

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

JUSTIN ALDERMAN, an individual	)	
	)	CASE NO. 26CV36185
Plaintiff,	)	
v.	)	DEFENDANTS' ANSWER AND
	)	AFFIRMATIVE DEFENSES
CROOK COUNTY, OREGON; GAIL	)	
MERRITT, a Crook County Fair Board	)	
Member; CASEY KAISER, a Crook	)	NOT SUBJECT TO MANDATORY
County Fair Board member; and	)	ARBITRATION
LARRY BLANTON, a Crook County	)	
Fair Board member;	)	
	)	Fees deferred at filing – ORS 20.140
Defendants.	)	

ANSWER

In Answer to Plaintiff's Complaint, Defendant Crook County, and Defendants Gail Merrit, Casey Kaiser, and Larry Blanton (the "Individual Defendants") (together, "Defendants") answer and plead as follows:

1.

Paragraph 1 of the Complaint includes a narrative of Plaintiff's arguments and a description of his desired outcome, to which no response is necessary. To the extent that a response is necessary, Defendants deny violations ("continuing" or otherwise) or failures or noncompliance with ORS 192.610 through ORS 192.705.

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1 2.

2 Defendants admit that in 2024, Plaintiff made five allegations against the Fair
3 Board’s compliance with Oregon Public Meetings Law. Defendants further admit that the
4 Board acknowledged that one of five allegations Plaintiff made had merit, regarding the use
5 of an executive session under ORS 192.660(2)(A) to interview candidates to fill a vacancy
6 on their board, and acknowledged the procedural error. Defendants deny there were
7 multiple “violations” as stated in the Complaint. Otherwise, Defendants deny the
8 remaining portions of Paragraph 2.

9 3.

10 Defendants admit paragraph 3.

11 4.

12 Defendants admit that the Fair Board is a governing body responsible for the
13 operation and management of the Crook County Fairgrounds pursuant to ORS Chapter
14 565, and a governing body subject to Crook County and Oregon public meetings laws.
15 Defendants deny the remaining portions of paragraph 4.

16 5.

17 Defendants admit paragraph 5.

18 6.

19 Defendants admit paragraph 6.

20 7.

21 Paragraph 7 contains mere conclusions of law, to which no response is necessary.

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1 8.

2 Defendants admit that the text of ORS 192.630 speaks for itself and is the best
3 reflection of its contents.

4 9.

5 Defendants admit that the text of ORS 192.640 speaks for itself and is the best
6 reflection of its contents.

7 10.

8 Because Paragraph 10 does not identify any particular individuals, Defendants are
9 without knowledge or information sufficient to form a belief as to the extent of any
10 particular individual's knowledge of the Oregon Public Meetings Law. Defendants therefore
11 deny Paragraph 10.

12 11.

13 In response to paragraph 11, Defendants admit that the Individual Defendants have
14 served as public officials in both City and County government, and Defendants admit that
15 public officials in Oregon have an obligation to comply with ORS Chapter 192 where those
16 laws apply. Defendants deny the remaining portions of paragraph 11.

17 12.

18 Defendants admit that in 2024, Plaintiff made five allegations of public meetings law
19 violations; that one of those allegations was that the Fair Board used an executive session
20 under ORS 192.660(2)(a) to conduct interviews of candidates to fill a vacancy on the Fair
21 Board; that a separate section of ORS 192.660 disallowed executive sessions under
22 192.660(2)(a) for that purpose; that the Fair Board acknowledged this allegation had merit

1 and denied the other allegations; and that corrective actions were taken to ensure that the
2 Fair Board would in the future not hold executive sessions under ORS 192.660(2)(a) to
3 recommend candidates to fill vacancies on the Fair Board. Defendants deny that it was the
4 County which made the acknowledgment of the single procedural error; the Fair Board
5 acknowledged the error, and provided a copy of that acknowledgment to Plaintiff on or
6 about November 8, 2024. Defendants deny that there were multiple “provisions” of the
7 public meeting law that were violated. Defendants deny the remaining portions of
8 paragraph 12.

9 13.

10 Defendants admit paragraph 13.

11 14.

12 Defendants admit that they knew Plaintiff was a representative of the news media
13 covering Fair Board activities; otherwise Defendants deny paragraph 14.

14 15.

15 Defendants deny paragraph 15.

16 16.

17 Defendants admit that on or about June 4, 2026, at 7:55 AM the Defendants
18 provided Plaintiff with a detailed meeting notice and agenda for the June 15, 2026 meeting.
19 Defendants deny that the detailed agenda failed to provide Plaintiff with the notice to which
20 he is entitled. Otherwise, Defendants deny paragraph 16.

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22 ///

17.

