

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

CORY NELSON

vs.

CROOK COUNTY CEMETERY DISTRICT,
an Oregon Special District
Defendant.

CASE NO.

COMPLAINT

1. Declaratory and Injunctive relief ORS 192.640 and ORS 192.680
2. Declaratory and Injunctive relief ORS 192.660 and ORS 192.680

Filing Fee: \$281 (ORS 21.258)

THIS MATTER IS NOT SUBJECT TO
MANDATORY ARBITRATION

COMES NOW, Plaintiffs, and allege as follows:

1.

Defendant Crook County Cemetery District ("CCCD") is an Oregon special district established pursuant to ORS 265.010 and ORS 198.010

2.

Plaintiff Cory Nelson is an individual who resides in Crook County. Nelson was an employee of CCCD from 2017 until July 17, 2024. In the months preceding July 17, 2024 Nelson was the executive director for the CCCD.

1 3.

2 At all relevant times the CCCD Board was aware of the legal requirements imposed by
3 ORS 192.610 to ORS 192.690, which provide the statutory requirements for Public Meetings of
4 a Special District.
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6 4.

7 On July 17, 2024, the CCO Board held an executive session for the purpose of carrying out
8 deliberations on the employment of Cory Nelson, the Executive Director of CCCD. As a result of
9 the July 2024 Executive Session, Cory Nelson was terminated as the executive director of CCCD.
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11 5.

12 At no point prior to July 17, 2024, did the presiding officer of the CCCD Board identify
13 authorization for holding an executive session.
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15 6.

16 At no point in time the CCCD Board give public notice of the executive session held on
17 July 17, 2024
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19 7.

20 At no point in time did the CCCD Board give Cory Nelson notice of the Executive
21 Session held on July 17, 2024.
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23 8.

24 Upon information and belief, during the July 17, 2024 Executive Session the CCCD
25 Board had deliberations on the employment of Cory Nelson. Pursuant to those deliberations, the
26 CCCD Board determined that the CCCD would terminate Cory Nelson from his position of
27 Executive Director of the CCCD.
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2 **9.**

3 Pursuant to the deliberations held by the CCCD Board, Cory Nelson was terminated from
4 his position of Director.
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6 **FIRST CLAIM FOR RELIEF**

7 **(Declaratory Judgment and Injunctive Relief - Violation of ORS 192.640)**

8 **10.**

9 Plaintiff incorporates paragraphs 1 through 9 of this complaint as though fully set forth
10 herein.
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12 **11.**

13 In holding the July 17, 2024 Executive Session, Defendant has violated ORS 192.640 by
14 failing to:

- 15 (a) Provide public notice of the reasonably calculated to give actual notice of the meeting to
16 interested parties;
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18 (b) Give public notice stating the specific provision of the law authorizing the executive
19 session.
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21 **12.**

22 Plaintiff was affected by the unlawful executive session held on July 17, 2024 by the
23 CCCD Board. As a result of the session, he was terminated as executive director of the CCCD.
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13.

Pursuant to ORS 192.680, Plaintiff seeks to have the decision to terminate him as Executive director of the CCCD and for Plaintiff to be reinstated as Director of CCCD, effective July 17, 2024 with backpay as of July 17, 2024.

14.

Pursuant to ORS 192.680(3) Plaintiff seeks all reasonable attorney fees and costs incurred in litigating this matter.

SECOND CLAIM FOR RELIEF

(Declaratory Judgment and Injunctive Relief - Violation of ORS 192.660)

15.

Plaintiff incorporates paragraphs 1 through 14 of this complaint as though fully set forth herein.

16.

In holding the July 17, 2024, Executive Session, Defendant has violated ORS 192.660 by failing to:

- (a) Hold an executive session for carrying out deliberations on the employment of the chief executive officer, employees and/or staff members of the public without (a) advertising the vacancy, (b) adopting regular hiring procedures, (c) in the case of an executive officer, adopting hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

1 (b) Allow representatives of the news media at the Executive Session;

2 (c) Providing any notice to Plaintiff and allowing Plaintiff the ability and opportunity to
3 request an open hearing allowed under ORS 192.660(i)
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5 **17.**

6 Plaintiff was affected by the unlawful executive session held on July 17, 2024 by the
7 CCCD Board. As a result of the session, he was terminated as director of the CCCD.

8 **18.**

9 Pursuant to ORS 192.680, Plaintiff seeks to have the decision to terminate him as
10 Director of the CCCD Voided. Plaintiff seeks reinstatement as Director of CCCD, effective July
11 17, 2024 with backpay as of July 17, 2024.
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13 **19.**

14 Pursuant to ORS 192.680(3) Plaintiff seeks all reasonable attorney fees and costs
15 incurred in litigating this matter.
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1 **WHEREFORE**, Plaintiffs prays for judgment against Defendants follows:

- 2 1. On Plaintiffs First Claim for Relief, a judgment voiding the decision to terminate
3 Plaintiff at the July 17, 2024 Executive Hearing and reinstating him as the
4 Director of the Crook County Cemetery District, effective July 17, 2024.
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6 2. On Plaintiffs Second Claim for Relief, a judgment voiding the decision to
7 terminate Plaintiff at the July 17, 2024 Executive Hearing and reinstating him as
8 the Director of the Crook County Cemetery District, effective July 17, 2024.
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10 3. For Plaintiff's attorney fees, costs and disbursements incurred herein; and,
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12 4. For such other relief as the court deems proper.

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14 Dated this 13th day of September 2024

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17 FITCH & NEARY, P.C.

18
19 By: 

20 Andrew E. Fitch, OSB #151001
21 Attorney for Plaintiff