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3 May 2002

Oregon State Board of Geologist Examiners
707 13th Street SE Suite 275
Salem, OR 97301

Re: CC#02-02-002

Dear State Board of Geologist Examiners:

I am responding to your letter of 22 March 2002 arising from a complaint filed with your office by Eugene Sand and Gravel, and signed by Mike Alltucker, President, and Dale Fortner, Production Department Manager. The Eugene Sand and Gravel complaint alleges in 49 counts that I engaged in the public practice of geology without a license or that I conveyed the impression of being a registered geologist. As far as I can tell, not one of those 49 allegations is valid.

Before I address the specific allegations, I review the pertinent law and my efforts early in the process to understand how my testimony in Eugene Sand and Gravel case fits within the law.

1. Review of pertinent law

In August of 2000, I spoke with State Board of Geologist Examiners Chair Dr. William Orr about the issue of public testimony in the Eugene Sand and Gravel siting debate. Dr. Orr informed me that it is well established that I, as a citizen, and as a professor of geology at the University of Oregon, am entitled to express personal opinion in response to public testimony. By way of a letter of 22 August 2000, Dr. Orr referred me to OAR 809-050-0030 (3)(b) concerning public testimony. The letter was sent to me by State Board of Geologist Examiners administrator Susanna Knight (Appendix C). OAR 809-050-0030 (3)(b) states, with respect to public testimony:

“Registration as a geologist in the State of Oregon is not required if a person: (b) States personal opinions during public testimony on geological issues, but does not engage in the public practice of geology in order to arrive at or present his/her opinions.”

The same letter from Susanna Knight contained a copy of ORS 672.505 to 672.705, wherein the definition of “public practice of geology” is stated as follows, from 672.505 Definitions for ORS 672.505 to 672.705 (7):

“Public practice of geology” means the performance of geological service or work for the general public. This includes consultation, investigation, surveys, evaluation, planning, mapping, and inspection of geological work, in which the performance is related to public welfare or safeguarding of life, health, property and the environment, except as specifically exempted by ORS 672.505 to 672.705. A person shall be construed to publicly practice or offer to publicly practice geology, within the meaning and intent of ORS 672.505 to 672.705, who practices any branch of the profession of geology; or who by verbal claim, sign,

advertisement, letterhead, card, or in any other way purports to be a registered geologist, or through the use of some other title implies that the person is a registered geologist or that the person is registered under ORS 672.505 to 672.705; or who offers to provide any geological services or work recognized as geology for a fee or other compensation.”

The points stated above are also laid out in my letter to the SBGE of 10 March 2002, which was a response to the SBGE letter of 13 February 2002 arising from my newspaper column of 18 December 2001; the SBGE reference number for that case is CC #02-02-001. I append my 10 March 2002 SBGE letter below (Appendix E), and ask that it be included as part of my response to the present complaint from Eugene Sand and Gravel.

The present complaint from Eugene Sand and Gravel alleges that I have violated sections (1) and (2) of ORS 672.525:

672.525 When geologist to be certified.

(1) No person, other than a registered geologist, a registered certified specialty geologist or a subordinate under the direction of either, shall provide or prepare for the public practice of geology any geologic maps, plans, reports, or documents except as specifically exempted in ORS 672.535.

(2) No person shall publicly practice, or offer to publicly practice geology in this state, or to use in connection with the name of the person or otherwise assume or advertise any title or description tending to convey the impression that the person is a registered geologist, unless such person has been registered or exempted under the provisions of ORS 672.505 to 672.705. The right to engage in the public practice of geology is deemed a personal right...

Oregon statute ORS 672.535 states that university faculty are exempt from the registration law, except if they are engaged in the public practice of geology:

672.535 Exemptions from ORS 672.505 to 672.705. The following persons are exempt from the provisions of ORS 672.505 to 672.705: (1) Persons engaged in teaching and conducting research in the science of geology in an accredited college or university, and students acting under their direction, but who are not engaged in the public practice of geology in this state;

The following segment of ORS 672 applies to one point that I make in the body of my response, below.

672.545 Practice of geology by proprietorship, partnership or corporation; employment of nonregistered geologist; practice by other professionals; practice by nonresident.

(2) ORS 672.505 to 672.705 do not prevent or prohibit an individual, firm, company, association, or corporation whose principal business is other than the public practice of geology from employing a nonregistered geologist to perform nonpublic geological services necessary to the conduct of their business.

