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'I'm really going to miss it'

Customers lament looming closure of Bi-Mart pharmacy

By DICK MASON
The Observer

LA GRANDE — Four years ago Heather Rekow of La Grande was stunned. Rekow was at the pharmacy at La Grande's Bi-Mart store to pick up a prescription for an urgent health issue when she saw her bill — one for an eye-popping unexpected \$500.

"I could not believe it," she said. Rekow needed the medication immediately but did not feel she had the background needed to call her insurance company in an attempt to get it to cover a portion of the expense. Then a Bi-Mart pharmacist came to the rescue. The pharmacist volunteered to make the call and after a few minutes managed to get Rekow's insurance company to bring her share of the bill down to \$50. Rekow was thankful

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A legacy of tireless community service

Shelia Evans remembered for her outreach

By DICK MASON
The Observer

LA GRANDE — About three years ago Dan Cosner, a member of the Island City Lions Club, one of the Grande Ronde Valley's leading community service organizations, was concerned about its president, Shelia Evans. "I asked if she was worried about getting burned out because she was taking on so many projects," Cosner said. Evans' response shed

See, **Evans/Page A5**

Crossing the bar

The Oregon State Bar clears Union County District Attorney Kelsie McDaniel of ethics complaint

By ALEX WITTMER
The Observer

LA GRANDE — Union County District Attorney Kelsie McDaniel is free of a complaint that hounded her for almost a year. Retired attorney Anne Morrison's complaint to the Oregon State Bar against McDaniel stemmed from the prosecutor's action in 2020 to block Circuit Judge Wes Williams from presiding over criminal cases. The bar on Sept. 11 dismissed the complaint. "My actions were driven at all times by my statutory and constitutional obligations as DA for Union County," McDaniel said. "My representations have been and will continue to be truthful and accurate. When I learn of additional information, I clarify."

The events preceding the complaint, which The Observer reported in April 2020, were based on an 31-page memorandum McDaniel submitted to the court alleging Williams committed dozens of instances of misconduct and that the state could not receive a fair trial under him. McDaniel used the memo as the basis to remove Williams from presiding over criminal cases.

Williams has not spoken about McDaniel's move to sideline him. "The code of judicial ethics forbids me from making a public comment regarding McDaniel's memo," he said. Williams, however, offered up a written statement he had prepared: "My campaign promise to the people of Union and Wallowa counties was that I would honor the principles of equality before the law and that I would treat all with mutual respect and dignity; and protect their constitutional rights. I have and I will continue to remain true to this promise."

Memorandums

Williams was not the first to receive such a memo. Rod Underhill as district attorney of Multnomah County in 2017 filed a nearly identical memo against Circuit Judge Judith Matarazzo. The Underhill memo covered four areas of concern while McDaniel's memo contains six, and the Underhill memorandum chronicled 10 years of alleged misconduct where as the McDaniel memorandum is from 2019-20, and five of the complaints concern matters in January 2019, soon after Williams took his oath as a judge.

Other district attorneys in Oregon have filed similar motions to remove circuit judges, including in Umatilla, Lane and Klamath counties. And other district attorneys in Eastern Oregon have removed Williams from cases. The Baker County District Attorney's Office confirmed it disqualifies Williams whenever he presides on cases there, though without an accompanying memo.

Oregon law gives attorneys the power to bench a judge. An attorney only needs to file a motion to recuse a judge and provide an affidavit stating they believe they cannot have a fair and impartial trial or hearing before the judge, and the action is in good faith and not for the purpose of delaying proceedings. The affidavits don't require evidence or allegations, such as the ones from Underhill or McDaniel.

The law, however, requires dismissing a judge in each case. The McDaniel memorandum acted as a blanket dismissal of Wil-



McDaniel

Morrison

Williams

"It's very much a nuclear option for something. It doesn't even look like they tried anything else first."

Amber Bevacqua-Lynott

liams for all cases.

"It's very much a nuclear option for something. It doesn't even look like they tried anything else first," said Amber Bevacqua-Lynott, a former Oregon State Bar discipline counsel attorney.

