

WRITTEN PUBLIC COMMENTS RECEIVED  
PRIOR TO THE  
BOARD OF COMMISSIONERS' SESSION  
ON  
THURSDAY, October 14, 2021  
AT  
10:00 A.M.

Questions, concerns or comments about these items can be directed  
to staff or the Commissioners by contacting the Commissioners' office at

(503) 434-7501

OR

[BOCINFO@co.yamhill.or.us](mailto:BOCINFO@co.yamhill.or.us)

## Carolina Rook

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**From:** Tom Hammer <tom@tomhammerfarms.com>  
**Sent:** Thursday, October 7, 2021 10:17 AM  
**To:** steve.sugg@dayton.K12.or.us; ed.john@daytonK12.or.us; nathan.ball@dayton.K12.or.us  
**Cc:** BOC Info  
**Subject:** class project  
**Attachments:** NWO Higgins compicit.docx; FOIA Higgins & High Country.docx

[This email originated outside of Yamhill County]

Sirs,

Recently a class of juniors taught by Nathan Ball was assigned to read an article that appeared in Colorado based High Country Magazine authored by Leah Sottile on the planned Yamhelas-Westsider Trail. The students were then asked questions about the Trail based on that article. Part of the assignment was to find a second source about the issue. I would like to make a presentation to the class and be that second source. I attach pertinent Trail info.

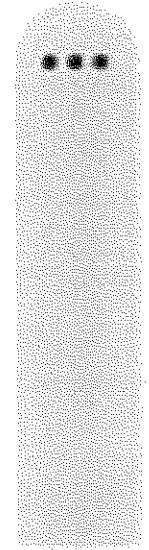
1. A description of how Trail proponents enlisted a freelance journalist to write the article attacking Commissioner Berschauer
2. Emails obtained by public records request under FOIA showing malicious intent to harm a commissioner who acted as a responsible manager of the County's financial resources.

Tom Hammer 23701 Wallace Rd. Wheatland area

G

this is an article  
the english  
teacher is making  
us read this  
morning

G



MMS 10:29 AM

How does this

**Have you heard about this controversy before? If yes, what do you think the county would benefit from a pedestrian trail connecting**

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**What is the article saying? Summarize in 3-4 sentences.**

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**Do you support or oppose the construction of the trail? Explain and cite the article.**

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**Find a second source of information about this issue. Post the link. Do you notice? Does this change your opinion in any way?**

Link:

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The Yamhelas-Westsider Trail wars escalate. Public records requests under the Freedom Of Information Act, FOIA, have revealed what both elected and non-elected officials have done to manipulate public opinion and sabotage the legal process in attempting to build a bike path at public expense through Exclusive Fam Use zoning without a Conditional Use Permit. LUBA ruled 5 out of 5 times that this was an illegal action. They even awarded attorney's fees on the fifth and final defeat handed the County. Feeling they can ignore the law, NGO Friends of the Trail (FYT), plus elected and non-elected County officials have continued to spend public dollars in a quest for a bike path. A professionally written, misleading article by freelance writer Leah Sottile appeared in Colorado headquartered High Country Magazine highly critical of Commissioner Berschauer's role in acknowledging the failed Trail matters. The problem with the article was all the pertinent facts were left out to mislead the reader. A new player has emerged in the person of Phillip Higgins, a real estate broker from Newberg. Recent public requested records show that prior to 2/3/21, he contacted a leftist freelance journalist named Leah Sottile to write a hit piece on County Commissioner Lindsay Berschauer. Her crime, she's favorable to Timber Unity. Sottile emailed back to Higgins 2/3/21 stating she knew little about the Trail controversy and asked him for information. Higgins emailed Sottile on 2/4/21 to engage her on the project. In a 3/17/21 email Higgins told Sottile that the best source of information on the Trail was Carrie Martin, Grants Administrator. Higgins became part of the Trail group as an addition to emails, also obtained by FOIA, as early as 11/23/20. He was one of a group led by Commissioner Casey Kulla plotting to move a County leased property away from a private party to gain control of what they hoped would be a Trailhead. The plot was thwarted through legal means. County Grants Administrator Carrie Martin had the idea "floated by" her in that email. Separately, Martin was caught speaking out of both sides of her mouth about timelines to complete a Trail bridge being built illegally with ODOT grant money. In a 6/17/20 email to ODOT she stated it would be 10 days to completion. That was in response to a 6/16/20 email concerning a DOJ finding the County was in breach of the terms of the grant, the basis for termination. DOJ killed the Trail but Martin was trying to save it. In a 2/3/21 email to Commissioner Berschauer she stated it was 10 days to completion, but on 2/3/21 she was in possession of a letter from the contractor, Farline, stating they were 70 days from completion. It was time for the Trail proponents, which includes County officials, to circle the wagons around Carrie. Back to Phillip Higgins. In a 1/19/21 email to carriemartinconsulting and others he suggested a "strategy session" about "real honest war". Commissioner Kulla stoked the fire stating that the use of (FOIA) emails (inferring it was the C. Martin emails) was harassment. Apparently it's just not fair to know what County officials are plotting to do with your tax dollars. The plan to beat up on Berschauer was hatched. She knew too much and had to be silenced. The High Country piece was heavy on gossipy details of Berschauer's private life but totally lacking in substantive matters leading to the Trail's demise through LUBA. Knowing that the author confessed to little knowledge of the Trail controversy and that she was told Carrie Martin was the best source of information on the subject it is quite possible that Martin is the one working hardest to circle the wagons around herself. Her consulting business works with firms who are vendors contracting to Yamhill County on projects involving grant money. She has more to lose than just her job. County Counsel Todd Sadlo is under investigation by the Oregon Bar for his role in advising the County to continue spending grant money on a project deemed illegal as long ago as three years. He too has more to lose than just his job. (Sadlo has since taken early retirement) Both are potentially liable personally for violating ORS 294.100 wanton and willful wasting of public funds.

