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July 31, 2024

VIA USPS CERTIFIED MAIL RETURN RECEIPT REQUESTED,
FIRST-CLASS MAIL, AND EMAIL

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Deschutes County Sheriff's Office
Attn: Mr. Cary Colaianne
63333 West Highway 20
Bend, OR 97703

**Re: Deschutes County Sheriff's Office Deputy Matthew W. Palmer
Tort Claim Notice Pursuant to ORS 30.275**

To Whom it May Concern:

Please accept this letter as Deschutes County Sheriff's Office Deputy Matthew W. Palmer's ("Palmer") Tort Claim Notice ("TCN") to the Deschutes County Sheriff's Office ("DCSO") and Deschutes County (the "County"). Palmer is investigating whether to file a Complaint for: damages, declaratory and injunctive relief regarding retaliation and discrimination stemming from a hunting incident that Palmer responded to, association with other members of DCSO, protected union activity, reporting misconduct, and other potential violations of federal and/or Oregon law. Palmer expects that the County and DCSO will take this letter as notice of a potential lawsuit and therefore suspend any document destruction policy and retain any documents, communications, records, etc. related to Palmer's employment, termination, discipline, applications for positions, interviews, etc.

1. For this claim, Palmer's address is the address of this law firm: Employment Law Professionals Northwest, LLC, 20015 SW Pacific Hwy., Suite 221, Sherwood, OR 97140.
2. Please address all correspondence to the address listed in the above paragraph.
3. Palmer was hired by the County as a DCSO Deputy on June 1, 2022.
4. On or about November 4, 2023, there was an incident involving an Oregon State Police ("OSP") Game Trooper. A young woman, local to the area and a nurse at a local hospital,



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shot an elk in a highly contested area. The incident was investigated by an OSP Game Trooper, and it was determined that no charges or citations were necessary.

5. The OSP Game Trooper then called DCSO dispatch and Palmer called the OSP Trooper after being dispatched. The OSP Game Trooper wanted to see if Palmer wanted to issue this young woman a citation for shooting the elk just inside of a no shooting zone. Later that same day, several other hunters used pots and pans to push the elk herd back into a shooting zone to be hunted. An OSP Game Trooper was dispatched to this incident. On information and belief, no citations were issued resulting from this incident either. DCSO Deputy Thomas J. Tyner ("Tyner") was dispatched to this second incident and interacted with community members. These incidents upset some of the more affluent community members.

6. At the next local town hall, DCSO Lieutenant Joe V. DeLuca ("DeLuca") was blindsided and confronted by some of the community members expressing their displeasure that no one was cited from either incident that took place on November 4, 2023.

7. DeLuca called DCSO Sergeant Joshua T. Barker ("Barker"). At this point, Barker was the Sergeant for south county. DeLuca told Barker to have Tyner and Palmer to call DeLuca at their earliest convenience.

8. Palmer told Tyner that Palmer would call DeLuca and handle this because Tyner was still a rookie and on probation.

9. Palmer called DeLuca and DeLuca informed Palmer on this call that the community was not happy with how the incidents were handled and that OSP was throwing Palmer under the bus. At that point, Palmer informed DeLuca what took place. DeLuca then told Palmer that DeLuca was going to be meeting a community member in a few days and stated, "if the people want a cite, they get a cite." Palmer does not agree with the sentiment of this statement. Palmer ended this call by telling DeLuca that if there is anything that Palmer can do to help, let Palmer know.

10. The following Monday, Palmer was contacted over the radio by DeLuca to call DeLuca immediately. Other DCSO members contacted Palmer to inquire if everything was alright or if he was in trouble. Palmer found this odd and believed that DeLuca was trying to make it seem that Palmer was in trouble because DeLuca has Palmer's cell phone numbers and could have called him privately.

11. As requested, Palmer called DeLuca. During this call, DeLuca instructs Palmer to drive from Sisters to La Pine to meet with the community member. DeLuca made it clear to Palmer



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that Palmer would be meeting alone. Palmer felt he was being feed to the wolves. During this call, DeLuca again made it clear that "if the people want a cite, they will get one."

12. After the call between DeLuca and Palmer ended, Palmer immediately called his supervisor, DCSO Sergeant Jeremiah D. Minton ("Minton") and informed Minton of the situation and DeLuca's instructions.

13. Minton told Palmer to standby, and Minton would let Palmer know what was going to happen next.

14. Palmer eventually received a call from DeLuca and Minton at separate times. It was conveyed to Palmer that Palmer would go to meet with the community member with DeLuca, not alone.

