



STATE OF OREGON
Legislative Counsel Committee

December 5, 2018

To: Senator Brian J. Boquist
From: Dexter A. Johnson, Legislative Counsel
Subject: Memo of concern

On November 15, 2018, you were filmed by Capitol security video cameras placing papers under the doors of the offices of several members of the Legislative Assembly. The attached documents were found under the doors of member offices by members and staff in at least seven offices. In the security camera images, one can discern that the top page of the documents being held by you matches a page of the documents delivered to the offices. The documents are anonymous and are similar in content to another set of anonymous documents that were both physically delivered to [redacted] Capitol office and mailed to her home address -- an address she has taken steps to shield from being publicly known.

The documents relate to [redacted] and include statements attributed to him or actions taken by [redacted] during the early 1970s, more than 40 years ago. Whether one agrees or disagrees with those statements or actions is immaterial. What is significant is the manner in which these documents were delivered to their recipients. Under Legislative Branch Personnel Rule (LBPR) 27 "harassment" includes workplace harassment. "Workplace harassment" is defined, in relevant part, as unwelcome conduct that, to a reasonable person, creates an intimidating, hostile or offensive work environment. Workplace harassment also includes unwelcome conduct that occurs outside of work or during nonworking hours if the conduct creates a work environment that a reasonable employee would find intimidating, hostile or offensive. Workplace harassment also includes retaliation against any person who participates in a complaint process under Rule 27. Finally, unwelcome conduct means conduct that an individual does not incite or solicit that the individual regards as undesirable or offensive.¹

Some affected members and staff who received the documents found the anonymous quality of the communications, coupled with the demonstrated insider access needed to complete delivery of the documents, to be very intimidating and hostile. Some also found the delivery of the documents to be an act of retaliation. Rule 27 treats both intimidating and hostile behavior and retaliatory behavior to be workplace harassment. Therefore, I urge you to carefully examine action you are contemplating from the perspective of whether another would find it to be workplace harassment. As you know, only the Senate may discipline a Senator, and that action can occur only following an individual making a formal complaint. A formal complaint has not been filed at this time, so this memo is purely advisory, but I strongly urge you

¹ See LBPR 27 (2).

From the Desk of
Senator Brian Boquist

to be mindful your actions and the appearance of your actions so that concerns about workplace harassment are not raised again.

Finally, please note that _____ was duly elected by his district and will be a colleague of yours once the 2019 organizational session convenes and the oath of office is administered. _____ must, therefore, be afforded the respect and decorum owed any Senator.

encl.

Sen Boquist

From: Sen Boquist
Sent: Sunday, December 9, 2018 10:04 AM
To: Andrew Selsky; Andy Giegerich ; Claire Withycombe; Connor Radnovich; Dick Hughes; Dirk VanderHart; Erik Lukens; Gary Warner (The Bulletin); Hillar Borrud (The Oregonian); Jeff Mapes (OPB); KOIN; KPTV (Jeff Robertson); Laura Gunderson; Lauren Dake (OPB); Nick Budnick; Nigel Jaquiss; Paris Achen; Rod Stevens (rstevens@kgw.com); Steve Benham; Tracy Loew
Subject: Media Advisory – Public Records Request Deletions

Media Advisory – Public Records Request Deletions

Office of Brian J. Boquist
Oregon State Senate
S-311, Oregon State Capitol

Capitol Reporters:

You should all be aware my office has been systematically requesting public records on the BOLI Case issue, related legal cases, pay equity, and other actual public records requests previously submitted to validate their existence.

You and your organizations routinely request public records. My experience this week resulted in a very interesting discovery. I have refiled multiple records requests to correct my errors in not asking for emails or documents that might have been **'deleted'** just prior to the request being processed.

This Media Advisory is intended to help you, and others, ensure public records that are requested are actually received, and you are told of any records **'deleted'** in the past thirty days. The deletions in theory could have happened even seconds before a request is processed, hence, the following recommendation:

Always request copies of any 'deleted' emails or documents that might exist pertaining to the request. Must be stated in the request.

Always ask for the list of 'deleted' items that might be logged electronically in the Legislative computer systems. Must be stated in the request.

This should result in some documents or emails not normally provided to be captured, and provided to the requestor. Regardless, there should normally be a computerized list of deletions even if the email or document is gone permanently. We were told while some documents may be permanently gone regardless, there should at least be a list of **'deleted'** items going back thirty (30) days.

After thirteen (13) years in the Legislature, being told of rolling automatic backups, and records retention systems and policies, my understanding was corrected by legislative staff earlier this week. The system my office thought existed to ensure retention under the law does not exist. Mistaken, or possibly intentional, deletion of records resulting in a 'no records' response can be improved by asking the above specific questions in writing.

