

Kitzhaber lawyers argue to quash email subpoena

By MATEUSZ PERKOWSKI
Capital Bureau

PORTLAND — Former Gov. John Kitzhaber has asked a federal appeals court to overturn a court order that requires his emails to be turned over to a federal grand jury.

Kitzhaber resigned in February due to a controversy over allegation his fiancée, Cylvia Hayes, used her position for personal gain.

A federal grand jury began investigating the allegations after his resignation and issued a subpoena demanding that the Oregon State Archives disclose emails sent and received by Kitzhaber while in office.

Attorneys for Kitzhaber asked a federal judge to quash that subpoena, rendering it invalid, but that request was apparently rejected by U.S. District Judge Marco Hernandez.

The details of that ruling are not publicly available because the case has been filed under seal in federal court.

However, an attorney for Kitzhaber argued before the 9th U.S. Circuit Court of Appeals Monday that the subpoena be quashed while an attorney for the U.S. government argued that Hernandez's order should stand.

Janet Lee Hoffman, representing Kitzhaber, claimed the

subpoena was so overly broad as to be "limitless" in its scope.

"An individual is entitled to a reasonable expectation of privacy," Hoffman said. "They just said, 'We want it all.'"

Emails stored in the state archives include Kitzhaber's communications with a lawyer that must be protected under attorney-client privilege, she said.

Kelly Zusman, appellate chief for the U.S. Attorney's Office, said the attorney-client emails can be excluded but the rest must be submitted to the federal grand jury investigation.

"Our issue is there is no reasonable expectation of privacy in material that's stored in the state archives," Zusman said.

The state archives are not covered by a federal law that protects emails administered by third-party Internet service providers, she said.

Turning emails over to a grand jury is not the same as making them public, since the proceedings are conducted in secret, Zusman said.

If he is indicted for any crime, Kitzhaber would also have the option to quash or exclude the emails before the case goes to trial, she said.

The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.

Committee begins work on new medical marijuana rules

By PARIS ACHEN
Capital Bureau

SALEM — A committee charged with setting regulations for the marijuana medical industry is set to hold its inaugural meeting Monday.

Oregon Health Authority policy and legal staff selected 15 members to serve on the committee and notified applicants by email.

"This is the very last piece of the regulatory puzzle," said committee member Amy Margolis, an attorney with Emerge Law Group and executive director of the Oregon Cannabis Association. "Everything else is now regulated: recreational and dispensaries. We know how taxes are

going to work, and hanging out there has been this unregulated piece of puzzle: medical growers, processors and edible makers. It's exciting to wrap it up."

Setting rules for a statewide system to track medical marijuana from seed to harvest is part of the committee's task.

That tracking system is crucial to keeping federal authorities from interfering with legalized marijuana production and commerce in the state. The goal of the tracking system is to keep legal cannabis out of the black market.

"The whole system requires a robust regulatory network in order for us to receive federal forbearance,"

said committee member Scott Winkels of the League of Oregon Cities. "We need a system that is workable for industry but also which public safety experts have confidence in."

The work group has until spring to craft recommendations for the rules. Temporary medical marijuana rules expire March 19.

Lillian Shirley, the state's public health director, will be responsible for approving the permanent rules, said Jonathan Modie, a spokesman for the health authority's public health division.

The committee is made up of scientists, health advocates, public safety experts and marijuana industry representatives.

Some of the committee members, including Margolis and Winkels, have served on previous marijuana rulemaking committees.

"I want the rules to make sense, be easy to follow, be practicably applicable and work well with all the accompanying regulatory pieces because we have done this in patchwork fashion," Margolis said.

The Oregon Liquor Control Commission set temporary rules for recreational marijuana in October and will begin permanent rulemaking early next year.

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Seaside Elks offer free dinner in honor of veterans

The Daily Astorian

SEASIDE — Seaside Elks Lodge 1748 invites all veterans, their families and the community to a Veteran's Celebration at 6 p.m. Saturday at the lodge, 324 Avenue A.

Veterans are encouraged to wear their uniforms. The event includes honored guests, featured speakers, door prizes and recognition of each branch of service. A free dinner is being served after the program. Karaoke, featuring memorable songs from the past, follows the dinner.

For information, call 503-738-6651 or email seasideelks@yahoo.com

Warming center holds volunteer training

The Daily Astorian

The Astoria Warming Center is holding volunteer training from 5:30 to 7 p.m. Friday and from 10:30 a.m. to noon Saturday at its new location in the lower level of the First United Methodist Church, 1076 Franklin Ave.