15. The call from DeLuca began with DeLuca yelling at Palmer, "do we have a fucking problem."

16. Palmer ultimately went down to meet with the community member with DeLuca and DCSO Deputy Jonathan A. Ebner ("Ebner"). During this meeting, Palmer, DeLuca, and Ebner were able to convince the community member that a citation was not the correct route in this situation because it was a legal hunting ground, but that if the community member wanted the area turned into a no shooting area, the community member would need to contact the state of Oregon. Following this meeting, this community member wrote a very nice letter addressing how DCSO handled this situation. Palmer believed this would be the end of this incident.

17. On or about February 6, 2024, Palmer is informed by Minton that Minton received a poor evaluation and the many arguments between Minton, DeLuca, and DCSO Lieutenant Jayson P. Janes ("Janes"). Palmer told Minton that Palmer was alright if Minton wanted to use Palmer's name in a complaint against DeLuca.

18. On information and belief, Palmer believes that an investigation into DeLuca took place regarding the handling of the elk incidents and the evaluation of Minton.

19. On or about April 24, 2024, Palmer was working in La Pine writing reports. The only people at the DCSO station in La Pine that day were Palmer, DeLuca and DCSO Sergeant Shawn Heierman ("Heierman"). DeLuca and Heierman were sitting in the leadership office while Palmer was in the report writing area. Heierman was just interviewed by the investigators conducting the investigation into DeLuca and DeLuca and Heierman were discussing the investigation. In this discussion, Palmer heard Minton's name mentioned. Eventually, DeLuca



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called Palmer into the office. DeLuca and Heierman were sitting between Palmer and the door to the office. DeLuca starts the conversation stating that people are talking and brings up things that were misstated in the satire webpage DCSO Follies. Palmer believes that DeLuca was fishing for answers and was trying to determine what Palmer would say during Palmer's interview. Palmer also believes that DeLuca was trying to change Palmer's perception of how the elk incident occurred. Palmer ultimately told DeLuca and Heierman that this is what Palmer would say if he was interviewed. Eventually, Palmer asked if he could leave.

20. After leaving, Palmer called the Deschutes County Sheriff Employee's Association ("DCSEA" or "Union") President and DCSO Deputy Jeffrey D. Pope ("Pope") to inform Pope of the conversation that just took place.

21. Pope informed Palmer that DeLuca and Heierman did not act appropriately and asked Palmer if he wanted to file a formal complaint.

22. With everything going on in the DCSO, Palmer was afraid of retaliation and decided not to file a formal complaint at that time. Palmer fears that if DCSO Lieutenant Willaim W. Bailey ("Bailey") wins the Sheriff election, DeLuca will become the new DCSO Patrol Captain.

23. Palmer did call two mentors of his, Minton and DCSO Sergeant Joshua D. Spano ("Spano") to inform them of the incident with DeLuca and Heierman. On information and belief, both Minton and Spano brought this incident and concerns to DCSO Lieutenant Michael G. Sundberg ("Sundberg"). On information and belief, Sundberg took this information and concerns to DCSO Sheriff L. Shane Nelson ("Nelson"). To date, Palmer does not believe anything has come from the situation.

As a result of all the above, Palmer is evaluating if the County, DCSO, and other employees of the County and DCSO engaged in violations of federal and/or Oregon law by exposing Palmer to unequal conditions or privileges, unduly scrutinizing Palmer, and ostracizing Palmer. Palmer is also evaluating other potential violations under ORS 659A.

Additionally, as a result of the above, Palmer is evaluating if the County and DCSO engaged in violations of ORS 659A.199 and ORS 659A.203 by exposing Palmer to unequal conditions or privileges and unduly scrutinizing Palmer because Palmer made good faith and reasonable reports of conduct that is a violation of a state or federal law, rule or regulation.

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Furthermore, as a result of the above, Palmer is evaluating if the County and DCSO violated ORS 236.350 for conduct following the hunting incident and subsequent actions taken by Palmer, DeLuca, Heierman, Bailey, Nelson, etc.

Finally, as a result of the above, Palmer is evaluating if the County and DCSO violated the United States Constitution and/or the Oregon Constitution in discriminating and/or retaliating against Palmer based on Palmer's association with Minton and other DCSO members and union members, including union activity.

As a result of the above actions from the County, DCSO, and DCSO Command Staff and employees of the County and DCSO, Palmer has been harmed in the form of economic damages, non-economic damages (emotional distress, physical distress, damage to reputation, and embarrassment and harassment). Accordingly, Palmer is intending to file a complaint with the United States Equal Employment Commission ("EEOC") and with the Oregon Bureau of Labor and Industries ("BOLI") and subsequently a Civil Action for damages against the County, DCSO and several individually named Defendants.

If you have any questions or concerns, do not hesitate to contact me.

Best regards,

**EMPLOYMENT LAW PROFESSIONALS
NORTHWEST LLC**

ANDREW T. MITTENDORF
Attorney at Law

ATM: