

4. Attach two copies of all documents or items you believe provide credible evidence to support your allegations. [NRS 281A.440.2\(b\)\(1\)](#) requires you to submit all related evidence to support your allegations. [NAC 281A.435.3](#) defines credible evidence as a minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made within the complaint. Credible evidence does not include a newspaper article or other media report if the article or report is offered by itself.

State the total number of additional pages attached (including evidence) 14 pages.

REQUESTOR'S INFORMATION:

NAME: Margaret A. Pross	E-MAIL: mapross47@yahoo.com
ADDRESS: 417 Diorite Road	
CITY, STATE, ZIP: Gardnerville, NV 89460	
TELEPHONE 775-265-6559	CELL PHONE: 775-781-3828

By my signature below, I do affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief and I am willing to provide sworn testimony if necessary regarding these allegations.

Margaret A. Pross
Signature
Print Name: Margaret A. Pross

2-15-11
Date

Please return an original signed form, two copies of the form, and three copies of the supporting documents and evidence to:

**Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703**

Ethics complaints submitted by facsimile will not be considered as properly filed with the Commission.
[NAC 281A.255.3](#)

Margaret A. Pross
417 Diorite Road
Gardnerville, NV 89460
775-265-6559 (Home)
775-781-3828 (Cell)

February 15, 2011

Caren Jenkins, Esq.
Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Ste 204
Carson City, Nevada 89703

Re: Ethics Complaint Against: Michael Olson, Chairman
Douglas County Board of Commissioners

For the Record: I am a Planning Commissioner in Douglas County serving my second four year term which will expire in December, 2013.

Chairman Olson abused his authority as a public officer when he illegally used his position as an elected official to coerce me to resign from my position as a Douglas County Planning Commissioner. I believe that his actions were motivated by political gain. I further believe that he knew they could not remove me but hoped that I was unaware that I couldn't be removed. He hoped that I would quietly resign and that his true intentions and those of Commissioners Bonner, McDermid and Lynn, to gain control of the Planning Commission, would not be discovered. His reason for demanding my resignation was based on two letters that I wrote, exercising my First Amendment right to Freedom of Speech, specifically "Core Political Speech" which is interactive communication about political ideas or issues not motivated by profit. It is the most highly regarded form of speech because of its purely expressive nature and importance. By demanding my resignation under threat of removal, he was willfully hindering and obstructing the discharge of my official duties as a Planning Commissioner.

I am filing an Ethics Violation based on statements made by Michael Olson, Chairman of the Douglas County Board of Commissioners during a phone call he made to me on December 7, 2010. During that conversation, Chairman Michael Olson told me to resign from the Planning Commission or the Commissioners would remove me during their January meeting as they had the 3 votes necessary to obtain my removal. He further stated that he was not one of those votes. Based on the fact that he asked Lawrence Howell, whose term had expired, to reapply and then voted to remove him during the January 3, 2011 BOC meeting, I fully believe that he would have voted to remove me also, had the opportunity ever presented itself.

I believe that Mr. Olson and Commissioners Bonner, McDermid and Lynn were attempting to gain control of the Planning Commission, anticipating the 2011 five year review of the Master Plan as well as a large Master Plan Amendment with a Specific Plan that is expected to come forward in 2011 or 2012. There were 3 expired Planning Commission appointments that would be filled at the January 3, 2011 Board of Commissioners meeting. Had they succeeded in obtaining my resignation, they would have appointed four new commissioners which would constitute a simple majority on the Planning Commission. In December 2011, there would be 2

more openings, at which time they could appoint 2 more commissioners, obtaining a super majority, the amount needed to pass a Master Plan Amendment.

Commissioners Olson and Bonner contacted Lawrence Howell, who had ran against Commissioner McDermid and asked him to reapply for his appointment on the Planning Commission. Mr. Howell was not going to reapply since he felt he would not be reappointed and was not planning on submitting an application but did so at the behest of Commissioners Olson and Bonner. On January 3, 2011, Commissioner Bonner made the motion to appoint Donald Minor in place of Mr. Howell. That motion passed 4 to 1 with Commissioners Olson, McDermid and Lynn also voting in favor of the motion. Commissioners Olson, Bonner, McDermid and Lynn also voted in favor of appointing all new people to the remaining Planning Commission positions as well.

It should be noted that Donald Minor previously served as a County Commissioner for two terms and was employed as a consultant for the Park Family (now known as Edgewood Companies) Master Plan Amendment with a Specific Plan in 2008 and is anticipated to come before the Planning Commission again in 2011 or 2012.

