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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**DAVID LOVEALL**, a Lane County  
Commissioner,

Plaintiff,

v.

**Lane County**, a local government entity;  
**Steve Mokrohisky**, in his personal and  
official capacity as Lane County  
Administrator, **Heather Buch**, in her  
personal and official capacity as a Lane  
County Commissioner, **Laurie Trieger**, in  
her personal and official capacity as a Lane  
County Commissioner, **Pat Farr** in his  
personal and official capacity as a Lane  
County Commissioner,

Defendants.

No. 6:26-cv-00534

**COMPLAINT**

**Free Speech, 42 U.S.C. § 1983**  
**Free Exercise of Religion, 42 U.S.C.**  
**§ 1983**  
**Due Process, 42 U.S.C. § 1983**  
**Retaliation, 42. U.S.C. § 1983**  
**Open Meetings Laws, ORS 192.680(2)**  
**Attorney Fees, 42 U.S.C. § 1988 and**  
**ORS 192.680(4)**

DECLARATORY AND INJUNCTIVE  
RELIEF

DAMAGES TO BE DETERMINED

Plaintiff David Loveall (“Plaintiff”) states the following for his Complaint in this  
action against Defendants Lane County, Steve Mokrohisky, Heather Buch, Laurie Trieger,  
and Pat Farr (collectively, “Defendants”):

## INTRODUCTION

1.

Plaintiff is a Christian who was elected to the Lane County Board of Commissioners in 2022. His political and personal views “triggered” certain county employees and in 2025 the County started investigating him for things such as writing “Blessings” in the birthday card of an employee. Plaintiff was put on a “safety plan” because the birthday card recipient reportedly did not feel safe around Plaintiff, and Plaintiff was prohibited from accessing his county office two days a week. Plaintiff expressed his displeasure about the investigation to the county administrator, who thereafter filed his own complaint against Plaintiff. Although the county administrator was a complainant in the investigation, he retained supervisory authority over the investigation and the special county counsel who oversaw the investigation. Plaintiff was also falsely accused of describing a woman as “looking like a stripper.”

2.

Throughout the investigation, whenever Plaintiff spoke publicly in defense of himself, he was accused of retaliation, which formed the basis of additional complaints against him. Plaintiff was instructed to not defend himself, even though Plaintiff was running for re-election and the allegations against him were publicly released by the County and had been reprinted in the newspaper.

3.

The investigation determined that Plaintiff retaliated against employees in violation of a county personnel rule by expressing his views and defending himself. Because the county rule does not define the word “retaliation,” the investigator created his own definition and determined that Plaintiff violated it. Plaintiff requested and was denied a copy of the

investigative report and the evidence relied on by the investigator in making his findings. Plaintiff was denied a name clearing hearing and also denied his statutory right to have an open meeting to consider the allegations, investigation, and evidence against him. The Board of Commissioners voted to censure Plaintiff at a meeting without prior notice to the public that a censure would be considered, in violation of Oregon Public Meetings Law.

4.

Plaintiff brings this lawsuit in order to protect his constitutional right to free speech, right to free exercise of religion, right to due process, right to be free from retaliation, and to enforce Oregon's Public Meetings Law. Plaintiff seeks a declaratory judgment that his rights have been violated and a permanent injunction of the County's continued violation of his rights.

### **PARTIES**

5.

At all material times, Plaintiff was an elected Lane County commissioner and campaigning to be re-elected at the May 19, 2026, election.

6.

Defendant Lane County (the "County") is a local governmental entity with a principal place of business located at 125 East 8th Avenue, Eugene, OR 97401.

7.

At all material times, Defendant Steve Mokrohisky ("Defendant Mokrohisky") was the Lane County administrator. As county administrator, he oversees Lane County's human resources department ("HR"), personnel workplace rules, and develops and enforces the

Lane County Administrative Procedures Manual (the “APM”). At all relevant times, Defendant Mokrohisky acted under color of law.

8.

At all material times, Defendant Heather Buch (“Defendant Buch”) was a Lane County commissioner and acting under color of law.

9.

At all material times, Defendant Laurie Trieger (“Defendant Trieger”) was a Lane County commissioner and acting under color of law.

10.

At all material times, Defendant Pat Farr (“Defendant Farr”) was a Lane County commissioner and acting under color of law.

### **JURISDICTION AND VENUE**

11.

This case presents a federal question arising under 42 U.S.C. § 1983 and 42 U.S.C. § 1988.

12.

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States and may provide declaratory and injunctive relief under 28 U.S.C. § 2201. In addition, this Court has supplemental jurisdiction over Plaintiff’s state law claims under 28 U.S.C. § 1367 because those claims arise out of a common nucleus of operative fact.

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13.

Venue resides in this district pursuant to 28 U.S.C. § 1391 because all Defendants maintain offices and reside within Eugene Division of this United States District Court and the action arose principally in the Eugene Division of this United States District Court.

