

From: Joseph Rice <joseph@lucas-rice.com>
Sent: Wednesday, April 07, 2021 8:06 PM
To: Bill Meyer
Subject: Fwd: Email dated 02 April 2021

FYI

Best regards,

Joseph Rice
+01 (541) 326-1911

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Begin forwarded message:

From: Joseph Rice <joseph@lucas-rice.com>
Subject: Re: Email dated 02 April 2021
Date: April 7, 2021 at 00:07:34 PDT
To: Wally Hicks <WHicks@josephinecounty.gov>
Cc: Public Health <publichealth@josephinecounty.gov>, Board of Commissioners <BCC@josephinecounty.gov>

Wally,

I am confident it was not you, because according to today's Daily Courier, Mr Weber, Director of Josephine County Public Health Department provided the email I asserted as privilege communication to the Daily Courier.

I read with sadness the personnel attack directed towards me by Mr. Weber and Commissioner Fowler on the front page of the Daily Courier. One would think they would keep their mouth shut until they had all of the facts, especially after I directly requested a meeting with you and Mr. Weber to discuss what I had been presented.

So let's get to the time line of events:

- I was presented with information, in written format, outlining the allegations in my email to Mr. Weber on 02 April 2021. The information I received is date time stamped 31 March 2021 @ 1428.

- I sent the first email to Mr. Weber outlining the allegations on 02 April 2021 @ 1353.
- Mr Webber replied to my email 02 April 2021 @ 1633.
- I replied to Mr. Weber's email 02 April 2021 @ 1708. In this email response I clearly state ***"I am willing to meet, without delay, with you and county legal counsel. The report I received falls under whistle blower protection."***
- I received an email from Mr. Scofield 02 April 2021 @ 1748.
- I replied to Mr. Scofield's email 02 April @ 1845.
- I sent a email to you on 05 April 2021 @ 1816 asserting a violation of privilege communication.
- I received your response to my email 06 April 2021 @ 1139. This is the first communication I have received from any Josephine County Official since 02 April 2021.

Given the above timeline of events, the fact I requested to meet directly with you and Mr. Weber to discuss the "evidence" I had, it is shocking Mr. Weber chose to violate the privilege asserted in the email and make it public. Additionally, Commissioner Fowler has never attempted to contact me about the information in any manner, verbal, written or email. Yet he has also chosen to jump on the band wagon with Mr. Weber.

To be very clear, ALL Commissioners were cc on my request to meet ***"without delay"*** on 02 April 2021 to discuss what I had received. The individual who generated the information is an employee of Josephine County and is **ENTITLED TO WHISTLE BLOWER PROTECTION**. As Mr. Weber seems unable to exercise control and is will to make this a public event through his use of the Daily Courier, his actions, along with Commissioner Fowler have placed this employee in jeopardy.

As I requested on 02 April 2021, I am willing to meet without delay. Given the nature of events, I must have written assurance, should the employees identify be discovered, your office will assert Whistle Blower Protection for them. We have had enough dealings with each other, you know when I bring something forward, I have the facts to back it up. As there will now be questions on why I have not presented my "evidence" to either Mr. Weber or Mr. Scofield when requested, I will produce the original email of 02 April 2021 @ 1708 as evidence I directly made a request to meet to Mr. Weber and yourself. Unfortunately this door has been opened by Mr. Weber and as I originally said, I will "assign ownership" to his premature actions.

I am available to meet anytime after 1100 tomorrow.

Best regards,

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On Apr 6, 2021, at 11:39, Wally Hicks <WHicks@josephinecounty.gov> wrote:

Joseph,

All I know is: it wasn't me. It looks like your original email led to a back-and-forth volley that culminated in an email from you on 4/2 @ 6:46pm.

The AG's manual (see attached excerpts) describes the criteria for the confidential communications exemption. Note there are five conditions, including that the public body must show it has obliged itself in good faith not to disclose the information. Thus, it is important to confirm the confidential nature of communications in advance.

If you want to provide the report that pertains to the underlying concern of employee misconduct, just give me a time and I will make sure to be here.

