

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 potential conflict of interest on at least two occasions when he should have done so under ORS 244.120(2)(a).

The first violation occurred on June 24, 2013 at a Salem City Council meeting. The Salem City Council was deliberating on the preferred alternative for the Salem River Crossing, a proposed bridge from North Salem to West Salem. At that meeting Councilor Bednarz participated in the deliberations and voted to approve the preferred alternative, called "The Salem Alternative," and did not declare that he had a potential conflict of interest because of family property holdings in the right-of-way of "The Salem Alternative." The minutes of the June 24, 2013, Salem City Council meeting (see Exhibit 1 attached) do not record that Councilor Bednarz declared a potential conflict of interest and they show that he participated in the deliberations and vote on Agenda Item 4d (pp. 9-10).

We know it to be the case that Councilor Bednarz should have declared a potential conflict of interest, because before he became a Salem City Councilor he served on the Salem River Crossing Task Force. In that capacity he did declare a potential conflict of interest as recorded on p. 3 of the minutes of the August 15, 2012, Task Force meeting (Exhibit 2 attached):

Warren Bednarz than [sic] read a statement to be recorded into the minutes of the meeting:
I have a potential conflict because one of my family businesses owns a parcel of land at the northwest corner of Liberty and Pine, as well as a second parcel on Front Street near one of the proposed landing sites northwest of Front and Grove streets. Both of these locations could be in the impact zones of a third bridge.

While "The Salem Alternative" was not the subject of the August 15, 2012, meeting because it had not been developed yet as an alternative bridge plan, the footprint of "The Salem Alternative" is more or less identical to Alternative 4D and other alternatives that were under consideration on August 12, 2012, when Bednarz declared a potential conflict of interest because of two parcels that his family owns at the northwest corner of Liberty and Pine Streets and on Front Street in Salem. Councilor Bednarz should have declared a potential conflict of interest on June 24, 2013, because of these family-owned properties in the right-of-way of "The Salem Alternative," but he did not, in violation of the requirements of ORS 244.120(2)(a).

A second failure by Councilor Bednarz to declare a potential conflict of interest occurred on December 17, 2015, at a meeting of the Police Facility Council Subcommittee of which

Councilor Bednarz is a member along with Salem's mayor and two other councilors. At this meeting the Subcommittee was deliberating on potential sites for a new Salem Police Department headquarters facility. Architectural consultants working for the Subcommittee presented their evaluation of 30 potential sites. The Subcommittee's task was to select 3-4 sites for further consideration. Following their deliberation, the Subcommittee voted to select four sites.

One of the sites that was selected for further consideration and possible purchase was "Site 2", also known as the Commercial and Leslie block, that is located just south of the Salem Civic Center campus (see Exhibit 3 attached). Site 2 contains 16 tax lots, half of which are owned by the Bednarz family (Starbuck Properties LLC and Bednarz Holdings, Inc.).

<i>Owner</i>	<i>Address</i>	<i>Tax Map Lot</i>
Starbuck Properties LLC*	340 Leslie St. SE	073W27BD03900
Evans-Claasen, Charles A.,	380 Leslie St. SE	073W27BD03500
Bruce Edward & Erma Kealiiokalanionapua Hoffman RLT & Hoffman, Bruce Edward TRE	370 Leslie St. SE	073W27BD03600
Guthrie, Annellie Sue	360 Leslie St. SE	073W27BD03700
Kevin Gage	348 Leslie	073W27BD03800
Starbuck Properties LLC	336 Leslie	073W27BD04000
James P. Harris II LT 50% & Mary R. Harris LT 50% & Harris, James P II TRE	310 Leslie	073W27BD04200
Rice, Thomas L. & Rice, Gloria J.	749 Liberty	073W27BD03400
Starbuck Properties LLC	740 Commercial	073W27BD04100
Starbuck Properties LLC	780 Commercial	073W27BD02800
Starbuck Properties LLC	315 Mission	073W27BD02700
Starbuck Properties LLC	333 Mission	073W27BD03000
Bednarz Holdings Inc	331 Mission	073W27BD02900
Carter Reed Properties LLC	765 Mission	073W27BD03100
Starbuck Properties LLC	385-7 Mission	073W27BD03200
Robert J. Taggart LT 50% & Betty J. Taggart LT 50%	795 Liberty	073W27BD03300

* See Exhibit 4 attached for information on Starbuck Properties LLC; Ben and Wendy Bednarz are siblings of Warren Bednarz.

Because selection of Site 2 as the site for a new Salem Police Department headquarters facility would require the City of Salem to purchase the site from the property owners, including the Bednarz family, Councilor Bednarz had a potential conflict of interest that he failed to declare at the December 17, 2015, Council Subcommittee meeting. The draft minutes of the meeting (Exhibit 5 attached, p. 4), Action Item 4b., indicate that Councilor Bednarz "moved to

recommend four sites including ... the Commercial and Leslie block ... as possible locations for a new Police Facility." He then voted in favor of his motion. The draft minutes show that he failed to declare a potential conflict of interest. Therefore, his actions at this meeting were in violation of the requirements of ORS 244.120(2)(a).