There have been at least 3 Open Meeting Law Violations filed against these same commissioners regarding the above described Planning Commission appointment motions referencing collusion as evidenced during the meeting. On the tape of this portion of their January 3, 2011 meeting, Commissioner McDermid can be seen directing Commissioners Bonner and Lynn to make their motions to replace the Planning Commissioners whose terms were expired. I have also filed an OML complaint based on the 12-7-10 phone call referenced in this complaint due to the fact that Mr. Olson cites that he has 3 votes to remove me.

RECORD OF 12-7-10 PHONE CALL

At 12:06 I received a phone call from Michael Olson, Chairman, Douglas County Board of Commissioners. Mike told me that for the last week, he has been agonizing over the matter that he called to discuss with me. He advised me that in January, the Board of Commissioners will vote on my removal from the Planning Commission. He said that the reason for my removal was because I submitted letters in support of Dave Brady and Lawrence Howell who ran against current Commissioners Bonner and McDermid in the November 2010 election. I told him they couldn't do that, that I'd done an exemplary job. He said it's not a job, that I was on an advisory board and they could remove me if they wanted to.

I told him that's called Freedom of Speech and it's my right as a US citizen to write those letters. He told me that as I Planning Commissioner, it was wrong for me to write those letters. He said that Commissioners Bonner and McDermid would not be able to be sure of my support since I wrote letters supporting their opposition. I told Mike that I was fully capable of supporting the Board of Commissioners. I have done so in the past and will continue to do so. I said that I have not always agreed with all of the Commissioners but I have always acted in a professional manner. He agreed, but said that's not the issue.

He told me that Lee [Bonner, Commissioner-Elect* at that time] and Nancy [McDermid, current Commissioner] are pushing very strongly for my removal and that he didn't support their position. He stated that they have the 3 votes necessary to obtain my removal and that for the good of the County, I should resign. I told him that I will not do that as I have done nothing wrong. I told him that this was Nancy's way of getting even with me for supporting Dave Brady who ran against Lee Bonner and Lawrence Howell who ran against Nancy McDermid in the

election. He said that as a Planning Commissioner, I shouldn't have written the letters. He told me that it might help to reach out to Lee. I reiterated that this was a vindictive move on their parts and not based on any real reason. Mike said that I should resign or they would remove me in January. I said that I would not resign. He said that I should resign rather than divide the County. I said that I am not the one that will divide the County and that I can continue as a Planning Commissioner in the same professional manner as I have always done.

Mike said I should resign. He said that he would call me back in a couple of days and that I should pray and think over this issue.

[Note: Mr. Olson's tone throughout the conversation was deprecating and intimidating. With each of my refusal to resign, he became angrier and more demanding in his insistence that I resign.]

TRANSCRIPT OF VOICEMAIL MESSAGE FROM COMM. OLSON

I received the following message on my answering machine on 12-15-10 at 7:17pm: "It's a Mike Olson, I just kinda wanted to touch base with you and, you know, it appears that I was given some wrong direction, so I just kinda wanted to share with you and hope you're doing alright and I'll know I'll get to see you tomorrow at Dave's, at Dave's lunch so if I don't get a chance to chat with you tonight, I'll get a chance to chat with you tomorrow. But like I said, I obviously was not given the appropriate direction and did not accomplish what I thought I was set out to accomplish. I appreciate your patience and look forward to chatting with you tomorrow and hope you're doing alright and have a good night tonight. Take care. Goodbye."

RECORD OF CONVERSATION WITH CHAIRMAN OLSON

Chairman Olson approached me in the vestibule of the Lakeside Inn Casino on 12-16-10 after a luncheon for (out-going) Commissioner Brady. I made the following record of that conversation after I arrived at my home:

He said that he got some wrong direction, that he thought he could do something he couldn't. I told him that I knew he couldn't do that. In an angry, sarcastic tone he said he would have appreciated me telling him that. I told him when he said they had 3 votes and he wasn't one of them that he knew it was wrong yet he had no compunction about telling me to resign, that I was wrong and saying it in a deprecating, intimidating way. He got angry and said he was done (or something like that) and walked off.

RECORD OF CONVERSATION WITH DA JACKSON

On 12-16-10 Mark Jackson told me during a phone conversation that I had done nothing that would warrant my removal* and that the Commissioners are aware of the process and they now know that they can't remove me from the Planning Commission. He also stated that to his knowledge none of the Planning Commissioners had done anything that would warrant their removal either.