Wally

From: Joseph Rice <joseph@lucas-rice.com>
Sent: Monday, April 5, 2021 6:16 PM
To: Wally Hicks <WHicks@josephinecounty.gov>
Cc: Public Health <publichealth@josephinecounty.gov>; Board of Commissioners <BCC@josephinecounty.gov>
Subject: Email dated 02 April 2021

EXTERNAL EMAIL: Please verify links by hovering over them!

Good morning Mr. Hicks,

On 02 April 2021 @ 13:53 I sent directly to Michael Weber, Director Josephine County Health Department an email you were cc on as was the Board of County Commissioners. I asserted privileged and confidential communications when this email was sent per the very same Warning Notice on this email.

Today I received a text @ 15:22 from Shaun Hall of the Grants Pass Daily Courier requesting more information on my "letter" to Mr. Weber.

As this was declared privilege communication, the same recipients of the email are on this one, someone provided the Daily Courier this protected communication. I am requesting a formal investigation as to who did this in violation of the assertion of privilege. No FOIA request was submitted, so the entire FOIA process was circumnavigated. I challenged Mr. Hall who gave him my "letter" and he refused to disclose it. Trust in government only comes when people act ethically and with integrity. In the handling of this email, it is clear that did not occur.

Your prompt response is appreciated.

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<AG 1.PNG><AG 2.PNG>

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Begin forwarded message:

From: Wally Hicks <WHicks@josephinecounty.gov>
Subject: RE: Email dated 02 April 2021
Date: April 6, 2021 at 11:39:57 PDT
To: Joseph Rice <joseph@lucas-rice.com>
Cc: Public Health <publichealth@josephinecounty.gov>, Board of Commissioners <BCC@josephinecounty.gov>

Joseph,

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(4) Confidential Submissions

(a) Generally

ORS 192.355(4) exempts:

Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

The purpose of this exemption is to encourage voluntary submission of relevant information to public bodies, with some reasonable assurance that the information will be kept confidential. Just like the exemption protecting against unreasonable invasion of an individual's privacy, this exemption is designed to protect the person submitting the information, not the public body. It clearly does not apply if the public body requests that information be submitted in confidence merely to avoid embarrassment to itself. And in determining whether this exemption applies, the public body must act "on an 'individualized, case-by-case basis.'"^[463]

There are no less than five conditions that must be met for the exemption to apply:

- The informant must have submitted the information on the condition that it would be kept confidential.
- The informant must not have been required by law to provide the information.
- The information itself must be of a nature that reasonably should be kept confidential.
- The public body must show that it has obliged itself in good faith not to disclose the information.
- Disclosure of the information must cause harm to the public interest.^[464]

The fourth condition is whether the public body obliged itself in good faith not to disclose the information. An informant's request for confidentiality is not sufficient to satisfy this condition. For example, we determined that a private attorney's settlement offer that was marked "confidential" was not exempt because there was no indication that the public body had obliged itself to confidentiality or even discussed confidentiality with the attorney.^[472] But the public body need not have given a written commitment as long as there was a clear statement or understanding that the public body would not disclose the information.^[473] An explicit statement that the public body will not disclose the information unless required by law is sufficient, as long as the public body acts in good faith in making the promise.

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Begin forwarded message:

From: Joseph Rice <joseph@lucas-rice.com>
Subject: Email dated 02 April 2021
Date: April 5, 2021 at 18:16:16 PDT
To: Wally Hicks <whicks@co.josephine.or.us>
Cc: publichealth@co.josephine.or.us, Board of Commissioners <bcc@co.josephine.or.us>

Good morning Mr. Hicks,

On 02 April 2021 @ 13:53 I sent directly to Michael Weber, Director Josephine County Health Department an email you were cc on as was the Board of County Commissioners. I asserted privileged and confidential communications when this email was sent per the very same Warning Notice on this email.

