

# OREGON GOVERNMENT ETHICS COMMISSION

## PRELIMINARY REVIEW

**CASE NO:** 19-044ESM

**DATE:** April 18, 2019

**RESPONDENT:** PETRICK, Frankie, Administrator and Fire Chief,  
Yachats Rural Fire Protection District

**COMPLAINANT:** DREWRY, Kyle

**RECOMMENDED ACTION:** Move to Investigate Possible Violations of ORS  
244.040(1) and 244.025(1)

1 **PRELIMINARY REVIEW:** The Oregon Government Ethics Commission (Commission)  
2 received a complaint from Kyle Drewry on March 20, 2019. (#PR1). Mr. Drewry works  
3 for the Yachats Rural Fire Protection District (Fire District). His complaint alleged that  
4 Frankie Petrick, Administrator and Fire Chief for the Fire District, may have used or  
5 attempted to use her official position to benefit her personal interests or the financial  
6 interests of her private business and may have received the gift of a tractor, possible  
7 violations of ORS 244.040(1) and 244.025(1). Receipt of the complaint was  
8 acknowledged in letters to Kyle Drewry and Frankie Petrick. Ms. Petrick was provided  
9 with the information received in the complaint and invited to provide any information which  
10 would assist the Commission in conducting the preliminary review in this matter. (#PR1).

11

12 **Background**

13 According to media reports, Frankie Petrick has been employed as the Fire District  
14 administrator since the 1990s and has been the volunteer Fire Chief since 2004. Ms.  
15 Petrick's ex-husband, Steve Hamilton, is a former fire chief for the Fire District. Steve  
16 Hamilton and Frankie Petrick divorced in 1983. Mr. Hamilton and his current wife, Martina  
17 Olson, are neighbors of Ms. Petrick, who has a farm up the Yachats River Road. (#PR2;  
18 #PR3).

1 In addition to being neighbors, Frankie Petrick and Steve Hamilton together own the  
2 South Lincoln Ambulance Company (Ambulance Company), a non-profit, public benefit  
3 corporation. Frances M. Petrick is the registered agent and secretary, and Steve Hamilton  
4 is the president. (#PR4). The Fire District apparently pays the Ambulance Company to  
5 use its ambulance to provide service to south Lincoln County. (#PR2).

6  
7 The Fire District is in the process of constructing a new fire station. Last year, the Fire  
8 District bought the property for its new fire station from Steve Hamilton and his brother.  
9 (#PR2).

### 10 11 Complaint

12 The complaint alleges that Frankie Petrick may have used her official position for personal  
13 enrichment by receiving a “kickback” in connection with the Fire District’s purchase of real  
14 property for a new fire station, and through the use of Fire District personnel and  
15 equipment for personal business. (#PR1).

16  
17 With respect to the first allegation, Mr. Drewry writes:

18  
19 I work for Yachats Rural fire protection district. The district purchased a piece of  
20 property to build a new fire station. This piece of property has been a horrible  
21 problem since its purchase. It was recently discovered the property is owned by  
22 the fire chief[']s ex-husband. The land was purchased wildly above the value of the  
23 land from my understanding. But the biggest issue I believe is the fire chief was  
24 given a tractor as a kickback for helping make this land purchase go through. There  
25 is written documentation in the form of a text about this. I have a screen shot of it  
26 but most likely can get something better. The chief will state the board found the  
27 land independently but this is wildly incorrect. (#PR1).

28  
29 In a follow-up e-mail, Mr. Drewry provided screenshots of a text message conversation  
30 between Martina Olson, Steve Hamilton’s wife, and an unknown person. The screenshots  
31 captured part of the text message conversation as follows:

1           Unknown person:    *The rest of that is a continuation of things I've always thought*  
2    *was strange.*

3

4           Martina Olson:        *Yup ... Things will be changing ...*

5

6           Unknown person:    *Like them buying a tractor "together"*

7

8           Martina Olson:        *He turns 84 this May. He likes feeding the cows. They didn't*  
9    *buy that together. I wrote the check. He bought her FOR her*  
10    *as a thank you for working on the land deal. It's only here*  
11    *because he likes to make sure it's taken care of. He calls it*  
12    *Leonard's tractor. (#PR5).*

13

14   In a follow-up e-mail Mr. Drewry clarified that the "Leonard" in the text message is a  
15   reference to the area where the land is, an old farm once owned by someone named  
16   Leonard. (#PR6).

