

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)

Timothy Crockett)

) **STIPULATED FINAL ORDER**

) **CASE NO. 08-202ETH**

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1. **PURPOSE:** The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Timothy Crockett.

 2. **JURISDICTION:** At all material times, Timothy Crockett was a City Councilor and Code Enforcement officer for the City of Lakeside. Mr. Crockett was a public official, subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

 3. **STIPULATED FACTS:**
 - A. Mr. Crockett, as a code enforcement officer, was responsible for code enforcement for the City of Lakeside.

 - B. Mr. Crockett, in his official capacity as a code enforcement officer, responded to a citizen complaint to abate nuisance vegetation on a parcel of property located within the jurisdiction of the City of Lakeside.

 - C. Mr. Crockett inspected the property which resulted in the city recorder issuing a notice to the property owner that the vegetation violated a city ordinance.

- D. The property owner contacted the city recorder to request a quote on the cost the City of Lakeside would charge for the mowing of the property. The City recorder notified the property owner by email, that Mr. Crockett might have knowledge of workers that could perform this job.
- E. A relative of Mr. Crockett's and another person were hired by the property owner based on Mr. Crockett's referral to perform the work required to bring the property into compliance with the City of Lakeside.
- F. Upon completion of the work, the property owner paid \$180.00 for the work performed by the relative and the other worker, each receiving an equal share.
- G. ORS 244.040(1) prohibits any public official from using their official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses.
- H. Mr. Crockett's referral of his relative for services constituted one distinct violation of ORS 244.040(1).
- I. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5000.00, for this one violation.
- J. ORS 244.360 authorizes the Commission to order Mr. Crockett to pay a monetary forfeiture in the amount of \$ 180.00 which represents twice the financial gain Mr. Crockett's relative realized as a result of this violation.
- K. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 244.040(1).

4. **TERMS OF SETTLEMENT:**

The parties agree as follows:

- A. Carrie Connelly, legal council with Speer Hoyt LLC representing Mr. Crockett, has indicated that her client wants to settle this matter by agreeing to the terms and conditions described in this stipulated final order.
- B. In lieu of a civil penalty, Mr. Crockett will receive a written letter of reprimand as provided by ORS 244.350(5) in order to settle and compromise this matter.
- C. Mr. Crockett will pay forfeiture, as authorized by ORS 244.360, in the amount of \$180.00 in order to settle and compromise this matter.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Mr. Crockett within the scope of the above-referenced proceedings.
- E. Mr. Crockett will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. **REVIEW BY COUNSEL:**

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Mr. Crockett agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Mr. Crockett agrees to waive his right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.



Timothy Crockett

4-15-09

Date



Delna Jones Chairperson
Oregon Government Ethics Commission

5-1-09

Date