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From: Joseph Rice <joseph@lucas-rice.com>
Sent: Wednesday, April 07, 2021 8:07 PM
To: Bill Meyer
Subject: Fwd: OSHA

FYI

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Begin forwarded message:

From: "Joseph Rice <joseph@lucas-rice.com> via Leadership" <leadership@lwjoco.com>
Subject: OSHA
Date: April 2, 2021 at 13:53:43 PDT
To: "publichealth@co.josephine.or.us" <publichealth@co.josephine.or.us>
Cc: Board of Commissioners <bcc@co.josephine.or.us>, Wally Hicks <whicks@co.josephine.or.us>
Reply-To: Joseph Rice <joseph@lucas-rice.com>

Good afternoon Mr. Webber,

I am in possession of a report that clearly states you and your COVID-19 Response Team have been using OSHA as a weapon against local churches and business in an effort to get them shut down. You have specifically targeted Edgewater Church, Gold Miner, Mug Shots, Alibi Tavern and the Weekend Beer. What is most concerning, is your "team", Anthony Perry, Leah and Audrey Tiberio appear to go beyond your job mandate by recruiting family and friends to file multiple OSHA complaints against these institutions.

For Josephine County government to directly attack and undermine a local church has United States Constitutional implications. Your position is tax payer funded and you have not had to deal with the personal stress of paying your mortgage or feeding your family like these business owners face daily.

In a lack of response or explanation from you on this behavior, that does not represent the values of Josephine County, tomorrow's Rally around the Flag will focus on the individuals mentioned assigning ownership to their actions. You seem to have no problem with Fred Myers, Wal-Mart or other big box

stores operating, yet willingly go after small business that are barely surviving. Where is the science in this flawed application?

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From: Joseph Rice <joseph@lucas-rice.com>
Sent: Wednesday, April 07, 2021 8:08 PM
To: Bill Meyer
Subject: Fwd: OSHA

FYI

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Begin forwarded message:

From: Michael Weber <MWeber@josephinecounty.gov>
Subject: RE: OSHA
Date: April 2, 2021 at 16:33:23 PDT
To: Joseph Rice <joseph@lucas-rice.com>
Cc: Board of Commissioners <BCC@josephinecounty.gov>, Wally Hicks <WHicks@josephinecounty.gov>, Jonian Scofield <JScofield@josephinecounty.gov>

Mr. Rice,

I want to start by being very clear that I have no indication that those allegations are even remotely true. I have followed up with all of those staff (including the individual no longer employed by the county) and they have given me assurances that nothing like that has ever happened. If it were true, it would be cause for immediate dismissal. A county employee using their position to leverage government resources to target an entity or individual is not only against our core mission but is also, in my understanding, illegal.

County legal counsel and the director of HR are copied in this email. Please reply with a copy of your report immediately so we can investigate properly.

As to our organization broadly, we have never used anything as a “weapon” against businesses. On the contrary we have worked diligently to try and minimize the impacts of Covid-19 on local businesses. As far back as March of last year I am on the record discussing my concerns about the long-term financial impacts of Covid-19 restrictions and even tying them to further public health concerns. I am rarely in an interview where I don’t bring up the need to support local businesses and personally have made the promise that we would continue to eat out and support local businesses wherever we can. On top of

that, the exact opposite of what you said is actually true. We are the only county in the region still offering to call local businesses and informing them of incoming complaints, rather than just forwarding all complaints to OSHA like other counties do. We do this explicitly so that businesses can avoid potential fines by hearing from us instead of OSHA. If we receive a complaint from a business' customer or employee we always tell them the same thing; 'We are not involved in enforcement, but if you'd like to leave the information with us we can call them and let them know a complaint was received. Alternatively, if you'd like to file a formal complaint, you would need to contact OSHA's Medford branch to do that'.

If you have questions about how we handle complaints or what other things we do to help support local business, please do not hesitate to reach out. Please also realize that we are very busy and I am also engaged on personal matters that may delay our response. If you feel a matter is urgent, scheduling time to talk with me is often the best.

Sincerely,



Michael Weber

Director

Public Health

715 NW Dimmick St, Grants Pass, OR 97526

(541) 474-5339 | josephinecounty.gov

PUBLIC RECORDS LAW DISCLOSURE

This email is a public record of Josephine County and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to retention.