**FACTUAL BACKGROUND**

14.

Defendant Mokrohisky is the chief administrative officer of Lane County and oversees activities of all county departments, including HR. Defendant Mokrohisky is authorized to develop and enforce the APM, which contains personnel rules for county employees. Defendant Mokrohisky is specifically authorized to prepare administrative regulations and policies for the County. The APM is not voted on or created by the Board of Commissioners (“Board”).

15.

The APM unlawfully restricts elected officials’ speech, which is a vital component of elected officials’ duties. Elected officials have the right to enter the field of political controversy and it is imperative that elected officials be allowed to freely express themselves.

16.

On or about May 14, 2025, Employee 2 submitted a complaint to HR alleging that Plaintiff had violated the APM because Plaintiff had used “Christian religious language.” Employee 2 specifically complained that Plaintiff signed their birthday card using words like “Kingdom work” and closed with “Blessings, Commissioner Loveall.”

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17.

On or about May 29, 2025, Employee 1 filed a complaint with HR alleging that Plaintiff described a person in the community (“Community Partner”) to Employee 1 by using inappropriate language. Employee 1 alleged that Plaintiff described the Community Partner as a “stripper on a strip pole.”

18.

On or about June 6, 2025, Plaintiff met with Employee 1 and disputed that he made that comment. Rather, as he explained, the comment was made by someone other than Plaintiff. Employee 1 reported to HR that there had been “closure” to her concerns after meeting with Plaintiff.

19.

On or about June 13, 2025, the Lane County Counsel, a county employee supervised by Defendant Mokrohisky, met with Plaintiff and instructed him that religious language was a trigger for employees and to not use religious language in the workplace. Upon information and belief, Defendant Mokrohisky instructed the Lane County Counsel to meet with Plaintiff and issue the directive.

20.

On or about June 17, 2025, Plaintiff went to Defendant Mokrohisky’s office to express his frustration that a complaint was filed against him for writing “Blessings” in a birthday card. Plaintiff stated that the employee policies in the APM that restrict speech do not apply to elected officials because elected officials have free speech rights. Plaintiff also told Defendant Mokrohisky that he was doing a poor job as county administrator because, among other reasons, he inappropriately enforced personnel rules.

21.

Plaintiff was frustrated during the June 17, 2025, meeting at what he perceived to be a coordinated effort by employees, including Defendant Mokrohisky, who disagree with his religious and political views to get him defeated at his next election.

22.

On or about June 23, 2025, Defendant Mokrohisky visited Plaintiff's office to follow up on their previous discussion. During both encounters, Plaintiff spoke to Defendant Mokrohisky with intentional directness. This candor was firmly rooted in a mutual agreement, reached at a local tavern on or about October 11, 2023, that the two would maintain frank, transparent, and confidential communications. Notably, Defendant Mokrohisky has relied on this exact same agreement in the past to openly voice his own frustrations with Plaintiff.

23.

On or about June 24, 2025, Defendant Mokrohisky wrote a lengthy email to special county counsel regarding the June 23, 2025, conversation between Defendant Mokrohisky and Plaintiff.

24.

On or about July 2, 2025, special county counsel spoke with Plaintiff and verbally admonished him for his behavior.

25.

On or about July 14, 2025, special counsel gave a written admonishment to Plaintiff for his behavior.

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26.

On or about August 8, 2025, a public records request was made seeking Defendant Mokrohisky's June 24, 2025, email. The request was denied by the Lane County District Attorney based on attorney-client privilege and executive session privilege.

27.

On or about August 21, 2025, Plaintiff appeared on a podcast and briefly defended himself from the complaints filed against him by Employees 1 and 2. Plaintiff discussed his right to use religious words and denied calling anyone a "stripper." Plaintiff did not identify the complaining employees by name in the podcast.

28.

On or about August 25, 2025, Plaintiff gave Defendant Mokrohisky a score of 1 out of 5 on his annual performance review. This score was consistent with the earlier low scores Plaintiff had given Defendant Mokrohisky: a 2 in 2023 and a 1 in 2024.

29.

On or about August 27, 2025, Employee 2 filed another complaint against Plaintiff based on his defense of himself on the podcast. Employee 2 also requested a "safety plan."

30.

Approximately one day later, the County put Plaintiff on a "safety plan" that prohibits Plaintiff from accessing his county office on Mondays and Thursdays. The County has never taken Plaintiff off this plan that prohibits him from accessing his office.

31.

The County also required Plaintiff to start meeting with a coach, hired by the County, for the purpose of making Plaintiff's behavior more acceptable to the County. In or about

August of 2025, Plaintiff also resigned from a Lane County committee as a representative of the Board. This was to remove Plaintiff from a committee in which the Community Partner participated.

32.

The County ratified county counsel's directive to Plaintiff to not use religious language when the County put Plaintiff on a "safety plan" for his use of religious language.