The statutory provisions germane to the public practice of geology rely on a specific definition of the “public practice of geology.” ORS 672.505(7) provides that a person shall be found to have publicly practiced geology when:

1. *One practices any branch of the profession of geology; or*
2. *By verbal claim, sign, advertisement, letterhead, card, or in any other way purports to be a registered geologist; or*
3. *Through the use of some other title implies that the person is a registered geologist; or*
4. *One offers to provide any geological services or work recognized as geology for a fee or other compensation.*

Mr. Alltucker and Mr. Fortner allege that I violated item number 3. That is, that through the use of some other title, I implied that I was a registered geologist.

The term “registered geologist” is defined by statute, ORS 672.505(10). The law further recognizes, by contrast, that there are geologists who are nonregistered, ORS 672.505(8), and that there are non-registered geologists who engage in teaching and conducting research in the science of geology in an accredited college or university, ORS 672.545(1).

When reading the above statutes together, the most logical interpretation of the statutes does not prohibit one from being a geologist. But within the context of this complaint, the law prohibits one from presenting himself as a registered geologist, or using a title that would imply that he is a registered geologist. The qualifier, “registered,” is pivotal in determining whether one has violated the law as Messrs. Alltucker and Fortner have alleged. My discussion below explains that while my use of certain titles describe my scope of knowledge as a scientist and a geologist, there is no interpretation of any of these titles that could lead a reasonable person to conclude that I was presenting myself as a registered geologist.

2. Specific allegations of violations

In their complaint letter of 27 February 2002, Messrs. Alltucker and Fortner of Eugene Sand and Gravel allege multiple instances of two violations of the geologist registration requirements in relation to my testimony in their Harper-Lemert gravel mining proposal. These two are (a) that my testimony, in itself, constitutes the “public practice of geology”, and thus allegedly violates ORS 672.525(1) (see above), and (b) that I tended to convey the impression that I am a registered geologist, thus allegedly violating ORS 672.525(2)(see above). These two categories are addressed separately below.

2.1 Alleged violation category (a): Testimony is “public practice of geology”

Of the 49 counts of alleged violations, those in category (a), “public practice of geology”, are as follows: 1,3,5,7,9,13,15,18,20,22,24,26,28,30,32,34,36,38,40,42,44,46,48. In every instance but one of the “public practice of geology allegation”, Mr. Alltucker and Mr. Fortner cite a specific document or video tape segment of my public testimony, then state that the testimony, in itself, “constitutes the public practice of geology by a person other than a registered geologist”. The exception (Count 42) differs only in that it refers to a video tape segment where I spoke to a citizens group in a public meeting, as opposed to making public testimony.

In no instance of alleged violations do Mr. Alltucker and Mr. Fortner explain in their complaint

letter how my testimony constituted “public practice of geology”; they simply assert that my testimony and public statement constitute “public practice of geology” (including my Register Guard guest column of 18 December 2001 (Count 36), which I subsequently submitted as testimony).

I have not and do not engage in the practice of geology for the general public. I am a university professor of geology, a researcher specializing in economic geology at the University of Oregon, and I am a citizen who knows geology. I testified on my own, for my own reasons, and without compensation. Such testimony is protected by OAR 809-050-0030 (3)(b), which states that *“Registration as a geologist in the State of Oregon is not required if a person: (b) States personal opinions during public testimony on geological issues, but does not engage in the public practice of geology in order to arrive at or present his/her opinions.”* For me to have engaged in the public practice of geology to arrive at my opinions, I would have had to have engaged in the *“performance of geological service or work for the general public”* (ORS 672.505). I have not done so. I don’t know how to state this any more specifically, directly or clearly. I acted for myself, for my own reasons, and without compensation from anyone.

As I explained above, I sought and obtained specific legal information from the SBGE concerning my rights to give geologic testimony in this case. The statement of OAR 809-050-0030 (3)(b) that I obtained from the SBGE states that I am not restricted from giving public testimony if that testimony is personal opinion and is arrived at and presented without engaging in the public practice of geology. In accordance with OAR 809-050-0030 (3)(b), in my testimony in the Eugene Sand and Gravel Harper-Lemert case, I expressed personal opinions about the geologic testimony in the public record pertaining to the Eugene Sand and Gravel mining proposal. I delivered this testimony for myself, entirely by my own choice, and completely without compensation. Thus, I was informed about the law and I complied with the law. The allegation that I engaged in the public practice of geology has no validity.