From: Joseph Rice <joseph@lucas-rice.com>

Sent: Friday, April 2, 2021 1:54 PM

To: Public Health <publichealth@josephinecounty.gov>

Cc: Board of Commissioners <BCC@josephinecounty.gov>; Wally Hicks <WHicks@josephinecounty.gov>

Subject: OSHA

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Good afternoon Mr. Webber,

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billmeyertalks@yahoo.com

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To: Bill Meyer
Subject: Fwd: OSHA

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From: Joseph Rice <joseph@lucas-rice.com>
Subject: Re: OSHA
Date: April 2, 2021 at 17:08:24 PDT
To: Michael Weber <MWeber@josephinecounty.gov>
Cc: Board of Commissioners <BCC@josephinecounty.gov>, Wally Hicks <WHicks@josephinecounty.gov>, Jonian Scofield <JScofield@josephinecounty.gov>

Mr. Webber,

I am will to meet, without delay, with you and county legal counsel. The report I have received falls under whistle-blower protection. There is eyewitness documentation that counters your claim.

Best regards,

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On Apr 2, 2021, at 16:33, Michael Weber <MWeber@josephinecounty.gov> wrote:

Mr. Rice,

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longer employed by the county) and they have given me assurances that nothing like that has ever happened. If it were true, it would be cause for immediate dismissal. A county employee using their position to leverage government resources to target an entity or individual is not only against our core mission but is also, in my understanding, illegal.

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Sincerely,

<image002.png>
<image003.png>

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Director
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715 NW Dimmick St, Grants Pass, OR 97526
(541) 474-5339 | josephinecounty.gov

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Subject: OSHA

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I am in possession of a report that clearly states you and your COVID-19 Response Team have been using OSHA as a weapon against local churches and business in an effort to get them shut down. You have specifically targeted Edgewater Church, Gold Miner, Mug Shots, Alibi Tavern and the Weekend Beer. What is most concerning, is your “team”, Anthony Perry, Leah and Audrey Tiberio appear to go beyond your job mandate by recruiting family and friends to file multiple OSHA complaints against these institutions.

For Josephine County government to directly attack and undermine a local church has United States Constitutional implications. Your position is tax payer funded and you have not had to deal with the personal stress of paying your mortgage or feeding your family like these business owners face daily.

In a lack of response or explanation from you on this behavior, that does not represent the values of Josephine County, tomorrow’s Rally around the Flag will focus on the individuals mentioned assigning ownership to their actions. You seem to have no problem with Fred Myers, Wal-Mart or other big box stores operating, yet willingly go after small business that are barely surviving. Where is the science in this flawed application?

Best regards,

Joseph Rice
+01 (541) 326-1911

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From: Joseph Rice <joseph@lucas-rice.com>
Sent: Wednesday, April 07, 2021 8:08 PM
To: Bill Meyer
Subject: Fwd: OSHA

FYI

Best regards,

Joseph Rice
+01 (541) 326-1911

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Begin forwarded message:

From: Jonian Scofield <JScofield@josephinecounty.gov>
Subject: Re: OSHA
Date: April 2, 2021 at 17:48:23 PDT
To: Joseph Rice <joseph@lucas-rice.com>, Michael Weber <MWeber@josephinecounty.gov>
Cc: Board of Commissioners <BCC@josephinecounty.gov>, Wally Hicks <WHicks@josephinecounty.gov>

Mr. Rice,

If in fact you have evidence of employee misconduct, please send it to me. As the county hr director, it is my responsibility to investigate claims like this. I am well versed in whistleblower rules as well as all personnel rules and our union contracts.

I would request you refrain from "assigning ownership" at tomorrow's event. If your allegations are incorrect or unfounded, you potentially could face civil liability from said employees for slander. I would prefer to verify wrongdoing before taking action.

I can verify that my office has directly coordinated with both public health and OSHA to help many local small businesses, schools and churches avoid OSHA fines by reviewing covid response plans. If someone makes a complaint, we have helped the businesses address the concern and avoid OSHA fines.

