



DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE DIVISION

Transcript of Phone Interview

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PERSON INTERVIEWED: MADKOUR, Jenny
INVESTIGATOR: WELLS, Mike / Dept. of Justice

WELLS: So went ahead and started the tape recorder. July 30th, Mike Wells, Shannon Kmetic, and can you state your name for me?

MADKOUR: Jenny Madkour. M-A-D-K-O-U-R.

WELLS: Perfect. And what's your position here?

MADKOUR: I'm the Multnomah County attorney.

WELLS: Okay. So lets start from scratch. Where you first uh, I guess first heard anything or any rumblings about uh this Cogen situation.

MADKOUR: Okay. And so I, I don't know if we need to do this on tape or not but I do have questions about attorney-client privilege and how that plays out. So I don't know if you wanna have that part recorded or not. That's totally up to you.

WELLS: Well. We'll just leave it on there. I—

MADKOUR: Yeah.

WELLS: And that's kind of why I brought Shannon with us too—

MADKOUR: Okay.

WELLS: So I figured there was going to be some things we needed ta—

MADKOUR: Yeah.

WELLS: To, to fish out. Cause I'm not really sure either. On how to—

MADKOUR: Right. And how it becomes ya know in the nature of the investigation is one thing but then my general understanding of criminal investigations is they may become public after the investigation is complete and so you know, I'm concerned about first maintaining client confidentiality and then if there's any, you know, can there be limited waivers etcetera.

KMETIC: Right.

MADKOUR: So—

KMETIC: Well, (long pause) processing through, (laughs).

MADKOUR: No. No. That's okay. That's okay. I've been thinking about it and didn't ya know, I don't come up with uh ya know uh, good answer but I'm not a criminal attorney—

WELLS: Right.

MADKOUR: So I don't know if there is some protections that you can offer. Um, ya know cause certainly you can talk to the clients and then, and then they can waive.

WELLS: Correct.

MADKOUR: Um and that's, and that's not a concern to me but it's just I don't want to violate any of my own ethical duties—

WELLS: Right.

MADKOUR: By waiving privilege on that.

WELLS: And I was more—and truly I was more interested in based on what I've read, that says that you have done some kind of investigation—

MADKOUR: Sure.

WELLS: So more that, that, kind of the background on that.

MADKOUR: So lets—

WELLS: Then the

MADKOUR: I think we can—yeah.

WELLS: Just specifics of maybe what you've—

KMETIC: I think you can talk (inaudible).

WELLS: Talked to other people.

MADKOUR: Yeah, yeah. Yeah I can talk about that stuff. So I can so basically the first time that I ever learned of any alleged inappropriate behavior by Chair Cogen was upon receiving the uh this anonymous email which was sent by um 333margiesmith@gmail.com.

WELLS: Okay.

KMETIC: When was that email? Do you have the date there?

MADKOUR: That, that email is sent um, July 15th. Um, so that's when I first learned of it. I had a communication uh with Lillian Shirley um that evening. Um, and so I won't go into what we talked about but that the email had been received um, I then talked to Chair Cogen—

WELLS: So I have not seen the email.

MADKOUR: Okay.

WELLS: So, I'm sure we'll get that in discovery—

MADKOUR: Yeah.

WELLS: Cause I believe that's included in that. So, can you, do you have it in front of you or?

MADKOUR: Yeah, it, the, the email, the email is written by Margie Smith as I said. It's sent to Kathleen Fuller-Poe, who's the human resources um contact for the health department and then District 1, District 2, District 3 and District 4 as well as the Chair's Office so all of our elected officials um in our legislative body. And basically um, the, the email says uh expresses disappointment about Multnomah County um and that um Multnomah County Chair Cogen has been seen kissing Sonia Manhas in front of the Kenton Library and at bars and some other sightings throughout Portland. Um, and then goes into um complaints about how Sonia was promoted into her appointed into her permanent uh current position and it wasn't a fair process um, and saying that some complaints about Sonia's management um—

KMETIC: Are there specifics about how they don't think the process was fair? Or is it just a general—

MADKOUR: This may explain why Sonia was basically appointed into—

KMETIC: Oh okay.

MADKOUR: Her current position as opposed to a fair and transparent process and why Lillian is still in her position. Miss Shirley had some—a domestic abuse charge which was no complainant uh in the recent history um, and so it's just basically calling out the promotional process.

WELLS: Ok.

MADKOUR: Um and we can explain, I can give you some um context about how promotional processes work in Multnomah County and all of that.

WELLS: Perfect.

MADKOUR: You know when we, when we get to that point. So I learned of this email um and then following that I met with Miss Shirley, Chair Cogen and basically everybody um because it um, because Chair Cogen as you'll know from the news reports the following night basically um had um the press interview with I believe the Willamette Week and the um the Oregonian and can—and um admitted to having, to having a personal relationship of an intimate nature with Ms. Manhas. So, so, that's basically what came to light and it was you know from my perspective a complete just bombshell.

WELLS: Sure.

MADKOUR: And then the public records requests started, of course. (Chuckles). All of them, many of them. Tens of them. And um, so, part of my job as the county attorney is always to review public records um, in my public records law and then to make redactions as appropriate and respond as required by law. So, I did that in, in this instance. Um, as I was doing that I was um reviewing and looking at documents what I call just a basic inquiry or doing my job to see if there was any um, information within those documents which lead me to lea—believe there was a violation of our county personnel rules which include our ethics rules or any other violations of law. So, that's you know, that's what I was doing. And in the normal course I would be reviewing, you know, any time there's uh, a complaint like this, even though it's anonymous, you know, it's alleging improper conduct—

WELLS: Right.

MADKOUR: In a promotional process so I'm going to be looking at the documents to see okay, do I, do I have any concerns here. If I did have concerns in the normal course I would then consult with my client and provide them with um options for moving forward to insulate the county from liability and of course they're

the ones who make the choice. So, I called that just a basic inquiry. I'm responding to public rests—records requests and inquiring. The press called it an investigation. I told them it wasn't an investigation. We went back and forth and then the headline was, "County Attorney Launches Investigation". (Chuckles) You know—

WELLS: Gotcha.

MADKOUR: So, that's all, that's all a creature of the media and by virtue of the fact that I don't comment on these things so. You know, they just kind of went and ran with it.

WELLS: Perfect.

MADKOUR: Um, so my level um really is just a level of inquiry reviewing public records, um, finding information and then briefing my clients um and when I say my clients, that means a whole host of people. It's really the entity but it's gonna be representatives from the Chair's office, representatives from all of—um the Board, representatives from HR, the COO, you know people in, in, decision making um positions as well as ones with a political interest, right? The whole 6th floor.

WELLS: Right.

MADKOUR: On, what's being released? What's being redacted? And what concerns there may be from a policy sort of standpoint.

WELLS: Okay.

MADKOUR: Um, so that's basically what I did. I did not, I did give um, after reviewing records (coughs) sorry. In the middle of last week, I had reviewed enough records to make a recommendation to the client um, about next steps um, and possible alternatives, of course there being many alternatives and then um—

WELLS: When you say to the clients, again you mean to everybody?

MADKOUR: Yeah.

WELLS: Cause each has a different—

MADKOUR: Yeah.

WELLS: Level of interest.

MADKOUR: So its—exactly!

WELLS: Okay.

MADKOUR: So door to door because everybody's gonna—you know. The the bottom line is anybody could ask um an outside official to conduct an inquiry or investigation into these matters. There are some, um, according to our code, and I can point out those, code provisions, although they're probably not important to your inquiry—the Board as a body cannot direct public uh, county employees um, to do particular actions.

WELLS: Okay.

