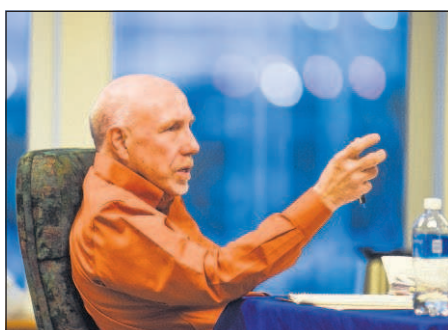


Commission roils in Port's ongoing strife

Commissioner Stephen Fulton speaks during a Port of Astoria Commission meeting on Tuesday in Astoria.

Danny Miller
The Daily Astorian



Hires new legal counsel, spars back and forth

By EDWARD STRATTON
The Daily Astorian

The Port of Astoria Commission's continual 3-2 split was on display yet again Tuesday as commissioners hired new legal counsel.

Commissioners Robert Mushen, John

Raichl and James Campbell voted to hire Eileen Eakins, a Portland attorney. Bill Hunsinger and Stephen Fulton voted for the law firm Jordan Ramis PC, the Port's existing counsel.

The Port has been whittling down and interviewing candidates for legal counsel since August.

Putting Knight on notice

Before the vote, Hunsinger unsuccessfully tried to have a letter accusing Executive Director Jim Knight of misconduct and making false and inflammatory statements inserted into his personnel file.

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R.J. Marx/The Daily Astorian

The owner of the former Gearhart Grocery was denied in his bid to install four lottery machines in a new brew pub. He is seeking to reverse that decision in an appeal.

Is gambling 'good for Gearhart'?

Pub owner says lottery needed to succeed

By R.J. MARX
The Daily Astorian

GEARHART — The owner of a brew pub at the former Gearhart Grocery has accused the city of rejecting video lottery machines because of a bias against gambling.

In an appeal delivered to the city Tuesday, Terry Lowenberg states the denial of a conditional use permit "does not appear to be based on any relevant fact, but rather on a prejudice against gaming and the people that participate in gaming."

Lowenberg states that city code does not exclude lottery machines, gambling or gaming.

Last year, Lowenberg won approval for a brew pub and deli on Pacific Way, but at a Planning Commission hearing in January he told commissioners he needed the lottery machines to survive economic hardship in winter months. The machines — four to start, with a maximum of six — would be placed in an enclosed area next to the deli separated by an 8-foot wall.

Lowenberg closed his grocery store in November after citing competition from larger supermarkets in the region.

'Simply exist'

In his January request, Lowenberg said he needed the lottery machines to "simply exist," and if the permit was not granted, he would end up having to close the store.

See GEARHART, Page 7A

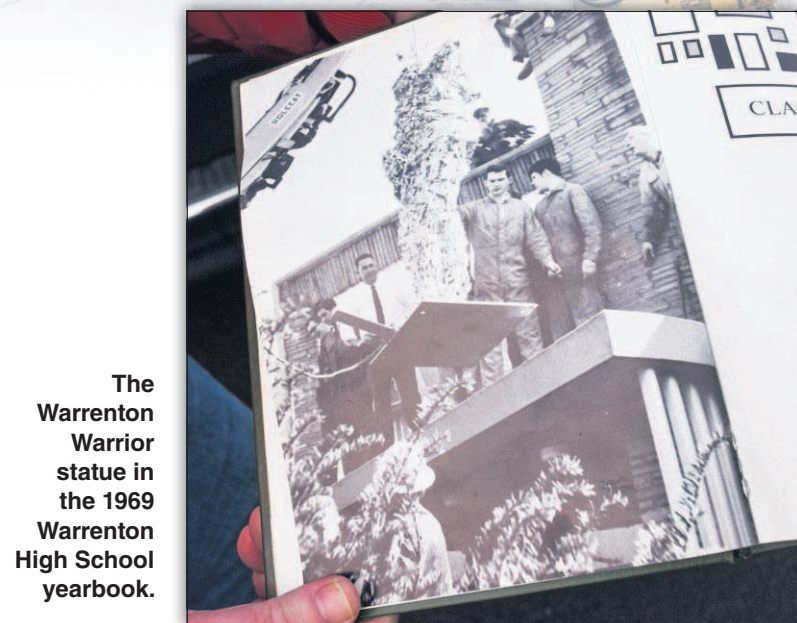


Terry Lowenberg

Warrior statue moves to downtown Warrenton



Luke Wheatley, a Baldwin Construction employee, works to install the Warrenton Warrior statue on the southwest corner of Main Avenue and Harbor Drive on Tuesday in Warrenton.
Photos by Danny Miller
The Daily Astorian



The Warrenton Warrior statue in the 1969 Warrenton High School yearbook.

Mascot finds its journey's end

By EDWARD STRATTON
The Daily Astorian

WARRENTON — The Warrior has found a final resting place.

The steel statue melded from hundreds of little cut-out Warriors, created by students and placed at Warrenton High School in 1969, was installed Tuesday by a group of volunteers at the corner of Harbor Drive and Main Avenue.

"I was afraid this thing was going to disappear," said Roger Searle, who as a student helped fabricate the statue.

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Mix-up spares chiropractor more jail time

Mistake gives Lopez credit for time served

By DERRICK DePLEDGE
The Daily Astorian

A mistake by the court has spared a chiropractor convicted of sexual abuse from more jail time.

Adam Lopez was sentenced in December to a minimum of 80 days in jail for abusing four patients. But the Astoria man only spent a few days in jail before being released because he had credit for time served for harassing

eight other patients. Chief Deputy District Attorney Ron Brown and Judge Philip Nelson did not catch the overlap in December. Brown tried to fix the mistake at a hearing Tuesday, but the judge said there was no legal basis to go back and change the sentence.

"I think it's unfortunate because it wasn't what I intended to do," Judge Nelson said.

Steven Sherlag, a Portland attorney who represented Lopez, argued the court had no jurisdiction to modify the sentence once it had been executed. He said Lopez was sentenced and booked on Dec. 19,

was in jail until Dec. 22, and was on electronic monitoring until Jan. 25.

"From our perspective this is a prosecutor's mistake, not a scrivener's error, and the court's thinking was, I think, quite clear and articulated well in the record," Sherlag said.

Second arraignment

Lopez, 61, who practiced in Warrenton, received nearly one year in jail in 2014 for sexually harassing eight patients. He was in custody serving his sen-



Adam Lopez

tence when he was arraigned in January 2015 for the sexual abuse of four more patients.

Deputies at the County Jail correctly calculated that Lopez had credit for time served after he was sentenced again in December. The prosecutor or the judge should have clarified that the new 80-day sentence was consecutive and did not include credit for time served.

Brown said the whole point of the sentencing hearing in December was whether

Lopez should get more time in jail. Lopez had asked the judge to spare him from going to jail again or at least allow him to remain free for the holidays. The judge declined and thought he was sending a handcuffed Lopez away for 80 days.

Brown said it was a "complete travesty" that Lopez did not do more time for the four latest victims.

After the judge's ruling Tuesday, Brown apologized to the victims. He said he would research whether the state could ask the court to reconsider or file an appeal.

"It's a victory of form over substance," Brown said.