17

18   With respect to the allegation of personal use of equipment and personnel, the complaint  
19   states, "The fire chief has also used the fire apprentice at her personal farm to help with  
20   moving cattle, to block the road." (#PR1). In a follow-up interview, Kyle Drewry explained  
21   that Frankie Petrick had called him and his partner at the station, saying that she was  
22   moving cattle and needed them to come up to her farm to block the road. He and his  
23   partner drove up to Ms. Petrick's farm and blocked the road with the fire truck, lights  
24   flashing. When asked, he said he didn't recall ever being asked to do this for other  
25   residents. (#PR7).

26

27   Mr. Drewry said there were other times when Ms. Petrick used Fire District employees  
28   and equipment for personal purposes. On one occasion she called him to help move a  
29   couch from a truck into her house. On another occasion, she required him and his partner  
30   Tony to bring a truck and the ambulance to help her friend move from one house to  
31   another. He confirmed that on all of these occasions he was on Fire District time. (#PR7).

1 Response

2 Ms. Petrick is represented by attorney Dan Lawler of the Local Government Law Group.  
3 Mr. Lawler provided a response letter which will be provided to the Commission in its  
4 entirety and portions of which are excerpted below. (#PR8). Claiming that the complaint  
5 is unfounded, the response asserts:

6  
7 Mr. Drewry's complaint alleges that the District's Fire Chief, Frankie Petrick,  
8 received a kickback in the form of a tractor as part of the District's 2018 purchase  
9 of real property for a new fire station. However, Ms. Petrick did not gain ownership  
10 of a tractor at any time leading up to or after the District's purchase. Since 2009,  
11 Ms. Petrick and a group of neighbors have shared a tractor and split the costs of  
12 using it. The neighbor who owns the tractor is not the person or a relative of the  
13 person who sold the fire station property to the District. Thus, Ms. Petrick's use of  
14 the tractor is unrelated to her status as a public official or the purchase of the fire  
15 station property. (#PR8).

16  
17 As for the alleged misuse of Fire District personnel and equipment, the response explains:

18  
19 On a couple occasions, District trucks have stopped on their way to the station to  
20 block the open road and allow Ms. Petrick's cattle to cross. This service is available  
21 throughout the District's jurisdiction and promotes traffic safety. In fact, the District  
22 frequently responds to calls about cattle in the road and assists with moving the  
23 animals. Thus, Ms. Petrick did not receive a financial benefit that would be  
24 unavailable but for her official position because any member of the public can call  
25 the District to obtain the same service. (#PR8).

26  
27 In a follow-up e-mail, Mr. Lawler explained:

28  
29 Ms. Petrick lives on a road (Yachats River Road) that District vehicles typically  
30 drive on their way to the Upriver Station. The only times District vehicles have  
31 blocked traffic for Ms. Petrick's cattle to cross have been when Ms. Petrick was

1 already in the process of moving them across the road and the vehicles came upon  
2 the cattle crossing on their way back to the station. Because the cattle were already  
3 in the road, they decided to help move the cattle for traffic and animal safety.  
4 (#PR9).

5  
6 In a subsequent e-mail, Mr. Lawler explained that “the District offers this service to all  
7 residents within its jurisdiction and that the District has taken a number of calls over the  
8 years asking for this service.” He attached a copy of a newspaper article about the Fire  
9 District helping to escort an errant sea lion from Highway 101 back to the ocean. (#PR10).

10  
11 Mr. Lawler also attached the following statement from Fire District volunteer Kreg Evans:

12  
13 I have been on multiple calls throughout my 13 years as a volunteer with Yachats  
14 Rural Fire Protection District in which I have helped district patrons move cattle off  
15 the Yachats River Road. We do this for the safety of the animals and the operators  
16 of vehicle. (#PR11).

17  
18 Additional Response

19 After receiving a copy of the text message and conducting a telephone interview with Mr.  
20 Drewry, Commission staff reached out to Ms. Petrick’s attorney for an additional  
21 response. In the supplemental response, Mr. Lawler addresses ownership of the tractor:

22  
23 Neighbors in the area began sharing the tractor with the permission of the original  
24 owner, Judy Kauffman, in 2009. Martina Olson, the other messenger in Mr.  
25 Drewry’s screenshot, bought the tractor from Ms. Kauffman at some point after that  
26 and has owned and kept the tractor at her home, which she shares with her  
27 husband, Steve Hamilton, since then. In the past year, Ms. Olson allowed Mr.  
28 Hamilton, Ms. Petrick, David Kowitz, and Cody Norton to use the tractor with her  
29 permission. Ms. Petrick has never owned the tractor and the tractor has no  
30 connection with the District’s land purchase. (#PR12).

