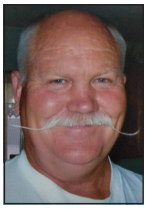


# OBITUARIES

— PAID NOTICES —

## Daniel Smith



Daniel Smith

Daniel Perry Smith was born on June 27, 1954, in White Salmon, Wash., to Arthur Joseph Smith and Mary Eunice (Nixon) Smith. He went to Heaven on June 30, 2021, at his home in Lyle, Wash. He is preceded in death by his parents and one brother, Arthur. He is survived by his wife Jody and three sons, Dan (Michele; children Michael and Colyn), Ryan (Crysta; children Alex, Peyton and Camden) and Rob (Lacey; children Madison, Rachel, Barrett, Sydney and Caiden).

In his working career, Dan worked for multiple companies as a mechanic/logging operator. After many years in the logging field, he became a full-time farmer. In addition to farming, he enjoyed restoring and preserving local 100-plus year old barns.

He met his wife, Jody Stephens, in the summer of 1972. They became high school sweethearts and were married in February 1978. Following their wedding, they moved into their first home together in Lyle, where they welcomed three sons. In 1987, Dan and his family moved into the home he built for them on the farm.

Dan was a fun, loving, hardworking farmer, papa, husband and father. But, above all, he was a devoted Christian. He proved his dedication to God each day.

Dan was a wonderful man. His family was the light of his life, and they loved him unconditionally. He will forever be missed, and forever be in our hearts.

A celebration of life will be held Saturday, July 31 from noon to 5 p.m. Come and go as you please at the farm, 111 Shady Lane, Lyle. Please send condolences to the Smith family by visiting [www.gardnerfh.com](http://www.gardnerfh.com).

## DEATHS AND SERVICES

**Edith "Marge" Marjorie Magnusen** died Dec. 19, 2020, at her daughter's home in Tualatin, Ore. She was born July 15, 1923, and was 97 years old at the time of her passing. A celebration of life will be held at 11 a.m. on Saturday, July 24 at Hood River Valley Christian Church, 975 Indian Creek Road, Hood River, Ore. In honor of Marge and her love for colors, family would love you to wear colorful attire for the service. Arrangements are under the direction of Anderson's Tribute Center. Visit [www.AndersonsTributeCenter.com](http://www.AndersonsTributeCenter.com) to leave a note.

**Jeffrey Cunningham Krier** died March 22, 2021, and was born March 24, 1950. A Celebration of Life service will be held for Jeff on Tuesday, Aug. 10 at 2 p.m. at St. Paul's Episcopal Church, 1805 Minnesota St., The

Dalles, Ore. All are welcome.

**Melvin G. Thornburg**, age 79, a resident of Dallesport, Wash., died at home June 29, 2021. Spencer, Libby and Powell Funeral Home is in care of arrangements.

**Justin Alexander Mei Shen Su** died July 4, 2021, in Portland, Ore. Justin was born Aug. 27, 1979, and was 41 years of age at the time of his passing. Services are planned for 3 p.m. on Saturday, July 31, 2021, at Shepherd of the Valley Bible Church, 1631 Eighth St., Hood River, Ore. A livestream of Justin's service can be accessed at the church's website on the day of his service at [svbchr.org](http://svbchr.org). Arrangements are under the direction of Anderson's Tribute Center, Hood River. Visit [www.AndersonsTributeCenter.com](http://www.AndersonsTributeCenter.com) to leave a note of condolence for the family.

**Shane Dustin Brace**, age 46, a resident of The Dalles, Ore., died July 5, 2021. A celebration of life will be held at a later date, and details will be posted on Spencer, Libby & Powell website once finalized.

**Brian Allan Franks**, age 57, a resident of Deer Park, Wash., died July 7, 2021. Spencer, Libby & Powell Funeral Home is in care of arrangements.

**Larry Vincent George**, age 80, a resident of The Dalles, Ore., died July 7, 2021. He will be laid to rest in a private service at Willamette National Cemetery. Spencer, Libby & Powell Funeral Home is in care of arrangements.

**Jesslyn Alan Spino**, age 61, a resident of The Dalles, Ore., died July 9, 2021. Funeral services were held July 12 at the Spencer, Libby & Powell Gathering Hall. Burial

service was held July 13, 2021 at Wish-Yum Cemetery, Dallesport, Wash.

**Rodney Keith Eichner**, 89, died July 16, 2021, at his home in White Salmon, Wash. No services are planned at this time. Gardner Funeral Home is handling arrangements.