McDaniel's office pulled it off for more than a year, at least up until she took maternity leave earlier this year. The district attorney's office continues to file disqualifications against Williams, though without the memo.

A second look

The disqualifications relegated Williams to a minimal workload. And the memo underpinning the motions drew the scrutiny of Morrison.

She saw an article in The Observer and the 31-page memorandum as unusual — citing multiple occurrences where that judge has shown impropriety and bias. She said using that memo to subsequently sideline the judge was cause for concern.

Morrison obtained copies of the transcripts and public records that were used in drafting the memorandum and set to work.

"When I started comparing what Kelsie McDaniel had said in her memorandum to the actual transcript, I thought there are multiple misrepresentations," Morrison said. "It's not just one. It's not just an accident because it happens over and over and over again. And they're serious misrepresentations, because if you heard the whole story instead of what she was saying in her memorandum, I think your picture of any of those decisions made by the judge might be very different."

She said she found an issue with nearly every single complaint in the memo.

"The DA has essentially lied to the court, which we're not allowed to do," Morrison said, "and I think has lied to the public also about these cases because she has misrepresented so many of them in such an extreme way."

So she sent a complaint of her own to the Oregon State Bar against McDaniel.

Matters of representations

McDaniel's accusations of impropriety cites cases where Williams reduced bail and decided not to jail defendants

against state recommendations. In one case, during pretrial, the memo states, Williams gave advice from the bench to the defense attorney and recommended a key expert witness for the defense.

But according to Morrison's complaint, in that case, nearly 250 pages of transcripts, mostly centered around pretrial discussions regarding suppression of evidence, show Williams gave even-handed direction and advice to the state and the defense. McDaniel did not paint a true picture of Williams' actions, according to Morrison.

McDaniel, through her lawyer Dayna Underhill — wife of former Multnomah County District Attorney Rod Underhill — asked the Oregon State Bar for a prompt dismissal. The response affirmed that none of the allegations against Williams in the original memorandum amounted to ethics violations and McDaniel operated within legal standards and frameworks when writing the memo.

The bar dismissed the ethics complaint, finding McDaniel never misquoted Williams nor made statements that were lies. The bar did, however, examine the allegation that McDaniel had omitted context in the memo but determined McDaniel only needed to show a perception of bias to recuse Williams.

Morrison sticks to her story

Morrison appealed, but the bar reaffirmed its position that McDaniel acted in a lawful way and had done nothing wrong. The Oregon State Bar Professional Responsibility Board also stated the backdrop of the Morrison complaint was based on a political feud between McDaniel and Williams.

"I am pleased that the Oregon State Bar Professional Responsibility Board saw it the same way and dismissed the complaint in its entirety," McDaniel said. "Being the district attorney comes with having to make difficult decisions, but I always strive to do the right thing."

The memo in the eyes of the Oregon State Bar only needed to show what McDaniel believed to be true, even if the addition of context from the court transcripts provided counterpoints to many allegations.

Morrison disagreed with the bar's ruling. "What they're saying is that in this context, she doesn't have to give the full facts," she said. "She only has to give what supports her belief. I was dumbfounded when I read that."

With the bar complaint receiving its second dismissal, however, Morrison's options moving forward are limited.

"I feel that strongly that she has badly misrepresented what happened," Morrison said. "And, you know, she's the DA."

It's her job to hold all of us accountable. If we go out there and violate the law, we should be called into call to account for it. If we're found responsible for it, we should be held responsible for it. ... I think she should be held accountable for what she does."

Alex Wittmer/The Observer
The Union County Courthouse, as seen on Wednesday, July 14, 2021, sits on the same block as the county's original courthouse.



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WEATHER

Full forecast on the back of B section

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La Grande, Oregon
Email story ideas to news@lagrandeobserver.com.
More contact info on Page 4A.



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THURSDAY

SUPPLY CHAIN BOTTLENECK GETS ADDRESSED

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