33.

On September 4, 2025, Defendant Mokrohisky sent a lengthy, scathing email to Plaintiff detailing the complaints against him. While Defendant Mokrohisky copied all the other commissioners on this message, he intentionally excluded the special county counsel from the email chain. He did this to purposefully bypass the confidentiality rules that had shielded his previous June 24 email from public disclosure. By leaving the attorney off the recipient list, he ensured this new email could be released to the public.

34.

It was improper for Defendant Mokrohisky, who is in charge of the HR department that processes personnel complaints, to go outside the investigative process and appeal directly to commissioners regarding his personal disdain for Plaintiff and the allegations against Plaintiff.

35.

Upon information and belief, Defendant Mokrohisky sent the email that accused Plaintiff of numerous offenses and that disclosed privileged information so it could be requested and released publicly.

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36.

Within hours of Defendant Mokrohisky's email being sent, a public records request just happened to be made for the email. The County provided it immediately and unredacted. Upon information and belief, Defendant Mokrohisky instructed that his email be released unredacted. A newspaper published Defendant Mokrohisky's scathing email about Plaintiff in full.

37.

In the September 4, 2025, email, Defendant Mokrohisky blamed Plaintiff for the county "[having] to negotiate a settlement to resolve the claims of" a former county counsel. The email disclosed privileged information about the settlement that had not previously been released to the public.

38.

In the September 4, 2025, email, Defendant Mokrohisky also disclosed private and privileged information about Plaintiff. For example, Defendant Mokrohisky violated ORS 192.374 and Plaintiff's privacy rights by disclosing confidential information regarding Plaintiff's "authority to carry a firearm in the workplace."

39.

The County's public release of the September 4, 2025, email, makes the County liable for violating Plaintiff's privacy rights and ORS 192.374.

40.

In the September 4, 2025, email, Defendant Mokrohisky also brought up the resolved complaint regarding Plaintiff being incorrectly blamed for saying a Community Partner resembled "a stripper." By bringing up this resolved complaint, Defendant Mokrohisky

breathed new life into the allegation and newspapers reported that Plaintiff allegedly referred to someone as a “stripper.” Upon information and belief, Defendant Mokrohisky did this to harm Plaintiff’s re-election campaign.

41.

In Defendant Mokrohisky’s September 4, 2025, email, Defendant Mokrohisky also discussed Plaintiff’s use of religious language. Defendant Mokrohisky admits that the County instructed Plaintiff to not use religious language in the workplace, stating: “a neutral third party spoke with you about your use of religious language in the workplace. The employee’s request was simply that you respect her desire to not be subjected to religious language in the workplace. . . . We all have a right to our religious and spiritual practices . . . but we do not have a right to impose them on others in a public workplace.”

42.

The County and Defendant Mokrohisky clearly interpreted Plaintiff’s signing a birthday card with the phrase “Kingdom work” and the closing “Blessings” to be tantamount to inappropriately imposing his religion on others. Defendant Mokrohisky also criticized Plaintiff for defending himself against this complaint on the podcast.

43.

In the September 4, 2025, email, Defendant Mokrohisky also criticized Plaintiff for publicly expressing his views that Lane County government lacks transparency and engages in “dirty insider politics.”

44.

In the September 4, 2025, email, Defendant Mokrohisky criticized Plaintiff for defending himself against allegations made against him, stating: “You have been defiant and

repeatedly escalated the issues by deflecting responsibility, demeaning others and accusing those who have raised the concerns of being at fault.”

45.

Throughout the investigation, each time Plaintiff attempted to defend himself, it generated another complaint against him that he was retaliating, which was then investigated by the County. Plaintiff was instructed by the County and Defendant Mokrohisky to not speak in defense of himself.

46.

In the September 4, 2025, email, Defendant Mokrohisky closed the email by stating: “I will not stand by and allow dedicated public servants to be demeaned, disrespected, bullied, harassed, nor retaliated against. Lane County employees and taxpayers deserve better from their leaders.”

47.

Throughout the investigation, Plaintiff never sought to have any employee disciplined, demoted, fired, investigated or otherwise be the subject of an adverse employment action.

48.

The County never gave Plaintiff official notice that complaints made against him were being investigated or what the investigative process or rules would be.

49.

On or about September 8, 2025, Defendant Mokrohisky filed a complaint against Plaintiff based on Plaintiff’s statements to Defendant Mokrohisky during their June 17 and 24, 2025, conversations.

50.

At all material times, as county administrator Defendant Mokrohisky retained supervisory authority over special county counsel retained by the County, the investigation, and the investigator hired by the County.

51.

The Lane County Counsel made it clear on multiple occasions that he was not involved in the investigation of complaints against Plaintiff. Lane County Counsel made it clear that the investigation was being handled by special county counsel.

52.