MADKOUR: But they could vote by majority to hire an attorney to an outside investigation so, you know, so there would be—there's a lot of options available on how, what steps the Board as a body could take or what steps individuals could take. So I advise them on that. And then the next thing that happened was the District Attorney along with the Sheriff asked your offices to conduct an independent investigation.

WELLS: Okay. So, at this point, do you know of another investigation that is ongoing or an independent investigation that has been requested by somebody else?

MADKOUR: No. No.

WELLS: Okay. Cause that is the new, at least what I'm seeing again in the media is, we're involved but there is also—

MADKOUR: Right.

WELLS: This other investigation.

MADKOUR: I can only speculate as to where the media's going with that but the Board of County Commissioners originally issued um, well not the whole Board, but members of the Board issued a statement saying that um, they were disappointed, you may have seen the statement, it's like they're disappointed and um it's largely a personal matter for Chair Cogen and the expect the county attorney to do an inquiry. Okay. So they issued that statement and you know, that was going on. Then they issued another statement saying that they were going to seek an independent investigation into a couple matters and those matters were um, uh, I'm paraphrasing but basically misuse of public funds and in violation of personnel rules or something, something like that.

WELLS: Okay.

MADKOUR: And then the um, and this all happens I think in one week or so but and then um the DA Rod Underhill along with the Sheriff asked your office to get involved.

WELLS: Okay.

MADKOUR: So you know, my, my best guess of that is that it was um, you know, they were just trying to figure out what was going along as they could.

WELLS: Okay.

MADKOUR: Um, but I am not aware of any other investigation and into personnel rule violations which would be what we would be investigating.

WELLS: Gotcha.

KMETIC: And how would the—how would those typically come to you? Would they come to you? I mean if there was a concern? Lets say there was a concern about personnel violations. I mean would you be the—the conduit so to speak for that type of—

MADKOUR: So.

KMETIC: Inquiry or investigation?

MADKOUR: So the answer is it depends. Um, it depends on—I would often times be involved to um, if it's at a higher level. Lets say a department director and you know an elected official in this case. Um, I may be involved to advise on what an investigation would look like. What the goals were? What our questions were? You know and advise on, on the liability. For the most part, I mean we do investigations all the time at Multnomah County and those are typically done by HR analysts at the department level. So, typically um, unless my office is an advis—is involved in an advisory role, it wouldn't, you know I would never no!! I may become involved at much later dates when they're talking about discipline.

KMETIC: Uh huh.

MADKOUR: Um and we're talking about liabilities associated with any particular course of action. Um, so, but, in a, in a case like this um, Multnomah County would not typically do a human resources investigation on an elected official because most of the personnel policies as they're written—or as they were intended to be written really don't apply—

KMETIC: That's another question I was

MADKOUR: To the elected.

KMETIC: Gonna ask.

MADKOUR: Yeah.

KMETIC: Cause when we, cause we ask for the human resources manual policies ethics obviously. S—the question being, what applies to Chair Cogen?

MADKOUR: Yeah. Yeah. And so and, and, um, the, in general, the rules were not written um, with the intent of applying to elected officials. Of course Multnomah County can't discipline elected officials.

WELLS: Right.

MADKOUR: Um, so, those rules are written and have been traditionally applied to the employees of Multnomah County um and um, and so not even elected official staff necessarily. Just employees of the county. So, if we're doing an HR investi—I'm not aware that we've ever done an investigation of an elected official. You know, it may have happened and I'm carving back you know maybe Sheriff Skipper, and I'm saying we Multnomah County.

WELLS: Right.

MADKOUR: You know there was some issues around his certification you may recall um, and so there may have been some sort of look by the Sheriff's Office, but for the most part, to my knowledge any way, all of our investigations would be done of, um, executive level employees and below.

WELLS: Okay.

MADKOUR: Um, and then you know, typically if, typically they're done inside but there, by inside meaning by HR. It's not something my office as attorneys would, we don't typically do investigations although I think there's been a time or two in the past twenty years that we have.

WELLS: Okay.

MADKOUR: Um, if there are reasons either bias or perceived bias, um, sometimes we hire outside investigators to do things. Workload. You know there might be any number of issues but for the most part, we do them in house.

WELLS: Okay. Uh what about uh, Sonia's, so when this starts coming out—

MADKOUR: Uh huh.

WELLS: And then eventually she is no longer employed there, can you give me a little bit of information what you feel like you can share about how that all happened on.

MADKOUR: So—

WELLS: Sonia's position?

MADKOUR: So first of all, let me and I'll talk in broad brushstrokes and then I'll kind of, let you know who you should talk to to get more of the details—

WELLS: That's great.

MADKOUR: Answers.

WELLS: That's excellent.

MADKOUR: Um, so Sonia's an executive level employee at the county and what that means is that um, we have s---personnel rules which apply to appointment and discipline of um of these executive level employees. Sometimes they're also called exempt staff.

WELLS: Right.

MADKOUR: Um and basically what it means is we're at will. So we can be appointed um by the director of the department um, without any process. And we can be terminated uh, without any process. So unlike a union level employee or a management level employee where we have civil service rules which apply to uh um appointment, promotion, discipline and termination, those rules don't apply to executive level employees. What you'll find at the county is that there is often a process associated with the appointment of executive employees because we want sta---what we call stake holder input you know, so we'll even have things like members of the community come in and there's meet and greets and there's tea socials and there's you know panel interviews where you have people throughout the organization, outside partners, internal partners, all involved in an interview process. For Ms. Manhas you'll find that there was a process but in the end she ended up being the only candidate that went forward uh, cause there was three candidates, two dropped out and that just left here. But they still did the interview process and she was the one who was appointed.

WELLS: Okay.

MADKOUR: Um, and now when we come to termination when we're terminating an executive level employee, what typically happens is that I consult with the director um, on their desires and we talk about legal risks and liabilities. I give them options and then they make the decision.

WELLS: Okay.

MADKOUR: And so, um, the, the decision in this case was made by Lillian Shirley. She's the department director for the health department of Multnomah County.

WELLS: Okay.

MADKOUR: Um, and so, I can't really talk about you know, what her, you know, what her reasons were. I think she can explain those to you without violating any privileges.

WELLS: Yeah that's fine.

MADKOUR: Yeah.

WELLS: And I have scheduled to talk to her.

MADKOUR: Yeah.

WELLS: So I just—

MADKOUR: Yeah. And so ya know again, Sonia's an at will employee. Sonia was represented by an attorney, Liz McKanna. Elizabeth McKanna.

WELLS: Okay.

KMETIC: On the personnel issue? Or do you know they (inaudible).

MADKOUR: I don't. I don't know the extent of her representation.

KMETIC: Okay, okay.

MADKOUR: But she was certainly representing her um, on the personnel side of things.

KMETIC: Okay.

MADKOUR: And so Ms. McKanna contacted me um, a week ago Monday so that would be the 22nd of July. And um, we had conversations about um, about Ms. Manhas and her employment. At that time, Liz, I asked her what her representation was and she just said well, you know, there's a lot going on.

There's tons of press obviously her client was um, was, had not come back to the workplace um and so she was just hoping to assist is, is what you know, I think that's that's where we were at that time. Um, after talking to Ms. McKanna, um, I received, and I can tell you about this, I received a phone call from a prior um, employee at the health department who had complaints about Ms. Manhas and who um alleged to me that Ms. Manhas had asked the employee not to include a (inaudible) it's hard to say. I wanna. I wanna make it clear. So, this employee who left employment had a complaint against a co-worker because the co-worker was spreading rumors and this employee who's—Mia is her name. This employee Mia went to her supervisor, Sonia Manhas, and said I wanna file a complaint um, this other employee is doing a lot of things, but one of the things she's doing is spreading rumors and one of the rumors that's spreading is that you and Chair Cogen, you Ms. Manhas and Chair Cogen are having an affair to which Man—to which Manhas became very upset, became tearful and eventually asked the employee not to include that specific um, example of rumor mongering in her actual complaint. Um, so, the employee, this is all according—

WELLS: Sure.

