

Axelson, Kristi L.

From: David Gomberg <David@GombergKites.com>
Sent: Thursday, December 5, 2019 9:43 AM
To: Baumgart, Brenda K.
Subject: Gomberg Review

Dear Ms. Baumgart,

With Thanksgiving now behind us, I wanted to reach out. Our conversation of November 15 has been much on my mind. I'm writing to ask when you anticipate your report will be complete.

As we concluded our meeting, you invited me to provide any additional information.

I hope I've made it clear to you that I am sensitive, aware, and committed to improving civility and improved working conditions in our Capitol. I am deeply troubled to read reports that over 40 complaints have been filed in the past six months. I am similarly troubled that we remain focused on cataloging these confidential reports rather than on improvement and reconciliation. You cannot fix something if you don't know what you have done.

As I explained, my own values are to treat everyone with respect, kindness, and humor. I'm not perfect and I've made mistakes. I suspect every white male over 60 is prone to mistakes as we struggle to understand rapidly changing behaviors and standards. But when I make mistakes, I acknowledge them. I apologize. And I take affirmative steps to not repeat them. Sexism is like racism. It isn't enough to not contribute. If we are not working to dismantle it, we *are* contributing. And we white males benefit from history in many ways we may not even be aware.

That said, I do not believe I made a mistake on October 9th.

Looking back, I would describe Susan and my mood as celebratory. Earlier in the summer, I had been diagnosed with an aggressive form of prostate cancer. But we now understood that cancer was not the case. Instead I had a fairly common ailment which could be easily treated – with side affects you are aware of.

When a friend from the capitol asked how I was doing, I may have surprised him with a more forthright answer than he was expecting. It is part of my nature – and in fact, part of my culture – to deal with bad news using self-deprecating humor. But I also believe strongly that we need to learn how to talk about health challenges as Oregonians age. That includes once-awkward subjects like breast exams, colonoscopies, and yes, prostate testing. I would hope we could learn from each other without someone overhearing the conversation and being offended.

I deeply regret that anyone heard my comments and was "creeped out". And I appreciate them raising the question in a effort to be constructive. But in a broader context, I feel there was a misunderstanding and that most people in a similar situation would not conclude I was discussing my "privates". This conversation certainly did not rise to the level of a "hostile workplace".

I find this investigation troubling on many levels. Please remember that we were far from the Capitol at a private event, that my wife was present, and that I was not talking to legislative employees. This would not excuse questionable behavior, if it occurred. But it does concern Capitol rules.

These questions may be outside the scope of your investigation, but I need to point out the following:

- a. No complaint has been made.
- b. The only people involved in the incident who agreed to talk to you are Susan and myself.

- c. Rule 27 only allows complaints by people directly involved in the incident.
- d. Rule 27, on October 9, only applied to members, legislative staff, and assembly employees – none of whom were a part of this conversation.
- e. This incident and investigation is being reviewed by the Speaker rather than by Employee Services or Counsel.
- f. The Speaker has shared un-redacted emails with members of her staff, breaching confidentiality standards.

I remain hopeful we can resolve this matter quickly. Thank you again for your attention.

Sincerely,

David Gomberg