1 Mr. Lawler also provided a statement from neighbor David Kowitz:

2  
3 I am able to borrow, and have borrowed, the tractor referred to as Leonard's tractor  
4 when needed for haying. I also assist with haying on other fields using said tractor.  
5 It is stored on Steve Hamilton's property in his shed. Frankie Petrick does not own  
6 nor has she ever had any ownership in the tractor. (#PR13).

7  
8 Mr. Lawler also reiterated that any patron may call to ask the Fire District to block the  
9 road to move cattle. He points out that Ms. Petrick received no financial benefit from  
10 having Fire District employees help her friend move, as a friend is not a relative. Finally,  
11 with respect to the allegation of using Fire District employees to move a couch, he writes:

12  
13 This incident occurred when Ms. Petrick's son's house flooded and they called the  
14 District to request help addressing the impacts. As part of that service, District  
15 employees helped move a damaged sofa from the son's house into Ms. Petrick's  
16 truck. Any District patron can call the District to request help with flood impacts and  
17 the District has responded to a number of these calls in the past. Thus, Ms. Petrick  
18 did not receive a financial benefit that would be unavailable but for her official  
19 position because any District patron can call the District to obtain the exact same  
20 service. (#PR12).

21  
22 Finally, Mr. Lawler provided a statement from Shelby Knife, one of the Fire District  
23 volunteers. Mr. Knife writes that the Fire District gets some strange requests and is always  
24 willing to help. He states:

25  
26 Over my time with the district, I have changed smoke detector batteries in houses,  
27 herded sea lions on 101, walked with demented people down the highway to keep  
28 them safe, herded cattle from Yachats River Road, spent four hours shop  
29 vacuuming a flooded basement, dug ditches around houses to avoid flooding,  
30 cleaned out culverts, responded to injured birds, and pulled deer out of the  
31 roadway. (#PR14).

1 **RECOMMENDATIONS:** Frankie Petrick is the Administrator and Fire Chief for the  
2 Yachats Rural Fire Protection District and held that position when the events relevant to  
3 this matter occurred. As such, she is a public official as defined in ORS 244.020(15) and  
4 subject to the laws in ORS Chapter 244.

5  
6 Gift Clause

7 ORS 244.020(7) defines a “gift” as something of economic value given to a public official  
8 without valuable consideration and which is not extended on the same terms and  
9 conditions to others who are not public officials.

10  
11 The Commission’s Guide for Public Officials explains, “There are restrictions on the value  
12 of gifts accepted by a public official if the source of the gift has a legislative or  
13 administrative interest in decisions or votes the public official makes when acting in the  
14 capacity of a public official.” Public officials may accept a gift of any value when the source  
15 of the gift does not have a legislative or administrative interest in the decisions or votes  
16 of the public official; however, when the source of a gift does have such a legislative or  
17 administrative interest, the public official may not “solicit or receive, directly or indirectly,  
18 any gift or gifts with an aggregate value in excess of \$50” from a single source in a  
19 calendar year. [ORS 244.025(1)].

20  
21 A legislative or administrative interest is an economic interest, distinct from that of the  
22 general public, in any matter subject to the decision or vote of the public official acting in  
23 his or her official capacity. [ORS 244.020(10)].

24  
25 Information available in this case suggests that Ms. Petrick may have received a gift, in  
26 the form of a tractor, from Steve Hamilton. The text message sent by Martina Olson, Steve  
27 Hamilton’s wife, suggests that the tractor was a gift to Ms. Petrick as “a thank you for  
28 working on the land deal.” The “land deal” presumably refers to the property the Fire  
29 District purchased from Mr. Hamilton and his brother. Ms. Petrick confirms that Steve  
30 Hamilton’s wife, Martina Olson, bought the tractor and that it is stored at Steve Hamilton’s  
31 farm. She acknowledges using it but denies that it was ever given to her or that it has any

1 connection to the land purchase. Even if Ms. Petrick was not given ownership of the  
2 tractor, use of it could qualify as a gift if that use is not extended on the same terms and  
3 conditions to non-public officials. Should this matter be moved to investigation,  
4 Commission staff would seek to confirm the purchase, ownership and use of the tractor.  
5