From the Desk of
Senator Brian Boquist

Sen Boquist

From: Sen Boquist
Sent: Tuesday, December 11, 2018 8:26 AM
To: TROUT Steve * SOS; BERSIN Ron A * OGEC; SLAUSON Michael
Cc: ELZINGA Stephen * SOS
Subject: Filing of Formal Complaints

Follow Up Flag: Follow up
Flag Status: Flagged

Steve Trout
Elections Division
Oregon Secretary of State

Ron Bersin
Oregon Government Ethics Commission

Michael Slauson
Criminal Division
Oregon Department of Justice

Gentlemen:

Over the past six months, we have received a variety of collaborating complaints from multiple individuals and organizations in regard to civil and criminal allegations regarding the Office of the President of the Oregon State Senate. They involve elections, ethics and criminal allegations from which some do or did not appear to be collaborated. Let me stress, the word is allegations as we all presume innocence while supporting due process. Some are pretty unbelievable to me personally but they were leveled.

We have tried to acquire from the sources and public records requests any indication these allegations possess any merit what-so-ever. The results have been surprising. The outside sources, with legal counsel, have been quite cooperative since they made the allegations public. Unfortunately, every effort at acquiring the public records has been less forthcoming from the Senate side of the Legislature. In fact, the request process has turned up some very alarming issues. Someone in 'leadership' has tried every conservable measure to block the release of the public documents, or as alleged by some professional staff, delete the requested documents. Again, the allegations are both civil and criminal both under state and federal laws.

A formal complaint on election issues will be forthcoming to the Secretary of State. A formal complaint under the jurisdiction of the Oregon Government Ethics Commission will be forthcoming. The allegations of unproven criminal misconduct will be provided to the appropriate federal authorities. All this will be done once we have exhausted the formal public records request process including appeal to the Attorney General for said records.

The intent of this email is simply to document a formal complaint is forthcoming.

Sincerely,

Brian J. Boquist
Oregon State Senator

Sen Boquist

From: Hampton, Travis L <thampto@osp.oregon.gov>
Sent: Wednesday, November 28, 2018 3:30 PM
To: Sen Boquist
Cc: INGRAHAM Stephanie
Subject: RE: Public Records Request - OSP Capitol Video

Follow Up Flag: Follow up
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Good afternoon, Senator

OSP is in receipt of your record request and as you reference in your request, this matter is appropriate for my response and I have advised our Records manager I would be personally responding. OSP does not have the records (video) you requested, but I'd also like to be responsive to your inquiry as a sitting Senator, to clearly communicate in writing the actions taken by OSP.

The OSP Capitol Office received a report of an unknown individual distributing documents within the private Senate offices. The on-duty OSP troopers viewed capitol video and viewed the referenced document, which you have attached in this email, to determine if criminal conduct existed. The troopers and OSP command staff immediately determined there was no criminal conduct involved, which was communicated to the reporting party- without elaborating on the video content, person or persons depicted. As no criminal conduct was noted, OSP excused ourselves from further review of the matter.

To my knowledge, OSP does not have and has never possessed a copy of the referenced video. Additionally, to my knowledge, no OSP employee has supplied a copy of the referenced video or allowed other individuals to view the referenced video. Lieutenant Ingraham, included on this note, has certified this information as accurate.

OSP is also in receipt of your second request, asking for a list of troopers who have accessed S-311. I am not in possession of this information, as the information is maintained by Capitol Facilities staff. I can make this request from my agency, but it may be more appropriate for this request to come from you- so OSP does not learn sensitive information relating to Senate business. We of course will investigate if any troopers have accessed your private office and serve to respond to any concerns if unauthorized personnel have accessed S-311.

As always, I'd be happy to meet in person and discuss any matters. I hope this response in to your question serves as the written documentation you were requesting.

Travis

From the Desk of
Senator Brian Boquist



Travis Hampton
Superintendent
Oregon State Police
3565 Trelstad Ave. S.E.
Salem, Oregon 97317
Email: Travis.Hampton@state.or.us
Phone: (503) 934-0234

From: Sen Boquist [mailto:Sen.BrianBoquist@oregonlegislature.gov]
Sent: Tuesday, November 27, 2018 1:45 PM
To: HAMPTON Travis
Cc: INGRAHAM Stephanie
Subject: Public Records Request - OSP Capitol Video

Superintendent Hampton:

Attached is a public records request from my official capacity as an Oregon State Senator. It has not been forwarded to the Central Records Section as I know full well they do not have the requested information or records. Further, given the names and the requestee, it will end up at your office regardless. Likewise, I am doubtful the requested information or records even exist based on my experience and knowledge of the professionalism of the Oregon State Police.

