

Oregon parents seek changes to hit-and-run law

By PARIS ACHEN
Capital Bureau

SALEM — Anna Dieter-Eckert, 6, and her sister Abigail Robinson, 11, were killed in a hit-and-run crash while playing in a pile of leaves in front of their Forest Grove home in 2013.

On Tuesday, their parents asked state lawmakers to close a loophole in state law that led the Oregon Court of Appeals to overturn the conviction of the woman who hit the girls and left the scene.

"In making this change, someone in the future already trying to survive their perfect storm will not be faced with what we have had to go through over the last four years, years of reliving our tragedy," said Susan Dieter-Robinson, Anna's mother and Abigail's stepmother. "If the law changes, our girls will have had a small piece of making that happen."

State Reps. Jeff Barker, D-Aloha, and Andy Olson, R-Albany, co-sponsored a bill this year to modify the state's hit-and-run law to require motorists who collide with something to stop and investigate what they struck. The bill also would require a motorist who has left a scene to notify authorities once they realize they had caused an injury or death.

Forest Grove resident Cynthia Garcia, then 19, drove into a pile of leaves at the edge of a residential Forest Grove street at the prompting of her boyfriend and brother, who were passengers in the vehicle,



Left to right, Tom Robinson and Susan Dieter-Robinson, parents of two little girls killed in a hit-and-run crash while they were playing in the leaves at their home in Forest Grove in 2013. To their right is Pam Olson, wife of Rep. Andy Olson, R-Albany, a co-sponsor of a bill to change the state's hit-and-run law.

Paris Achen/Capital Bureau

according to court documents. It is believed that the young girls, who had been playing in the leaves, may have been hiding from view.

Garcia later said she knew that she had hit something, but she didn't know what it was until later that day. About five minutes after the girls were hit,

one of the passengers rode his bike back to the scene.

"He engaged with my husband who was frantic and in the process of calling 911," Susan Dieter-Robinson said.

"He rode his bike back home not even a half a block from the scene and told the driver and the other passenger what

had happened. They hit two small children."

After finding out, they drove to Walmart and went and bought ice cream, Dieter-Robinson said.

"The next day, they washed the car, attempting to get rid of the evidence that may have still been there," she said.

"With a tip from a neighbor, the driver and the passengers were questioned by the police a couple of days later, and the truth was revealed."

A Washington County jury found Garcia guilty of two

counts of hit-and-run for failure to identify herself as a driver in a deadly crash. At sentencing, Dieter-Robinson asked that Garcia receive no jail time. She was sentenced to three years' probation and 250 hours' community service. Several months later, she appealed the conviction.

The Court of Appeals decision to overturn Garcia's conviction of hit-and-run in May prompted the lawmakers to propose "Anna and Abigail's Law."

The court identified a gap in the existing hit-and-run law when it issued its opinion, said Bracken McKey, a prosecutor in Washington County who prosecuted Garcia.

"Think about Oregon's hit-and-run law as the Court of Appeals has now defined it. You can be less than a block away and moments later in time when you know you have run over and seriously injured another person, you have zero responsibility to help them, no responsibility to call 911, no responsibility to take steps that might save a child's life or at the very least lessen the emotional burden on a grieving family," McKey said.

"April and Abigail's Law" would help the "most vulnerable, the cyclists, the jogger, the small child who's chasing a ball and maybe the next little girl in a leaf pile," he said.

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Report: Sen. Kruse engaged in 'unwelcome physical contact'

By CLAIRE WITHYCOMBE
Capital Bureau

SALEM — An outside investigator has found state Sen. Jeff Kruse engaged in a "longstanding pattern" of "unwelcome physical contact" with women in the workplace, despite warnings not to touch women at work.

The investigator's report was made public Tuesday, a little more than three months after the first allegations of unwanted touching, made by a fellow state senator, came to light.

Kruse, R-Roseburg, could not be reached for comment Tuesday evening.

Two sitting Democratic lawmakers — Sen. Sara Gelsler, D-Corvallis, and Sen. Elizabeth Steiner Hayward, D-Beaverton — formally accused Kruse of unwanted touching last fall.

