

# BAILEY: 'I SPENT MY LIFE STAYING AWAY FROM OLD MEN THAT I DIDN'T KNOW'

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family members. He spent a night in the Umatilla County Jail and will serve five years probation. He wasn't required to register as a sex offender.

If DeYoe had been a coach, he might have been convicted of a Class C felony, a crime that carries sentences up to five years in prison and a \$125,000 fine. But DeYoe wasn't technically a coach.

## Pushing for change

During the hearing, Munck urged the senators to amend existing law to include teachers.

"What is the significant difference between a teacher and a coach? Do coaches somehow carry more authority than a teacher might?" she asked the senators. "Coaches and teachers should be prosecuted equally as they both have responsibility for students' safety and they both have positions of authority and power over their students and players."

Others speaking in favor of the bill included Taylor and Hansell, Umatilla County District Attorney Dan Primus and retired Weston Middle School teacher, coach and athletic director John Bartron, who originally urged Hansell to consider sponsoring a bill that would fix the discrepancy.

Primus testified that sexual abuse in the third degree is a misdemeanor that involves "touching of an intimate part for sexual gratification." If the defendant is a coach, the charge is elevated to sexual abuse in the second degree, which is a felony. He said the addition came during the 2009 legislative session. Legislators discussed including teachers, but ultimately didn't.

Primus, whose office handled the prosecution, expressed frustration at not being able to charge DeYoe with a felony the same as a coach.

"The relationship between a teacher and a student is really no different than a coach and an athlete," Primus said. "It should not



Ben Lonergan/East Oregonian, File

Weston-McEwen's Bailey Munck (14) goes up for a shot against the Heppner Mustangs during a game in Athena on Jan. 3, 2020.

be treated any differently."

In preparing to testify, Primus said he reviewed reports in DeYoe's file. One comment from a law enforcement officer's interview with Munck struck him.

"He asked Bailey why she could tell a boy her age 'no,' but she was unable to tell the defendant 'no,'" Primus said. "Bailey's answer was simple and profound — because he had power and authority over her."

During Hansell's testimony, he pushed the committee to send

the bill, which adds teachers to the existing Oregon statute, to the Senate floor for a vote.

"We as a state need to be consistent in protecting our vulnerable high school girls and boys with consistent sanctions, be the perpetrator a coach or a teacher," Hansell said. "It's a simple fix."

## Abuse brought shock

Bartron sat in the East Oregonian conference room next to Munck, testifying after Hansell.



Hansell

He said he has known Bailey since she was small, both as a family friend and student. When he learned of the abuse, he felt gut shot.



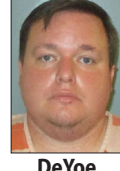
Taylor

"I was absolutely stunned, saddened and angered on so many levels," Bartron said. "My greatest concern of course was Bailey."



Primus

Bartron said he started researching Oregon's sexual abuse statutes after learning more about how the case against DeYoe was proceeding.



DeYoe

"I was absolutely shocked to learn that within those statutes there appeared to be that loophole that held coaches to a higher consequence than a teacher," he said. "I was beside myself."

With the blessing of Bailey and her parents, he approached Hansell about creating a bill to fix the loophole. Hansell promised to look into it.

"One way I am apprised of needs is when people come to me and say this doesn't make sense," Hansell said after the hearing. "To be in a position where you can attempt to correct something is very rewarding and fulfilling for me."

Munck has spent a lot of time thinking about what transpired with DeYoe. If she could have warned her younger self, she might have identified classic signs of grooming behavior in DeYoe.

"He just wanted to be the fun teacher," she said several weeks ago during an East Oregonian interview. "DeYoe's classroom was the hangout spot."

She knows now she should have been more alarmed when DeYoe often texted her about non-school things, simply to say good morning or good night or ask

what she was doing as late as 3 in the morning. Screen shots of texts bear this out. She would have avoided being alone with him in his classroom. During moments of inappropriate touching, she felt paralyzed. She's stronger now.

"I sort of don't associate myself with myself a year ago," Munck said. "I feel like I'm a completely different person."

## Predators aren't always strangers

Munck said she realized that she once assumed she could easily identify and avoid predators.

"I spent my life staying away from old men that I didn't know," she said. "Looking around and under my car before getting in. That protected me during my 16 years, but what didn't was the knowledge of grooming by somebody that I know already."

Munck said she doesn't blame the justice system for not securing a harsher sentence for DeYoe and going for a plea deal that would keep the case from dragging on for months.

"Ultimately I think the assistant district attorney involved (Jaclyn Jenkins), she helped us settle the best situation," Munck said. "There were just a lot of factors that I feel like people outside looking in just don't see all that. They're quick to judge the sentence, but that was really all we could do with it. It was a misdemeanor. You can't do a lot with a misdemeanor. It was the best that could have happened."

During the court hearings, the teen observed Jenkins with fascination. So taken was Munck that she has decided to study criminal justice in college and become a prosecutor like Jenkins.

Sen. Hansell said he is hopeful Bailey's Bill will reach the Senate floor for a vote this session.

"Senate Bill 649 will close a loophole in Oregon statutes so that other daughters and their families will not have to endure what Bailey Munck and her family have had to go through."

## ROADS

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and in declining condition, Carpenter said. It will be replaced with a new water main made of ductile iron.

Carpenter said it will be much more efficient to replace the water main this year while the street is torn up.

"This is the preventive maintenance," he said.

The Second Street work, which is scheduled to be completed by July, will be done in two phases — first from Spring to Washington avenues, and then from Washington to Adams avenues.

Preliminary work involving the replacement of the water main is underway. The project will not hit full stride until Monday, April 12, when the city closes Second Street from Spring to Washington avenues. The closure also will include the intersections at Spring and Main avenues. Crews will begin the excavation of the existing roadway and the removal of curbs, Carpenter said.