6 If the information gathered in investigation confirms that Frankie Petrick received the gift  
7 of a tractor from Steve Hamilton, then it would appear that she may have accepted a gift  
8 in excess of \$50 from a source with a legislative or administrative interest. The tractor  
9 presumably has an economic value in excess of \$50, and Steve Hamilton appears to be  
10 a source with a legislative or administrative interest. First, as a party to the property sale,  
11 Mr. Hamilton would have a legislative or administrative interest in Ms. Petrick's official  
12 actions on behalf of the Fire District. Second, as the president of the Ambulance  
13 Company, Mr. Hamilton has an on-going legislative or administrative interest in Ms.  
14 Petrick's actions as the Fire District administrator, including any actions taken by the Fire  
15 District to contract with or pay the Ambulance Company for the use of its ambulance.  
16

#### 17 Use of Office

18 Ms. Petrick's acceptance of the gift of a tractor may also violate the use of office provisions  
19 in ORS 244.040. The complaint alleges that Steve Hamilton gave Frankie Petrick the  
20 tractor in appreciation of her work on the property sale, which suggests that Ms. Petrick  
21 would not have received this gift but for actions she took in her official capacity. If Ms.  
22 Petrick's receipt of the tractor was tied to her actions on behalf of the Fire District, then it  
23 would appear to violate ORS 244.040.  
24

25 ORS 244.040 prohibits a public official from using or attempting to use their official  
26 position to obtain a financial benefit or avoid a financial detriment for themselves or their  
27 business that would not otherwise be available but for holding their official position. Public  
28 officials may engage in private business activities of their own, but they may not use their  
29 public positions to create the opportunity to advance the financial interests of their private  
30 business and must ensure that there is a clear separation between the use of the  
31 governing body's time and resources and their private business.



1 Information available in this case indicates that Frankie Petrick may have used Fire  
2 District equipment and personnel for personal purposes, such as to block traffic so that  
3 her cattle could cross the road, as well as to move furniture. If Ms. Petrick used Fire  
4 District personnel and equipment for personal tasks, it could violate ORS 244.040 as it  
5 would mean she could avoid the financial detriment of having to pay for these services.  
6 Ms. Petrick asserts that because these services are available to any Fire District patron,  
7 there can be no violation of the statute. Should the Commission move this matter to  
8 investigation, we would seek to confirm whether these are services that all Fire District  
9 patrons can access or whether Ms. Petrick was able to direct Fire District personnel and  
10 equipment in this manner only because of her official position.

11  
12 Based on the available information, there appears to be a substantial objective basis to  
13 believe that Frankie Petrick may have violated the gift clause and the use of office  
14 provisions of Oregon Government Ethics law. Should this matter be moved to  
15 investigation, Commission staff would look into the circumstances surrounding Ms.  
16 Petrick's use of Fire District personnel and equipment for personal purposes. We would  
17 also seek to determine whether Ms. Petrick received a gift of a tractor in violation of ORS  
18 244.025(1) and 244.040(1).

19  
20 The Oregon Government Ethics Commission should move to investigate possible  
21 violations of ORS 244.025(1) and ORS 244.040(1) by Frankie Petrick. (Motion 4).

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

29 ///


30 ///

31 ///

1 **ASSOCIATED DOCUMENTS:**

- 2 #PR1 Complaint received from Kyle Drewry on 3/20/19.  
3 #PR2 *Yachats Fire District Struggles to Contain Cost of New Station,*  
4 *YachatsNews.com, 1/17/19.*  
5 #PR3 *Does the Yachats Fire District Need Help? YachatsNews.com, 1/24/19.*  
6 #PR4 Secretary of State Corporation Division records.  
7 #PR5 Screenshot of text messages, received on 4/12/19.  
8 #PR6 E-mail from Kyle Drewry, received on 4/12/19.  
9 #PR7 Memo re contact with Kyle Drewry, 4/12/19.  
10 #PR8 Response received from respondent's attorney on 4/3/19.  
11 #PR9 E-mail from respondent's attorney, received on 4/3/19.  
12 #PR10 E-mail from respondent's attorney, received on 4/4/19.  
13 #PR11 Statement from Kreg Evans, received on 4/4/19.  
14 #PR12 Supplemental response from respondent's attorney, received 4/17/19.  
15 #PR13 Statement from David Kowitz, dated 4/16/19.  
16 #PR14 Statement from Shelby Knife, dated 4/17/19.

PREPARED BY Susan Myers, Investigator 4/18/19 sm

APPROVED BY Ronald A. Bersin, Executive Director  4/18/19

REVIEWED BY Amy Alpaugh, Assistant Attorney General *via email 4/18/19*