MADKOUR: But she said that she took that as um, that this request was made because it was in fact a rumor and that such rumors could be very harmful to a woman in Ms. uh Manhas' position and so she did not include that specific allegation in the complaint. She did file the complaint. The complaint was not about Ms. Manhas directly or Ms. Cogen directly but instead about an inner personal dispute that she had with another Multnomah County employee.

WELLS: Okay.

MADKOUR: Then the news breaks. Then the employee says, well, wait a minute you know. That in fact wasn't a rumor and it was true and the reason why she didn't want me to include it in the complaint is because she didn't want him upset the rumor mongering employee—

WELLS: Right.

MADKOUR: Right? So this, so, um, this Maya employee has since left employment on her own accord um and so she was just calling me to give me this information so I, I learned that about—

WELLS: Okay.

MADKOUR: Um, and didn't do any further investigation except that um, I told Ms. McKanna in a subsequent conversation who is Sonia's lawyer, um, this is information I have. I don't know if it's true or not, but your client does. And

if the county finds out about this and if this becomes um an issue then, your employee's sunk. You know she's definitely out of the organization so I suggest you take this information back to her and she can start planning about what she needs to do next.

KMETIC: And that was before her deci—before the decision was made? Okay.

MADKOUR: Correct.

KMETIC: Okay.

MADKOUR: That's before the decision—

KMETIC: What's Maya's—do you have Maya's last name?

MADKOUR: Mia's last name, Mia is referenced in the email. Mia Bott. First name. M-A-Y-A. Last name. B-H-A-T.

WELLS: Do youuuuu end up with a phone number for her?

MADKOUR: Yes. [REDACTED]

WELLS: And what about Elizabeth McKanna? Do you have a phone number for her?

MADKOUR: Elizabeth McKanna is at [REDACTED]

WELLS: Okay.

MADKOUR: Um, so lets see, what else can I tell you about Sonia's resignation. Sooo um, I also as I told you was reviewing public records. Um, in my review of public records, I found um, several emails which have since been reported to the press, which demonstrated that Ms. Manhas was not following the chain of command um, within the organization but instead was going to—

KMETIC: To Chair.

MADKOUR: To Chair Cogen with whom she had an intimate relationship but her boss', boss', boss', whatever it is! You know—

WELLS: Right.

MADKOUR: I mean. Far above her chain of command um and going over Lillian Shirley's head as well as circumventing some of the Chair's policy advisors. Having direct communications um, strategizing and those, those emails you'll find um in the documents um, and those are of no (inaudible) from an

organizational perspective in general. Um, we follow the chain of command within this organization and saying things, you know like in one case there's an email where Ms. Manhas says to Chair Cogen, "I just met with Lillian." That's uh, her boss.

WELLS: Right.

MADKOUR: "I just met with Lillian, um, she says this and this. I know you're going to meet with her tomorrow. Can you say this and this?" And then they talk together to—you know they have this communication on paper that we can see which decides you know, how they're gonna deal with the Director. (Chuckles).

WELLS: Right.

MADKOUR: You know so, so, there were several emails of concern—those were all given to the client. Um, those were all given to the press. Those were all reported in the press of course.

WELLS: Okay.

MADKOUR: Um, so there's—um, so that's what I can and there's also some emails about dealing with the Chair's policy advisors where Sonia instead of dealing directly with the policy advisor, which is how we do things, you know, you go, you talk to the policy advisor on sippy cups, this is real. It's actually sippy cups.

WELLS: (Chuckles)

MADKOUR: Um, you know, and and you'll, you'll develop talking points, you'll develop a strategy, you'll develop all of those sorts of things and instead of dealing directly with the policy advisor, Ms. Manhas would deal with them and then would bump up to the Chair to give maybe additional comment console or what not. Um, and well, that is what it is—

KMETIC: So those for Sonia violate what? I mean in terms of the difference between I, I assume there's a difference between Cogen—

MADKOUR: Uh huh.

KMETIC: In terms of what he's subject to and what she's subject to.

MADKOUR: Right.

KMETIC: So what, what is—

MADKOUR: And so when we're talking about work rules, um, I'd have to look more closely at you know our code of ethics and, and, and what not as far as if that's like a, a, technical violation of some rule. Um, I think it's fair to say that um, at the executive level um, employees need to operate with a level of trust discretion and judgment and that failing to follow the chain of command and/or circumventing other members of your office and your team um, to further, even though it's just further in county business that that demonstrates poor judgment.

KMETIC: Was it clear from the emails, I'm sorry to jump in but, um was it clear from the emails that the, the gist so to speak of the contact with Chair Cogen was for county business or was it, were there more like ultimately personal benefit to her type. You know was it all related to county stuff? Are we talking about she's going to him for something that ultimately is going to benefit her and directly in the long run?

MADKOUR: So I haven't—I didn't—look at the documents with that lens particularly, but I would say that in general, I think that the majority of their contacts really are about county business and about public health policy um, as you know, and, and that stands out to me because that's a lot different than a lot of employment cases that I would normally deal with right, you know so it's um, so they're, they really are dealing more with the county business. Um, so, so, going back to the um, to her resignation from employment, facts came out surrounding Ms. Manhas' employment um, there were communications um, with her director. Also communications with human resources Director Travis Graves and communications with um the county COO, uh Joanne Fuller. Um, and um, once I had direction about next steps on, on, what the county wanted, then I communicated again with Ms. McKanna um and we talked, we had very frank and open discussions about um, Ms. Manhas' ability to be successful in the organization in light of um, her contacts, her activities and um, issues surrounding her employment and then basically what we did, is we negotiated a resolution um, we went back and forth a couple times. Ms. Manhas suggested a resolution that we ultimately accepted and had the documents signed um, pretty quickly. Um, and that was all negotiated between uh, between the attorneys as would be common once an attorney gets involved in an employment case. Um, and as it stands, we have, we have a signed separation from employment which gives, um, Ms. Manhas will be on sick leave until the end of August and she's to provide us a doctor's note to support um, her need to, for sick leave so that we can code it as such um, and we negotiated a letter of reference and an exit interview um, and that's that's the full term of the settlement agreement.

KMETIC: So her employment will be, is it done as of now or is it done at the end of August after—

MADKOUR: End of August she—yeah.

KMETIC: End of August okay.

MADKOUR: Yeah. She resigned—she, she resigned effective August 30th I believe.

KMETIC: Okay.

MADKOUR: Um and right now she's technically on sick leave.

WELLS: Now as far as uh travel. That's one of the other—

MADKOUR: Uh huh.

WELLS: Allegations. Did you review any travel records or look through any of that kind of stuff?

MADKOUR: I did.

WELLS: Okay.

MADKOUR: I did.

WELLS: Tooooo, to the extent that you can talk about—

MADKOUR: Uh huh.

WELLS: Is there anything that, that you saw that was a red flag or anything that, that concerns you when you reviewed that type of stuff.

MADKOUR: Shhhh-sure.

WELLS: And then—mayb—tell—give us kind of a lead on where, where we need to go to get that information or who we talk to in the county that handles travel type business.

MADKOUR: So I have all the travel records sitting in the pile in front of you and those will be burned onto the disk, so—

WELLS: Excellent

MADKOUR: So that information we already have.

WELLS: Okay.

