

The public records problem stuck on repeat

When public records are on a government official's personal device, it's a problem. It's a problem of access. It's a problem of appearance. It's a problem Oregonians and the officials don't need.

Rep. Val Hoyle, D-Ore., was caught in the middle of such a public records thicket.

Before she became a member of Congress, she was Oregon's labor commissioner. It's an elected position and that person is in charge of the state's Bureau of Labor and Industries.

While she was commissioner, any records of government business — even if they were text messages to a personal cell phone — are public records.

The Bureau of Labor and Industries requested Hoyle turn over her text messages with state business in the early months of 2023 shortly before she left office as commissioner and then again shortly after she left.

The bureau believed she did state business on her personal phone. And, indeed, Willamette Week's reporting showed she did. The most intriguing was perhaps work on a \$550,000 grant for a nonprofit that was one of her top campaign donors.

That donor was CEO Rosa Cazares. It was related to the same cannabis company whose relationship with former Oregon Secretary of State Shemia Fagan led to Fagan's resignation and a criminal investigation by

the federal government.

Hoyle maintained she did not initially see the emails that the bureau sent her making the records request. Fair enough. When she did respond, instead of just turning over her phones so the bureau could extract the records, she hired an attorney to go through the records and decide which ones to turn over to the bureau. The records were turned over last week, The Oregonian reported.

Did Hoyle's attorney get them all? That is a key question. And we don't know the answer.

We do know that when we have made public records requests for text messages from public officials there have sometimes been texts missing. We know because we found the text exchanges in records of other public officials. Of course, it may have just been an oversight. But when there is possible wrongdoing involved, is the public supposed to trust public officials to turn over incriminating information?

Government officials should not use personal devices or personal accounts when doing government business. Unless that becomes mandatory, this problem is stuck on repeat.

Update needed on federal guidance for banks for marijuana businesses

Oregon Sens. Jeff Merkley and Ron Wyden and Oregon Rep. Earl Blumenauer, all Democrats, signed on to a letter asking the federal government to change its rules to allow more marijuana businesses to get access to bank services.

The federal Financial Crimes Enforcement Network issued a guidance for banks. Banks are supposed to review public records to reveal information, such as a criminal record of an applicant, before offering loans to marijuana-related industries. A "red flag" like illegal

purchase or possession of marijuana could then be a reason for a bank to not offer any services or a loan.

That guidance, though, was issued in 2014 before many states legalized marijuana. So the federal government has baked in a penalty that could hurt legitimate businesses for things that are not a crime now.

If the agency won't change this on its own, Congress should require it to change.

The Oregon Capital Chronicle has a more expansive article about this topic here: tinyurl.com/ORpotletter.



Measure 110: How to fix the failures

BY MICHAEL SIPE

The Bulletin and many other news outlets across the state and nation have detailed the many tragic failings of Measure 110, which decriminalized the possession of hard drugs. I won't recount them here. By now, every semiconscious Oregonian knows that Measure 110 is an abject failure. However, not everyone is willing to do what it takes to correct the devastating impacts of this poorly conceived and abysmally executed measure.

Our past and present governors have not taken material action. The state Legislature failed to meaningfully address the failings of 110 in the 2023 session. In a recent panel discussion of Central Oregon leaders decrying the adverse consequences of Measure 110, I asked Democratic state Rep. Emerson Levy this question, "Since you and every other legislator have known for a couple years that Measure 110 was a disaster, why didn't you take decisive action this year to address it?" Her answer: "We didn't have the will or the votes to do so."

The "we" who did not have the will and the votes are the Democrat majority that dominate Oregon State politics. Republicans have always opposed 110. Republicans have always had the will to address the problems. Democrat legislators cared about many things far less critical than 110, but they didn't care enough about the people suffering from the consequences of 110 to fix it. Otherwise, they would have done so.

Their arguments against fixing it?

GUEST COLUMN

"Give it more time." "It's the will of the people." And, oh yes, under the surface is the money and political support for 110 from the special interests who profit from the burgeoning addiction, mental health, and homeless political bureaucracies, which now are Oregon's fastest-growing, taxpayer-funded industries.



Sipe

The failures of 110 are clear. The more time we give it, the worse things get. It is definitely *not* the "will of the people" to see family, friends and fellow Oregonians frying their brains, suffering and dying addicted, sick and homeless on the streets and in the forests of our state. If we have the will, we can fix this. Here's where to start.

1. Democratic "Won't" must become Democratic Will. Unless Democratic leaders decide to fix 110, it won't happen. Responsibility for the failures and for solving the problems rests with the people in charge. A special session should be called immediately.

2. A Drug Free Oregon. The Legislature must fund and empower the law enforcement and judicial system to make Oregon a seriously unsafe place for drug dealers. The probabilities of arrest, prosecution and severe penalties must increase so dramatically that the flow of drugs into our state slows

from a torrent to a trickle. Partial funding should come from the Measure 110 diversion of marijuana taxes. Our goal should be to keep people off drugs. Thus, reducing supply is as important as a well-designed and properly-funded treatment system.

3. Repeal Decriminalization. Possession and public use of hard drugs must again become a crime. Treatment or jail should be the choice given to those arrested for possession and use. We must immediately re-impose consequences for hard drug use. There are proven pathways to doing this firmly, but compassionately, such as community-based diversion approaches like the Law Enforcement Assisted Diversion (LEAD) program. For information on the LEAD model, visit leadbureau.org.

4. Put Treatment under Local Control. Clearly there is an unmet need for detox, rehabilitation and treatment. Funding provided for this should continue, but controlling the administration of the funding at the state level by the Oregon Health Authority has been (no surprise) a bureaucratic disaster. Rather than state control, funds should simply flow to the counties to administer more efficiently and effectively according to local requirements.

Addiction and mental illness are devastating and complex problems. Measure 110 makes them incredibly more devastating and complex. It's time for the Legislature to fix it.

■ Michael Sipe is a local business consultant and ran against Levy as the Republican candidate for House District 53.

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