**Edith Marcella "Sally" Graff** died July 16, 2021, at Mid-Columbia Medical Center in The Dalles, Ore. Sally was born on Dec. 22, 1933, and was 87 years of age at the time of her passing. Arrangements are under the direction of Anderson's Tribute Center, The Dalles. Visit [www.AndersonsTributeCenter.com](http://www.AndersonsTributeCenter.com) to leave a note of condolence for the family.

## GORGE NEWS

# Former DA files lawsuit against attorney general, deputy and Wasco County

By Mark Gibson  
Columbia Gorge News

Former long-time Wasco County District Attorney Eric Nisley is suing Oregon's attorney general and her deputy, and Wasco County, alleging his due process rights were violated when he was removed from office over a temporary suspension of his law license by the Oregon State Bar.

The suit contends actions by Oregon Attorney General Ellen Rosenblum and Deputy Attorney General Frederick Boss, in unlawfully removing Nisley from office made statements "that stigmatized him, tarnished his reputation and limited his ability to pursue his chosen profession."

"The Oregon attorney general and her deputy had neither legal nor moral authority to remove a duly elected official from office based solely on their erroneous belief that he was no longer qualified to serve," wrote Nisley's lawyer William Gary in a statement provided to *Columbia Gorge News*. "Their actions created a false narrative that District Attorney Eric Nisley had abandoned the Wasco County residents he'd sworn

to protect and serve.

"The abuse of authority by the Attorney General and her Deputy cost Eric Nisley his re-election, his livelihood and his professional reputation," Gary wrote. "Even as Mr. Nisley and his family focus on rebuilding what they've lost, this lawsuit is necessary to remedy past damage ... and to prevent the Attorney General and her office from ever again undermining Oregon's system of free elections and the rule of law."

Wasco County's legal counsel Kristen Campbell stated, "Wasco County denies all liability associated with this case. The matter has been referred to the county's insurance carrier, who has hired trial counsel to contest these claims."

Kristina Edmunson, spokeswoman for Rosenblum, said in a statement to the Oregonian, "We will vigorously defend the state's role and conduct in this matter. All actions taken were done in the best interests of the state in ensuring that all criminal cases were properly handled in Wasco County during the disciplinary suspension period

of DA Nisley and thereafter. That required obtaining a court ruling on the Oregon Supreme Court. We were glad to get that clarification regarding the DA's status, which reassured us that no criminal case would slip through the legal cracks."

According to the court filing, Nisley alleges "defendants, without any lawful authority, ousted plaintiff from the position to which the Wasco County voters had duly elected him. Defendants' actions barred plaintiff from performing any of the duties of his office, denied him the compensation and perquisites to which he was legally entitled by virtue of that office, falsely conveyed to the public that plaintiff was no longer the Wasco County District Attorney, and effectively prevented plaintiff's longstanding former deputies and staff from communicating with him."

"Wasco County officials aided and abetted Defendants Rosenblum and Boss in doing so," the suit says. Nisley "was not informed of any of the above actions until the day he was expelled from office" and

he wasn't given a chance to challenge the state's action, the suit says.

Nisley is seeking economic damages totaling \$1 million, including lost wages and benefits, and \$2 million in punitive damages in the civil rights suit against the attorney general.

The suit, filed July 9 in U.S. District Court in Portland, follows a ruling by the Oregon Supreme Court in September that found Nisley remained the lawful holder of the office despite his 60-day suspension from the practice of law earlier in the year.

In that case, The Oregon Attorney General's Office had argued that the office had become vacant at the point of his suspension, and assigned a representative from the AG's office as Acting District Attorney. Nisley's lawyer argued Nisley was not the first district attorney to be suspended while in office and that, in earlier cases, no vacancy in the office of district attorney had been declared. Instead, those suspended had resumed all district attorney duties at the end of the suspension period.

After the Supreme Court

ruling, the state rescinded its action and restored Nisley to office with pay, but no one told him about the state's reversal until two weeks afterward in October 2020, the suit contends.

Nisley said his removal derailed his effort to seek re-election for a sixth term as district attorney. Criminal defense lawyer Matthew Ellis handily defeated Nisley in the May 2020 election.

Nisley said the taint on his reputation from his abrupt removal from office has also harmed his effort to seek other jobs as a prosecutor in the state. Early this year, he was offered a temporary job as a Hood River County deputy district attorney but the offer was later rescinded, the suit says.

In addition to violating his due process rights, the suit alleges Rosenblum and Boss violated his equal protection rights by treating him differently than other prosecutors in the state who had their licenses suspended temporarily, the suit says.

He also accuses the state officials of negligence, interfering with economic relations and usurping his office.