MADKOUR: Um, in my review of publ—of the records that are in there, they're very sparse um, you know the county we don't get many perks or you know you get a per diem and that's about it so and you can spend the per diem on whatever you want. So that's—or not spend it all right? You could just keep the money if that's what you chose to do. In my review of the records, I did see that in an Atlanta trip, that Chair Cogen took—this has been reported in the press—that um, the delegation of folks were all staying at one hotel and he—a decision was made that he would stay at a different hotel.

KMETIC: By who? A decision was made by who?

MADKOUR: I don't know.

KMETIC: Okay.

MADKOUR: I don't know, um, so, he stayed at a different hotel. My understanding is that he originally had a reservation at hotel "A" and he moved to hotel "B". Hotel "B" costs \$50 per night more.

KMETIC: Okay, so who, I mean along those lines, who makes, I mean if he has a reservation somewhere, who are the people that that knows the logistics of okay you have this reservation, what process did he need to go through to get a reservation at another place?

MADKOUR: So, I'd have to look at the records to see who actually signed those documents. The person who's in the position now, who can explain the pro—um, it, to you? (Chuckles) I don't know. The process to you, is Mary Margaret Wheeler-Weber. And I think you have that.

WELLS: Right. (Inaudible)

KMETIC: Okay good.

MADKOUR: Yeah.

KMETIC: I just wanna make sure we have the right person.

MADKOUR: Yeah. So she's—yeah she's the person who does it now. There was previously another woman in that position um, Barb Guthrie—

WELLS: Correct.

MADKOUR: Right. And so Barb might have been the one who made those--

KMETIC: Okay. I just wanted to make sure—when was that? I mean this is a curiosity—we'll go through the records. Do you remember when that trip was?

MADKOUR: Um, I'm thinking it's 2012 but I just don't remember.

KMETIC: No no no. That's okay. I was just curious more than anything.

MADKOUR: Yeah. I had some—

KMETIC: You know before we move away from Sonia—

MADKOUR: Uh huh.

KMETIC: Can you tell me exactly what her position entails? I mean is she a policy person? I mean, I guess—

MADKOUR: So—

KMETIC: I wanna have some flavor of what her —

MADKOUR: So. And Lillian Shirley would be able to totally explain it to you and we have all the, her position description which gives all the, you know general. In Layman's terms, from my perspective, (chuckles)

KMETIC: (Chuckles)

WELLS: (Chuckles)

MADKOUR: For what its worth, um, her, she's a policy, a health policy advisor. So the health department has a public health component and public health does in part what it says which it has a focus on the health of the entire community and um, as an organization, Multnomah County has been very proactive um, especially with you know under Sonia's um guidance on health policy initiatives and these will be initiatives um which have sort of a broad safety net affect. So, you're gonna think—needle exchanges, um, some of the things that Sonia worked on were you know the BPA and, and—

KMETIC: Yeah.

MADKOUR: Sippy bottles um, tobacco. Sensation of tobacco use. I think she also worked on menu labeling so it's things that um, uh, there was this whole diet. Sugar sweetened beverages campaign right? So the health department will have these campaigns and initiatives, education, all that sort of stuff that I think Sonia would work on in part and then the policy advisor, the link to the

Chair's office is that um, it's the Chair and the Commissioners are sitting as the Board of County Commissioners are the legislators for the county and were also the um the health, the um the Board of Health for Multnomah County.

KMETIC: The Commissioner's are?

MADKOUR: Yes.

KMETIC: Okay so in other words, Sonia's got these projects or whatever—

MADKOUR: Right.

KMETIC: The Board is ultimately voting on her proposal?

MADKOUR: Yes.

KMETIC: Okay.

MADKOUR: Right. Her proposal brought up through the health department. Absolutely.

KMETIC: Okay.

MADKOUR: Yeah.

KMETIC: Okay.

MADKOUR: And so, so that's basically. You know—

KMETIC: No that makes sense.

MADKOUR: Yeah what she does. So like the BPA is a good example of—Bisphenol A or however you say that. (Chuckles)

KMETIC: (Chuckles)

WELLS: BPA is fine, (chuckles).

MADKOUR: Sippy cups you know so in that case it was the Board of Health which is the Board of County Commissioners sitting as the Board of Health um, passed a public health order which banned the sale of children's cups with BPA right?

KMETIC: Uh huh. Yeah got it.

MADKOUR: So that's—that's the sort of work we do.

KMETIC: So in other words the email communications and correct me if I'm wrong obviously but the email communications that we're talking about with Cogen—

MADKOUR: Uh hum.

KMETIC: Involve policy issues that ultimately are gonna get voted on by the Commissioner's.

MADKOUR: Most of them will ultimately be voted on by the Commissioners. Yeah not all of them of course cause there's—

KMETIC: Yeah.

MADKOUR: All kinds of—because the Chair's also the CEO so he could—like he could for example ban everybody from having candy dishes at their desk at the county right? Because as the CEO he can um, effect policy within the county.

KMETIC: Got it okay.

MADKOUR: That, that could be something that the health policy advisor may advise on. I'm not saying she did but that would lead to an action where the Board doesn't vote.

KMETIC: Okay.

MADKOUR: Right.

KMETIC: Makes sense—that's helpful thank you.

MADKOUR: Yeah, yeah, yeah. So um, so back to Sonia um, we negotiated her resignation from employment. That's a signed document and then we can give that to you too.

WELLS: Okay great. Um, we were talking about the travel.

MADKOUR: Oh travel, (mouth noise).

WELLS: So we have all that.

MADKOUR: I went too far back.

WELLS: No that's good.

KMETIC: No that's alright. That's fine. Yeah.

WELLS: Um, now I'm trying to remember what—

MADKOUR: So the travel I saw the issue of—

KMETIC: The Atlanta trip. We were at the point where we're talking about the Atlanta trip and I was asking what the process--

MADKOUR: What—yeah.

KMETIC: Or who the person—and we have the same person.

MADKOUR: Yeah. Yeah. So, so, we have all that process. I saw the—that there was um a change of hotel rooms which uh resulted in a greater price and then there's also the issue and I don't—know at all what this is but Chair Cogen checked two bags um for, to fly um—

KMETIC: To fly there or fly back?

MADKOUR: I'm—

KMETIC: Cause I thought she—now of course this is the paper.

MADKOUR: Yeah.

KMETIC: I thought she went separately and then they might've came back together.

MADKOUR: So I don't know the answer to that but that's—

KMETIC: Okay.

MADKOUR: But it's in the documents and basically what happened is our policy says that you can only check—the county only pays for one bag so you'll see an email communication going back and forth in which Chair Cogen verifies that he needed both bags. One to carry his suits. So—

WELLS: Okay.

MADKOUR: That jumped out to me as well and that just is what it is. So those were the issues that I looked at for um for travel. There are also um, parking ticket reimbursements. Not, not, tickets from an from a officer but like you know you go downtown and you pay for parking.

WELLS: Right.

MADKOUR: Um, there's a whole host of those. I did not look closely or do any sort of investigation or matching up or anything like that. They're there. They can be reviewed.

KMETIC: From that trip or just generally?

MADKOUR: In general.

KMETIC: Oh got it.

MADKOUR: Yeah it's just a packet of, of—

WELLS: Reimbursed parking.

MADKOUR: Reimbursed, reimbursed parking.

KMETIC: Got it.

WELLS: So you mentioned reimbursement on the travel.

MADKOUR: Uh huh.

WELLS: Um and they can do whatever they want with it. So when you talk about per diem, you're talking about what would be expected to pay for meals?

MADKOUR: Correct.

WELLS: In per diem?

MADKOUR: Correct.