By way of further explanation on whether I engaged in the public practice of geology in arriving at or presenting my testimony, I refer to ORS 672.505 for a definition of “public practice of geology”. That definition says that public practice of geology is the “performance of geological service or work for the general public”. I have never, under any circumstance (related to the Eugene Sand and Gravel case or otherwise) offered geologic services to the public at large or to any member of the public; further, I have never performed geologic services for the public or a member of the public. I testified because I was outraged by the poor quality of ES&G’s geologic investigations (see Appendix D), because I think that prime farm land must be preserved, and because the proposed pit is near my house and would ruin the pastoral quality of the nearby farm community. I simply testified as private citizen about existing testimony in the public record.

Specifically, what I did in this ES&G case was the following:

- (a) Obtained copies of ES&G’s geologic testimony from the Lane County Planning office.
- (b) Read that testimony.
- (c) Wrote my own critical responses to that testimony.
- (d) Presented those responses to county officials in writing and orally.
- (e) Presented those opinions to a local citizens group (Citizens for Public Accountability).
- (f) Presented opinions in a guest newspaper column.

As far as I can tell, none of those activities is the “public practice of geology”. They are simply the exercise of a citizen’s right to participate in the public decision-making process.

My exercise of a citizen’s right to participate in the public decision-making process has been addressed in two recent newspaper editorials, one in the Tri-County News (Junction City) and the other in the Register Guard (Eugene). Mike Thoele, Editor of the Tri-County News expresses my position as follows, in an editorial published on 28 March 2002 (full editorial in Appendix B):

“Practicing professional geologists, the ones who hang out a shingle, take on clients and collect fees, are licensed by the state Board of Geology and Mineral Industries. University professors of geology are not. But Eugene Sand wants the geology board to discipline Reed for practicing without a license.

“Reed collected no fees. He did not claim to be a registered professional. He spoke in the manner of any citizen, offering his knowledge, his interpretations and his beliefs.”

Jackman Wilson, Editorial Page Editor of the Register Guard expresses my position as follows, in an editorial published on 14 March 2002 (full editorial in Appendix A):

“But Reed has not presented himself to Eugene Sand, the county commissioners, the newspaper's readers or anyone else as a licensed geologist. He has never claimed to be anything more than a knowledgeable critic, and an unpaid one. He teaches geology, and he lives near the proposed gravel mining site - so his interest is in promoting sound science in his field or protecting his neighborhood, take your pick. But just as law professors aren't guilty of practicing without a license when they offer strongly argued opinions of cases in states where they haven't passed the bar exam, Reed has not committed the public practice of geology by getting involved in the Eugene Sand controversy.

2.2 Alleged violation category (b): “Tended to convey the impression of being a registered geologist”

Of the 49 alleged counts of violations, those in category (b), “tending to convey the impression...”, are as follows: 2,4,6,8,10,11,12,14,16,17,19,21,23,25,27,29,31,33,35,37,39,41, 43,45,47,49. In every instance of the “tending to convey the impression...” allegation, ES&G cites a specific document or video tape segment of my public testimony, then states that I identify myself by one of the following identifiers, which Mr. Alltucker and Mr. Fortner contend are titles “tending to convey the impression the he is a registered geologist”. The titles and identifiers to which they refer are as follows:

“Economic Geologist”

“Economic Geologist and Professor of Economic Geology, University of Oregon”

“Economic Geologist and Professor of Geology”

“Professor of Economic Geology”

“a scientist specializing in mineral resource geology” and *“a professor of mineral resource geology at the University of Oregon”* (Count 37, Register Guard Newspaper column)

“geologist Mark Reed” (Count 41; this description is in the words of a video narrator; the same video identified me as *“professor of geological sciences”*; see below).

“a practicing economic geologist for the past 25 years” (Count 43; note that this quotation from Count 43 is incomplete; it omits my further identification of myself in the same video segment as employed at the University of Oregon, and it omits my explanation of what I meant by “economic

geologist”. See below.)

“a university professor at the University of Oregon, Department of Geology, specializing in economic geology and geochemistry” and *“...a frequent consultant to mining and energy companies”* (Count 47, County Commission hearing)

“mineral resource geologist at the University of Oregon.”