*Douglas County Title 2.06.020(E) "Members may be removed, after public hearing, by a majority vote of the board of commissioners for inefficiency, neglect of duty or malfeasance of office"

SUPPORTING EVIDENCE INCLUDED IN THIS LETTER

Record of 12-7-10 conversation with Chairman Olson
Transcript of voicemail message
Record of 12-16-10 conversation with Chairman Olson

SUPPORTING EXHIBITS ATTACHED TO THIS LETTER

Tape of voicemail message can be provided upon request
Photo of phone readout of 12-15-10 phone call from Chairman Olson [Pro Group Mgmt is Chairman Olson's place of employment]
Copy of written record made of 12-16-10 conversation in Lakeside Inn Vestibule
Letters to the Editors:
 "Backing Howell"
 "Bonner out of touch"
Record Courier Newspaper Articles 1-14-11 "Chairman admits trying to force out vocal planning commissioner"; 1-3-11 "Incumbent planning commissioners ousted"; 2-2-11 Wife of commission candidate files Open Meeting Law complaint"

WITNESS LIST AND CONTACT INFORMATION

David Brady:
775-782-3950

Chairman Olson advised Mr. Brady that there were commissioners that wanted to replace me on the Planning Commission. He spoke to Commissioner David Brady prior to making this phone call to me.

Commissioner Doug Johnson:
775-790-3195

Commissioner Johnson advised me that Chairman Olson spoke to him on two separate occasions relaying his actions during the above conversation, apologizing to Doug for how badly he had treated me.

Gerald L. Vaccaro and his wife, Anne Sullivan:
775-721-8859 (Cell); 775-885-7788 (Business phone- Capital City Liquidators)
775-267-5955 (Home)

Mr. Vaccaro had a conversation with Chairman Olson at which Mr. Vaccaro's wife, Anne Sullivan was present. During that conversation, Chairman Olson stated to Mr. Vaccaro that two Commissioners approached him to discuss removing me from the Planning Commission.

Sincerely yours,


Margaret A. Pross



Olson

CONVERSATION 12-16-10



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Got some wrong direction
Thought I could do
Something I couldn't

Told him that I knew
he couldn't do that.

He said he would have
appreciated me telling
him that - Sarcastic

Told him when he said
they had 3 votes & he wasn't
one of them - he knew it
was wrong yet he had

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no compunction about
telling me to resign,
that I was wrong & saying
it in a deprecating
intimidating way.

He got angry & said
he was done or some-
thing like that & walked
off

Backing Howell

EDITOR:

As a Douglas County planning commissioner, I have had the opportunity to serve with both Lawrence Howell and Nancy McDermid. If you want a county commissioner who will make decisions for our county based on sound business practices and not on personal gain, vote for Lawrence Howell. If you want a county commissioner that will make informed decisions derived from a willingness to listen to all sides, vote for Lawrence Howell. If you want a county commissioner who will be forthright and honest, vote for Lawrence Howell. If you want a county commissioner who will be able to maintain neutrality and fairness while making effective decisions that represent the interests of the entire county, vote for Lawrence Howell.

As executive director of Rite of Passage which is based in Minden, Lawrence Howell has provided strong leadership and an effective strategic plan that has resulted in a balanced budget and an expansion of services during these tough economic times. Rite of Passage has 880 employees in six states from Baltimore to Sacramento. Lawrence has spoken before the legislatures in three of those states. His business experience will prove invaluable to Douglas County. Join me and vote for Lawrence Howell.

Margaret Pross

Gardnerville

<http://www.recordcourier.com/apps/pbcs.dll/article?AID=/20101013/OPINION/101019962/1052/RSS&template=printart>

Bonner out of touch

EDITOR:

Mr. Bonner is so out of touch with our county that when he filed to run in March, he didn't even know that he would be representing District 2. He showed up with a camera crew, paid the filing fee in 100 \$1 bills and claimed that he had lived here five years. According to his Linked-In résumé, he didn't move here until March 2006.

Lee wants the county to develop the wine and grape growing industry here in Nevada. What he doesn't know: Tahoe Ridge Winery initiated Nevada vineyard development in 1990 and produced the first commercial wine grown from Nevada grapes in 2001, and became the largest single producer of wine in Nevada in 2008.

For the complex issue of water rates, Lee promises a better solution. His solution: Reverse the decision. What he doesn't know: there is no decision to reverse. The old system was broken, unsustainable and improperly funded due to the actions of the previous county manager and prior commissioners. The current county commissioners are working very closely with staff, their consultant and the water system users to fix the problems.

