

2. Describe in detail the circumstances, incidents or events that lead you to believe a violation has occurred. Provide information that would answer such questions as who, what, how, where and when. Enclose any supporting documents, minutes, recordings, statements, news clippings, etc. The information you provide must support your belief that a violation occurred and the named official was responsible.

Since being elected to the Salem City Council and taking office in January 2013, Warren Bednarz has failed to declare a conflict of interest on at least three occasions when he should have done so under ORS 244.120. The first two of these were reported on in a complaint to the Oregon Government Ethics Commission dated January 9, 2016.

Another incident has come to my attention that is the subject of this complaint. In this case, Councilor Bednarz failed to declare an actual conflict of interest in accordance with ORS 244.120(2)(b).

The Bednarz family has substantial real estate holdings within the City of Salem. At the September 14, 2015, meeting of the Salem City Council Councilor Bednarz did not declare an actual conflict of interest and voted in support of a motion to acquire through condemnation property owned by his family. His family was subsequently paid \$13,000 by the City of Salem to acquire the property.

The staff report for agenda item 3.2f states: "File No. 24, owner Bednarz Holdings, Inc. — The negotiations have been progressing slowly, and staff is still hopeful of reaching final agreement on all construction related and compensation issues; however, in the event that a final agreement cannot be reached with all security interest holders, it is necessary to authorize the initiation of condemnation" (See Exhibit 1, p. 3).

The Council minutes for the September 14, 2014, meeting show that when the item was pulled from the Consent Calendar it was titled item 5(b) (see Exhibit 2, pp. 11-13). Councilor Bednarz both seconded the motion and voted in favor, without declaring an actual conflict of interest.

The approved motion states:

"Resolution No. 2015-49 Authorizing the Commencement of Eminent Domain Proceedings to Acquire Right-of-Way, Easements, and All Property Rights Necessary for the Commercial Street SE and Kuebler Boulevard SE Intersection Improvements Project, Over Property Commonly Known as 5042-5060 Commercial Street SE."

This property was owned by the Bednarz family which was paid \$13,000 on October 27, 2015, by the City to acquire the property. Documentation of the City payment and copy of the Warranty Deed are attached (see Exhibit 3).

In summary, Councilor Bednarz voted on a Salem City Council motion on September 14, 2015,

without declaring an actual conflict of interest, that resulted in a private pecuniary benefit to his immediate family members.