## A Summary of Emails Obtained by Public Records Requests under FOIA.

This summary of pertinent emails obtained by public records requests shows involvement of Carrie Martin, Yamhill County Grants Administrator, Commissioner Casey Kulla and Phillip Higgins leading to a High Country Magazine article critical of Yamhill County Commission Lindsay Berschauer.

That article was presented as an assignment to Nathan Ball's junior class at Dayton High School. The article is politically charged and full of misleading statements. It was written by a gifted freelance journalist, Leah Sottile, who writes for pay if the subject matter interests her. A Northwest Observer article discussing the personalities and events leading up to the creation of the article relied on information revealed in those emails obtained through FOIA procedures.

Friends of the Yamhelas-Westsider Trail, YWT, in collaboration with County staff attempted to build a bike path through farmland without proper permits. Oregon Land Use Board of Appeals hearings and rulings made clear the non-conforming use could not go forward. County staff and two of three Commissioners chose to ignore LUBA and proceeded with the expenditure of grant monies in their quest for a Trail. They covered up their defiance of land use law with stories containing misinformation. One of those publicity projects was the High Country Magazine piece written by Leah Sottile.

### EMAILS

Havig (ODOT) to Carrie Martin, Cty. Admin Huffer, Cty Counsel Boenish 6/18/20

'LUBA stayed the bridge construction. . .three years LUBA has time and again repudiated the County.. LUBA proceedings demonstrate the County's inability to successfully manage . . . ODOT will terminate grant contract if the County cannot set a timeline for opening of the 2.78 mile segment'

*The project is in trouble with ODOT, the source of funding. County is in a time crunch.*

Steve Wick to Ken Wright, Commissioner Casey Kulla, Phillip Higgins 11/23/20

'any discussions Re: bus barn (property) should be handled with discretion (in secrecy)'

*Parties hatch a plan for Trail Friends to steal the bus barn lease and acquire land for a Trailhead.*

Veronica (Haley-Hinkes) to Higgins 11/23/20

'Floated this (bus barn) idea past Huffer, Martin, Boenisch, Sadlo'

*Martin and Higgins are a part of the conspiracy to take over bus barn property*

Kulla to Higgins 11/23/20

'I've asked county management team to follow up with you' (re: bus barn)

Higgins to Martin 1/19/21

'2/3 of BOC intent on bullying. If you want to get serious about a real honest war I'm happy to have a strategy session'

*Bus barn conspiracy fails. Higgins looks for an outlet for his frustration at losing. Blames 2/3 of BOC.*

Martin to Sadlo, Kulla, Boenisch, Huffer 1/21/21

'I guess publicity is our only recourse'

Higgins to Kulla, Sadlo, Wright cc: Martin 1/21/21

'2/3 of BOC does not want more jobs. Starrett & Berschauer want to raise your taxes'

*Higgins frustration continues. Scapegoats Commissioners, not County who flunked LUBA tests.*

Martin to Boenisch, Huffer, Sadlo 1/25/21

'Mention there is a 10-day's work left on the bridge. Grant 95% complete'

*Martin makes sure all involved get their stories straight before she attempts to misrepresent timeline*

Martin to Berschauer 2/3/21

10-days to complete. 95% grant completion'

2/5/21 to ODOT report showed 75% grant completion. Farline (contractor) reported 70 days' work remaining

*Martin is caught double dealing facts on terms of grants knowing there's already trouble w/ODOT*

Higgins to Sottile 2/4/21

'commissioner LB voted to kill the Trail. Taxpayers on the hook for \$3M. #Timberunity. Her ex-fiancé very afraid of her'

*Higgins offers Sottile no facts on the Trail. Resorts to misinformation on the Trail, then makes personal attacks on Commissioner Berschauer.*

Kulla to KOIN TV 2/8/21

'staff have credible case to make they've been slandered and defamed' ('staff' refers to Martin)

*Commissioner Kulla seeks to build a case against Commissioner Berschauer through the media.*

Martin to Huffer, Boenisch, Sadlo early February

'I understand an ethics complaint has been filed against Berschauer'

*Martin files a harassment lawsuit against Berschauer because LB caught her in a lie.*

Sottile to Higgins 3/16/21

'I'd like to get a sense of where things are'

*Sottile is ready to write but doesn't know any facts. She goes on to write an expert hit piece, heavy on personal innuendo and totally lacking in facts pertinent to LUBA terminating the Trail. Higgins handed her off to Carrie Martin for the details of the story.*

Commissioner Berschauer was totally exonerated of all charges claimed by Carrie Martin 9/27/21.