## Wasco County claim

In addition to those claims addressed to all three defendants, Wasco County is alleged to have interfered with the economic relationship between the Wasco County District Attorney's office and the State of Oregon.

"Wasco County, which was not a party to that relationship, intentionally interfered with that relationship by physically barring plaintiff from the Wasco County District Attorney's office; by removing all references to plaintiff's name as Wasco County District attorney within that office, on the District Attorney's website, and in their communications with the public; and by otherwise attempting to have plaintiff removed from his position. The actions of Wasco County officials prevented plaintiff from performing any of the duties of his elective office," the suit says.

"The above-described acts were a substantial factor in plaintiff's election loss in May 2020, causing plaintiff's position as Wasco County District Attorney to end in January 2021 rather than January 2025 as he had intended."

# Officials: Extreme heat, early fires 'new normal' in Oregon

By Gary A. Warner  
Oregon Capital Bureau

Extreme weather like the deadly heat wave that hit Oregon at the end of June are a sign of things to come, state officials said Monday.

The National Weather Service has reported temperatures in the last week of June obliterated all-time heat records: 101 in Astoria, 109 in Bend, 112 in Redmond, 116 in Portland, 117 in Salem and 118 in Hermiston. Other cities "only" tied their hottest marks: Pendleton at 113 and Medford at 115.

The thermometer readings were "otherworldly," said Oregon Health Authority

Director Pat Allen.

"The reality is that such excessive and deadly conditions are here to stay," Allen said.

Oregon's death toll from the heat is currently more than 100, with at least another 32 still under investigation.

More than 800 people sought help from heat-related medical issues over the course of the scorching temps.

The heat wave added to 18 months of catastrophes that have hit Oregon.

Since early 2020, the state has had historic floods in eastern Oregon, the COVID-19 pandemic, wildfires that burned more than 1

million acres, smoke smothering the entire state, power outages from ice storms and a protracted drought that has reservoirs in some areas at a fraction of their designed capacity.

Andrew Phelps, director of the Office of Emergency Management, said the state had launched a review of the response to the heat wave. It's an effort to alter expectations of both the public and officials as to what is "normal" when it comes to weather.

One question on the table: Why didn't Gov. Kate Brown make an emergency declaration as the heat wave approached?

Phelps said he believed

most people knew well ahead of time that the heat wave was coming and to take precautions. The emergency declaration would not have changed public agency responses.

"If you overuse a tool like an emergency declaration just to sound an alarm, it becomes white noise in the background," Phelps said.

Fariborz Pakseresh, director of the Department of Human Services, said the state's 211 phone information system had stumbled during the heat wave, with his agency's staff confirming complaints that the call centers were understaffed on the weekend and didn't have

information callers sought about resources in their area.

The heat compounds years of drought conditions to create extreme fire risk around much of the state. Already, hundreds of thousands of acres have burned.

The officials did not address the status of the current fires in Oregon.

Most of the damage is being done by a trio of blazes in central and south Oregon.

The Bootleg Fire in sparsely populated Klamath County is the nation's largest active wildfire at more than 300,000 acres, and is 25% contained. The fire has destroyed seven homes and 43 other structures. No injuries or fatalities

have been reported as of July 19.

The Jack Fire in eastern Douglas County has burned an estimated 16,764 acres and injured eight people. The state's official fire website reports no homes or structures as having burned and the fire is an estimated 35% contained as of July 18.

While most fires are knocked down before they grow to more than 10 acres, those that move rapidly can explode in a matter of hours.

The Grandview Fire near Sisters is 6,032-acres and 60% contained as of July 19.

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**EVOLUTION: BIOLOGICALLY IMPOSSIBLE #32**

The eye of a hawk or eagle. The eye of an owl. The eye of man. These organs are beyond being defined as complicated. Ask yourself if a teacher of evolution said to you that the beginnings of the eye began with a few light sensing cells what would that mean... exactly? We now know that there are over a dozen different parts that make up an eye and that is not including the muscles that move the eye. Which one of these many components by itself would allow sight? Why are we to assume that if just one component was to give sight why if by random chaotic chance mutation would that one needed component evolve first? Convenient. Is it possible to prove or show evidence what creature was the first to have a light sensing cell? If so what exactly were the components of this simple light sensing cell? How is it possible to think that the eye of any of these "simple" animals would over time mutate by random chance all the necessary components to form the eye we know of today? One by one these components mutated in order and in the correct place? How convenient. The vitreous humor makes up the large body of the eye. This is a transparent jelly like substance. What does it mean that this substance mutated into existence? All the other components of the eye are attached to it. How convenient that this jelly substance mutated first in the conveniently located pre existing eye socket. Darwin was right about the eye.

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