Regarding paragraph 17 of the Complaint, Defendants admit that the Fair Board minutes reference a “Funding Committee.” Defendants deny that the Fair Board formed a “committee” as that term is used in ORS 192.610 *et seq.* Defendants’ use of the term “Funding Committee” in Answer to the Complaint is not an admission that the alleged “Funding Committee” is a governing body of a public body. Defendants admit that “Funding Committee” was constituted by a single public official (the Fairgrounds manager) rather than the Fair Board, had no authority to make decisions, and if they were to make recommendations would make those recommendations to the single appointing public official. Defendants deny that the “Funding Committee” constituted a governing body of a public body and deny it was subject to the Public Meetings Laws. Defendants are without sufficient information regarding what Plaintiff means by “designee,” and so deny the same. The April 20, 2026 Fair Board meeting minutes speak for themselves, but Defendants deny that the “Funding Committee” constituted a governing body of a public body. Otherwise, Defendants deny paragraph 17.

18.

Regarding paragraph 18 of the Complaint, the Defendants admit that the April 20, 2026 Fair Board meeting minutes speak for themselves and are the best reflection of their contents.

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1 19.

2 Regarding paragraph 19 of the Complaint, Defendants admit that the April 20, 2026
3 Fair Board meeting minutes speak for themselves and are the best reflection of their
4 contents.

5 20.

6 Defendants admit paragraph 20.

7 21.

8 Defendants admit that the “Funding Committee” met on one or more occasions but
9 deny that the “Funding Committee” is a governing body as that term is described in ORS
10 192.610 *et seq.*; otherwise, Defendants deny paragraph 21.

11 22.

12 Defendants are without sufficient information to admit or deny paragraph 22, and so
13 deny the same. Defendants specifically deny that any notices, agendas, minutes, or
14 recordings, or other records were required by law.

15 23.

16 Regarding Paragraph 23, because what plaintiff calls the “Funding Committee” was
17 not a governing body of a public body and was not subject to the Public Meetings Law,
18 Defendants deny that Plaintiff’s request to the Fair Board under ORS 192.640(1) entitled
19 him to “Funding Committee” notices. Defendants admit that, accordingly, none were
20 provided to him.

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22 ///

1 24.

2 Defendants deny that public notices were required under applicable law.

3 Accordingly, none were provided.

4 25.

5 Regarding paragraph 25, Defendants admit that the text of ORS 192.650 speaks for
6 itself and is the best reflection of its contents. Defendants deny that minutes or recordings
7 were of the “Funding Committee” were required under applicable law. Defendants admit
8 that plaintiff has been unable to locate minutes or recordings for the “Funding Committee.”

9 26.

10 Regarding paragraph 26, Defendants admit that the Oregon Attorney General’s
11 Public Records and Meeting Manual speaks for itself and is the best reflection of its
12 contents. Defendants deny that the Manual reflects binding legal authority. Defendants
13 deny the “Funding Committee” constituted a governing body under ORS 192.610, and deny
14 that any of its meetings were subject to notice and recordkeeping requirements of ORS
15 192.630 through 192.650.

16 27.

17 Defendants deny paragraph 27.

18 **Plaintiff’s Count 1**

19 28.

20 Defendants replead and incorporate the pleadings for paragraphs 1 through 27 as
21 though fully set forth herein.

22 ///

1 29.

2 Regarding paragraph 29, Defendants admit that ORS 192.640(1) speaks for itself
3 and is the best reflection of its contents.

4 30.

5 Regarding paragraph 30, Defendants admit that ORS 192.640(1) speaks for itself
6 and is the best reflection of its contents.

7 31.

8 Defendants deny paragraph 31.

9 32.

10 Defendants admit that Defendants prepared a detailed agenda for the June 15, 2026
11 meeting and provided that agenda to Plaintiff. Defendants admit that this detailed agenda
12 was provided to Plaintiff on or about June 4, 2026, at about 7:55 AM. Otherwise,
13 Defendants deny paragraph 32.

14 33.

15 Defendants admit paragraph 33, but deny that any public notice was required by
16 law.

17 34.

18 Defendants admit paragraph 34, but deny that any public notice was required by
19 law.

20 35.

21 Paragraph 35 contains mere conclusions of law, to which no response is necessary.

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Plaintiff's Count 2

36.

Defendants replead and incorporate the pleadings for paragraphs 1 through 35 as though fully set forth herein.

37.

Regarding paragraph 37, Defendants admit that ORS 192.650 speaks for itself and is the best reflection of its contents.

38.

Defendants admit paragraph 38, but deny that such meetings were subject to Oregon Public Meetings Law.

39.