Lee wants to organize FAM trips to recruit businesses to Douglas County. FAM trips are paid for by the entity trying to attract the businesses. The cost includes air fare, car rentals, meals and lodging. Lee's solution: Ask our struggling businesses to foot the bill.

Mr. Bonner, who doesn't own property in Douglas County, complains about increased property taxes and says he "feels our pain." What he doesn't know: property taxes increased as a result of AB 489 which was enacted by the Legislature in 2005, one year before GE transferred Lee to Douglas County. His solution: Reverse a decision that he would have no power to reverse.

Lee wants priority based budgeting now. What he doesn't know: Commissioner Brady advocated for priority based budgeting for the past four years, and this year, commissioners employed it with great success.

Lee blames Commissioner Brady for increased fees and taxes. What he doesn't know: Commissioner Brady voted against the utility tax and the business license fee. Dave has been an advocate for low fees, low taxes and a business friendly climate in Douglas County.

If you're tired of the same old empty political promises and want a county commissioner who is a small business owner in Carson Valley for 23 years and counting, knows the facts, speaks the truth, has proven that he has the leadership experience and will use his financial expertise on behalf of Douglas County, vote for Dave Brady.

Margaret Pross

Gardnerville

<http://www.recordcourier.com/apps/pbcs.dll/article?AID=/20101027/OPINION/101029921&parentprofile=search&template=printart>



- Jim Grant

Chairman admits trying to force out vocal planning commissioner

BY SCOTT NEUFFER
SNEUFFER@RECORDCOURIER.COM,

Roughly a month after the November election, a planning commissioner who had expressed her political positions in The Record-Courier was asked to resign.

County Commission Chairman Mike Olson confirmed Wednesday that he had asked Margaret Pross to resign in early December.

"There were rumblings at the time that there had been a loss of confidence in Margaret on the board," Olson said.

Olson said on two separate occasions, two separate commissioners, whom he refused to name, approached him about removing Pross from the advisory board that oversees land use and development issues. He said he asked her to resign to avoid the "painful" process of a public hearing. However, he said he assumed planning commissioners served at the pleasure of the board and "could be unappointed."

"I really didn't want to drag the community through a hearing and big scene," Olson said. "At the time, I didn't – and it was stupid of me – check fully with the DA."

On Wednesday, District Attorney Mark Jackson said he could not disclose any details of the matter due to attorney-client privilege. He did specify, per county code, the three offenses for which a planning commissioner can be removed: inefficiency, neglect of duty, or malfeasance of office.

"It's my fault for not researching the statutes," Olson said. "Honest-to-goodness, I'm a people person just trying to make things work."

Olson said the commissioners who had approached him cited concerns over Pross' outspokenness during the election.

"One said they were really not happy with Margaret Pross and that she didn't represent us," he said. "On another occasion, real similar, they said they didn't know how we could have Margaret Pross continue serving on the board when she serves us. I think that had something to do with it: If she's in the paper attacking people, and they're the ones she's advising."

First appointed to the planning commission in 2006 and re-appointed in 2010, Pross wrote two letters to the editor of The Record-Courier during the election. The first letter, published Oct. 13, supported Lawrence Howell, who narrowly lost to incumbent commissioner Nancy McDermid. The second letter, published Oct. 27, criticized new candidate Lee Bonner and cast support for incumbent Dave Brady. Bonner won the seat, also by a narrow margin.

Olson said some commissioners had asked that Pross' removal be agendized and brought through the public process. He said he himself would not have voted to remove her.

"I apologized," he said. "The goal was to keep the county out of a messy situation."

On Wednesday, Pross confirmed that Olson had asked her to resign in December because of her letters to the editor. She also said Olson had told her commissioners would vote on her removal in January if she did not resign. She declined to comment further.

Brady, who was vice chairman at the time, said he was concerned about a potential Open Meeting Law violation when Olson informed him about the situation.

"Mike Olson asked to talk with me and share with me, what I believed to be as a courtesy, that he was going to be asking one of my supporters to resign from the planning commission. I took that to mean Margaret Pross," Brady said. "And I mentioned to him that I felt that he was not on solid ground and that he would be best served by talking to the district attorney's office first. His response to me was essentially, 'We appointed her, and we can unappoint her.'

"He (Olson) did not say specifically say, 'I have three votes,' but again he made inference that there were commissioners that wanted to replace Margaret on the planning commission, and, as a courtesy to me, was he sharing that information.

