

# District attorney: Recording illegal, not prosecutable

## 'Everyone knew they were being recorded'

By Katherine Lacaze  
Seaside Signal

Clatsop County District Attorney Josh Marquis has received calls from multiple people regarding the recording of Gearhart City Administrator Chad Sweet made of an October conversation between Mayor Dianne Widdop, former City Councilor Joy Sigler and himself.

Marquis said his answer always has been the same: The recording was illegal but his office would not prosecute it because of the specific facts in this case.

Sigler met with Widdop and Sweet in October during the weekly "Coffee With the

Mayor" event at Gearhart City Hall on Wednesdays. Sigler asked to record the conversation, and all parties consented. Sweet then started his own recording on his phone — in plain sight, he said.

"I saw the direction (the conversation) was going, and I became concerned (Sigler) would then have the only recording, because that recording could be shortened or parsed," Sweet said. "In my mind, I thought that would be OK because she had a recording, I have a recording."

## Answer not different

Harold Gable, who is leading a recall effort to oust Widdop, said on his recall petition statement that Widdop attempted to distribute the recording. Widdop has denied



JOSH MARQUIS

those allegations.

In her guest column in the *Seaside Signal* published March 6, Widdop states, "I was informed later that both the city attorney and the Clatsop County District Attorney had determined that the city's recording was perfectly legal and could be distributed to anyone."

Sigler said she was alarmed the paper published Widdop's column "with alleged communication to our district attorney." She said she was told by someone at the district attorney's office that Marquis did not speak directly with Widdop, Sweet or Gearhart City Attorney Peter Watts.

Marquis said he does not believe he's "ever spoken to Ms. Widdop," although he's spoken to people who haven't identified themselves by name but have claimed to be on one side of the recall election or the other and asked about this case in particular. He does believe, however, Sweet was one of several people who called him.

"The answer doesn't get different for different people," he said.

## Oregon law

One-point conversations, such as over a telephone, can be taped without prior authorization of both parties, but it is generally illegal to tape person-to-person conversations without all parties being informed, according to Oregon law. Even law enforcement officers must inform individuals if they are making a recording of their interaction, Marquis said.

That being said, his office has not and would not file charges in this instance because one party was recording with everyone's prior authorization.

"I wouldn't submit that charge, and the reason I wouldn't is because one of the defenses would be, 'Hell, everyone around that

table knew they were being recorded,'" he said.

He would not, however, advise someone to behave in that way because it is not in conformance with the law.

Widdop said that was not the impression she got from Sweet, who "was really concerned because he was the one who did the recording."

"I wasn't at fault with this anyway, because I hadn't done anything," she said.

She agreed she did not talk to Marquis.

Sweet confirmed he talked to the district attorney.

Sweet said he "may have told (Widdop) that there was no problem here," which was what he took away from his conversation with Marquis. His understanding, he said, was that this was not a prosecutable offense.

## Letters to the Editor

### Vote for recall

To the editor,

When the new mayor of Astoria was recently inaugurated, the first thing she did was to congratulate the loser in a bid to bring the city together.

In the last mayoral election for the city of Gearhart, I lost by a mere handful of votes to Mrs. Dianne Widdop. Mrs. Widdop never parroted in such pleasantries and thus set the tone for her regime. In fact, her personal animosity was evident when she stated in a City Council meeting that she disdained a council member because the council member had endorsed me.

Now the city is split, with council members openly rebuking her and the chambers filled with disgruntled citizens.

Mrs. Widdop set off into her administration with an avalanche of ordinances as if she envisioned the city of Gearhart as Dog Patch in a Lil' Abner cartoon. We were inundated with the following ordinances: an abandoned car ordinance, a burning ordinance, a light ordinance, a noise ordinance, a fence ordinance, a Christmas light ordinance, a vacation home ordinance and a proposed RV ordinance.

When I ran against her, none of these items were on the table. Mrs. Widdop did not bring up any of these concerns for debate before the election. She had no mandate.

We were told that the ordinances were necessary because of complaints, yet no information regarding complaints, nor amount of complaints was ever given. How do we know if the complaints came from neighbors, the city or the mayor herself?