On or about September 18, 2025, Plaintiff texted a former county employee and asked about her experiences with Defendant Mokrohisky so that Plaintiff could better defend himself against Defendant Mokrohisky's public allegations.

53.

On or about September 18, 2025, the County again instructed Plaintiff to not speak publicly regarding the public allegations made against him. Plaintiff's statements made to defend himself were added to the list of complaints against Plaintiff to be investigated.

54.

On or about November 17, 2025, Defendant Mokrohisky sent an email to county officials complaining that Plaintiff wants to replace Defendant Mokrohisky as county administrator.

55.

On or about November 20, 2025, Plaintiff responded to Defendant Mokrohisky's email dated September 4, 2025. In the email, Plaintiff defended himself against the

accusations contained in Defendant Mokrohisky's email, which was publicly released and reprinted in full in the newspaper. Plaintiff sent the email only to Defendant Mokrohisky for fear of violating the County's speech restrictions and threatened financial liability for violating those restrictions.

56.

On or about November 24, 2025, Defendant Mokrohisky responded to Plaintiff's November 20, 2025, response by alleging that Plaintiff's response amounted to continued threats against Defendant Mokrohisky and were defamatory.

57.

On or about November 24, 2025, Plaintiff appeared on a podcast and discussed the county's "CleanLane" project. Plaintiff criticized Defendant Mokrohisky for his role in facilitating a major change in a contract between the county and Bulk Handling Systems that was financially detrimental to the county.

58.

Plaintiff did not support the CleanLane project and had been vocal about his dissatisfaction in how Defendant Mokrohisky handled the contract. The county administrator is authorized to make contract changes that could result in up to \$250,000 worth of liability for the county. However, Defendant Mokrohisky approved a change in the contract that could cost the county \$100 million or more and put the county in a dire financial position. Defendant Mokrohisky failed to point out this major change in the 89-page contract (not including 106 pages of exhibits) to the Board when it gave final approval to the contract. This conduct is the reason Plaintiff gave low performance scores to Defendant Mokrohisky in both 2024 and 2025.

59.

On or about January 9, 2026, a member of the media requested Plaintiff's November 20, 2025, email. The County released a heavily redacted copy of Plaintiff's email. The redactions prevented the public from seeing Plaintiff's response to numerous allegations Defendant Mokrohisky made against Plaintiff.

60.

For example, in Defendant Mokrohisky's email, he accused Plaintiff of having weapons in the office. This allegation was released to the public and re-published in the newspaper. However, in Plaintiff's response, the County redacted the entire paragraph where Plaintiff stated there was no support for Defendant Mokrohisky's accusation that Plaintiff violated the law.

61.

The County also redacted Plaintiff's response regarding a drug use accusation made by HR against Plaintiff in 2023. In Plaintiff's response, he explained that he is a Type 1 diabetic and at times must inject insulin while in his office. The County redacted Plaintiff's explanation for these injections.

62.

Upon information and belief, the County redacted Plaintiff's email so that the public would be unaware of Plaintiff's defense to complaints and allegations made against him. Clearly, different redaction rules were applied to the emails because Defendant Mokrohisky's email was not redacted at all and Plaintiff's email was heavily redacted.

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63.

On or about February 1, 2026, the investigator hired by the County issued an Investigative Report. The County did not give Plaintiff a copy of the Investigative Report.

64.

On or about February 2, 2026, the County provided Plaintiff with a Notice of Findings of the investigation. That notice informed Plaintiff that the investigation found him to be in violation of personnel policies.

65.

On or about February 9, the County provided Plaintiff with a “condensation of the investigation,” which was a summary of the investigative report. The investigative summary showed that the investigator applied speech restrictions that do not apply to elected officials to Plaintiff. The investigator also applied a definition for “retaliation” that does not appear in the APM. The source of the investigator’s definition for “retaliation” is unknown.

66.

The investigative summary contained “sustained findings” that Plaintiff had retaliated against three county employees: Employee 1, Employee 2, and Defendant Mokrohisky. The investigative summary stated that Plaintiff violated the APM by retaliating against individuals who filed a complaint of harassment, discrimination, mobbing, or whistleblowing or who assists in an investigation.

67.

The investigative summary also stated conclusively that Plaintiff engaged in the following behavior:

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- Plaintiff stated to county employees that “every time [I] thought of that community partner, I think of a stripper on a stripper’s pole, her hands moving like this.”
- Plaintiff told Defendant Mokrohisky “And, if you don’t fix this, then you and I have a problem and I am going to do everything I can to get rid of these people.”
- Plaintiff declined to share information with Employee 1, which she was seeking in order to perform her job.
- Plaintiff knowingly caused Employee 2 harm by making comments about her to the news media.
- Plaintiff threatened Defendant Mokrohisky’s job if he did not stop employees from making complaints.
- Plaintiff cancelled meetings with Defendant Mokrohisky.
- Plaintiff’s low performance evaluation of Defendant Mokrohisky was unsupported.