The 3.5 miles of road restoration on Interstate 84 this spring and summer will be part of a two-year, 10-mile project during which the Oregon Department of Transportation will replace the roadway's surface up to the Spring Creek exit, 18 miles northwest of La Grande.

Tom Strandberg, an ODOT spokesperson, said the work is necessary because severe winter weather and heavy use of tire chains when winter conditions are present have rutted the roadway's asphalt surface.



Dick Mason/The Observer

A La Grande Public Works Department crew on Tuesday, April 6, 2021, prepares Second Street for a project to replace a water main and upgrade the road. The project will tear up 1,100 feet of the street.

"This creates hazardous driving conditions when water, snow and ice collect in the ruts, cracks and potholes," he said.

The westbound and eastbound lanes for slow traffic, now made of asphalt, will be rebuilt with concrete and the fast lanes will receive new asphalt.

Strandberg said concrete, which is longer lasting than asphalt, is the best fit for the slow lanes because they have such heavy truck traffic.

"The slow lanes receive the most punishment," he said.

Work is beginning now on the project, which will have a major impact on traffic. Strandberg said the work will be done on entire portions of eastbound and westbound lanes at one time. This means when a section with two westbound lanes is being restored the two parallel eastbound lanes will have traffic traveling in opposite directions.

Strandberg said cones will be installed to divide the two lanes of traffic. The speed limit is being reduced from 70 to 50

mph in the work zone of the project to protect travelers and those working at the site. There also will be increased Oregon State Police presence at times to help remind everyone to slow down, according to Mike Remily of ODOT, the resident engineer for the project, in a press release.

Remily is encouraging travelers to be careful and avoid hurrying while traveling through the work zone.

"On behalf of our contractor's staff and ODOT staff, I ask that you be patient and cautious through the work zone and remember the end result of the inconvenience will be a brand-new, durable, smooth pavement," he said in the release.

The I-84 project will cost \$54 million. The funding will be provided by the state and federal governments.

A portion of the funding also will cover upgrading traffic signals in Umatilla County in areas along state routes in or near the communities of Hermiston, Pendleton, Umatilla, Stanfield and Milton-Freewater.

## VACCINES

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level ratings for Oregon's 36 counties, issued later Tuesday.

After a steady trend of counties moving lower in the four-tiered risk ratings, the report this week showed a number of counties with infections on the rise, requiring a return to tighter controls on activities, gatherings and dining.

Statewide, the Oregon Health Authority as of Wednesday, April 7, reported 168,128 cases of COVID-19 and 40 new fatalities from the disease, pushing Oregon's death toll to 2,434.

Union County cases continue to increase as well, with five new cases as Tuesday and Wednesday for a total of 1,395 since the start of the pandemic. The county's 23rd death — and Oregon's 2,434th — is a 48-year-old man who tested positive Nov. 11 and died March 23 at Legacy Emanuel Hospital, Portland.

While COVID-19 deaths have continued to stay lower than previous peaks, health officials remain concerned about possibly more virulent variants of COVID-19 spreading across the country and into Oregon.

Health officials are worried about highly contagious and potentially more lethal variants of the original virus that has killed 2.86 million people around the globe, including 556,000 in the United States.

Oregon has maintained some of the lowest infection rates and death totals in the nation, but has still

reported just under 2,400 deaths.

"Impending doom" is how Dr. Rochelle Walensky, director of the Centers for Disease Control and Prevention, last week described the combination of spreading viruses and relaxed safety habits by a pandemic-weary public.

The CDC has singled out one variant originally found in the United Kingdom — B.1.1.7 — as the main version of the virus hitting about two-thirds of the country. The Oregon Health Authority has reported 19 cases of the U.K. variant in Oregon, but believes there are many more.

Biden's announcement on Tuesday is the second time a White House directive has changed Oregon's phased vaccine eligibility timeline.

Brown and the OHA had originally set July 1 as the earliest date that a long series of priority groups would be finished and the vaccine could be offered to anyone who wanted a shot.

On March 11, Biden issued a directive that states drop all barriers to eligibility no later than May 1 as a way to speed up vaccination rates. Oregon condensed the timeline for its eligibility groups to meet the deadline. Brown said it might even be possible for some counties to open eligibility as early as April 26.

The new April 19 deadline will impact only Oregon and a few other states. A majority of states already allow all residents age 16 and older to be vaccinated, and only two — Oregon and Hawaii — had announced plans to lift the final barriers on May 1.

The Biden administration has pushed for ramping up vaccinations, saying at least a third of adults in the nation have received at least one dose of vaccine and three million shots were going into arms every day.

Brown and Oregon Health Authority Director Pat Allen have said the greatest impediment to widespread inoculation is supply of vaccine.

Over the past week, Oregon has questioned the federal allocation process state officials believe could be shortchanging the state on vaccine allocations.

"My office will work closely with the White House to ensure Oregon receives our fair share of federal vaccine supplies, so we can continue with a fast, fair and equitable vaccine distribution process," Brown said.

The White House announced Tuesday that 150 million shots have been administered since Biden took office on Jan. 20. He had promised to get 100 million shots into Americans' arms by his 100th day in office, April 30.

Oregon health officials said the state has injected more than 2 million doses of vaccine. Most of the shots are for the two-dose Pfizer and Moderna vaccines.

The one-shot Johnson & Johnson vaccine has accounted for just over 50,000 shots in Oregon. It remains in limited supply nationwide due to a botched processing system at a subcontractor in Baltimore that ruined 15 million batches that had to be destroyed. Doses currently offered are the correct mixture.

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