WELLS: So hotel. How is the hotel typically paid? Directly by the county or would Chair Cogen get a—uh submit for reimbursement at the end or do you know how that process works?

MADKOUR: So the process—there's several different processes that have been used over time.

WELLS: Okay.

MADKOUR: Um and there's several different ways in can work depending on you know, if, depending on how you make the reservation. So those specifics I think would be um, what I understand with regard to the Atlanta trip, where the

room was changed, is that the county ultimately paid for it regardless of what process you know went through.

WELLS: Went through, okay.

MADKOUR: So but you'll have those documents and then Mary Margaret Wheeler-Weber will be able to (chuckles)

KMETIC: (Chuckles)

WELLS: Try to understand that.

MADKOUR: Exactly, exactly.

WELLS: Okay.

MADKOUR: How that goes through and what our travel and training policies are.

WELLS: Perfect. Now is travel and training policy from the county, is it the same for everybody or is it like the commissioner have a different policy than—

MADKOUR: So.

WELLS: Manhas would have?

MADKOUR: I don't know the answer to that.

WELLS: Okay.

MADKOUR: There's I know that they process it similarly to get the um, the per diem and what not but as with many things, you know the way in which the reimbursements happen is probably different for elected officials and that they're not held to the, they don't have the same strict standards as would other employees but I'm not sure about that.

WELLS: Alright. Very good. So, other uh, other individuals that you can think of that we may not think of that we should—

MADKOUR: To talk to?

WELLS: As we've gone through some of this just—

MADKOUR: Yeah, I think as, you know as far as um, concerns you know there's concerns regarding um possible concerns regarding the travel so, you, you can talk to um, Mary Margaret at the Chair's office and then I'm trying to think—there

may be another contact actually in, in the department that processes those requests and, and that person's name or contact would be in the document themselves. I don't have the name—

WELLS: Right.

MADKOUR: Off the top of my head.

WELLS: That's fine. Okay.

MADKOUR: Um, you're gonna be talking to Travis Graves in Human Resources?

WELLS: I don't have him yet but I—

MADKOUR: Okay. He's the Director of Central Human Resources.

WELLS: Okay.

MADKOUR: And can speak um, even more completely to county policies and you know and and how they're implied and things, things of that nature.

WELLS: Okay. Excellent.

MADKOUR: Um—

KMETIC: Is there—like I know that we asked for like time records and stuff like that. Is that all in here? Or is that something that—

MADKOUR: So what I have in here is um, so Chair Cogen doesn't keep his time like every other, elected officials don't keep time they just get their salary. Um, so but I have his salary on paystubs here. And then we have a list of all the dates that Sonia um took a paid leave. Um, so, this is the short list that lists her vacation and sick or other leaves during the period of times. So we have that and then you'll also have their calendars.

WELLS: Perfect.

MADKOUR: Um, you know as, as between for for both of them. Um at this point I think it just goes back to 2011 but—

WELLS: Alright, that's good.

KMETIC: Okay anybody else you heard Travis Graves.

WELLS: Travis Graves. Any—anyone else you can think of that—

MADKOUR: Um—

WELLS: Commissioner's office or—

MADKOUR: Yeah, I don't—know how much information the commissioner's will have but it's probably worth talking to them. Um, Lillian Shirley of course. Joanne Fuller.

WELLS: And what was Joanne's title?

MADKOUR: She's the Chief Operating Officer.

WELLS: Okay.

MADKOUR: So all the directors report directly to Joanne Fuller.

WELLS: And then she reports to commissioners in the chain of command? Is that how—

MADKOUR: She reports to the Chair.

WELLS: Okay.

KMETIC: Who's gonna know the most about the process as it relates to her appointments? Sonia's appointment?

MADKOUR: Lillian Shirley's gonna know the most about the process.

KMETIC: Uh huh.

MADKOUR: Travis Graves is gonna know the most about the rules that apply to the process.

KMETIC: Okay.

MADKOUR: Yeah.

KMETIC: Okay.

MADKOUR: Yeah. So and you'll see there's tons and tons of documents regarding the promotional process and they again, they did go through a process. I can tell you in my review of documents, I didn't find any evidence that um or information even that lead me to believe that Chair Cogen was involved in

that process or directly or indirectly influenced it. Um, but, there's you know certainly more inquiries to be done in in that area.

WELLS: Okay.

KMETIC: Were there are any emails that you saw between Sonia and Cogen that addressed well it seems to suggest in the newspaper for whatever it's worth—

MADKOUR: Uh huh.

KMETIC: That there were email communications between the two of them about the appointment process? Do you recall seeing any of those?

MADKOUR: Well and not prior to her um, her being appointed.

KMETIC: Okay.

MADKOUR: Yeah.

KMETIC: Okay. So those were after the fact?

MADKOUR: One of the things that that you'll see, that you may have read in the press and that is, is, interesting at least is that Sonia was proposing to Chair Cogen that she work in his office. Actually work there.

KMETIC: Right.

MADKOUR: Like have an office space there, of one to two days a week um, and there's an email where he says like you know, ya, he encourages the idea basically and says oh well I'll talk to Lillian when I get back—when she gets back from wherever or something like that. Um, and then oh Marissa Madrigal. You should also talk to her.

WELLS: Okay.

KMETIC: Who's that?

MADKOUR: Marissa Madrigal is Chair Cogen's Chief of Staff and as the Chief of Staff, she actually supervises all of the policy advisors and all of the people who work—

KMETIC: So Sonia?

MADKOUR: Yeah. Who, who would work. So, Sonia's not a policy advisor for the Chair's Office but if she were to be a policy advisor for the Chair's office, then she would um report to um Marissa and Marissa will have information for you about um, Sonia's attempts to work at the Chair's office and what became of that. So that's—so Sonia's, (chuckles) Sonia's doing that over here trying to get up in the Chair's office and then what you'll see at the same time or very similar time period, she's also working through her direct report manager who well, to Lillian Shirley the Director who at that time is her boss' boss to develop a new policy analyst position which happens—that she's a good fit for. So she—you'll see emails where she says you know here's my vision. Here's where I think it should be you know and then ya know—

KMETIC: Got it.

MADKOUR: Cause, yeah.

WELLS: Okay. And so Marissa, or Marissa, worked in Chair Cogen's offices? Works.

KMETIC: Works.

WELLS: Works? Still there. Okay.

MADKOUR: Yeah. And so just, just so you know the way that that it's set up is the way that I think of it is the Chair is the CEO for the county as a whole. I'm sorry the C—CEO for the county as a whole, he has his Chief Operating Officer, Joanne Fuller who deals then with actually all the operations so we all funnel up to Joanne.

WELLS: Okay.

MADKOUR: Um as directors um and we are her direct report managers, every department director including Lillian Shirley and myself um, then the Chair also runs his own office. The Chair's office and he has Marissa Madrigal as his uh, as his Chief Officer and she has management and you know does all the hiring and firing for everybody in the organization. So—

WELLS: So do you guys have like an org—organizational chart or anything that actually draws that out? How that process—

MADKOUR: Travis would be the person to to talk to.

WELLS: Okay.

MADKOUR: I suspect that there are org charts that lay that all out.

WELLS: Kind of show how that all works.

MADKOUR: Yeah, yeah probably. (Chuckles)

WELLS: Okay.

KMETIC: Kind of.

WELLS: I know that's going to be an ultimate question—

MADKOUR: It's part of yeah, as part of our budgeting process and as part of um at a loss for the county term for it, but but Joanne Fuller and Travis can help you with, with um org charts.

WELLS: Okay.

MADKOUR: Because there's—

KMETIC: I'm sure its like there certain entity for certain things.

MADKOUR: Exactly.