68.

On or about February 9, 2026, the County released the investigative summary to the public. On or about February 18, 2026, special county counsel stated that the Board authorized the public release, but no vote was ever taken in open meeting regarding this, which is a violation of Oregon Public Meetings Laws. Additionally, upon information and belief, Defendant Mokrohisky instructed the special county counsel to release the report.

69.

Importantly, the investigator did not find that Plaintiff harassed or discriminated against anyone. The retaliation findings were based solely on Plaintiff’s speech, specifically:

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- Plaintiff complained to Defendant Mokrohisky that personnel rules were being applied to him inappropriately;
- Plaintiff told Defendant Mokrohisky that employees should be informed that the APM does not apply to elected officials;
- Plaintiff complained to Defendant Mokrohisky that he was not doing his job because he was failing to inform employees that the APM does not apply to elected officials;
- Plaintiff gave a low performance score to Defendant Mokrohisky;
- Plaintiff explained his reasons for giving Defendant Mokrohisky a low score on a podcast;
- Plaintiff texted a former employee and asked for information about Defendant Mokrohisky; and,
- Plaintiff defended himself against complaints made against him on a podcast.

70.

In engaging the above conduct, Plaintiff is expressing his beliefs and opinions. He is also defending himself against damaging allegations that had been released publicly and reported in the media. He is also commenting on political issues that pertain to his office and affect the county and specifically his constituents.

71.

The investigative summary concluded that the above conduct was illegal retaliation, however the APM cannot legally be applied to elected officials and does not define “retaliation.”

72.

On or about February 18, 2026, the Board met for the stated purpose of going immediately into an executive session pursuant to ORS 192.660(2)(b)- to consider the dismissal or disciplining of a public officer who does not request an open meeting.

73.

However, before the Board met in executive session, Plaintiff exercised his statutory right pursuant to ORS 192.660(2)(b) to request an open meeting at a later date to discuss the investigative findings, the charges against him, and to consider potential discipline. Plaintiff requested that this meeting occur after he and the other commissioners receive the full investigative report and the evidence alleged to support the findings that Plaintiff retaliated against employees. Plaintiff had not, and at the time of this filing still has not, been provided with the evidence against him, including witness statements, which formed the basis of the investigative findings.

74.

At the February 18, 2026, meeting, Plaintiff raised concerns regarding several factual inaccuracies in the investigative summary, but he could not meaningfully and fully defend himself against the investigative findings and the evidence until he saw the full report and evidence. Plaintiff's attorney also spoke and stated the County's investigative process and official directions to Plaintiff during that process violated Plaintiff's free speech rights, free exercise of religion rights, and his due process rights. Plaintiff's attorney stated Plaintiff would sue to enforce his constitutional rights if the inappropriate process continued.

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75.

At the February 18, 2026, meeting, after Plaintiff requested an open meeting to consider the investigation, evidence, and any discipline, the Board went into executive session, excluding Plaintiff. Because Plaintiff requested an open meeting regarding the investigation and any potential discipline imposed, the commissioners were not authorized to discuss such subjects in executive session.

76.

However, the Board violated Plaintiff's right to an open meeting because it clearly continued to deliberate on the issues that were to be the subject of an open meeting. When the Board re-convened in an open meeting a couple of hours later, the Board proposed a prepared motion requiring Plaintiff to admit that he harmed employees and to apologize. Defendants Heather Buch, Laurie Trieger, and Pat Farr voted in support of the motion. Upon information and belief, Defendants Buch, Trieger, and Farr discussed these issues in the executive session in violation of Oregon's Public Meetings Law.

77.

The publicly available agenda for the February 18, 2026, meeting did not state that complaints against Plaintiff and potential discipline would be considered in an open meeting.

78.

On or about March 3, 2026, the Board met in open meeting. As soon as the meeting convened, Defendant Mokrohisky was allowed to make a statement to the commissioners and public to criticize Plaintiff, comment on the complaints against Plaintiff, and make new charges against Plaintiff.

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79.

The agenda for the meeting did not notify the public that the commissioners would consider censuring Plaintiff, but the Board moved to a vote on that issue. Commissioner Buch asked Plaintiff if he wanted to say anything before the vote and Plaintiff requested that his attorney make a statement on his behalf. Defendants Buch, Trieger, and Farr voted to disallow a statement by Plaintiff's attorney. Defendant Buch said if Plaintiff was not going to publicly apologize, then neither he nor his attorney could make a statement. However, the County's special counsel was allowed to speak and give legal advice to the Board publicly during the meeting.

80.

