

## COURT RULES ROB HANDY'S CASE CAN MOVE FORWARD

The 9th Circuit Court of Appeals has ruled that former Lane County Commissioner Rob Handy's complaint against the county and against former administrator Liane Richardson (now Inkster) and Commissioners Sid Leiken, Faye Stewart and Jay Bozievich for undermining "his ability to do his elected job" can be amended and move forward for a decision.

U.S. District Court Judge Ann Aiken ruled in March 2013 that Handy and fellow plaintiff, constituent Brian McCall, did not establish a case under federal law, and she declined to take jurisdiction under state law, so Handy's attorneys filed a motion for permission to amend and clarify the federal complaint.

The circuit court ruled that while Aiken didn't "specifically address whether amendment would be allowed," she "entered judgment soon after dismissal," which effectively did not allow Handy and his attorney, Marianne Dugan, to amend the complaint. "In general, leave to amend should be freely granted," the judges write.

Dugan said in her arguments before the court that her motion to amend was "very specific about what facts we would add to the allegations to clarify some issues the judge was clearly confused about."

Handy's case began when Eugene businessman Alan Thayer and EWEB Commissioner John Brown alleged that Handy improperly solicited money to pay down a debt to the county from a Seneca timber-funded lawsuit against the progressive commissioners. The allegations arose while Handy was running for reelection, which he lost.

The Oregon Department of Justice later dismissed the complaint against Handy, and an Oregon Government Ethics Commission investigator recommended the

commission dismiss the ethics complaint. The commission didn't move on the complaint and the case expired.

Handy alleges in his case that the county locked him out of his office, restricted him in his ability to access the county building and kept him from accessing his email account, not only during a state investigation into a misconduct complaint but also after the state investigators said there was no need to do so. This caused Handy "great difficulties in carrying out his job as an elected official, which also impacted his constituents," according to a press release sent out after the circuit court gave its judgment Oct. 23.

Attorney Stephen Dingle argued on behalf of the county. Judge Morgan Christen said to Dingle, "It is really hard for a lot of us to imagine walking into a room with a blank computer without our stored email and not think our ability to do our job would be hindered."

Dingle said, "I have never understood that allegation," and argued that Handy did not need email access to do his job.

Dugan says, "Now we just have to go back and start over, add to the complaint and proceed forward." She says, "We are still waiting for a decision in the state appeal," which was argued Aug. 13 in Salem. That case had to do with Handy's complaint that a last-minute "emergency" meeting called to discuss the complaints against him violated public meetings law.

Handy said in a statement, "We filed this suit to bring attention to the politicization of the offices of the Lane County commissioners, and how those in power misused that power to further a political agenda." He adds, "The three commissioners named in the lawsuit are still in office and the concerns remain valid."

Inkster was fired in August 2013 after altering her pay. The Oregon State Bar began an ethics investigation into her in March 2014.

Lane County has no comment at this time. — *Camilla Mortensen*

**'We filed this suit to bring attention to the politicization of the offices of the Lane County commissioners and how those in power misused that power to further a political agenda.'**

—ROB HANDY, FORMER LANE COUNTY COMMISSIONER



## ENDORSEMENTS AT A GLANCE

The deadline for ballots to arrive at Lane County Elections is 8 pm Tuesday, Nov. 4. The last day to mail ballots and assure their arrival is Thursday, Oct. 30. Ballots can also be dropped off 24/7 at any of the white ballot boxes around town or on campus. Here are our endorsements in selected contested races and ballot measures. See last week's paper or go online to read our full endorsements.

### NATIONAL & STATE CANDIDATES:

- U.S. Senate: **Jeff Merkley**
- U.S. House, District 4: **Peter DeFazio**
- U.S. House, District 5: **Kurt Schrader**
- Governor: **John Kitzhaber**
- Senate District 4 — **Floyd Prozenski (D)**
- Senate District 7 — **Lee Beyer (D)**
- Senate District 8 — **Sara A. Gelsler (D)**
- House District 7 — **No endorsement**
- House District 9 — **Caddy McKeown (D)**
- House District 11 — **Phil Barnhart (D)**
- House District 12 — **John Lively (D)**
- House District 13 — **Nancy Nathanson (D)**
- House District 14 — **Val Hoyle (D)**

### STATE ISSUES:

- **Measure 86 — YES**

Fund for student financial aid

- **Measure 87 — YES**

Allows judges to teach or join National Guard

- **Measure 88 — YES**

Driver cards for undocumented residents

- **Measure 89 — YES**

ERA for Oregon

- **Measure 90 — NO**

Top-two primary

- **Measure 91 — YES**

Legalizes pot for adults

- **Measure 92 — YES**

Label GMO foods

### LOCAL CANDIDATES & ISSUES:

- East Lane commissioner — Write-in **Kevin Matthews**
- West Lane — **No endorsement**
- Springfield City Council — **Denise Bean**
- EPUD board Subdistrict 2 — **Lee R. Kelley**
- Upper Willamette Soil & Water Conservation Dist. Zone 1 — **Jeffrey Luers**
- Eugene District 4J Measure 20-222 — **YES**  
— Local option levy
- Springfield Measure 20-223 — **YES**  
— Pay for council & mayor
- Springfield School District Measure 20-226 — **YES**  
— Bonds for school district
- Santa Clara RFPD Measure 20-228  
— Five-year local option levy

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