2.2.1 I identified myself accurately. Every one of these identifiers is an explicit and accurate description of what I am or what I do. Not one conveys the impression that I claimed to be anything other than exactly what it says. As can be fully confirmed from my resume (Appendix F), I am an economic geologist; I am a professor of geology at the University of Oregon; I do specialize in mineral resource geology; I do specialize in economic geology and geochemistry; I have specialized in economic geology and geochemistry for the past 25 years; and I have consulted for mining and energy companies. Economic geology, mineral resource geology and geochemistry are my fields of study.

An “economic geologist” studies the science of mineral resources such as metal ore deposits and industrial minerals such as aggregate. My bachelor’s degrees are in geology and chemistry. I did my PhD research (1977) on the West Shasta, California, copper and zinc deposits, a mineral resource. I worked as an economic geologist for the Anaconda Copper Company, Butte, Montana for nearly three years (1977-1979) exploring (mapping, drilling and tunneling) one of the world’s largest deposits of copper and molybdenum. I was hired by the University of Oregon in 1979 to teach and do research on ore deposits. I was awarded the “Lindgren Award” in 1984 by the Society of Economic Geologists for my research in ore deposits. I am a lifetime member of the Society of Economic Geologists. I have published many papers in professional journals such as “Economic Geology” describing ore deposits and processes of ore formation. I have taught a course at the University of Oregon called “Ore Deposit Geology” for 22 years. I have taught another course called “Earth Resources and the Environment” for at least the past 12 years. These two courses are entirely or partly courses in “economic geology”, and the latter one addresses deposits of sand and gravel, among others. My students have done research on deposits of gold, silver, copper, zinc, and lead, plus oil and gas for all of my 22 years at the University of Oregon. All such research is in the field of “economic geology”. I have developed and applied (1975-2002) a computer program for using chemical thermodynamics to compute the chemical processes of metal precipitation and wall rock alteration in ore-forming systems, and other geochemical environments.

Given all of the preceding, I can accurately and appropriately identify myself as an “economic geologist”, a “mineral resource geologist”, a “professor of economic geology”, and a “geochemist”. The allegation that these identifiers “tended to convey the impression that I was a registered geologist” is completely lacking in validity because such titles are specific, accurate statements of what I am and what I do. None of the titles pertains in any way to “registered geologist”.

In addition to the straight descriptions of what I am and what I do, if you examine the record of how I have presented myself, you will find that from very early in my period of testimony in this case, I have identified myself as a professor of geology at the University of Oregon, and I have explained in oral testimony that an “economic geologist” is a geologist who studies rocks that are worth money. For example, in ES&G’s video segment #1, which is an excerpt of a video that was shown at a public

meeting in Eugene on 29 March 2000, I was identified in writing on the screen in the early part of the video segment as “Professor of Geological Sciences”. At that same meeting, after the video was shown, I spoke in person (count #43, video segment #2), and stated the following:

“ My name is Mark Reed, I’ve been a practicing economic geologist for the last 25 years. I am currently at the University of Oregon. By economic geologist, that’s a geologist who studies rocks that are worth money, like gravel, and that’s how I connect in this case.”

In this quotation, I said I was “currently at the University of Oregon”, and I explained that an “economic geologist” is a geologist who studies rocks that are worth money”, which is what I do at the university in my research and teaching. The first is an explicit statement of my professional affiliation with the University of Oregon, and the second explained what an economic geologist does. Nowhere in there is there any suggestion or any implication whatsoever of anything to do with being a registered geologist.

2.2.2 Intent. I had no desire or reason to portray myself as a registered geologist.

2.2.3 I stated that I am not a registered geologist. I explicitly stated that I am not a registered geologist in written testimony of 25 August 2000, where I said (p.2): “I am not a registered geologist in the state of Oregon”. I explained this point further (p.3) saying, “I have not sought to register as a professional geologist in the state of Oregon or elsewhere because it is not necessary to my professional activity as a university professor or mining industry consultant.” The Lane County Board of Commissioners may have inferred that I have some geological knowledge, but that should not be surprising, since I am a professor of geology at the local university, but there is no evidence whatsoever that I have tried to portray myself as anything other than a university professor of geology who studies mineral resources, and as a geologically knowledgeable citizen who opposes Eugene Sand’s proposal.

2.2.4 The public perception of my standing as a geologist. In their complaint letter, Mr. Alltucker and Mr. Fortner simply assert that the my identifiers or titles “tend to convey the impression that I am a registered geologist”. Their making that assertion doesn’t make it so. On the contrary, the public impression is the opposite of what Eugene Sand and Gravel asserts, as evidenced by two editorials. Mr. Jackman Wilson’s editorial in the Register Guard (full editorial in Appendix A) presents his understanding of how I presented myself, as follows:

“But Reed has not presented himself to Eugene Sand, the county commissioners, the newspaper’s readers or anyone else as a licensed geologist. He has never claimed to be anything more than a knowledgeable critic, and an unpaid one.”