KMETIC: Yeah all of that stuff.

MADKOUR: You know so it comes—

KMETIC: Yeah.

MADKOUR: It definitely comes out of—oh span of control is the other thing. Uh some time ago we worked on these issues called span of control and we all reworked our organizations to make sure that we were meeting this policy direction from the Chair's office so I suspect that they may have um, they may have an org chart. Now, and this is you know just me talking, what I've found in working with the elected officials is that even though all the rest of the county has you know done organizational charts it doesn't necessarily mean the Chair's office has or any of the electeds have.

WELLS: Sure.

MADKOUR: They kind of they operate at a different level so.

WELLS: Okay.

KMETIC: So to your knowledge, I keep coming back to this policy stuff but to your knowledge in terms of Chair Cogen—

MADKOUR: Uh huh.

KMETIC: What is he subject to if anything? Either ethically I mean in terms of—

MADKOUR: From the person—

KMETIC: From the personnel standpoint?

MADKOUR: So as far as it applies to the issues we've been talking about today, I would say that um, the, well I'm not sure any of them.

KMETIC: Okay. That's that's what I thought your answer was going to be—

MADKOUR: Yeah. Yeah. I'm not sure—I'm not sure any of them. What I do know is that the ethics law um um in Oregon State Statute applies to Chair Cogen as a county official.

KMETIC: Right.

MADKOUR: And our personnel rules echo the ethics law to a great extent. We have some greater, greater prohibitions in some areas um but so, the ethics laws certainly would apply to expenditure um of public funds for personal gain or—

KMETIC: Right okay.

MADKOUR: like that.

KMETIC: Yeah okay.

MADKOUR: Yeah.

WELLS: Do the commissioners and it's in the subpoena but do the commissioners sign any like ethics policies um when they start like other employees typically do?

MADKOUR: (Sigh) I don't know. I don't know. Um—

KMETIC: You know, I've read the policy manual—(chuckles)

MADKOUR: Yeah well so and what I do know is that um as a county employee, we have—we now have it electronically and so you you sign electronically and I and my staff do that every year because Human Resources hounds us. I did

pull Chair Cogen's and and Sonia's you know signat—you know things that we could get.

WELLS: Right.

MADKOUR: And what it looks like is that Ms. Manhas might not have signed the ethics disclosure you know, basically I've read the rules sort of thing—

KMETIC: Uh huh.

MADKOUR: Since like 2009 and the Chair hasn't done it since 2012. Um, but, I'm asking again, to say like is this really correct? Is this you know are these the best records we have or are there some other way that they're maintained that I don't have access to just from the one source that I got them.

WELLS: Okay.

MADKOUR: Um, so, but, um, typically we get a reminder ta ya know that comes to you individually that says you know you're supposed to do this. But each department, each department is gonna be in charge of doing that and following up on it and like many organizations you'll find that the higher you go in the organization you know everybody's employees may have done it but the director themselves may not have or the—

WELLS: Right.

MADKOUR: Ya know, so I don't.

WELLS: Okay. Perfect.

KMETIC: Can't think of anything else. I mean until we start diving into the—

WELLS: I'm sure we'll have a ton of questions then.

KMETIC: You know, (chuckles).

WELLS: And you've read everything in there right?

MADKOUR: I have, (chuckles).

WELLS: Lucky you.

MADKOUR: I have, I have. So I can look um at the—I'll look at the subpoena and then we'll ya know start, start working on it. I may have questions about—

WELLS: Yeah, please.

MADKOUR: How or if ya know it's to be narrowed. Um, or what not um, and then I guess one of the things that I would ask is we move forward and talking to, to other county employees. I am concerned again about attorney client privilege and then being aware that you know the effect of disclosing privilege communications with counsel um, not that I'm concerned about anything that was said or communicated but I'm concerned about the effect of it later—

WELLS: Right.

MADKOUR: As far as being disclosed in the press.

WELLS: Understand.

MADKOUR: Or having the waiver be broadened to other areas or topics that um. You know, cause once the waiver is out there, it's ya know. It's a slipper wicket that—I think I just combined two things. Slippery wicket is that right? (Chuckles)

WELLS: Chuckles.

KMETIC: Chuckles.

WELLS: Yeah no I uh, and I know that was a concern and I don't even remember who it was now but somebody didn't even want to ya know, set up an appointment to talk to me until they call and talk to you as well.

MADKOUR: Yeah, well they've been hounded by the press too so everybody's pretty gun shy about not knowing who's calling and what you know what's happening.

KMETIC: Uh huh.

WELLS: And I will say it's, it is a—very apparent to us that somebody uh within the county is communicating pretty openly with the press as far as I mean the, the schedule of my interviews is basically—

KMETIC: And his name.

WELLS: And my name. And my personal cell phone number. I'm I've been getting phone numbers—

MADKOUR: Right.

WELLS: So somebody is—

MADKOUR: Right. And that's—

WELLS: Obviously contributing.

MADKOUR: And so I think that's a really good thing to keep in mind as well as you're doing your investigation and I guess, let's talk about that a little bit because what's, what I was told happened yesterday is a reporter just started calling people and pushing, very hard, about, I want calendars, I want to know what's on the calendar. I want to know when this investigator's coming—

KMETIC: Chair Cogen's calendar?

MADKOUR: Yeah.

KMETIC: Yeah.

MADKOUR: I wanna know when the investigator's coming. I wanna know who it is. I wanna know their phone number and S---I know that, I know the information got out because I saw it in the presses well, um, but you know, anything that goes on a calendar can be public record.

WELLS: Absolutely.

MADKOUR: So, and I will get you know, I will get a public records request for this subpoena. And then everybody else is gonna ask for the same information. Right? Um and so I need to know from you if there are any privileges as far as information that I provide to you or is there any way that I can um, or should, you know do I have any direction from you as far as disclosure of public records, continue disclosure. I mean—

KMETIC: It's a, It's an ongoing, at this point, I, I, you know and I have to look at the public records stuff again—

MADKOUR: Uh huh.

KMETIC: Cause I tend to shy away from it as much as I possibly can (chuckles) but I know that there is specific provisions as it relates to a pending criminal investigation.

MADKOUR: That's correct.

KMETIC: So I mean, my, obviously I want to, broad brushstroke for that to be is—

MADKOUR: Uh huh. Uh huh.

KMETIC: Liberal or broad as we can make it. And—

MADKOUR: So, so let me ask you this then, I have, like I said I have a stack of public records requests which are gonna be seeking um, basically the same information that you're seeking and you know maybe even possibly more in areas that I mean, I don't know what happened. I haven't processed them all. Um and so if I will need direction from you and cover from you if, if I'm not to provide any more public records related to this issue.

KMETIC: Well, I mean, my opinion is, our concern is that obviously is the integrity of the investigation. I have no idea where the investigation is gonna go or what we're gonna—

MADKOUR: Right.

KMETIC: I have no preconceived notions about that—

MADKOUR: That's (inaudible)

KMETIC: But the fact of the matter is I think everybody wants whatever the process is to be fair.

MADKOUR: Right.

KMETIC: Um, thorough and fair and the media just screws it up. I, I, I mean it it, that's the problem.

MADKOUR: Uh huh.

KMETIC: So as far as I'm concerned uh, if you say no more, we're totally gonna back you on that.

MADKOUR: Okay.

KMETIC: And I, and I quite frankly I think, under the public records law that's exactly what should be happening at this point.

MADKOUR: Right. And I, well I think that certainly ongoing investigations um, materials on ongoing investigations are exe—exempt.

KMETIC: Right.

MADKOUR: Um and I guess my only question is well, to the extent, you know so I could say okay this subpoena is exempt.