JJ Scofield
HR Director

Sent from my U.S.Cellular© Smartphone
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From: Joseph Rice <joseph@lucas-rice.com>
Sent: Friday, April 2, 2021, 5:08 PM
To: Michael Weber
Cc: Board of Commissioners; Wally Hicks; Jonian Scofield
Subject: Re: OSHA

EXTERNAL EMAIL: Please verify links by hovering over them!

Mr. Webber,

I am will to meet, without delay, with you and county legal counsel. The report I have received falls under whistle-blower protection. There is eyewitness documentation that counters your claim.

Best regards,

Joseph Rice
(541) 326-1911

On Apr 2, 2021, at 16:33, Michael Weber <MWeber@josephinecounty.gov> wrote:

Mr. Rice,

I want to start by being very clear that I have no indication that those allegations are even remotely true. I have followed up with all of those staff (including the individual no longer employed by the county) and they have given me assurances that nothing like that has ever happened. If it were true, it would be cause for immediate dismissal. A county employee using their position to leverage government resources to target an entity or individual is not only against our core mission but is also, in my understanding, illegal.

County legal counsel and the director of HR are copied in this email. Please reply with a copy of your report immediately so we can investigate properly.

As to our organization broadly, we have never used anything as a “weapon” against businesses. On the contrary we have worked diligently to try and minimize the impacts of Covid-19 on local businesses. As far back as March of last year I am on the record discussing my concerns about the long-term financial impacts of Covid-19 restrictions and even tying them to further public health concerns. I am rarely in an interview where I don’t bring up the need to support local businesses and personally have made the promise that we would continue to eat out and support local businesses wherever we can. On top of that, the exact opposite of what you said is actually true. We are the only county in the region still offering to call local businesses and informing them of incoming complaints, rather than just forwarding all complaints to OSHA like other counties do. We do this explicitly so that businesses can avoid potential fines by hearing from us instead of OSHA. If we receive a complaint from a business’ customer or employee we always tell them the same thing; ‘We are not involved in enforcement, but if you’d like to leave the information with us we can call them and let them know a complaint was

received. Alternatively, if you'd like to file a formal complaint, you would need to contact OSHA's Medford branch to do that'.

If you have questions about how we handle complaints or what other things we do to help support local business, please do not hesitate to reach out. Please also realize that we are very busy and I am also engaged on personal matters that may delay our response. If you feel a matter is urgent, scheduling time to talk with me is often the best.

Sincerely,

<image002.png>
<image003.png>

Michael Weber
Director
Public Health
715 NW Dimmick St, Grants Pass, OR 97526
(541) 474-5339 | josephinecounty.gov

PUBLIC RECORDS LAW DISCLOSURE
This email is a public record of Josephine County and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to retention.

From: Joseph Rice <joseph@lucas-rice.com>
Sent: Friday, April 2, 2021 1:54 PM
To: Public Health <publichealth@josephinecounty.gov>
Cc: Board of Commissioners <BCC@josephinecounty.gov>; Wally Hicks <WHicks@josephinecounty.gov>
Subject: OSHA

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billmeyertalks@yahoo.com

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From: Joseph Rice <joseph@lucas-rice.com>
Subject: Re: OSHA
Date: April 2, 2021 at 18:45:49 PDT
To: Jonian Scofield <JScofield@josephinecounty.gov>
Cc: Michael Weber <MWeber@josephinecounty.gov>, Board of Commissioners <BCC@josephinecounty.gov>, Wally Hicks <WHicks@josephinecounty.gov>

Mr. Schofield,

We are confident in the information provided. Threat of litigation is not feared, but welcomed as it provides for Discovery by all parties involved, to include these communications and any communication between Josephine County and OSHA.

"Assigning Ownership" is what has been missing in holding our public servants accountable for their actions outside of job description by instigating adverse retaliation against business suffering economically in this community.

Best regards,

Joseph Rice
+01 (541) 326-1911

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Cc: Board of Commissioners; Wally Hicks; Jonian Scofield
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Director

Public Health
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