Similarly, in his Tri-County news editorial (full editorial in Appendix B), Mr. Mike Thoele states the following:

“Reed collected no fees. He did not claim to be a registered professional. He spoke in the manner of any citizen, offering his knowledge, his interpretations and his beliefs.”

I also point out that Eugene Sand and Gravel, itself, and its geologic consultants, and its writers of letters to the local newspaper (Register Guard) have repeatedly stated in oral testimony, in written testimony and in the newspaper that I am not a registered geologist. It is clear that between my statements and Eugene Sand and Gravel’s, it is very well known that I am not a registered geologist, and that I never, ever, implied that I was one.

2.2.5 Consultant. As to the description “frequent consultant to mining and energy companies”, this is true also. I have consulted for mining companies based in Australia, South Africa, Canada, and United States (Colorado, Montana), and for energy companies in the United States (California, Texas). None of these companies engages in the public practice of geology. Such consulting is entirely permitted under ORS 672.545, as quoted above.

3. The rights of a citizen to participant in democratic government in the United States

As the complaint from Mr. Alltucker and Mr. Fortner points out, I have criticized Eugene Sand and Gravel’s testimony in the written record concerning the geologic aspects of their application for a zoning change to allow gravel mining. My clearly argued and well substantiated criticism has revealed what I regard as serious flaws in ES&G’s geologic methods and conclusions. In the course of a public process of evaluation of their proposal, I have the right to speak freely about my opinions of their geologic studies. As I understand it, neither any government body nor Eugene Sand and Gravel has the right to silence me because they do not like my criticism. That right is guaranteed by the First Amendment* to the Constitution of the United States.

My views on this issue, and my sense of outrage at any attempt to curtail my freedom of speech, are shared by everyone I have talked to, and by editors of two local newspapers, the Register Guard and the Tri-County News. With respect to the First Amendment, Jackman Wilson in the Register Guard editorial says the following:

“The State Board of Geologist Examiners was created to ensure that the people who offer their professional services as geologists know what they're doing. The First Amendment was written to ensure that everyone has a right to offer an opinion on matters of public interest, regardless of whether they know what they're talking about. The board should not allow itself to become an instrument for stifling public debate, and should promptly dismiss the complaint against Reed.”

Similarly, Mike Thoele of the Tri-County News says:

“By Eugene Sand's logic, a biology professor who showed up at the hearings to testify about possible health affects of mining dust could be prosecuted for practicing medicine without a license. If the geology board takes up this ill-advised complaint, its members are going to learn more than they ever wanted to know about free speech and First Amendment protections.”

*“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

4. Additional points raised in the complaint letter

4.1 Misleading testimony

On page one of the complaint letter, Mr. Alltucker and Mr. Fortner assert that I have “presented a number of misleading reports and oral testimony regarding geology issues...”. Messrs. Alltucker and Fortner do not offer the slightest support or explanation of their assertion that my testimony was “misleading”. I totally reject their characterization of my testimony as “misleading”. My testimony was clear, explicit, and fully documented. I backed my technical points with literature references and I explained my own calculations thoroughly; I included tables of numbers and maps that illustrated how I reached my technical conclusions. On the other hand, you will find that, in my opinion, many points in the testimony of ES&G’s geology consultants were muddled, misleading and false, as I have fully documented in my testimony and partly describe in Appendix D.

4.2 Cost and damage to credibility

Page one of the ES&G complaint letter further asserts that my testimony has damaged the credibility of their geology consultants and their company, and that ES&G response to my testimony has cost them considerable time and money. In response, I point out that I engaged in a normal, legal process of citizen review of a proposed local land use change. ES&G should have anticipated that a complex and controversial application, such as theirs, would encounter criticism and involve time, effort and expense. In fact, ES&G’s application encountered stiff criticism on many fronts, from many individuals. If their geologic studies did not stand up well to scrutiny, I suggest that the responsibility lies with their geologists. It appears to me that ES&G’s complaint should be with their own geology consultants for submitting work that required substantial revision, costing ES&G time and money. What I did was point out numerous deficiencies and presented sound argument as to why and how they are deficient (Appendix D).