KMETIC: Yeah. It is.

MADKOUR: Um, but to the extent that they're asking for the same sort of records that's you're asking, do those records now—

WELLS: Right. So I think she's specifically saying like we request email.

MADKOUR: Right.

WELLS: For five years. Do now the media request emails for five years can—

MADKOUR: Right.

WELLS: You withhold those from the media.

MADKOUR: Exactly.

WELLS: Is that correct?

MADKOUR: Yeah. I don't need an answer right now.

KMETIC: Okay.

MADKOUR: But I will because I mean, that is what's going to happen.

WELLS: Yeah.

KMETIC: I mean my, you know, this is quite frankly gonna be one of those that I would love to be the one making the decision and just tell you—

MADKOUR: Uh huh.

KMETIC: And it's gonna be what the AG wants to—

MADKOUR: Yeah, yeah.

KMETIC: Have happen. So. I mean I, I, I'm not trying to dodge or fudge—

MADKOUR: So well and it's, well it's a very interesting question and—

KMETIC: What battles are is she gonna wanna fight quite frankly.

MADKOUR: Right. Right. So do you wanna confirm with her and get back to me?

KMETIC: I will. Yeah.

MADKOUR: Cause I mean I have literally I have you know public records. I have records which would be responsive to your subpoena and also responsive to requests from the media um.

KMETIC: Well I can tell you initially that I would hope that the response is that our subpoena, for example, um, should not get disclosed.

MADKOUR: Okay.

KMETIC: Because that that is really part of the—

MADKOUR: Right. And that's—

KMETIC: Criminal investigation.

MADKOUR: I am comfortable with that. I am comfortable with saying this is, this is a non-disclosed um document. But—

KMETIC: It's the other part. Yeah.

MADKOUR: It's the other stuff. And I just I need a little, I need a little direction and then I'll need support because they—

KMETIC: Oh I—they're gonna be—yeah so.

MADKOUR: Yeah.

KMETIC: That's just, that's higher up than me and—

MADKOUR: Okay.

KMETIC: Uh I hope the answer will be um, none of it.

MADKOUR: Yeah.

KMETIC: But that's that's not my call.

MADKOUR: Yeah. None, none for now.

WELLS: So from the investigator stand point we're inhibited in this investigation already.

KMETIC: Already.

MADKOUR: Right.

KMETIC: Cause it's all out there.

WELLS: --release. I mean the media knows way more than I know. So.

MADKOUR: Right. And don't don't, (chuckles) don't believe everything they know.

WELLS: You know what I mean.

MADKOUR: They've reported a lot. Yeah.

WELLS: They have. And I mean they have more information—

MADKOUR: Uh huh.

WELLS: Certainly than we have. They choose—

MADKOUR: Right. And I can certainly—

WELLS: To report the way they want to but they certainly have more documentation than—

MADKOUR: Right. And its, as you know, and I think that one of the, well certainly that's why there's an investigation and you know, you'll have an opportunity to review—you'll have an opportunity to review everything that's been released to the press and then more based on, based on your subpoena um, and I can um, you know that, we have phone records that will, are expected this week. We have lots more emails—

KMETIC: Phone records from the both of them?

MADKOUR: Uh huh.

KMETIC: Okay.

MADKOUR: Uh huh.

WELLS: Are those phone records, did you seek those based on a public records request or—

MADKOUR: Yes.

WELLS: For yourself?

MADKOUR: Based on a public records request. Why?

WELLS: No I'm just—curious.

MADKOUR: (Chuckles) So yeah, and so you know so, I think that's a that's a very important issue that if we can you know escalate that and get some direction back from—

KMETIC: That will, that will be, that answer—

MADKOUR: Yeah.

KMETIC: As far as I'm concerned needs to be made today.

MADKOUR: Okay. That would be, that would be great for me because otherwise you know, I'm, you know just gearing up to—

WELLS: Right.

MADKOUR: You know literally, I mean this is my stack of public records requests.

KMETIC: Yeah well if you would've saw the email that I sent earlier, I'm very concerned about the—what's being sent to the media.

MADKOUR: Absolutely!

KMETIC: And, and, and what not obviously—

MADKOUR: Yep. Yeah for your investigation.

KMETIC: For our yeah for our investigation. So. We'll get you an answer.

MADKOUR: Yeah okay. Yeah so, so, that would be great and it would be great if it's you know in writing because—

KMETIC: Absolutely.

MADKOUR: If it's you know in writing because if it's something that we could say you know here's—

WELLS: Right.

MADKOUR: Here's the answer from—

KMETIC: We can be the big bad guy as far yeah—

MADKOUR: Yeah the DOJ and then whatever process anybody goes for we can you know I think—

KMETIC: Yeah.

MADKOUR: Handle that but that's you know that's fine. Um okay. So that is, that's that's helpful for me to have some direction and actually what it also allows me to do is to focus on responding to the information you've requested.

KMETIC: Yeah.

MADKOUR: And get you the information that you need in a more timely way without (inaudible) having to ya know, fight all the public records drama.

KMETIC: Right.

MADKOUR: Which, which is being played out.

KMETIC: When do you think—uh will we get the disk, this disk today?

MADKOUR: Well you guys are around all day right? Floating around?

KMETIC: Yeah, yeah.

WELLS: Yeah.

MADKOUR: Yeah so you'll have it today I'm just, my paralegal is on a (inaudible) and she um, just wasn't in yet this morning but she's working on it she says so.

WELLS: And then I'm back tomorrow again so I mean—

MADKOUR: Oh you're here oh! (Chuckles)

WELLS: I will be in this building probably for the next three days. So.

KMETIC: (Chuckles)

MADKOUR: Good good. And do you have a workspace here or anything?

WELLS: No.

MADKOUR: That's been okay. So we—

WELLS: I don't need a workspace.

MADKOUR: Okay yeah. You just—

WELLS: I wanna float around and—

MADKOUR: Okay you're just talking to people and what not.

WELLS: Yeah it's probably gonna be easier that way so.

MADKOUR: Okay.

WELLS: I don't wanna run into the media—

MADKOUR: Okay.

KMETIC: Has there, has there been media, like here? I mean like physically in the building?

MADKOUR: Oh. Oh yeah.

KMETIC: Oh a ton of them okay.

MADKOUR: Oh yeah. Yeah.

KMETIC: New—I mean news camera?

MADKOUR: Not this week so much.

KMETIC: And stuff or is it more just—okay.

MADKOUR: Yeah. Yeah. Yeah. All of it.

KMETIC: Okay.

WELLS: I ended up taking five phone calls yesterday from different media organizations.

MADKOUR: That's all?

WELLS: On my cell phone? That's all—I know you say that's all but that's very unusual actually for us to get contacted.

MADKOUR: It is—

WELLS: So I mean—

MADKOUR: And so I think that to you know to the extent that you have direction to Multnomah County employees about even, you know, if you want the dates or the times of your communications to be held confidential, they're gonna need that direction also.

WELLS: Right.

KMETIC: So okay.

MADKOUR: Because I mean they are I think my understanding is that people got multiple phone calls asking you know—

WELLS: I believe that.

MADKOUR: Questions, and and you know, some obviously got out.

KMETIC: Caved, (chuckles).

MADKOUR: You know somewhere.

WELLS: Somebody caved.

MADKOUR: Somewhere, and, and typically, typically what is on a commissioner's calendar is not confidential. Right? You know unless it's a private doctor's appointment or something private it's you know—

WELLS: Right.

MADKOUR: They, they don't.

KMETIC: So that's something specifically that needs to be in the written communication that you're talking about as well.

MADKOUR: Absolutely! And any—

KMETIC: Okay.

