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TORT CLAIM NOTICE
REQUEST FOR AN INVESTIGATION

April 8, 2025

Curry County
Attn: Board of Commissioners
94235 Moore Street, Suite 122
Gold Beach, OR 97444

BOC_OFFICE@currycountyor.gov
Brad.Alcorn@currycountyor.gov
Patrick.Hollinger@currycountyor.gov
Jonathan.Trost@currycountyor.gov

Re: Tort Claim Notice/Request for Investigation

Dear Sir/Madam:

I represent Ms. Kiley Wegner. Our investigation is ongoing; however, we have reason to assert claims of retaliation, harassment, and gender discrimination against Curry County and Curry County Legal Counsel Ted Fitzgerald. Please take this as our request for an investigation into this matter. Additionally, please find a detailed timeline of Mr. Fitzgerald's inappropriate, harassing and retaliatory conduct directed at our client.

On April 26, 2024, Mr. Fitzgerald made a statement indicating that it was unfortunate that another elected official was permitted to sit next to Ms. Wegner at a town hall meeting. While a minor comment it is indicative of his behavior to come, and the blatant disrespect he consistently displays towards Ms. Wegner.

On June 10, 2024, Mr. Fitzgerald made a statement to my client indicating that her presence at a meeting was to "doll up the place." Later during that same meeting, Ms. Wegner informed Mr. Fitzgerald that if she was not going to be allowed to speak on behalf of her department, she would be going home to feed her child. Ms. Wegner was at that time on maternity leave but returned to work periodically. Mr. Fitzgerald responded that she should "go home and feed "little Ted." This was not the first time Mr. Fitzgerald insinuated that Ms. Wegner's child was his.

On July 3, 2024, Mr. Fitzgerald left blueberries on Ms. Wegner's desk as a gift. Ms. Wegner thanked him for his gift, and he replied, "I'm just looking out for my "little Ted." Again, insinuating that Ms. Wegner's child was his.

On September 18, 2024, Mr. Fitzgerald emailed Ms. Wegner and informed her that Ms. Wegner's office to work on a 4-10 schedule. Mr. Fitzgerald's actions were in direct violation of an earlier memorandum of understanding between the two parties. Ms. Wegner called Mr. Fitzgerald and stated that she felt this was a petty response to her previous parking code violation complaint. Mr. Fitzgerald informed her that it was not related to the parking complaint and that it was done in relation to the union contract. Ms. Wegner complied and moved her employees back to a 5-8 schedule. However, at Mr. Fitzgerald's suggestion the employees were permitted to have a flexed schedule of 6:30 a.m. to 3:00 p.m.

Later that evening Mr. Fitzgerald sent Ms. Wegner a text asking if she would be at the department head meeting. Typically elected officials must be invited to these meetings. Ms. Wegner responded, "Was I invited, and I thought I was public enemy #1 from the parking incident?" Mr. Fitzgerald responded, "I am number one; you're probably #5 plus you're cute." This is another example of his inappropriate comments to Ms. Wegner regarding her appearance.

After converting her department back to a 5-8 schedule, one of Ms. Wegner's employees requested a temporary schedule of 4-10 due to a hardship. In a different department, that Mr. Fitzgerald is the head of, an employee was granted this same accommodation. Ms. Wegner was informed that all requests for this kind of accommodation needed to be made to Mr. Fitzgerald and Ms. Wolf. Ms. Wegner's employee emailed them both on September 3, 2024, requesting the temporary accommodation, copying Ms. Wegner, and never received a response. Ms. Wegner followed up on the request, but to date her employee has not received the accommodation. Mr. Fitzgerald and Ms. Wegner later had a phone call on the matter on which Mr. Fitzgerald threatened to act against Ms. Wegner for advocating for her employee.

Ms. Wegner had the authority to approve her employee's flex schedule. From the county personal rules: "Flex schedule" means a work schedule that consists of varying hours during the work week. A flex schedule must be approved by an appointing authority." As Ms. Wegner is an "Appointing Authority" she should never have been made to go through Mr. Fitzgerald and Ms. Wolf to get a simple accommodation for one of her employees. This is another example of Mr. Fitzgerald usurping Ms. Wegner's authority over her department.

Following this incident Ms. Wegner was justifiably confused and frustrated. She felt as though she had no clear understanding of the hierarchy in the county. After inquiring on this issue on October 3, 2024, Mr. Fitzgerald yelled at Ms. Wegner stating, "I am in charge! If you ever have a question about who's in charge, it's me!"

After this incident Ms. Wegner felt as though she was no longer able to work with Mr. Fitzgerald as he repeatedly acted inappropriately and unprofessionally towards her.

On November 15, 2024, Mr. Fitzgerald texted Ms. Wegner, "I hope you went home to your handsome husband you were still there at 4:30." Ms. Wegner again found this comment inappropriate.

On December 19, 2024, Ms. Wegner spoke out at a board of commissioners meeting in opposition to an agenda that would approve a long-term contract for Ms. Wolf, which Mr. Fitzgerald was in favor of. Ms. Wegner later told her deputy that she felt there would be retaliation for public speaking in opposition to Mr. Fitzgerald's opinion.

The next day on December 20, 2024, Ms. Wegner received an email from Mr. Fitzgerald requiring that her staff be moved to an 8:00 a.m. to 5:00 p.m. schedule. Ms. Wegner responded indicating that this was not what had been discussed, and that she would only speak about this in a public meeting. Mr. Fitzgerald did not respond until January 17, 2025, indicating that her staff needed to be moved to the 8:00 a.m. to 5:00 p.m. schedule. Ms. Wegner responded copying the board asking for advisement and indicating that she felt she was being retaliated against, and that Mr. Fitzgerald was overreaching his authority. Ms. Wegner respects the authority of the board and was simply looking for guidance on the appropriate protocols to follow. She has not yet heard back.

To date Mr. Fitzgerald repeatedly makes demands of Ms. Wegner that are outside of his authority as the Curry County Legal Counsel. Ms. Wegner is concerned that Mr. Fitzgerald treats other department

heads and women with similar disdain based upon their gender and may be retaliating and intimidating other employees. We are aware of other lawsuits accusing Mr. Fitzgerald of retaliation and discrimination. Our client is concerned that Mr. Fitzgerald is a continuing liability for the county and maintaining his employment puts the county at risk of future litigation. Ms. Wegner requests that the board hire an outside employee agency to investigate of Mr. Fitzgerald's management of the county and all employees who participate in the investigation be granted protection from his harassment and retaliation.

Please take notice that Ms. Wegner reserves the right to proceed against the county, Mr. Fitzgerald, and agents/employees of the county, for violations of her State and Federal Constitutional Rights, all actions available at common law and the applicable statutory violations. My client further gives notice of her intent to seek monetary and injunctive relief including but not exclusive to: non-economic damages, medical expenses, emotional distress, economic damages, attorney fees and punitive damages.

Please forward all further correspondence on this matter to my office. Thank you.

Sincerely,

Sean Riddell

Cc: Client –via email