The County's special counsel stated, incorrectly, that the February 18, 2026, meeting was Plaintiff's requested statutory open meeting. However, that meeting could not be Plaintiff's requested open meeting because Plaintiff did not request an open meeting for that purpose until the February 18, 2026, meeting. That meeting also could not serve as Plaintiff's open meeting, as required by statute and due process, because Plaintiff has not received the full investigative report and the evidence relied on by the investigator. Thus, Plaintiff did not have a meaningful opportunity to present his defense. Additionally, Plaintiff did not understand the February 18, 2026, meeting to be his open meeting to discuss discipline and clear his name because he was not told until later that the prior meeting was such meeting.

81.

At the March 3, 2026, meeting, multiple members of the public spoke during "Public Comment" and used profane language and displayed anger. None of them were reprimanded by the Board or by Defendant Mokrohisky, which shows they view the public's free speech

rights to be greater than those of elected officials and restrictions are selectively enforced depending on who the speaker is.

82.

At the March 3, 2026, meeting Defendants Buch, Trieger, and Farr voted to censure Plaintiff. The agenda for the meeting gave no public notice that a censure of Plaintiff would be considered, which is another violation of Oregon's Public Meetings Law.

83.

Defendant Buch read the order censuring Plaintiff. The order stated that Plaintiff had violated the APM rules prohibiting harassment, discrimination, mobbing, and retaliation, which amounts to a willful neglect of duties as a commissioner. The order also stated that Plaintiff had repeatedly acted inconsistent with the best interests of the county.

84.

Plaintiff has complied with the applicable notice requirements under ORS 30.275.

85.

The County's policies and directives have resulted in violating Plaintiff's constitutional and statutory rights and because they are still enforced in Lane County, future deprivations could occur.

86.

Defendants engaged in this conduct for the purpose of negatively affecting Plaintiff's campaign for re-election to the Board.

87.

The actions of Defendants Mokrohisky, Buch, Trieger, and Farr have harmed Plaintiff by causing him personal humiliation and mental anguish and suffering. Plaintiff has

experienced anxiety and depression as result of Defendants' actions. The amount of these damages will be determined at trial.

88.

Additionally, Plaintiff is a pastor in a Christian church he established that provides support to people in Uganda. Plaintiff's reputation as a pastor in this church has been impaired by Defendants' actions.

89.

Plaintiff seeks declaratory judgment that the County and Defendants in their official capacities have violated his constitutional rights and Oregon's Public Meetings Law. Plaintiff seeks injunctive relief to enjoin these violations. Plaintiff seeks damages against Defendants Mokrohisky, Buch, Trieger, and Farr in their personal capacities. Pursuant to 42 U.S.C. § 1988 and ORS 192.680, Plaintiff is further entitled to reasonable attorney fees and costs incurred herein.

### **FIRST CLAIM FOR RELIEF**

#### **Declaratory Judgment**

#### **Violation of First Amendment Free Speech Rights**

#### **(Against All Defendants)**

90.

Plaintiff realleges and incorporates all allegations set forth in paragraphs 1 - 89 above.

91.

As an elected official, Plaintiff has heightened First Amendment Protections.

92.

Plaintiff was engaged in constitutionally protected activity when he:

- complained to Defendant Mokrohisky that personnel rules were being applied to Plaintiff inappropriately;
- told Defendant Mokrohisky that employees should be informed that the APM’s speech restrictions do not apply to elected officials;
- complained to Defendant Mokrohisky that he is not doing his job because he is failing to inform employees that the APM’s speech restrictions do not apply to elected officials;
- gave a low job performance score to Defendant Mokrohisky;
- explained his reasons for giving Defendant Mokrohisky a low score on a podcast;
- texted a former employee and asked for information about Defendant Mokrohisky;
- defended himself against complaints made against him on a podcast; and
- wrote “Kingdom work” and “Blessings” in an employee’s birthday card.

93.

The County investigated Plaintiff, at Defendant Mokrohisky’s instruction, when employees including Defendant Mokrohisky reported that Plaintiff engaged in the above protected activities.

94.

Defendants applied speech restrictions contained in the APM on Plaintiff.

95.

The County publicly released findings that stated Plaintiff retaliated against employees.

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96.

Defendant Mokrohisky orchestrated the public release of his email that said Plaintiff violated employee rights, and the County released it unredacted.

97.

The County and Defendant Mokrohisky instructed Plaintiff to not speak publicly in defense of himself.

98.

Whenever Plaintiff spoke in defense of himself, he was admonished by the County and investigated on additional charges of retaliation.

99.

Plaintiff was threatened by the County with personal financial liability if he spoke in defense of himself publicly.

100.

The County instructed Plaintiff to not use religious language in the workplace.

101.

The County put Plaintiff on a “safety plan” that excluded him from his office because he wrote “Kingdom work” and “Blessings” in a birthday card.

102.

Defendants Buch, Trieger, and Farr prevented Plaintiff from speaking at an open meeting unless he agreed to apologize. They also prevented his attorney from speaking in his defense.

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103.

Defendants Buch, Trieger, and Farr denied Plaintiff an open meeting to which he was entitled pursuant to ORS 192.660(2)(b).