MADKOUR: I mean any other sort of parameters as far as like you know if you want a direction that um, that communications between the investigator um and county employees be held with confidence or something, I mean anything like that, like how if you want this to be, your investigation is yours and whatever parameters you need to help guide our clients would be helpful because they are getting a lot of inquiries from the media—

WELLS: Right. Gives them something to say.

MADKOUR: Exactly.

WELLS: I've been, I've been told I can't talk about it.

MADKOUR: It would I think it would be very helpful.

WELLS: Right.

MADKOUR: You know for um for your orderly conduct of the investigation.

WELLS: Totally agree.

KMETIC: Okay well we'll, yeah, we'll get that to you.

MADKOUR: Okay.

KMETIC: I mean I don't expe—I think we'll probably get the first volley—

MADKOUR: Uh huh.

KMETIC: In terms of a draft—

MADKOUR: Uh huh.

KMETIC: Regarding that but that's obviously gonna go all the way up so.

MADKOUR: Yeah, yeah.

KMETIC: I told you we'd—get you something today, that is still my hope but just know—

MADKOUR: Yeah.

KMETIC: That that's uh, that's all the way up. (Chuckles)

MADKOUR: Yeah.

KMETIC: So it'll—you know we'll get it to you and Mike can keep you updated about—

MADKOUR: Right and, and—

WELLS: And I will remind people as we talk to them right—nobody's required to talk to the media.

MADKOUR: Right.

WELLS: I mean they are not and it's what I tell people in any investigation—

MADKOUR: Uh huh.

WELLS: You're gonna get the phone call that's really your choice.

MADKOUR: Uh huh.

WELLS: Whether you go off and talk to them or not.

MADKOUR: Yeah. Yeah.

KMETIC: Yeah I mean the fact of the matter is nobody where any of the employees stands on this whole issue, it can cut both ways. (Chuckles) You know by talking to them so—

MADKOUR: Yeah, yeah.

KMETIC: You know we just want to make sure it's fair.

MADKOUR: Yeah and, and—

KMETIC: For everybody. Everybody involved so you know.

MADKOUR: Yeah and I think that you know one of the things, you know there's a whole political component here and I know you guys are aware of how political organizations work as well but you know I think that nobody wants to be seen as obstructionists also, and so they wanna provide the information that they would normally be providing.

KMETIC: Right, right.

MADKOUR: You know and that comes from outside parties as well.

WELLS: No this is a very unique situation.

MADKOUR: Yeah, yeah.

WELLS: Cause. A lot of facets to this. So. Yeah we'll make those phone calls as soon as we leave here and—

KMETIC: Yeah, yeah.

WELLS: Try to get you something cause—

KMETIC: We'll try to get you something today but I—

MADKOUR: That's right, and then based on, based on what we talk about, I will hold off on doing any further disclosures.

KMETIC: Perfect. Perfect yeah. Cause I'm sure you have a ton and—like I said I'm hopeful that that's where we would be um, but you know—

MADKOUR: Okay.

KMETIC: You nailed it. It's political right?

MADKOUR: Right I mean there's all kinds of things there.

KMETIC: Yeah.

MADKOUR: And so, and then just just so you know, what I've been doing is whenever I do a press production um, I have copied um as a courtesy all of the Board members um including the Chair and then also Sonia um according, she's made a request through her attorney that she has public records. So that's what I have been doing previously um, if I'm not doing disclosure of public records than I'm not gonna be producing any of those documents to anybody else as well.

KMETIC: Okay.

MADKOUR: Um, unless you know, you say you don't have a problem with me providing them to Sonia or Chair Cogen but I mean I think that that's just one way that records get out further so I would prefer, what I would do is just lock them all down and say the only documents I'm giving are to the DOJ period until this investigation is done.

WELLS: Okay.

KMETIC: Okay that's okay. Yeah.

MADKOUR: And then you know, there'll be a lot of people who are very supportive of that because then they get to so uh uh. No no.

KMETIC: Are there any other parts of Sonia's um whatever you wanna call it, resignation separation you know whatever the agreement is that you think specifically would've affect the investigation I mean any—I don't know what's in it but is there anything—

MADKOUR: The agreement itself?

KMETIC: Yeah.

MADKOUR: No. It's such a simple little agreement it's not even the normal giant big dog legal agreement.

KMETIC: Okay, okay.

MADKOUR: It's just a—I mean we don't even call it a settlement agreement.

KMETIC: Okay.

MADKOUR: Uh we call it a separation agreement.

KMETIC: Okay. I just wanna make sure—

WELLS: Talking like a gag—

KMETIC: Well I just didn't know if there was anything specific to interview—

MADKOUR: No exactly.

KMETIC: Yeah I mean—

MADKOUR: No we didn't do anything like that. We said that um I think the only thing that would—is there we said the county would hold Sonia harmless um and she would hold us harmless for any claims related to her employment.

KMETIC: Okay.

MADKOUR: But that's Multnomah County.

KMETIC: I just wanna, we'll obviously look at it but I just wanted to—a \$1,000?

MADKOUR: Yeah. Yeah no that's um, that's fine and I can get you, I can get you, that'll be in here too I'm sure. Included in your request. Um, okay so I'll get you that disk.

WELLS: Okay. Yeah just drop me an email when it's ready and I'll get it here either today or earlier tomorrow to pick up.

MADKOUR: Yeah, that sounds good.

WELLS: So, very good.

KMETIC: And we'll get back in touch with ya.

WELLS: Yeah.

MADKOUR: Yeah yeah I think that's gonna be um—that'll be you know really good and I think that um based, I won't have a chance necessarily to talk to all the people that you're talking to but you can let them know that we've had this communication and that um, we're working on public records and asked them that before they talk to anybody they can talk to me at least or something like that so that—

WELLS: Absolutely.

MADKOUR: People aren't confused about disclosing things or you know

KMETIC: If that ultimately is the, so lets say we draft something that is consistent with what we've talked about—

MADKOUR: Uh huh.

KMETIC: In terms of how will that get communicated to Multnomah County employees?

MADKOUR: No typically what would happen and what I would suggest here is you send that to me and then I send that—

KMETIC: Blanket.

MADKOUR: To yeah my folks and probably, I send it to everybody on the 6th floor and then what Joanne Fuller does is she sends it down to the rest of the organization and says—

KMETIC: So it should be drafted such or will you redraft it. It should be drafted such that this is ultimately gonna be seen by—

MADKOUR: Yes.

KMETIC: Multnomah County employees.

MADKOUR: I would have it drafted so that it's gonna be seen by everybody.

KMETIC: Okay.

MADKOUR: Yeah, I mean, that you know from the press to the county employees. I mean it can be addressed specifically to me—

KMETIC: Okay.

MADKOUR: Is fine.

KMETIC: Okay.

MADKOUR: Um but um, I would like to have it so that it can be something we can share.

KMETIC: That's what I expected I just wanna make sure in terms of the wording.

MADKOUR: Yeah, yeah, yeah.

WELLS: Excellent. Okay.

MADKOUR: Good?

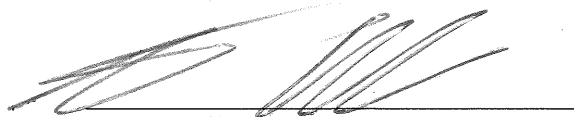
WELLS: Here's my card with all my contact information, cell phone and emails really the only way you're gonna find me. (Chuckles)

KMETIC: (Chuckles)

MADKOUR: Okay, exactly, since you'll be floating around. Alright I'll let you know when that disk is ready and then um--

KMETIC: Perfect.

WELLS: Turn this off.



Mike Wells, Special Agent

End of interview.

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