The public is welcome to come find out more about the operation of the warming center and the volunteer opportunities. The trainings are identical, so those interested need attend only one.

For information, email drewherzig@gmail.com or call 503-325-1895

ACCUWEATHER® FORECAST FOR ASTORIA

Astoria 5-Day Forecast

Tonight
Some clouds
41°

Shown is tomorrow's weather. Temperatures are tonight's lows and tomorrow's highs

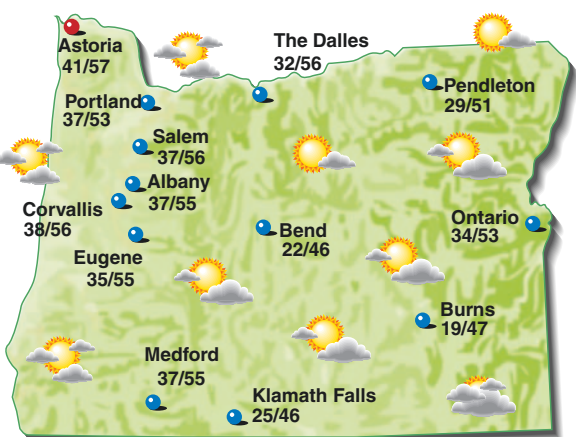
Wednesday
Periods of clouds and sunshine
57° 46°

Thursday
Mostly cloudy with a shower in places
57° 47°

Friday
Mostly cloudy with a little rain
61° 50°

Saturday
Mostly cloudy with a bit of rain
58° 47°

Oregon Weather



Forecasts and graphics provided by AccuWeather, Inc. ©2015

Almanac

Astoria through Monday.

Temperatures	High	Low
High	59°	42°
Low	42°	27°
Normal high	57°	42°
Normal low	42°	27°

Precipitation	Yesterday	Month to date	Normal month to date	Year to date	Normal year to date
Yesterday	0.27"	0.69"	0.60"	39.13"	46.82"

Sun and Moon

Sunset tonight	4:59 p.m.
Sunrise Wednesday	7:00 a.m.
Moonrise today	none
Moonset today	1:25 p.m.



Regional Cities

City	Today	Wed.
Baker City	46 21 c	45 18 pc
Bend	45 22 c	46 25 s
Brookings	57 45 pc	58 45 pc
Eugene	55 35 pc	55 40 pc
Iliwaco	55 45 pc	56 51 pc
Klamath Falls	44 25 sn	46 22 pc
Medford	54 37 c	55 36 pc
Newport	55 42 pc	55 46 pc
North Bend	58 45 pc	58 46 pc

Under the Sky

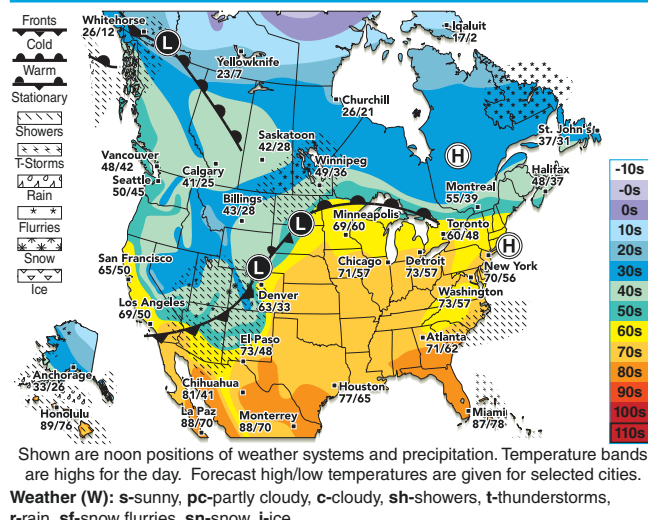
Tonight's Sky: Last quarter moon at 4:24 a.m., half way between the full and new moon.