A big issue has been the "bam." In actions reminiscent of the monomaniacal Captain Ahab chasing Moby Dick, Mrs. Widdop is obsessed with this issue. There is plenty of fault to go around, however; the mayor's personal clashes and failure to settle this issue indicate her inabilities as a fair and balanced mayor. As Starbuck said, "Ahab's quenchless feud seemed mine."

At present, the city is on a Nantucket sleigh ride, hooked onto Moby Dick's barn with LUBA (state Land Use Board of Appeals) appeals, potential lawsuits, ill will and increasing costs to the city.

Out-of-town vacation homeowners are looked upon as cash cows to be taxed and regulated, yet their voices are dismissed out of hand; another case of Mrs. Widdop alienating people of the city.

Furthermore, perhaps if Mrs. Widdop had put her time and efforts into seeking water rights with the same enthusiasm shown as harpooning Moby Dick, we would be better off, and our home values would have been protected.

Please vote to recall Dianne Widdop.

**Bob Shortman  
Gearhart**

### Big stink needed

To the editor,

Gearhart, or what some out-of-town homeowners call "our little Mayberry." We love our Gearhart community. Our quaint little town and the locally owned family businesses have sustained Gearhart for over a century. Their contributions to our economic growth are what keeps our town alive.

They are the heartbeat of the community, and Gearhart's city government needs to support these businesses. Gearhart's city government needs to ask, "What can we do for you?" and, "How can we support you?" Members of our Gearhart city government should not involve themselves in gossip and innuendos designed to intimidate or control business owners and/or residents.

We love our weekend coffee and pastries from the local bakery, lunch or dinner with friends and family. The convenience of shopping for gifts, groceries, home decor and flowers for our garden, ice cream with the grandkids and haircuts from the local barber, all of which create lasting memories that are important to a healthy community. Keeping Gearhart special is our goal.

Unnecessary, poorly written ordinances undermine the livability of what we all hold dear. We now have a bum ordinance and a fence ordinance, all of which require a permit — but we do not have to pay for said permit. What, exactly, are these ordinances designed to do?

A noise ordinance, complete with the local police using a decibel meter to measure a backyard barbecue party, your children's laughter or your dog's bark. The silencing of Gearhart's residents is an act of bureaucratic vandalism that deeply upsets and offends the vast majority of the Gearhart population.

In 20 years of local government involve-

ment, Dianne Widdop has learned very little about the community she lives in. What we have so far from Dianne Widdop's reign as mayor is to button up the community to fit her agenda. When public servants are acting anti-democratically, a big stink needs to be made.

Make a big stink. Vote yes to recall Mayor Dianne Widdop.

**Jae Young  
Gearhart**

### Inappropriate interference

To the editor,

So, let me get this straight. Gearhart's Mayor Widdop approached a store owner with the "friendly" suggestion that posting political signs in the business district is "not right" (per Widdop in an Oct. 29, 2014 recorded exchange with former counselor Joy Siegler). OK; advice given.

So what was the purpose of the mayor's second and third calls to comply with her counsel? This much energy devoted to the removal of one sign appears to tip beyond the observation of the "friend" to an attempt at coercion by the mayor. Widdop's disapproval of the candidate in question is well known. A suggestion, friendly or otherwise, lodged three times constitutes inappropriate interference with the democratic process.

Absolute power, unchecked, is dangerous. The mayor's long tenure has created a culture of intolerance for dissenting opinions that smacks of totalitarianism.

**Michael Bird  
Gearhart**

### Outstanding mayor

To the editor,

Dianne Widdop is doing a terrific job. I have been involved with the Gearhart Homeowners Association for years. Since she was elected she regularly attends (never misses) our meetings. Usually, at the end of the agenda, she brings us up to date on Gearhart — from elk, to the water works, to beach signing — everything we need to know.

I have been impressed. She is positive, enthusiastic, informative and brief. And, she holds the line.

I know one of the issues involves the old barn. The owners want to have events there. But the old barn is too much of an old barn. It is not up to code.

In my experience, Dianne Widdop has been an outstanding mayor of Gearhart. She wants what we want: Keep Gearhart, Gearhart.

**Gary W. White, past president  
Gearhart Homeowners Association  
Gearhart**

### Just for the record

To the editor,

It is unfortunate that I got involved in a political controversy that should have already abated.