"My first reaction was it's an Open Meeting Law violation if Michael says to Margaret there are three votes to remove you. How do you get that information? He had to have polled the board."

Brady, however, believes Olson did not poll the board, but that commissioners pressured him.

"What I believe happened is he was told," Brady said. "He did not go poll the board, but the reality is it would appear that he polled the board, could count to three, and took direction on that, and asked for her resignation. They had reached a decision, and I think they gave Mike Olson marching orders. 'Go tell her she has to resign. You're the chair.'"

Brady believes Olson was given direction from two sitting county commissioners and a commissioner-elect, none of whom he named on the record. He said they may have violated the Open Meeting Law in spirit, if not the letter of the law.

"Quite honestly at that point, I felt I'm going to step into the shadows and let this thing unfold," Brady said.

He said he was hopeful the issue would be resolved by the district attorney's office.

"We thought we had it resolved with the DA sitting down with Margaret and Mike McCormick and Cynthea Gregory," Brady said. "I thought they had brought resolution to it. At that point, I said, 'OK, we're done here,' but I think what transpired at the first meeting really resurrected so much of Margaret's issue. That isn't just a simple, 'We want Margaret gone.' They were trying to clean house."

On Jan. 3, the new board of commissioners voted 4-1, with Doug Johnson opposing, to replace Howell, the planning chair, Rick Ross and Bob Conner with Don Miner, Jeremy Davidson and Frank Godecke.

Brady said removal of incumbent planning commissioners is only half the story.

"The other half of the story is getting the people in play that they did," he said. "Because you want to move toward a super-majority when you have master plan amendments.

"It was three days into January that all of this unfolded and made for a much bigger picture. Once you connect the dots, you realize it's not a simple innocent move to remove a single commissioner for payback. It's a bigger picture to replace the entire planning commission over time."

Olson disagreed. At the same time, he said he didn't like that commissioners had to specifically name each incumbent they were replacing.

"It made it personal," he said. "That didn't make much sense to me."

But he defended his choices and argued that new planning commissioners will provide a fresh perspective.

"I like Don Miner," he said. "We're going through the 15-year master plan update, and Don was one of the original authors of the master plan."

Olson said Davidson brings the perspective of a young family man, and Godecke the perspective of agriculture.

“One thing I heard constantly when I was doing the master plan was that agriculture had no representation on the board,” he said.

Olson also denied accusations that the vote was decided before hand, in violation of state law.

“I think all of us are well-versed on the Open Meeting Law,” he said. “If there are three of us standing together, one of us better walk away. I talk to each of the commissioners about the issues, about the different things going on and what’s coming up, not on perspective or the best thing to do or what they’re going to do. Each of us holds our vote as being sacred. It’s not something, at least for myself, I will give up easily.”

Brady said some political opponents may accuse him of sour grapes for speaking out. But he said the importance of the issue surpasses any personal agenda.

“This is about understanding the dynamics that are taking place in this county,” he said, “the impact of special interest groups, and the impact on someone who has dedicated themselves to serving this community, namely Margaret Pross, and to be treated the way that she was as a result of her voicing her opinion in a free election.”

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AID=/20110114/NEWS/110119925/1062&ParentProfile=1049&template=printart](http://www.recordcourier.com/apps/pbcs.dll/article?AID=/20110114/NEWS/110119925/1062&ParentProfile=1049&template=printart)



Conner Howell Ross

Incumbent planning commissioners ousted

BY [redacted],

The new year brought regime change for one of Douglas County's most important advisory boards.

Today, Douglas County Commissioners voted 4-1, with Doug Johnson vehemently voting nay, to replace incumbent planning commissioners Lawrence Howell, Rick Ross, and Bob Conner with Frank Godecke, Jeremy Davidson and Don Miner.

Johnson protested in disbelief and implied the action was vindictive.

"Boy, are we sending out the wrong message," Johnson said. "Did any of you even call any of these people to talk to them? I'm in disbelief. My jaw dropped. I'm very disappointed."

Howell ran against commissioner Nancy McDermid in the November election and lost by a narrow margin. Last year, he was chairman of the planning commission.

McDermid said her vote wasn't about the incumbents themselves, but about bringing fresh faces onto the planning commission.

"I see people who've been on the planning commission for 7 years, 5 years and 4 years," McDermid said. "It's time to see some fresh faces on the board."

The planning commission oversees the master plan update.

The other commissioners agreed.

