

# Hayes faces \$100,000-plus in fines for ethics violations

Former first lady called a 'super lobbyist'

By PARIS ACHEN  
Capital Bureau

SALEM — The Oregon Government Ethics Commission on Friday unanimously voted that there is enough evidence to show former first lady Cylvia Hayes violated ethics law 22 times, largely by using her public position to win a paid fellowship and several contracts for her environmental consulting firm between 2011 and 2013.

Hayes served as a "super lobbyist" for private consulting clients who paid her to advocate on green energy, Commissioner Daniel Mason said.

Commissioner Nathan Sosa described her actions as "a case study in what you are not supposed to do as a public official. For that reason the statute gives us the authority to levy significant fines and I think that's what we should do."

Hayes and her attorney were absent from the meeting Friday where the commission reached its decision.

The vote establishes what the commission calls "preliminary findings of violation." Hayes may appeal the findings or reach a settlement before the agency issues a final order with penalties.

She faces fines of up to \$110,000. On top of that, commissioners could propose she pay double the amount of money she received from work acquired as a result of her positions as first lady and policy adviser to Gov. John Kitzhaber. That could equal hundreds of thousands of dollars, ethics investigator Marie Scheffers said.



Former first lady Cylvia Hayes, shown here in 2014, is facing fines for ethics violations.

The commission would have to prove that Hayes would not have secured the contracts without her public positions, said Ethics Commission Director Ron Bersin.

In addition to using her position for private gain, Hayes also accepted an unacceptable amount of gifts from people interested in influencing policy and failed to disclose several conflicts of interest, according to an ethics investigation released earlier this week. Investigators found 23 violations, but commissioners dismissed one of those violations related to the first lady's use of a dignitary protection unit — essentially the governor's security detail — for nonpublic business.

Commissioners briefly discussed removing one of the conflict-of-interest counts but decided not to because Hayes failed to show up or send a representative to respond to the accusations.

Hayes and her attorneys, Whitney Boise and Josh Ewing, had not responded to a request for comment as of Friday afternoon.

Hayes and Kitzhaber have been under an ethics investigation since July.

They had been under a federal criminal investigation for more than two years before that, after Willamette Week reported the first lady may have used her position to win several consulting contracts. The scandal eventually prompted Kitzhaber to resign from office in February 2015 and led to former Secretary of State Kate Brown's succession as governor. Federal prosecutors ultimately filed no charges against the couple. By the time the federal investigation had concluded, the statute of limitation had run out for any state charges.

In November, the ethics commission rejected a proposed settlement with Kitzhaber in which he agreed

to pay \$1,000 for ethics violations related to conflicts of interest and accepting gifts with value of more than \$50 from any one source during the year. A majority of commissioners said they felt the settlement was too lenient.

The ethics commission is scheduled to reconsider his case next month.

Commission Chairwoman Alison Kean said the report on Hayes's violations also is evidence against Kitzhaber and should be considered when determining penalties for Kitzhaber.

"He was the vehicle by which she was able to profit, so I view these cases as interlinked," Kean said.

"My recommendation would be to staff as we are negotiating ... that the governor be treated with a much higher standard."

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Location of a proposed adventure park at the south end of Seaside.

## Rock climbing, obstacles proposed at new Seaside park

By R.J. MARX  
The Daily Astorian

SEASIDE — Everybody needs a little adventure in their lives. That's the premise of a new business from the owners of High Life Adventures seeking to open an adventure park and challenge course.

Neighbors include the Avamere assisted-living facility to the west of the property and Seaside Helicopters and Captain Kid Amusement Park on the east side of U.S. Highway 101.

In an October submission to the Planning Commission, owners' representative Shane Dean described rock-climbing walls and a series of obstacles and other elements.

The 1.5-acre commercial property is owned by David and Lancy Larson of High Life Adventures, the zip line park in Warrenton.

Zoning allows outdoor amusement activities as a conditional use.

