
RE: our client ODAV - Aurora Airport Master Plan PAC

From Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>

Date Tue 2025-02-11 7:38 AM

To Wendie Kellington <wk@klgpc.com>

Good morning Wendie,

I have reached out to Tony to ask about the changes to the list to see when they have occurred. As you point out however, it is in the agency's discretion and they have apparently chosen not to allow additional members this late in the game. They have recently declined a similar request from the City of Wilsonville for the exact same reasons they have denied your request and Ms. Johnson.

Can you help me to understand why this is unconstitutional?

Stacy C. Posegate

Sr. Asst. Atty General | Transportation and Infrastructure | General Counsel Division
971-718-7950

From: Wendie Kellington <wk@klgpc.com>

Sent: Monday, February 10, 2025 3:24 PM

To: Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>

Subject: RE: our client ODAV - Aurora Airport Master Plan PAC

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Stacy,

Thank you. However, your responses are mistaken. The list you sent is not the latest list if you look at the current PAC list it is in fact very different from the one you sent. <https://publicproject.net/files/2025-02/uao-amp-pacmembers-250207.pdf?8127927eb8> Moreover, under the protocols under "Committee Structure" it states that "additions or refinement of PAC members may take place at the discretion of ODAV staff." https://publicproject.net/files/2025-02/1738623281_uao-amp-pacprotocolsfinal-250203.pdf?b04aef13bf There are in fact serving alternatives, as there should be and as the rules establish is allowed. What appears to be happening is that staff is using its discretion in improper ways – to pick and choose alternates based upon whether staff prefers the messenger / the content of the message and that is, as you know, improper including is unconstitutional. Again, I ask whether I may serve as Atlantic's alternate and be treated the same as others identically situated. Please let me know. Thank you. Best, Wendie



Wendie L. Kellington | Attorney at Law.

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From: Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>
Sent: Monday, February 10, 2025 2:24 PM
To: Wendie Kellington <wk@klgpc.com>
Subject: FW: our client ODAV - Aurora Airport Master Plan PAC

Resending in case you didn't see this.

Stacy C. Posegate

Sr. Asst. Atty General | Transportation and Infrastructure | General Counsel Division
971-718-7950

From: Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>
Sent: Tuesday, February 4, 2025 10:16 AM
To: Wendie Kellington <wk@klgpc.com>
Cc: Anderson Becki L <Becki.L.Anderson@doj.oregon.gov>; Scruggs Rebecca <rebecca.scruggs@doj.oregon.gov>
Subject: RE: our client ODAV - Aurora Airport Master Plan PAC

Good morning Wendie,
I fully support the agency's decision to not allow alternates at this time. Correct me if I am wrong, but I believe that requests were made to identify both you and Betsey Johnson as alternates prior to the last PAC meeting and that ODAV directed you to the PAC protocols which require identification of alternates at the onset of the project. These protocols were sent to PAC members and are also available on the project website. <https://publicproject.net/files/2021/AuroraAirport/uao-amp-pacprotocols-110221.pdf?b72e48ca09>. I have also attached a copy for your convenience.

I am not clear as to why your client is unable to attend or why it is necessary for him to request that he, or any member of the PAC, be able to substitute his attorney in his role as PAC member. This is not a commonly recognized practice and it does not appear to serve the primary purpose of the PAC. I assume that all identified PAC members, like your client, were selected because of their individualized

interests and personal experiences, which is specifically valuable to the process. Your client in particular appears to be particularly adept at representing and articulating his interests.

Finally, and probably the most significant to me, is that although you are not a PAC member, you have spoken at each meeting, sometimes multiple times. You have done a great job of explaining your concerns and helping to support your client and the other PAC members that likely have the same concerns. ODAV has provided a full forum for all persons to participate, hear the issues and offer their perspectives, PAC members and non PAC members alike. If there is a land use law or agency policy in their public participation requirements, I am unaware of what that might be.

Stacy C. Posegate

Sr. Asst. Atty General | Transportation and Infrastructure | General Counsel Division

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GG1296-22

From: Wendie Kellington <wk@klgpc.com>

Sent: Tuesday, February 4, 2025 6:58 AM

To: Posegate Stacy C <Stacy.C.Posegate@doj.oregon.gov>

Subject: our client ODAV - Aurora Airport Master Plan PAC

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Stacy,

Our firm's client Atlantic Aviation wishes to designate me as their alternate for the upcoming PAC meeting. Tony Beach is refusing based upon, with all due respect, rules he is making up that appear to be sourced for wholly inappropriate personal considerations. He refused the request last meeting as well. As you know, there is no rule against designating alternates. There are surely rules about decorum and relevance, as with any public meeting. However, few people are more aware of the importance and existence of such rules as a lawyer. Please let me know if you will advise Tony that I may participate on February 11 at Atlantic's alternate. Thank you. I hope you are well. All the best, Wendie



Wendie L. Kellington | Attorney at Law.

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