Further, the issue of damage to the credibility of ES&G’s geologists is not relevant to the issue of whether I engaged in the public practice of geology.

4.3 Impugned reputations and knowledgeable critics

In count 16 of ES&G’s complaint letter, Mr. Alltucker and Mr. Fortner assert: “Dr. Reed attempts to impugn the reputation of two registered geologists...”. I did not impugn any reputations; I criticized testimony. My dictionary** defines “impugn” as follows: “to assail by words or arguments: oppose or attack as false or lacking integrity”. I assailed the testimony of ES&G’s geology consultants by words and arguments because, in my opinion, some of it was false, and some lacked integrity (see Appendix D). My criticism of geologic work in this case is not a criticism of registered geologists. It is a criticism of specific geologic work in a single specific case that came to my attention because I live near the proposed gravel pit site.

** Merriam-Webster Collegiate Dictionary

Also in Count 16, Messrs. Alltucker and Fortner state that because I said that I am a professor of geology and that I instruct students studying to become registered geologists, I am “further inferring [sic]” my “geological expertise and qualifications”. Is it illegal for me to state my geological expertise and qualifications? I cannot imagine how. Mr. Alltucker and Mr. Fortner imply that because their consultants are registered their work is beyond criticism, and that because I am not registered, I have no right to criticize and no right to state qualifications as a knowledgeable scientist.

I reject these implications. In the course of a public decision process the testimony of all participants must be subject to criticism, and all must be free to criticize. That’s how the process works. Further, if a citizen critic, such as I, happens to be knowledgeable about the subject on which he or she is offering opinion, that knowledge and the credentials behind it should not disqualify that citizen from participation in the process; nor should that citizen be prevented from accurately stating credentials. None of this has anything to do with the public practice of geology or being a registered geologist.

5. Conclusion

Mr. Alltucker and Mr. Fortner allege that by the very act of giving public testimony, I engaged in the public practice of geology. I respond that existing law on this issue (OAR 809-050-0030 (3)(b)) specifically protects me against this allegation because it allows anyone to state personal opinions in public testimony on geological issues, as long as one does not engage in the public practice of geology to arrive at or present the opinions. My testimony constitutes personal opinions in response to the issues raised in ES&G’s testimony. The definition of “public practice of geology” (672.505 Definitions for ORS 672.505 to 672.705 (7)) “means the performance of geological service or work for the general public”. Since I prepared and presented my testimony for myself, for my own reasons, and without compensation from anyone, I did not perform service for the general public or any member of the general public; thus I did not engage in the public practice of geology.

Mr. Alltucker and Mr. Fortner allege that I “tended to convey the impression” that I was a registered geologist by describing myself as an “economic geologist and professor of geology” or “professor of economic geology”, for example. I say that these self descriptions are explicit, accurate statements of what I am and what I do, and that there is absolutely no implication of being registered. I explained in a public meeting very early in this process that an “economic geologist” is a geologist who studies rocks that are worth money. I did not say or imply anything about being a registered geologist. Further, I explicitly stated in my early testimony that “I am not a registered geologist”. I had no desire or reason to imply that I was a registered geologist. It is clear from the foregoing that there is no basis to the allegation that I tended to convey the impression that I am a registered geologist.

I have identified numerous errors in the geologic work of Eugene Sand and Gravel’s geology consultants, and I have argued incisively that there are serious questions about the soundness of their geologic studies. My testimony is clearly argued and well documented, and it raises legitimate issues. I suggest that this complaint from Mr. Alltucker and Mr. Fortner is an attempt to silence me because my testimony has been damaging to Eugene Sand and Gravel’s case, and because they resent my criticism.

Finally, I have a First Amendment right to free speech. I suggest that if allegations of Mr. Alltucker

and Mr. Fortner are upheld, my right to free speech would be denied.

I request your thoughtful consideration of the circumstances of this case, and I thank you for such consideration. Please contact me if you have questions.

Respectfully submitted,

Mark H. Reed

6. List of Appendices

- A. Who's a geologist. Editorial in the Register Guard, 14 March 2002.
- B. Challenge sets bad precedent. Editorial in the Tri-County News, 28 March 2002.
- C. Letter to Reed (22 August 2000) from Susanna Knight concerning registration requirement for public testimony
- D. A few of the geologic issues in the Eugene Sand and Gravel case
- E. Reed letter to SBGE of 10 March 2002 (CC #02-02-001)
- F. Reed resumé