Defendants are without sufficient knowledge regarding Plaintiff's searches, and therefore deny the allegations of paragraph 39. Defendants deny that the "Funding Committee" was a governing body of a public body subject to the Public Meetings Laws, and therefore deny that minutes or notices were required.

40.

Defendants admit paragraph 40, but deny that preparing minutes or recordings or making the same records available is required by Oregon Public Meetings Law.

41.

Paragraph 41 contains mere conclusions of law, to which no response is necessary.

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1 **Plaintiff's Count 3**

2 42.

3 Defendants replead and incorporate the pleadings for paragraphs 1 through 41 as
4 though fully set forth herein.

5 43.

6 Defendants deny paragraph 43.

7 44.

8 Regarding paragraph 44, Defendants admit that ORS 192.670 speaks for itself and is
9 the best reflection of its contents.

10 45.

11 Regarding paragraph 45, Defendants are without sufficient information regarding
12 what "one or more requirements of ORS 192.670" Plaintiff alleges were not undertaken,
13 and so deny the same.

14 46.

15 Paragraph 46 contains mere conclusions of law, to which no response is necessary.

16 **Denial of All Allegations Not Admitted**

17 47.

18 Except as specifically admitted herein, Defendants deny each and every allegation
19 in the Complaint.

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21 ///

22 ///

1 FIRST AFFIRMATIVE DEFENSE

2 Statute of Limitations

3 48.

4 Plaintiff's claims are barred by the applicable Statute of Limitations.

5 SECOND AFFIRMATIVE DEFENSE

6 Mootness

7 49.

8 Plaintiff's claims are moot and no judicial controversy between Plaintiff and the
9 Defendants exists. ORS 14.175.

10 THIRD AFFIRMATIVE DEFENSE

11 Discretion to Refuse Declaratory Judgment

12 50.

13 The court may refuse to render or declare a declaratory judgment where such
14 judgment, if rendered, would not terminate the uncertainty or controversy giving rise to the
15 proceeding. ORS 28.060.

16 FOURTH AFFIRMATIVE DEFENSE

17 Issue Preclusion

18 51.

19 The issues raised in Plaintiff's Complaint are precluded by virtue of the completion
20 of other proceedings.

21 ///

22 ///

1 FIFTH AFFIRMATIVE DEFENSE

2 Claim Preclusion

3 52.

4 The claims raised in Plaintiff's Complaint are precluded by virtue of the completion
5 of other proceedings.

6 SIXTH AFFIRMATIVE DEFENSE

7 Failure to State Ultimate Facts

8 53.

9 Plaintiff's complaint fails to state ultimate facts to constitute a claim for relief
10 because the alleged "Funding Committee" is not a governing body as that term is defined in
11 ORS 192.610 *et seq.* and therefore no violations of ORS 192.610 *et seq.* occurred.

12 SEVENTH AFFIRMATIVE DEFENSE

13 Lack of Standing

14 54.

15 Plaintiff lacks standing to bring a suit under ORS 192.680.

16 EIGHTH AFFIRMATIVE DEFENSE

17 Lack of Service

18 55.

19 Plaintiff's prayer for relief seeks a judgment against individuals he has not named as
20 defendants and has not served a copy of the complaint.

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22 ///

1 WHEREFORE Defendants pray as follows:

2 1. That Plaintiff be denied recovery of the relief requested upon the claims set forth in
3 the Complaint and that the Complaint be dismissed with prejudice in its entirety;

4 2. That the Defendants be granted such other and further relief as this Court deems
5 just and equitable.

6
7 DATED this 18th day of August, 2026.
8
9

10 s/ Eric Blaine

11 Eric Blaine, OSB # 103413
12 Crook County Counsel
13 Attorney for Defendants
14 300 NE 3rd Street
15 Prineville, OR 97754
16 541-416-3919
17 Eric.Blaine@crookcountyor.gov
18

1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that I served the foregoing **Answer and Affirmative Defenses** to:

4

JUSTIN ALDERMAN,
PLAINTIFF, PRO SO
1555 NE 3RD STREET, STE B4-416
PRINEVILLE, OR 97754

5 by causing a full, true, and correct copy thereof to be sent by the following indicated
6 method or methods, on the date set forth below:

7

8 ☒ by mailing in a sealed envelope, addressed to the last-known office address of the
9 party, and deposited with the United States Postal Service at Prineville, Oregon.

10 ☐ by faxing to the party at the fax number that is the last-known fax number for the
11 party's office.

12 ☒ and by emailing a courtesy copy to jalderman@prinevillereview.com

13

14 DATED this 18th day of August, 2026.

15

16

17 CROOK COUNTY LEGAL DEPT.

18

19 s/ Eric Blaine

20 Eric Blaine, OSB #103413
21 Crook County Legal Counsel
22 Attorney for Plaintiff