

LAW OFFICES OF JUDY SNYDER

Judy Snyder
judy@jdsnyder.com

Holly Lloyd
holly@jdsnyder.com

October 12, 2015

KLAMATH COUNTY

OCT 15 2015

COUNTY COUNSEL

RECEIVED

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By Board of Commissioners

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom Mallams
Chair, Klamath County
Board of Commissioners
305 Main Street
Klamath Falls, OR 97601

Rob Patridge
Klamath County District Attorney
Klamath County Courthouse
316 Main Street
Klamath Falls, OR 97601

Clyde Saiki
Chief Operating Officer
Oregon Department of Administrative Services
155 Cottage St. NE, U20
Salem, OR 97301-3972

RE: **TORT CLAIMS NOTICE; ORS 30.275**
Sharon Forster
Our File No. 3326

Dear Sirs:

This office represents Sharon Forster, a Deputy District Attorney for Klamath County, Oregon. Pursuant to ORS 30.275(4), this is notice of Ms. Forster's claim for damages against Rob Patridge, the State of Oregon, and Klamath County arising out of the actions taken against Ms. Forster by Klamath County and Mr. Patridge in retaliation for her complaints of sexual harassment and retaliation.

Ms. Forster has worked as a Deputy District Attorney for Klamath County since 2002. In August of 2014, Ms. Forster spoke to Mr. Patridge about sexually inappropriate comments made to her by Klamath County Sheriff Frank Skrah. This was not the first time Ms. Forster had complained about Sheriff Skrah's behavior, but August 2014 was the first time Ms. Forster made a formal complaint. Thereafter, the County hired an investigator who substantiated Ms. Forster's complaint against Sheriff Skrah.

The day after Ms. Forster notified Mr. Patridge that she wanted to discuss a complaint against Sheriff Skrah, the Sheriff and one other department head submitted complaints about Ms. Forster's demeanor. The timing of these complaints leads to a reasonable inference that they were made in retaliation for Ms. Forster notifying Mr. Patridge that she intended to file a formal complaint against Sheriff Skrah. As a result of these complaints, Mr. Patridge removed Ms. Forster from the major crimes team, removed her from on-call duty, and directed Ms. Forster to not communicate directly with Sheriff Skrah or the other department head, which interfered with her ability to prosecute her cases. Although Ms. Forster believed the complaints against her were unfounded and retaliatory, she complied with Mr. Patridge's directives.

Following her complaint against Sheriff Skrah, Ms. Forster was subjected to a series of retaliatory actions by the Sheriff and his staff. Sheriff Skrah reported to others that Ms. Forster made up her

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complaints and that they were unfounded, even though the investigator had substantiated her allegations. Ms. Forster was also searched upon entering the jail and deprived the use of her cell phone, while other DDAs were not searched and were allowed to keep their cell phones while in the jail. On or about February 18, 2015, Ms. Forster filed a retaliation complaint, which was thereafter investigated by the same individual who had investigated her sexual harassment complaint.

Ms. Forster was not provided with the results of the retaliation complaint investigation until July 30, 2015, when she requested an update from County Counsel. She then learned that the results had been provided to Mr. Patridge on May 14, 2015, more than two months earlier. The results corroborated several of Ms. Forster's factual allegations, but inexplicably concluded that there had not been retaliation. During this time period, Ms. Forster remained off the major crimes team.

In July of 2015, Ms. Forster reported to Mr. Patridge that while she was in the lobby of the courthouse, Sheriff Skrah went out of his way to walk near her while saying "Hi Sharon," loudly for all to hear. Ms. Forster was acutely uncomfortable by the Sheriff's behavior since she had purposely avoided direct or close contact with him since her August 2014 complaint.

On September 4, 2015, Mr. Patridge presented Ms. Forster with a written reprimand for conduct which had occurred on June 5, 2015, more than two months earlier. When Mr. Patridge met with Ms. Forster, he encouraged her not to pursue another complaint against Sheriff Skrah because it would result in another complaint being lodged against Ms. Forster. The Sheriff accused Ms. Forster of giving him a dirty look in the courthouse lobby, which prompted his behavior. Ms. Forster denied giving the Sheriff a dirty, or any look for that matter, since she stood in a corner to avoid any contact with him. However, Ms. Forster understood from Mr. Patridge's warning that she would be subjected to another complaint, which could lead to her termination, if she insisted on complaining against Sheriff Skrah again.

The delayed written reprimand and Mr. Patridge's warning of future complaints are part of an ongoing pattern and practice of retaliation against Ms. Forster for complaining of unlawful sexual harassment and retaliation on the part of Sheriff Skrah. The retaliation against Ms. Forster in terms of keeping her off the major crimes team continued until only very recently, and after the County learned that Ms. Forster was seeking assistance from an attorney.

This letter provides notice that Ms. Forster may file claims for unlawful employment practices under Title VII, 42 U.S.C. § 2000e, ORS 659A.030(1)(f), ORS 659A.199 and ORS 659.203, as well as other claims, and seek all her damages including damages for economic losses, compensatory damages, and her attorney fees and costs.

LAW OFFICES OF JUDY SNYDER


Holly Lloyd

cc: client