Both Gelsler and Steiner Hayward had previously raised informal complaints — which remain private — about Kruse's conduct in 2016. Kruse was at the time warned to stop by legislative counsel and legislative Employee Services.

"What is clear and undisputed is that by March 3, 2016, Sen. Kruse was on notice that female senators had complained about him, and he was given specific guidelines about conduct to avoid with women in the workplace in the future," wrote investigator Dian Rubanoff. "By his own admission, Sen. Kruse chose not to make changes in his behavior because he did not know which females found his conduct to be offensive, and he did not want to change his behavior with everyone."

The investigator interviewed several other women who worked in the Capitol who allege that the senator would hug them, stand too close, touch heads with them, and touch their bodies in ways that made them feel uncomfortable.

The investigator also interviewed Kruse and his col-



Timothy J. Gonzalez/Statesman Journal

State Sen. Jeff Kruse is under fire for sexual harassment.

leagues in the Senate. Kruse said he had "no recollection" about many of the allegations, including specific incidents reported by Gelsler, but did not deny certain other claims. For example, he acknowledged that he may have given a young staffer in his office "frontal hugs" and may have told her she was "sexy."

The investigator found that two young women who worked in his office in the 2017 legislative session had reported feeling uncomfortable due to his touching, and that a young lobbyist reported late last year that he had "cupped" her behind at an event at the governor's office in September.

"Senator Kruse's hugging and touching of women not only continued after the warnings he received, the evidence shows that the conduct actually escalated during the 2017 session, at least with respect to the two law students assigned to his office," Rubanoff wrote.

In the conclusion to the report, Rubanoff said that she was "concerned that if Sen. Kruse is allowed to stay in the

Legislature without specific conditions that he needs to satisfy, and if there is not a continuing prospect of serious consequences if he fails to satisfy those conditions, he may 'fall back into old patterns' again."

Rubanoff also said she was worried about the "message that will be sent to women in the workplace regarding the futility of coming forward if there are not meaningful consequences about Sen. Kruse's failure to heed the warnings he received" from legislative counsel and the legislature's human resources officer after the first informal reports of inappropriate behavior were made in 2016.

Gelsler made the first public allegation of Kruse inappropriately touching her in October, followed by Steiner Hayward. Steiner Hayward declined

to comment on the report through her office.

Prior to the report's public posting Tuesday, Gelsler said in an email that she had not yet read the report and did not want to comment on it before reading it.

The four-member Senate Committee on Conduct, chaired by Sen. Mark Hass, D-Beaverton, will convene Feb. 22. The committee is tasked with recommending what action the Senate should take, if any, and then the Senate as a whole will vote on the recommendation.

In a public letter addressed to Kruse, Gelsler and Steiner Hayward and posted on the Legislature's website Tuesday evening, Hass said that the committee would take testimony from the investigator as well as the three senators.

In November, legislative administration signed a contract with Rubanoff, an attorney with the Lake Oswego firm Peck, Rubanoff & Hatfield PC to investigate the allegations for \$290 an hour.

House Speaker Tina Kotek, D-Portland, said Monday that she thought that the Legislature should reassess the way it handles formal complaints and investigations of harassment.

"I think what we have seen in this whole complaint, the two complaints, is, we have a process that on paper sounded really good and is one of the model processes in the country," Kotek said. "It's clunky. It's moving as quickly as it can, but it's just, there are some gaps, and I think we'll have to reassess it after this whole thing runs its course."

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A: Imagine one of your teeth; it has two main sections: the crown above the gum line and the root below. People with sensitive teeth experience pain when their teeth are exposed to something hot, cold or when pressure is applied. The layer of enamel may be thinner and the gum line may have receded, exposing more dentin. Therefore, the recession makes teeth more sensitive. Sensitive toothpaste usually contains a chemical called strontium chloride which works by blocking the tubules in the dentin. Repeated use builds up a strong barrier by plugging the tubules more and more, leading to less sensitive teeth.

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