Upon my starting a business in Gearhart, Dianne Widdop introduced herself and offered assistance in my venture. We had lunch, and I found her to be a nice woman and a good source of information.

When I gave permission to Kevin Willett to put up a sign promoting his pursuit for a position on the City Council, I did not envision such turmoil. I was doing so at his bequest. As a recent acquaintance, I found no issue in being friendly and allowed a sign to promote his candidacy in front of my business. If John Duncan had asked me, I would have done the same.

I was not aware of the history between people in the community, or the politics that I had become intertwined with. There is no need to rehash the scenario that ensued. Widdop was obviously disturbed by my gesture and has since apologized to me for her words and actions regarding the matter, and I accepted her apology.

If there are those in Gearhart who find it necessary to want to recall Dianne Widdop as mayor for other reasons than just my scenario, that is another issue. I do not wish to be the example or reference for her misuse of powers.

The circumstances that brought my situation to the forefront should not be one that propagated her forfeiture of being mayor. I would not like anyone to use what transpired between Dianne Widdop and I as an advantage in removing her from office.

**Linda Goldfarb  
Gearhart**

### Innuendo, lies, fear

To the editor,

Those campaigning for the recall of Gearhart Mayor Dianne Widdop have resorted to innuen-

do, lies and fear, mixed in with a lot of sweet talk. Retaliation for signing the petition? Free speech rights being violated? Come on.

I have heard the allegations. They have been answered to my satisfaction by Mayor Widdop ("The Gearhart recall decision," The Daily Astorian, March 3). And yet this little group continues to ignore facts and simply repeat their allegations. They sound like a broken record.

It appears to me that this group studied at the "Sarah Palin school of political activism." Just make up your own facts and couch them in sugary, cute phrases. Mix with a big dose of patriotic rhetoric citing the Constitution, free speech, diversity, honesty and kindness. And there you have it: the campaign to recall Mayor Widdop.

If anyone is being pushy with the recall efforts, it is the group seeking to oust Mayor Widdop. In the space of a 24-hour period, the doorbell rang three times at my full-time Gearhart residence.

The third time a petitioner rang the bell, (it was one of the same women who rang our doorbell earlier), she was somewhat rude and pushy when I pointed out that we had already stated we were not interested in signing the petition. I asked that our name and address be taken off of their list of houses to canvass. I got the "big stink eye" at my request.

One last thought: Who is going to pay for this recall election that will cost around \$7,000? Not Clatsop County. The costs will be passed on to Gearhart taxpayers. Perhaps the recall group could cover that bill. In their vendetta to oust the mayor, they are the ones creating a divisive community. Restore trust? I don't think so.

**Randy Wiltgen  
Gearhart**

### Pettiness needs to stop

To the editor,

This letter is in support of our Gearhart Mayor Dianne Widdop, and I would like to encourage the residents of Gearhart to vote no on recalling Widdop from office.

It should be noted that the Gable group of petitioners have lost their focus as to why they are recalling our mayor. What started out as a simple misunderstanding turned into a gossip fest. Each time the story was told and repeated, it changed and changed, depending on who told the story and who was or was not listening. Listen up people, we're not in high school anymore.

All this pettiness and vindictive action against the mayor needs to stop.

Mayor Widdop has served this community for 20 years as a city councilor, volunteer and as mayor. Her accomplishments overrule any bad publicity and rumor mill this group has caused, not to mention the amount of dollars the city has accrued because of this mess to recall.

In closing, let's not forget who is at the root of all this trouble, and that is Shannon Smith, the barn owner, whom, I might add, has been very quiet during the whole proceeding of recalling Mayor Widdop. I personally would like to see an events center in Gearhart; I think it would benefit all the businesses in town and would be a great accomplishment.

However, the problem is with Shannon Smith. She is wrong, and if she wants to renovate the historic barn into an events center, then it's simple, Shannon Smith needs to follow the laws, be accountable and bring the barn up to code, legally.

**Brier C. Porter  
Gearhart**

### Split apart

To the editor,

Dianne Widdop's detractors have finally garnered enough signatures for a vote to unseat the elected mayor of Gearhart. The chief recall petitioner, and the shadowy figure(s) he represents, have never made their motivations clear, since their rhetoric relies not on fact, but on innuendo. We're not to know, for example, the nature of Dianne Widdop's alleged "retaliation" against the petitioners, or what powers she could possibly use to cause such injury.

