



March 2, 2021

VIA EMAIL AND FIRST-CLASS MAIL

Douglas Grim
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Re: Oregon Beverage Recycling Cooperative: Delta Park Redemption Center

Dear Doug:

I am in receipt of your letter dated December 31, 2020. Due to the serious nature of several allegations set forth in your letter, it required some time to investigate. Although I appreciate your response to my October letter and prior email seeking continued discussion, I would respectfully request that you cease the use of unnecessary and unjustified inflammatory language throughout your letters. As has been the case since the outset of the COVID-19 pandemic, TMT Development and Hayden Meadows have sought solutions that prioritize both the safety of visitors to the center and Oregon Beverage Recycling Cooperative's ("OBRC") continued ability to operate its Delta Park location. Your continued description of asking people to stand in a line as "inhumane" and allegations of excessive force are wholly without merit.

The pandemic has resulted in many creative, imperfect solutions, which involve queuing people in lines to minimize the number of persons in a retail location and prevent the risk of spreading the novel coronavirus. For the last approximately nine months the queuing of Bottle Drop visitors in the right of way has provided for continued operation of your client's Delta Park location with limited impact on the surrounding businesses and maintained proper social distancing measures while also managing the significant crowds that gather daily to use the Bottle Drop. As with many businesses during the pandemic, it may not be exactly how your client wishes to operate, but it has been effective to manage risk given the circumstances.

I will not spend the time to walk through all your allegations regarding the recent events at the Bottle Drop, as we clearly have many disagreements regarding the characterization of what has transpired and the effectiveness of Cornerstone Security in managing the area. However, I must address your unsupported allegations regarding an unnamed Portland Police Bureau ("Portland Police") officer providing comments about Cornerstone Security's conduct. We have found no evidence to support these claims. Your letter went so far as to claim that the Portland Police had reported Cornerstone Security to the Department of Public Safety Standards & Training ("DPSST") on multiple occasions. If that were the case, DPSST would be required to open an investigation and would thereafter notify both the security

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guard and Cornerstone Security as his or her employer. Additionally, Portland Police would be required to fill out an incident report. Neither the Portland Police or DPSST have any records to corroborate your serious claims.

If you have any actual evidence of these alleged incidents beyond hearsay and conjecture by unidentifiable persons, I ask that you please provide it immediately and Hayden Meadows/TMT Development will investigate accordingly.

Hayden Meadows and TMT Development have always been and continue to be open to reasonable alternative solutions. However, to date, OBRC has only proposed a single option focused solely on OBRC's convenience—allowing its customers to congregate in the area outside of the Bottle Drop. This proposal amounts to a “business as usual” approach which was shown to be unsustainable and fraught with unreasonable risk when OBRC attempted to operate the Delta Park Bottle Drop location in such a way for during the first two months of the pandemic. Each day, large, unmanaged crowds continually gathered outside of Bottle Drop, causing consistent disruptions to neighboring businesses, generating significant amounts of trash and debris (including dangerous objects), and presenting significant risk of the spread of the novel coronavirus.

In response, OBRC was presented with multiple options that could address the risks it was creating by continued operation of the Delta Park Bottle Drop, including hiring additional security to queue its overflow customer line in the right of way (as Cornerstone Security has successfully done for approximately nine months) and/or implementing an appointment-based system. OBRC flatly rejected both options. Now, after choosing to do nothing to address the risks OBRC created, OBRC objects to paying the costs associated with the Cornerstone Security guards that have effectively managed their lines and aided in their smooth operation for the last nine months.

THE CURRENT LINE QUEUING SYSTEM

As you are aware, Hayden Meadows and TMT Development suggested back in April 2020 that OBRC queue an overflow line of customers in the public right of way and not allow congregation in the common areas next to other businesses.¹ OBRC's inability to manage the influx of customers and continued decision to operate created significant risks that needed to be addressed. Queuing the line in the right of way presented a reasonable compromise that reduced risk while also allowing OBRC to continue to provide redemption services at the Delta Park location.

After OBRC refused to take any action to modify its line management procedures to address its significant impact on other businesses and the safety of its customers, Hayden Meadows was forced to step in. Hayden Meadows hired additional security from Cornerstone Security specifically to manage social distancing measures and risks related to Bottle Drop and ensure that when the number of customers became too many for Bottle Drop to manage, an additional line would be formed in the public right of

¹ Also, in April 2020, TMT Development and Hayden Meadows suggested that OBRC institute an appointment-based system that could provide significant reduction in the size of crowds gathering outside of the Bottle Drop. This could have been done through a combination of online or kiosk check-ins that would allow people to have prearranged time windows to show up and use the redemption center. Rather than show up and wait in line for 1-2 hours, people could check in online or grab a ticket at the kiosk and then return (or arrive) at a predetermined check-in time. This type of system could have been in place for the last nine months, allowing for customers to get used to the new process, but instead OBRC refused this proposal without any substantive explanation, simply stating it was “unworkable.”



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way where proper social distancing could be maintained without imposing on other businesses and driving up the risks related to visitors coming to the center.

Once the line outside of the Bottle Drop storefront diminishes, people from the overflow line are directed to fill in those spaces in the line that forms in front of the storefront. There is one guard posted at the overflow line and another that has managed the storefront area. This system has worked with success since it was first implemented in May 2020. This is the exact same line queuing procedure that Hayden Meadows had suggested to OBRC as a method to reduce risk and continue its operations.

OBRC had the opportunity back in April 2020 to implement this system on its own and cover the cost directly, but refused to do so. To date, OBRC and its Bottle Drop employees have been continually resistant to this system, providing no oversight or management, while reaping the benefits through the continued use of Cornerstone Security to manage both the line and dangerous incidents that arise due to the increased clientele. In fact, your recent letter included complaints when the number of Cornerstone Security officers was reduced, asserting that it had negative impacts on line management.

UNARMED SECURITY

Your recent communication spends a significant amount of time promoting the use of unarmed security to manage the crowds of Bottle Drop customers. Unfortunately, the area is considered high risk and the use of unarmed security has been rejected by Cornerstone Security. In the time that Cornerstone Security has been involved in providing protective services to the area surrounding the Delta Park Bottle Drop they have been subject to assault, threats of harm from improvised weapons, use of infected needles during an attack, and even had one officer rammed with a car causing significant injury and three months to recover. Due to the significant risk of harm to the officers in and around the Delta Park Bottle Drop, the proposed use of unarmed security has been rejected.

This is not to say that Hayden Meadows and TMT Development would not be open to OBRC seeking out and hiring unarmed security at its own expense to take over and manage the current line queuing process so long as it did not result in increased occurrences of violence and major incidents.

DISCUSSION

TMT Development and Hayden Meadows has continually pushed for the consideration of creative, alternative solutions to the risks caused by OBRC's continued operation. Unfortunately, most of these solutions require OBRC to be an equal or primary participant in the process. Given OBRC's prior rejection of all of Hayden Meadows' proposals, the current line queuing process was implemented. OBRC has benefited from the onsite security presence, often asking Cornerstone to step in and manage unruly customers or de-escalate various situations. It is unfortunate that OBRC continues to reap the benefits of the security while refusing to pay for the services that have been required by its inability to manage its customers in a safe and effective way.

I wholeheartedly agree that we should have a conversation and seek to explore meaningful proposals that address the concerns of both Hayden Meadows and OBRC while maintaining the safety and security of the area during the pandemic. In fact, that was my intent back in October when I reached out to you. Mediation may be a good route moving forward.



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Please feel free to send an email at the address below with your availability or just try to give me a call when you have an opportunity. I can be reached at 503-227-2022.

Sincerely,

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