Attached is another document that is now an official public record. It originated during the campaign seasons circulating around political circles and the media. Actually do not know the author of the document. I know for a fact it was provided to almost, if not all, State Senators, at least once if not several items. As I myself got it several times. And I provided it to State Senators as a reminder too. The document simply contains biographical data, online data, and quotes of a candidate who is now a Senator Elect. In terms of a law enforcement organization, if it were not for this request, it would be of zero interest to the OSP or an other LEA. However, it is alleged for political purposes, that an elected State Senator, and his Chief of Staff, either themselves, or using legislative staff, requested the security video be reviewed in the State Capitol to determine who hand delivered the document to legislators.

Just for clarity, it is a violation of state civil law to use public employees or resources for political purposes. There is an exception for an 'elected' but obviously an 'elected' cannot get a security video intended for law enforcement without assistance. Then, to clarify, it is a potential federal criminal offense under the U.S. Code.

On November 15, 2018, sometime between 0730 to 0930, I had delivered the attached document to some Senator's Offices on the 2nd, 3rd and 4th Floor of the Senate Wing of the Oregon State Capitol. I am fully aware of the video system in the State Capitol as you know full well. Ironically, State Senator Peter Courtney who did not get a copy was so interested in the document he allegedly had public employees search the security video to find who delivered it, then he, and/or, Betsy Imholt his Chief of Staff, later tried to use it with another State Senator as political leverage. This was relayed to me by two of three individuals knowledgeable of the events. Those individuals assumed since it was security video that it came from the Oregon State Police in the State Capitol. However, unlike them, I know that Legislative Administration has a link in the system that again is designed for security purposes for law enforcement.

Hence my public records request, purely related to the OSP Capitol Unit, is did Peter Courtney, Betsy Imholt, or another public employee request the OSP Capitol unit review the security videos for the above time frame and events, and did the OSP provide such videos to them? While I do not believe this is the case, none-the-less, I am obliged to ask the question.

It is my belief, that certain individuals named above, directed legislative staff, to execute the above events using Legislative Administration, for purely political purposes. The above know full well it is a violation of Oregon civil law but any ramifications would be minor at best if caught. However, do not think they know it is a criminal violation of federal law. Over the past several months, several entities and others, have made allegations of civil law violations in the

Senate side of the State Capitol. Some might even be criminal in nature under state law but all are criminal under federal law if true. After discussions with multiple State Senators, I filed public records request regarding some of these events but it was not fulfilled. I was told most the records did not exist. Oddly, not only do we possess some documents that do not exist, I had knowledgeable staff come to me claiming while the 'official line' is the documents do not exist, they know they do exist. All of this is not about a bunch of meaningless documents but a lot of money for personal gain and protection of that money.

Please be reminded, the Legislature is defending itself against four lawsuits right now all brought by 'employees' of the legislature against the legislature. The Legislature is under court order to produce documents to investigators. All the lawsuits, and investigations, really revolve around one State Senator and three senior staff members that work for him directly. Certainly an oddity.

Upon receipt of this public records request, and receipt of other documents and information, we will be requesting a federal criminal investigation. And the feds will not be surprised.

Sorry for the inconvenience.

Respectfully,

Brian J. Boquist
Oregon State Senator

Sen Boquist

From: Ingraham, Stephanie A <singrah@osp.oregon.gov>
Sent: Monday, December 10, 2018 8:51 AM
To: Hampton, Travis L; Sen Boquist
Cc: INGRAHAM Stephanie
Subject: RE: Public Records Request - OSP Capitol Video

Follow Up Flag: Follow up
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Good morning Senator,

The superintendent is correct. The document was provided to me by the reporting party and the Troopers received a copy when following up at a members office. The video was viewed on LAC equipment. The video was accessed on a computer located in the computer room in the basement. We had access to the computer for training and viewing purposes as the camera switch over had not occurred in the OSP Capitol office yet. This was reported on November 16, 2018.

Hopefully this answers your questions. Let me know if I can be of any further assistance.

Stephanie

From: Hampton, Travis L <thampto@osp.oregon.gov>
Sent: Sunday, December 9, 2018 8:59 AM
To: Sen Boquist <Sen.BrianBoquist@oregonlegislature.gov>
Cc: INGRAHAM Stephanie <stephanie.ingraham@state.or.us>
Subject: Re: Public Records Request - OSP Capitol Video

Good morning Senator Boquist.

My understanding the document was provided by the reporting party and our staff viewed the referenced video via LAC equipment and facilities.

Lieutenant Ingraham- You have license to correct me if I don't have this correct, please respond to this email for a written record if accurate or provide correction. Also, please provide the date the report was made to your office.

Thank you. Travis

Sent from my Verizon, Samsung Galaxy smartphone