Mayor Widdop herself is no stranger to carrying petitions door-to-door in Gearhart. Just a few years back, she used the referendum process to make the City Council reverse its annexation of so-called "gated communities," which had been outlawed in our zoning ordinance. That action was typical of her courageous stands over the past 20 years in support of the Gearhart comprehensive plan and its implementing ordinances.

A generation ago, when we first set our signatures to the comprehensive plan, we understood it to be the city's covenant with the community, and the basis of all its laws, from land use to public safety. More than a vague statement of "collective standards and values," it's a very specific document, reaffirmed by the people's representatives over the past four decades, that defines the semi-rural,

low-density residential character of Gearhart.

The plan lists specific goals and guidelines for the preservation of Gearhart's unique environment and quality of life, and restricts commercial activity to the needs of the resident population. Widdop's allegiance to that plan has been the hallmark of her political career. This is, and must be, the basis of our trust in her leadership: We know she will support the comprehensive plan, no matter how loudly or (in the present case) abusively the special interests may protest.

Gearhart must not be forced to abandon that trust. We must not allow the community to be poisoned and bullied by a mini-faction's unfounded rumors and allegations. We urge all citizens, and especially those who were hoodwinked into signing the recall petition, to vote no on the recall.

As for that mini-faction's spokesman on the City Council, we trust that, when the dust has settled, he will remember the voices of his better angels who had urged him to resign from the council ("Jesse asks Gearhart mayor to bow out," The Daily Astorian, Jan. 8). He chose instead to ask for Widdop's resignation, ironically alleging that it was Mayor Widdop, and not in fact his own partisans, who were "splitting the community apart" — and are now burdening the city with the nearly \$6,000 cost of a recall election.

**Bill Berg  
Kent Smith  
Gearhart**

### No on recall

To the editor:

The scenario being played to recall Gearhart Mayor Dianne Widdop and the hilarious cast of characters who are staging it prompts me to recall the popular TV show "Seinfeld."

A clever comedy with a consistent theme; each episode was about NOTHING.

This local sitcom amounts to nothing more than some spiteful puffing about NOTHING. Vote "no" on the recall.

**Dorothy Well  
Gearhart**

### Need new mayor

To the editor,

I have been coming to Gearhart with my family to visit my stepmother, Eleanore Latourette, since the early 1970s. We've had our own home in Little Beach since the mid-1980s, so I feel I have inherited the long-standing Gearhart mindset that I love: Unwind and enjoy the quiet lifestyle of the beach.

After attending Gearhart City Council meetings for the past year, I have pieced together the bigger picture. In summary, this wonderful lifestyle is being taken away under the administration of Mayor Dianne Widdop. We really need a new mayor.

In 20 years of city government, the last two as mayor, Mayor Widdop has learned very little about City Council and how it functions. She has no understanding of, or the importance of, following Robert's Rules of Order, making many in the audience wonder: "Was that done correctly?"; "Is this going to be legal?"; "What are they doing up there?" Gearhart's city attorney offers little, if any, guidance to help sort out the chaos.

There is a repeated voting pattern consisting of the same individuals in a 3-2 decision each time. It's as if the decisions were made ahead of time, in what's called in the corporate world a "daisy chain." All perfectly legal, but it doesn't pass the smell test. It has become clear that we have a major blockade in service to the citizens of Gearhart. Residents' comments are not respected as valuable during City Council meetings, or at coffee with the mayor.

Mayor Widdop has her own hidden agenda: New, and/or pending ordinances; burning permits for residential fire pits, short term rentals, mandatory garbage, a new pending recreational vehicle parking ordinance. All unnecessary. All of these are a "solution" where there is no problem.

The "Restore Trust" movement to recall Mayor Widdop has been based on full facts and integrity supported by Oregon's Secretary of State. These values are not going away in the last few days of this recall election, and need to be re-established with the election of a new mayor in Gearhart.

You can read more at RestoreTrustGearhart.com. We spoke to residents for three full months. Most want a successful recall — we're called the "silent majority."

Please join all of us and vote yes to recall Mayor Dianne Widdop.

**Harold T. Gable,  
Gearhart**