104.

County policy prohibits Plaintiff's speech that the County finds offensive and disagreeable. This is a prior restraint of speech based on subject matter.

105.

Defendants' actions against Plaintiff would chill a person of ordinary firmness from continuing to engage in the protected activities. Defendants' actions deprived Plaintiff of free speech rights.

106.

Defendants' actions against Plaintiff continue and have not ceased. An active controversy between Plaintiff and Defendants exist.

107.

Defendant Mokrohisky acted pursuant to authority given to him by the County when he made policy regarding the investigation of Plaintiff, the release of information about Plaintiff, and restrictions of Plaintiff's First Amendment rights.

108.

The County adopted Defendant Mokrohisky's policies when Defendants Buch, Trieger, and Farr approved of every action taken by Defendant Mokrohisky to restrict Plaintiff's speech.

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109.

Plaintiff's protected activity was a substantial or motivating factor in Defendants' conduct.

**SECOND CLAIM FOR RELIEF**

**Declaratory Judgment**

**Violation of First Amendment Free Exercise of Religion Rights**

**(Against All Defendants)**

110.

Plaintiff realleges and incorporates all allegations set forth in paragraphs 1 - 109, above.

111.

Plaintiff holds sincere Christian beliefs. It is central to his Christian faith to identify himself as a Christian and to pray and wish blessings for others. By mentioning "Kingdom work" and signing the birthday card "Blessings" Plaintiff was practicing his religion by identifying himself as a Christian and expressing blessings for another.

112.

Plaintiff engaged in protected religious exercise or expression.

113.

After Employee 2 complained about Plaintiff's religious language, the County and Defendant Mokrohisky instituted a policy by directing Plaintiff to no longer use religious language in the workplace.

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114.

This policy lacks neutrality because it restricts Plaintiff's conduct simply because the conduct is religious. Since receiving this directive, Plaintiff has not used religious language in the workplace, which substantially burdens the practice of his religion.

115.

The County took adverse action against Plaintiff by putting him on a "safety plan" that prevents him from accessing his office on Mondays and Thursdays.

116.

It is especially important for Plaintiff to be able to go to his office on Mondays because that is the day before the Tuesday Board meetings. Plaintiff has been unable to prepare for Board meetings the day before at his office.

117.

Plaintiff's religious exercise or expression was a substantial or motivating factor for imposing the "safety plan" and for being told to not use religious language in the office.

118.

The threat of further sanctions coerces Plaintiff to act contrary to his religious beliefs.

### **THIRD CLAIM FOR RELIEF**

#### **Declaratory Judgment**

#### **Retaliation for Exercise of First Amendment Rights**

#### **(Against All Defendants)**

119.

Plaintiff realleges and incorporates all allegations set forth in paragraphs 1 - 118, above.

120.

Plaintiff was engaged in constitutionally protected activities.

121.

As a result, Plaintiff was subjected to adverse action by Defendants, including putting Plaintiff on a “safety plan” that physically excludes Plaintiff from his official county office two days a week, which prevents Plaintiff from doing his job, deprives Plaintiff of authority enjoyed by virtue of his election, or otherwise prevents him from enjoying the full range of rights and prerogatives that come with being elected.

122.

The adverse actions taken by Defendants would chill a person of ordinary firmness from continuing to engage protected activities.

123.

There is a substantial causal relationship between Plaintiff’s constitutionally protected activities and the adverse actions taken by Defendants.

**FOURTH CLAIM FOR RELIEF**

**Declaratory Judgment**

**Violation of Fourteenth Amendment’s Due Process Clause**

**(Against All Defendants)**

124.

Plaintiff realleges and incorporates all allegations set forth in paragraphs 1 - 123, above.

125.

Procedural due process requires notice and a meaningful opportunity to respond.

126.

Plaintiff has a protected property, liberty, or tangible interest in access to his official physical office and his statutory right to an open meeting pursuant to ORS 192.660(2)(b).

127.

Defendants have publicly disclosed stigmatizing statements about Plaintiff.

128.

Plaintiff has contested the accuracy of the stigmatizing statements. Plaintiff further contests the accuracy of the facts contained in the investigative summary and its findings.

129.

Plaintiff has a liberty interest in clearing his name when stigmatizing information is publicly disclosed.

130.

Defendants gave Plaintiff no opportunity to respond to the investigative summary or clear his name before Defendants publicly disclosed the investigative findings, which contained stigmatizing statements.

131.

Defendants also subsequently denied Plaintiff a name clearing hearing, a hearing pursuant to ORS 192.660(2)(b), and denied him the right to speak before a censure vote was taken.

132.

Plaintiff has due process rights to the opportunity to be heard at a meaningful time and in a meaningful manner. Defendants denied Plaintiff due process by denying him the full

investigative report, the evidence it was based on, and a hearing to discuss the allegations, investigation, and evidence.