Source: Jim Todd, OMSI

National Cities

City	Today	Wed.
Atlanta	70 60 c	71 62 c
Boston	67 50 s	60 49 s
Chicago	69 51 s	71 57 s
Denver	75 43 s	63 33 pc
Des Moines	71 56 s	71 59 pc
Detroit	73 47 s	73 57 s
El Paso	76 52 s	73 48 pc
Fairbanks	24 17 sn	26 21 sn
Honolulu	88 77 s	89 76 s
Indianapolis	73 53 s	74 58 s
Kansas City	71 56 pc	73 58 s
Las Vegas	66 49 pc	56 44 pc
Los Angeles	69 61 pc	69 50 s
Memphis	77 63 pc	79 64 pc
Miami	87 77 pc	87 78 sh
Nashville	76 59 pc	76 60 pc
New Orleans	77 63 pc	78 67 pc
New York	72 56 s	70 56 s
Oklahoma City	74 58 pc	75 61 c
Philadelphia	72 51 s	74 55 s
St. Louis	71 54 pc	76 59 pc
Salt Lake City	60 40 sh	47 35 sn
San Francisco	65 51 s	65 50 s
Seattle	50 38 pc	50 45 pc
Washington, DC	71 51 s	73 57 s

Tomorrow's National Weather



Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day. Forecast high/low temperatures are given for selected cities. Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.

LaMear, Price hold meet-and-greets

The Daily Astorian

Astoria Mayor Arline LaMear will hold her monthly "Meet the Mayor" event at

noon Wednesday at City Hall. LaMear has committed to holding the events to hear public feedback during her first year as mayor.

Astoria City Councilor Cindy Price has scheduled a "salonical" to hear from the public at 4:30 p.m. Wednesday afternoon at the Astoria Public Library's Flag Room.

Birth

Oct. 26, 2015

KEIGHTLEY, Allyson and Beau, of Seaside, a girl, Aspen Kellon Keightley, born at Columbia Memorial Hospital in Astoria.

Death

Nov. 2, 2015

PETERSEN, Eva Esther, 92, of Gearhart, died in Gearhart. Caldwell's Luce-Layton Mortuary in Astoria is in charge of the arrangements.

Public meetings

TUESDAY
Cannon Beach Public Works Committee, 9 a.m., City Hall, 163 E. Gower St.
Clatsop Care Health District Board, noon, special meeting, Clatsop Care Memory Community, 2219 S.E. Dolphin Road, Warrenton.
Port of Astoria Commission, 5 p.m., workshop, old Port offices, 422 Gateway Ave.
Cannon Beach City Council, 6 p.m., City Hall,

163 E. Gower St.
Seaside Community Center and Senior Commission, 10 a.m., Bob Chisholm Community Center, 1225 Avenue A.
Seaside Library Board, 4:30 p.m., 1131 Broadway.
Miles Crossing Sanitary Sewer District Board, 6 p.m., 34583 U.S. Highway 101 Business.
Seaside Planning Commission, 7 p.m., Seaside City

Hall, 989 Broadway.
WEDNESDAY
Sunset Empire Transportation District Board, 9 a.m., Astoria Transit Center Conference Room, 900 Marine Drive.
Gearhart City Council, 7 p.m., City Hall, 698 Pacific Way.
Seaside Improvement Commission, 7 p.m., Seaside City Hall, 989 Broadway.

On the record

DUII arrests
• At 1:42 a.m. Sunday, Astoria Police arrested Misael Antonio Villalta Valles,

31, Astoria, for driving under the influence of intoxicants at 31st Street and Marine Drive.
• At 8:25 a.m. Sunday,

Astoria Police arrested Cabel Brent Vestal, 24, Astoria, for DUII at 18th Street and Marine Drive

Lotteries

OREGON	WASHINGTON
Monday's Pick 4: 1 p.m.: 8-4-4-5 4 p.m.: 9-4-8-3 7 p.m.: 7-1-6-5 10 p.m.: 9-5-7-1	Monday's Daily Game: 7-5-3
Monday's Megabucks: 3-9-12-25-30-38 Estimated jackpot: \$6.2 million.	Monday's Hit 5: 09-13-24-33-34 Estimated jackpot: \$310,000.
Monday's Keno: 02-03-09-14-15-18-20-25-27-32-37-39-40-41-42-44-48-64-66-76	Monday's Lotto: 10-12-13-23-26-39 Estimated jackpot: \$1.1 million.
Monday's Match 4: 06-09-11-20	

OBITUARY POLICY

The Daily Astorian publishes paid obituaries. The obituary can include a small photo and, for veterans, a flag symbol at no charge. The deadline for all obituaries is 9 a.m. the business day prior.

Obituaries may be edited for spelling, proper punctuation and style. Death notices and upcoming services will be published at no charge. Notices must be submitted by 9 a.m. the day of publication.

Obituaries and notices may be submitted online at www.dailyastorian.com/forms/obits, by email at ewilson@dailyastorian.com, placed via the funeral home or in person at The Daily Astorian office, 949 Exchange St. in Astoria. For more information, call 503-325-3211, ext. 257.

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