According to a city staff report, the use will complement nearby commercial businesses by catering to visitors desiring a more "adventurous" destination. The land

around it is generally undeveloped, with a golf course and land owned by Clatsop County Housing Authority to the west and southern borders. An existing access to the highway will be maintained.

Impacts to traffic, utilities and infrastructure will be "very minimal," according to the report. Traffic generated by the development can be accommodated safely and the proposal does not require a traffic impact analysis.

Additional conditions sought by the city include relocating handicapped spaces closer to the accessible route into the building and accommodation for long-term bike parking spaces. The owners must provide a drainage plan to indicate how drainage facilities will accommodate stormwater runoff from the parking lot and roof drains.

Modifications await review by the Planning Commission at a Jan. 16 work session, Dean said.

"We've got to bring those to the commission to see if they accept those," he said. "If not, we may have to go back to the original plan or a public hearing."

## Washington state sues Motel 6 for giving guest information to US

By PHUONG LE  
Associated Press

SEATTLE — Washington state's attorney general has sued Motel 6, alleging the national budget chain disclosed the private information of thousands of its guests to U.S. immigration authorities in violation of the state consumer protection law.

Attorney General Bob Ferguson said motel employees divulged the names, birthdates, driver's license numbers, license plate numbers and room numbers of at least 9,150 guests to U.S. Immigration and Customs Enforcement agents without a warrant. At least six people were detained on or near motel property during a two-year period.

Motel 6 was aware that the agents used the guest registry information to single out guests based on their national origin in violation of Washington state's anti-discrimination law, the state's lawsuit filed Wednesday in King County Superior Court alleged.

Ferguson said at least six Motel 6 locations in the state — all in the Puget Sound region and corporate-owned — provided the information without guests' knowl-

edge or consent. Washington's Supreme Court makes it clear that guest registry information is private, he said, and Motel 6 violated the law each time it gave out private information.

"In September, Motel 6 issued a directive to every one of our more than 1,400 locations, making it clear that they are prohibited from voluntarily providing daily guests lists to Immigration and Customs Enforcement (ICE)," the company said in an emailed statement.

"Motel 6 takes this matter very seriously, and we have and will continue to fully cooperate with the Office of the State Attorney General," the company added.

At one Motel 6 in Everett, north of Seattle, for example, agents visited early in the morning or late at night and received a daily list of all guests staying at the location, Ferguson said. The agents would target guests with Latino-sounding names, he said. The agency would then figure out if any of the guests were wanted in connection with civil immigration issues, the lawsuit alleges.

The attorney general's office began investigating after news reports that Motel 6

workers at two Phoenix locations provided guest information to agents who later arrested 20 people on immigration charges.

At the time, Motel 6 said in a tweet: "This was implemented at the local level without the knowledge of senior management. When we became aware of it last week, it was discontinued."

Ferguson said the cases in Washington state shows that the practice was not isolated to the two Phoenix locations. "The company's actions were methodical. They trained their new employees on how to do this," Ferguson said.

Motel 6 trained its new employees to provide guest lists to agents when they asked for it, without requiring the agents to show a search warrant or probable cause, the lawsuit alleged.

Between 2015 and 2017, four of six corporate-owned locations that provided information to the federal agency released more than 9,150 guest names. That number is expected to grow significantly, Ferguson said. His office is looking into whether 15 other Motel 6 locations that operate as franchises divulged similar private information.

## Log truck crash linked to house fire

The Daily Astorian

A house on Youngs River Road caught fire Friday after a log truck crashed nearby.

Though the investigation is not completed, the truck appeared to hit low-hanging power lines and take down power poles on the 91100 block of the road, Lewis and Clark Fire Chief Jeff Golightly said. About 1½ hours after the accident, emergency personnel noticed smoke pouring out of the attic of a house across the street.

The accident likely caused a breaker box in the house to smolder, eventually starting the fire, Golightly said.

The two adults that live in the house were not home during the fire, and fire personnel rescued one dog that

was inside. No injuries were reported. The fire was contained within 30 minutes.

"It was pretty much all contained to the attic," Golightly said.

The damage to the house is estimated at \$50,000.

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