

**From:** MINER Jason \* GOV <[Jason.MINER@oregon.gov](mailto:Jason.MINER@oregon.gov)>  
**Sent:** Monday, November 15, 2021 9:32 AM  
**To:** Sen Wagner <[Sen.RobWagner@OregonLegislature.gov](mailto:Sen.RobWagner@OregonLegislature.gov)>; Powers Tom <[Tom.Powers@oregonlegislature.gov](mailto:Tom.Powers@oregonlegislature.gov)>  
**Subject:** EQC nominee, letter regarding Amy Schlusser

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Leader Wagner,

Please find below communication from Director Whitman regarding the long history of lawyers serving on and chairing Boards and Commissions that work directly of the issues where they have expertise.

Jason

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Hi Jason: Thought I would add a couple of data points about this letter.

1. It was not sent to Amy or to DEQ. I didn't receive or hear of it until Wednesday of this week, when Mary Ann Cooper sent it to me with a request to send it to Ms. Schlusser. Not copying Amy on the initial letter put her at a disadvantage in being able to respond to it.
2. With regard to the general question of having board and commission members who also are lawyers, there is a long history

of lawyers on boards and commissions, lawyers have skills that are one important perspective for agencies. More specifically:

- a. When I became DLCD Director, the commission overseeing DLCD had multiple lawyers, including John Van Landingham as chair. John's day job was then, and still is, as an attorney for the Oregon Law Center, helping develop policy around affordable housing. DLCD's work involved and still involves setting policies that affect housing availability and cost.
  - b. Another LCDC member/attorney was Steve Pfeiffer. Steve represented/represents many private clients on land use issues.
  - c. Another LCDC member/attorney was Margaret Kirkpatrick. Margaret represented NW Natural.
  - d. The current chair of the Oregon Transportation Commission is Bob Van Brocklin. Bob was the managing partner at a large Portland firm, with a law practice involving property development.
  - e. **Congressman Cliff Bentz, when I first met him, was chair of the Oregon Water Resources Commission. Cliff's law firm in Ontario, is a leading legal representative for water right interests in Oregon.**
3. These are all good people, who have devoted countless hours to public service. We need and want their perspectives on our boards and commissions. When there is an actual conflict under Oregon ethics laws, these individuals are required to, and do, recuse themselves.
  4. I could go on, but I think you get the point. Oregon's reliance on citizen members of boards and commissions means that there will be lawyer-members, and that is a good thing. The suggestion in the recent letter that this is inappropriate is a disappointing, self-serving attempt to throw shadow on individuals who have volunteered their time for the benefit of all Oregonians.