



Timothy Hatfield
Partner
240-486-9622
tim@hkhealthlaw.com

October 29, 2024

VIA EMAIL

Mr. Tyler Stone
Executive Director
Mid-Columbia Center for Living
1060 Webber Street
The Dalles, OR 97058

RE: Request for Waiver of Conflict of Interest

Dear Tyler:

Mid-Columbia Center for Living (“MCCFL”) has asked Hatfield Knivila, LLC (“we” or “us”) to represent MCCFL related to some ownership, contractual and real estate issues that have arisen related to MCCFL’s planned crisis resolution center and potentially involving the terms of the Intergovernmental Agreement between Wasco, Hood River and Sherman Counties (the “MCCFL Engagement”). As a result, the MCCFL Engagement may involve us taking positions adverse to the interests of Wasco County. As you know, we represent Wasco County in a joint engagement with MCCFL providing advice related to whether the crisis resolution center meets regulatory criteria required to receive Medicaid funding (the “IMD Engagement”).

Based on our understanding of the factual and legal issues likely to arise in the MCCFL Engagement, we believe that the MCCFL Engagement is unrelated to the work we have been asked to or appear likely to do for Wasco County in the IMD Engagement. Although both engagements are related to the planned crisis resolution center, our current understanding is that the legal issues you would like us to address in the two engagements are distinct and unrelated to one another. If we should later learn that the issues not unrelated, we may need to withdraw from representing one or both parties in one or both matters.

Under the Oregon Rules of Professional Conduct, which apply to all Oregon attorneys, we may not oppose a current client, even on an unrelated matter, without the informed consent of all affected clients after an explanation about the material risks of and reasonable alternatives to consenting. This means that I must explain to both Wasco County and MCCFL the pros and cons of consenting and that we cannot take on the MCCFL Engagement unless both MCCFL and Wasco County consent.

In deciding whether or not to consent on behalf of Wasco County, you should consider how our representation of MCCFL in the MCCFL Engagement as described above could or might affect Wasco County. For example, clients that are asked to waive or consent to conflicts typically should consider whether there is any material risk that their confidences or secrets will be used adversely to them due to the conflict. Clients should also consider whether there is any risk that

Mr. Tyler Stone
October 28, 2024
Page 2

their attorney would be a less vigorous advocate due to the conflict. In the present case, we do not believe that there is a material risk of a breach of confidences or less-vigorous advocacy because of the unrelated nature of the work for the two clients. Nevertheless, these are issues that you should consider for yourself.

The Oregon Rules of Professional Conduct require that I recommend that you seek independent counsel to assist you in deciding whether or not to consent. However, you do not have to do so if you do not wish to. Whether or not you consult such counsel is up to you.

Please carefully evaluate whether you wish you consent to waive the conflict and allow our representation of MCCFL in the MCCFL Engagement. If Wasco County is willing to consent, please sign this letter in the space provided and return it to me for my files.


Regards,



Kelly Knivila

THE UNDERSIGNED ACKNOWLEDGES AND CONSENT TO THE CONFLICT OF INTEREST AS DESCRIBED ABOVE

Wasco County

By: 

Title: Tyler Stone, Administrative Officer

Date: 10/29/2024