"Nothing against Don Miner," Johnson said of the former county commissioner and consultant to Park Cattle when they sought a master plan amendment. "I'm sure he'd be glad to know he's a fresh face."

Commissioner Greg Lynn said the new planning commission reflects the county's change of circumstance.

"A lot of the hot button issues dealing with growth and agriculture need a different perspective and a different interpretation," he said.

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Wife of commission candidate files Open Meeting Law complaint

BY SCOTT NEUFFER
SNEUFFER@RECORDCOURIER.COM,

Another Douglas County resident has filed an Open Meeting Law complaint against the board of county commissioners regarding the controversial appointment of three new planning commissioners on Jan. 3.

This time, the petitioner is the wife of former county commission candidate Lawrence Howell. Howell was one of three incumbent planning commissioners, along with Bob Conner and Rick Ross, whom the board voted 4-1 on Jan. 3 to replace with Don Miner, Jeremy Davidson and Frank Godecke.

Commissioner Nancy McDermid, who narrowly beat Lawrence Howell in the general election, made the initial motion to appoint the three new planning commissioners. She was later redirected by the district attorney's office to make three individual motions naming both the new appointee and the incumbent to be replaced.

"After watching the video recording of the Douglas County Board of Commissioners' meeting conducted on January 3, 2011, I am very concerned that a violation of the Open Meeting Law was committed," Heather Howell, a Stateline resident, wrote to the Nevada Attorney General's Office in her Jan. 19 complaint. "When the commissioners got to the agenda item for appointments to committees after taking a short break, my concerns began."

With 10 candidates having applied for three seats, Howell said, there was no discussion of their respective qualifications or merits.

"There was no question by any commissioner about the three candidates Mrs. McDermid first nominated," Howell wrote in the complaint. "There were no other nominations of other candidates or discussion of their qualifications. I find it hard to believe that four commissioners just happened to all unanimously agree on the same three candidates and needed no further information or discussion of their qualifications or background. There is no way that these four commissioners (McDermid, Bonner, Lynn and Olson) had not discussed this and arranged it prior to the meeting. Commissioner Johnson was the only one who tried to initiate dialogue about the incumbents and the process."

In her complaint, Howell provided a link to video footage of the meeting, from which she detailed several observations:

"After Mrs. McDermid was told the nominations needed to be one at a time and the incumbents being replaced had to be named, and the first nomination by her carried, she turned to her right to the commissioner next to her and whispered 'You do the next,'" Howell wrote. "Commissioner Lynn made the next motion, she seconded it, then Commissioner Johnson commented, expressing his opposition. Commissioner Olson didn't even ask if there was further comment from the other commissioners—as if he knew there wouldn't be. He said, 'Thank you Commissioner Johnson. We have a motion and a second. I believe we have a second?' Commissioner Bonner then spoke up and seconded. After that motion carried, Commissioner McDermid whispered to Commissioner Bonner, 'You need to go,' at which time Commissioner Bonner made the next motion."

Howell said she's outraged at the behavior of the four commissioners.

"I cannot fathom how with absolutely no open consideration, discussion, or deliberation about any of the three candidates selected the commissioners could have reached a unanimous decision about who to appoint—unless they had discussed it among themselves prior," she wrote. "Commissioner McDermid's whispered directives to her fellow commissioners to make the next appointments strengthen my suspicions that there was prior

discussion about the candidates.”

On Wednesday, Senior Deputy Attorney General for the Open Meeting Law George Taylor said he couldn't comment on his office's ongoing investigation of the incident. He did say his office has received three Open Meeting Law complaints for the same Jan. 3 incident. According to the statute of limitations, he said, his office has 120 days from the incident to report findings and make a ruling.

Taylor said decisions by a public body made during a violation can be reversed and revisited, although there is no specific mandate to that effect.

“The process involves negotiation with the public body, generally speaking,” he said. “That's been the way the Open Meeting Law has been administered for years. It's been negotiated with the public body to find out what's fair so that the public's business gets done.”

Although seldom used, Taylor said the strictest penalty for an Open Meeting Law violation is criminal prosecution.

“There is a criminal penalty for it in the statute that allows our office to sue and prosecute an individual for a misdemeanor violation of the Open Meeting Law,” he said. “It doesn't happen often. Most public bodies are trying to do the right thing.”

In an e-mail to The R-C, Commissioner Greg Lynn said it's inappropriate for him to comment on the matter in light of the ongoing investigation.

“Perhaps later when the investigation is complete and findings have been made public,” he said.

Other commissioners mentioned in the complaint could not be reached for comment.

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