133.

Defendants denied Plaintiff informed “jurors” by also denying the other commissioners the full investigative report and the evidence upon which it was based. Plaintiff and other commissioners had no opportunity to view the evidence, were unable to weigh credibility, were unable to question witnesses, and were unable to question the investigator about his findings and recommendations.

134.

Plaintiff also has the due process right to be informed what “retaliation” means, which is prohibited by the APM and enforced against Plaintiff. Defendants violated this right when they applied a definition made up by the investigator and inserted into the investigative summary. It is unknown where the investigator’s definition came from.

**FIFTH CLAIM FOR RELIEF**

**Violations of Oregon’s Public Meetings Law**

**ORS 192.680(2)**

**COUNT 1**

**ORS 192.660(2)(b)**

**(Against Defendant County, Defendant Buch, Defendant Trieger, and Defendant Farr)**

135.

Plaintiff realleges and incorporates all allegations set forth in paragraphs 1 - 134, above.

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136.

After Plaintiff requested an open meeting pursuant to ORS 192.660(2)(b), the Board considered in executive session issues it was not authorized to discuss. The Board can only consider the dismissal or disciplining of, or hear complaints or charges brought against, a public officer when that public officer does not request an open meeting to consider those issues.

137.

Upon information and belief, Defendants Buch, Trieger, and Farr discussed these issues in executive session in violation of Oregon’s Public Meetings Law.

138.

This violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the Board.

139.

This violation was the result of willful misconduct of Defendants Buch, Trieger, and Farr and they should be jointly and severally liable to the County for the payment of reasonable attorney fees under ORS 192.680(3).

**COUNT 2**

**ORS 192.640**

**(Against Defendant County, Defendant Buch, Defendant Trieger, and Defendant Farr)**

140.

On February 18, 2026, the Board met in open session without notice as required by ORS 192.640 to vote upon “a statement of unity” concerning the investigation of Plaintiff and to vote upon requiring Plaintiff to apologize for allegedly harming employees. There was

no public notice that the Board would meet in open session on February 18, 2026, to consider these subjects.

141.

This violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the Board.

142.

This violation was the result of willful misconduct of Defendants Buch, Trieger, and Farr and they should be jointly and severally liable to the County for the payment of reasonable attorney fees under ORS 192.680(3).

**COUNT 3**

**ORS 192.640**

**(Against Defendant County, Defendant Buch, Defendant Trieger, and Defendant Farr)**

143.

On March 3, 2026, Defendants Buch, Trieger, and Farr met and voted to censure Plaintiff in an open meeting. This meeting and vote violated ORS 192.640 because the agenda did not provide the required public notice that the Board would consider censuring Plaintiff.

144.

This violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the Board.

145.

This violation was the result of willful misconduct of Defendants Buch, Trieger, and Farr and they should be jointly and severally liable to the County for the payment of reasonable attorney fees under ORS 192.680(3).

**COUNT 4**

**ORS 192.630**

**(Against Defendant County, Defendant Buch, Defendant Trieger, and Defendant Farr)**

146.

After the County released the investigative summary to the public, special county counsel stated that the Board acted to authorize the public release. However, no vote was ever taken in open meeting regarding this, which is a violation of ORS 192.630.

147.

This violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the Board.

148.

This violation was the result of willful misconduct of Defendants Buch, Trieger, and Farr and they should be jointly and severally liable to the County for the payment of reasonable attorney fees under ORS 192.680(3).

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court issue the following relief:

- 1) a declaration that:
  - A. Plaintiff's constitutional rights have been violated by Defendants;
  - B. Oregon's Public Meetings Law has been violated by Defendants County, Buch, Trieger, and Farr;
  - C. the APM's limitation on free speech does not apply to elected officials;
- 2) an injunction that:
  - A. permanently enjoins Defendants from violating Plaintiff's constitutional rights;

- B. permanently enjoins Defendants' enforcement of the "safety plan" that denies Plaintiff access to his county office;
  - C. permanently enjoins Defendants' investigation of Plaintiff conducted pursuant to the APM;
  - D. voids the order of censure as it was a decision made in violation of the Oregon Public Meetings Law;
- 3) an award of compensatory damages against Defendants Mokrohisky, Buch, Trieger, and Farr in their personal capacities in an amount to be proven at trial;
  - 4) an order that the County violated the Public Meetings Law by intentional disregard of the law or willful misconduct by a quorum of the Board;
  - 5) an order that Defendants Buch, Trieger, and Farr willfully violated the Public Meetings Law pursuant to willful misconduct and are jointly and severally liable for attorney fees and costs awarded against the public body.
  - 6) an award of costs and fees under 42 U.S.C. § 1988 and ORS 192.680(3) and (4); and
  - 7) a grant of other relief as the Court deems just and proper.

DATED: March 19, 2026

*s/Jill Gibson*

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