

February 22, 2018

A.P. Walther
104 Commercial St. N.E
Salem, OR 97301-3401

Salem Weekly News
104 Commercial St. N.E
Salem, OR 97301-3401

Brian Hines ✓
10371 Lake Dr. S.E.
Salem, OR 97306-9452

Re: Vol 16, Issue 14 Article "Public stuck with a \$7.5 million development bill"

Dear Mr. Walther, Salem Weekly News and Mr. Hines:

I represent Larry Tokarski concerning the above referenced article printed in your publication. This letter is to advise you that the above article is very close to being considered defamation. Numerous statements of fact in the article are either false, incomplete, or intentionally misleading.

Although this article is labeled "opinion," the statements made in the article are presented as facts. There was no effort made by the author, or Salem Weekly News, to confirm the statements made with Hawaii Northwest Ventures or Larry Tokarski. Labeling the article as "opinion," will not relieve the publication from liability.

Specifically, the article names Larry Tokarski as the developer responsible for extending Lone Oak Road. Throughout most of the nearly 30 years of Creekside's existence, Hawaii Northwest Ventures, not Tokarski, was the developer. The manager of that company was James Hover, a developer from Hawaii. Your article infers that Tokarski was the developer since the early 90s and that is not true.

Your article incorrectly states that the 1992 development permit contains some straightforward language about what Tokarski was required to do with Lone Oak Road. The agreement was between the City and Hawaii Northwest Ventures, yet you blatantly paint HNV and Tokarski as one in the same. You also state, "Yet Tokarski (not HNV) has been able to keep on developing Creekside without making the promised improvements..." Again, this is not true.

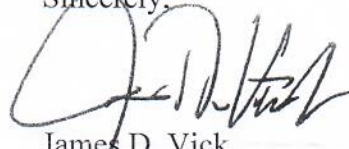
You give an incomplete picture of the project by failing to mention that Hawaii Northwest Ventures built most of the extension of Lone Oak road as they were required to do with staged in approvals from the City of Salem.

The headline and the article state or infer that “What is clear is that Tokarski, in his role as the Creekside developer, should have made the improvements to Lone Oak Road.” Again, Tokarski was not the developer. Hawaii Northwest Ventures made substantial improvements on the extension of Lone Oak Road over a period of years. At one point, the developer and the City of Salem were very close to an agreement on building the bridge over Jory Creek. As you mention preliminary work was done on the road and bridge. That bridge would cost 1.2 million. However, through a process of development creep, the City expanded the type of bridge to be built and the cost of construction subsequently skyrocketed. It is simply not accurate to blame the developer when the City of Salem substantially changed the project. Your article never mentions the City of Salem’s part in escalating the costs and expanding the project.

The article states “...it isn’t equitable when Larry Tokarski, a rich real estate developer, walks away from his obligation to build promised improvements...leaving Salem citizens with a \$7.5 million bill.” Again, this statement is misleading and not true. It was never Tokarski’s obligation alone to build the Cadillac bridge that the City now desires. The inflammatory statements concerning Tokarski failing “to honor an important commitment” and calling a future bond measure “The Tokarski Bailout Bond” are despicable and defamatory. Larry Tokarski deserves an apology and a correction from the Salem Weekly.

At this time Mr. Tokarski has graciously opted not to bring a legal action against the Salem Weekly or its author, however you should regard this letter as notice that future misleading articles will not be tolerated.

Sincerely,



James D. Vick

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JDV/jlk

Tokarski Creekside-Retraction Ltr