' investigation

By Andrea Di Salvo

Four Morrow County men are now under investigation by the Oregon Government Ethics Commission (OGE) concerning possible conflicts of interest between their business and their involvement in local politics.

During a Dec. 16 executive session, the OGE board voted unanimously to pursue investigations concerning Don Russell, Marv Padberg, Jerry Healy and Gary Neal in what some ethics commissioners referred to as a "complex" case. Because all four men are involved in the case as owners of Windwave Communications, all four waived confidentiality and OGE investigator Susan Myers presented her preliminary review reports in a single session last week.

The ethics commission began a preliminary review to see if official investigation was warranted after receiving a complaint that the individuals had used their political influence for their own financial gain. The four men share ownership of Windwave, a fiber-optic service provider in Morrow County. The complaint arose from the fact that all four men were or are public officials potentially involved in negotiations with Amazon Web Services regarding data centers located in Morrow County.

Because Windwave con-



Gary Neal **Jerry Healy** **Marv Padberg** **Don Russell**

tracts to provide fiber-optic services to several of those data centers, the complaint alleged that they had financial conflicts of interest that they had failed to disclose. Specifically, the complaint alleged that the men had violated ORS 244.040 and ORS 244.120, which deal with prohibited uses of official positions or offices and methods of handling conflicts.

Don Russell of Boardman is a current Morrow County Commissioner, though he will be leaving office next month. He also serves on the Columbia Development Authority (CDA) board and on Columbia River Enterprise Zone (CREZ). CREZ is the body that has negotiated with Amazon over tax reductions for its data centers in Morrow County. Myers said her initial review included a sampling of the Morrow County Board of Commissioners meeting minutes.

"Those minutes indicate that Don Russell participated in a number of discussions relating to Amazon," Myers told the board. She added that in December of 2019 Russell

had paused the meeting in order to call ethics commission staff and that, when the meeting resumed, the minutes indicated he was advised to disclose a potential conflict of interest due to his interest in Windwave.

"He did so at this meeting and at some of the subsequent meetings. However, in a number of meetings before that call, it appears that he participated in matters involving Amazon and did not disclose a conflict of interest," Myers said.

She also said the review had included some CREZ meeting minutes, which indicated Don Russell participated in meetings where the data centers were discussed and may have participated in negotiations with Amazon. She recommended the investigation move forward so they could continue to review minutes of the various entity meetings and determine if Russell did have any undisclosed conflicts or had used his position in violation of ethics rules.

When given a chance to respond, Russell said he didn't believe he had violated

Oregon's ethics rules.

"The reason we are here today is because there has been an ethics complaint filed by someone who has been filing complaints against any and everyone in the area for a couple of years now," he said. "I think that after any investigation you would find that I did, in fact, act in the best interests of the citizens of Morrow County and not in violation of rules. I look forward to the facts and truth coming out."

Marv Padberg is a life-long resident and farmer from Ione. He also serves as a Port of Morrow commissioner and a director for the Inland Development Corporation, a nonprofit organization established by the Port, the county and the Morrow Development Corporation to provide internet services.

Myers said she reviewed a sampling of minutes from Port commission meetings, but that the only minutes available on the Port's website were from Nov. 2021 to Aug. 2022.

"In some of these minutes, it does appear that Marv Padberg disclosed either a potential or an actual conflict of interest and abstained from voting," Myers said. However, she requested further investigation to review minutes prior to Nov. 2021 and to review executive sessions that were held by the Port.

"It appears that a number of these sessions may have related to the negotiations for the Amazon data centers. If so, then Marv Padberg may have been met with potential conflicts of interest in those executive sessions," said Myers. "The disclosure of such conflicts would need to be made in the public session prior to entering the executive session. The minutes of the meetings that we reviewed did not indicate any such disclosures."

"We've always been aware of the possibility of a conflict of interest arising from having a business in the Port area," Padberg replied, "and have done our best to not be involved in Port decisions that our company has any involvement in."

Jerry Healy of Heppner is a Port of Morrow commissioner, as well as a Port representative to the CREZ board. He is also a director for Inland Development. As such, he also faced possible conflicts of interest as a Windwave owner.

"From some of the min-

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Christmas lights



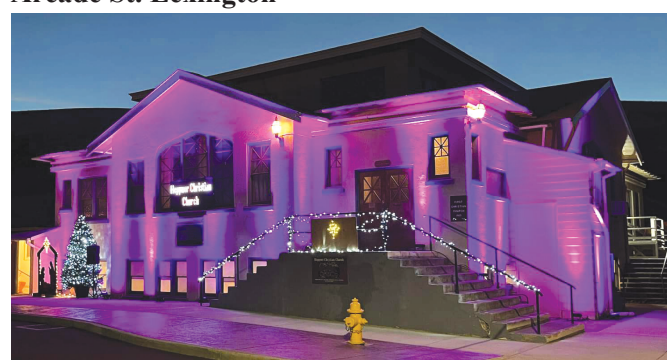
Gilmore St. Heppner



Anderson's light display - Photo by Marcia Anderson



Arcade St. Lexington



Gale St. Heppner



Water St. Heppner



Quaid St. Heppner



Ployhar light display Hermiston - Photo by Bob Ployhar



B St. Lexington



Stansbury St. Heppner



Arcade St. Lexington

Heppner Celebrates Christmas



It was a packed house at the Heppner Celebrate Christmas event last Thursday, Dec. 15, when community members showed up at the Morrow County Fairgrounds to meet Santa, drink hot cocoa and try their luck with the many prize drawings. Corey Sweeney talks Skip Matthews of Heppner into buying tickets at the penny board table. -Photo by Andrea Di Salvo



Christine Bailey (left) and Katie Siri-Murray draw prize winners at the \$50 table last Thursday. -Photo by Andrea Di Salvo



Moir Di Salvo and father Carmelo Di Salvo of Lexington browse the \$20 prize table to see where they want to try their luck with the rewards cards they got from shopping local. -Photo by Andrea Di Salvo

The Heppner Gazette closed Dec. 26

The Heppner Gazette-Times will be closed Monday, Dec. 26, for the Christmas holiday. The deadline for all news and ads for the Dec. 28 edition is Friday, Dec. 23, by 5 p.m.

We wish all of our readers a very merry and safe Christmas.

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