

Year of the dog



Edward Stratton/The Daily Astorian

Volunteers with the Astoria Downtown Historic District Association lined the alley on 13th Street downtown with 100 red lanterns in honor of the Lunar New Year.

Judge rules new property crime law unconstitutional

By NOELLE CROMBIE
The Oregonian

A controversial new law that reduces sentences for some property crimes is unconstitutional, a Washington County Circuit Court judge has ruled.

Judge Charles Bailey handed down the decision last week from the bench while presiding over a shoplifting case; he didn't issue a written opinion.

While the ruling has limited legal implications, it fuels the clash over the law passed last year that, among other things, reduces prison sentences for identity theft and first-degree theft.

The battle over the law played out last week in Clackamas County, where District Attorney John Foote has sued the state, arguing that the lower sentences are unconstitutional and undermine the will of Oregon voters. Clatsop County District Attorney Josh Marquis supports Foote's suit.

Foote claims the law alters parts of Measure 57, the 2008 voter-approved initiative that

cracked down on repeat property thieves and drug offenders. He has asked the court to declare the new law "invalid and unenforceable" or to at least strike down parts of the law that reduce property crime sentences.

Foote said the bill passed both chambers of the Legislature with simple majorities and as a result failed to comply with Article IV of the Oregon Constitution. That provision requires two-thirds votes of each house, or a supermajority, to pass a "bill that reduces a criminal sentence approved by the people" through the initiative process.

The ACLU of Oregon and the Partnership for Safety and Justice support the latest sentencing law and argued it didn't require supermajorities because it revised a 2009 law passed by the Legislature, not Measure 57.

That 2009 law, House Bill 3508, temporarily reduced prison sentences for property crimes in response to the state's budget crisis. The Measure 57 sentences for property crimes were phased in two years later.

Accusations of partisanship rile Oregon audits chief

By CLAIRE WITHYCOMBE
Capital Bureau

SALEM — A public accusation by a gubernatorial staffer that the secretary of state's audits are politically motivated has created a dustup between Oregon's two top offices, public records show.

Top advisers from each office now plan to meet in person to discuss their working relationship.

Allegations of partisanship have popped up on occasion since Oregon's Republican Secretary of State Dennis Richardson took office a little over a year ago.

But the most recent flare-up began last week after Richardson's office released a lengthy and critical audit of the state's foster care system. Over a year's worth of work, auditors found numerous problems at Oregon's Department of Human Services that could put kids' safety at risk.

After the audit came out, a spokesman for Democratic Gov. Kate Brown told the Salem Statesman Journal that Richardson's audits "are just about politics."

The spokesman, Chris Pair, also told the newspaper that the governor's office had already identified the issues raised by the audit and that the department had begun addressing most of the auditors' recommendations.

Problems in the state's foster care system are longstanding and well-documented.

In 2016, outside consultants Brown hired the year before to dig into child safety issues found that the child welfare system needed a culture change and other "foundational" shifts.

Last week's audit reinforced those outside findings and said the Department of Human Services still hadn't made progress.

Pair's comments were not well-received by Kip Memmott, the state's audit director, records show.

Their correspondence was released to the EO Media Group/Pamplin Media Group Capital Bureau through a public records request.

Memmott told Berri Leslie and Gina Zejdlik, Brown's deputy chiefs of staff, in an email that he was "disappointed" by Pair's statement, which the audit director claimed was "impugning the professionalism of our audit staff."

Memmott also said that the most recent audit of the foster care system was scheduled under the administration of prior Secretary of State Jeanne Atkins, a Democrat who was



Pamplin Media Group

Secretary of State Dennis Richardson's staff says state audits are nonpartisan.

'I think they're trying to do quicker and more focused audits. They're going after real problems and not just politicizing it.'

Steve March,

Multnomah County's outgoing elected auditor and a former Democratic state lawmaker

appointed to fill the role after Brown left that office to become governor after the resignation of Gov. John Kitzhaber.

The next day, Zejdlik asked Memmott for a meeting.

In a follow-up email Friday — written after she was made aware that the emails would be public due to the Capital Bureau's records request — Zejdlik also raised concerns about the secretary's press conferences on audits and closed-door meetings with legislators.

"While we know the auditors are not politicizing audits, it would be naive to underestimate the extent to which audits can be used as political tools," Zejdlik wrote, citing a recent audit of the Oregon Health Authority.

When that audit came out in November, Richardson said in a public statement that "misfeasance and obfuscation" by the health authority meant the agency faced "tough questions about its credibility and its ability to appropriately spend the money it is provided."

Democrats objected, saying that Richardson was using state resources to campaign for an election outcome — in that case, Measure 101, the health care funding ballot measure that went before voters in January.

And now the governor's office is also raising questions

about how Richardson's office has handled other issues under his leadership.

For example, they doubt a public preview of the Oregon Health Authority audit Richardson sent out in May was in compliance with government auditing standards. They also say they weren't notified until late in the process that the governor's office would be asked to officially respond to a recent audit of the state's Emergency Management office.

Richardson's chief of staff, Deb Royal, denied that Richardson was politicizing the audits.

"To keep findings like these on a shelf to collect dust is not why Dennis Richardson ran for secretary of state," Royal said in a written statement. "He will publicize, not politicize, these audits."

Gary Blackmer led the audits division from 2009 to 2015. He was hired by then-Secretary of State Brown after serving as elected auditor for the city of Portland for 10 years.

Throughout his career, Blackmer stressed his office's

apolitical independence. He said that, judging by the audits that he's seen in the past year, it appears the unit he oversaw has continued in that vein.

Memmott, he said, "came from Denver. He did good auditing there, and so far I've been pretty pleased with the work that's come out. I think they've pretty consistently identified key issues and challenges."

Memmott joined the secretary of state's office last April.

Blackmer added that, if anything, the findings of the recent foster care audit were unusually sympathetic to the bureaucracy — for example, noting that the Department of Human Services lacked enough funding, an observation Richardson mentioned in his accompanying press release.

"There's another way spin that," Blackmer said. "How often does a Republican say a government program needs more money?"

Steve March, Multnomah County's outgoing elected auditor and a former Democratic state lawmaker, says he hasn't heard anything about state auditors being politicized.

He said he's heard there may be differences of style and approach between Blackmer and Memmott.

"I think they're trying to do quicker and more focused audits," March said, adding that it's not a matter of having an agenda. "They're going after real problems and not just politicizing it."

In an interview posted on the secretary of state's auditing division blog in June, Memmott said that he was "disappointed" by what he characterized as "the strong political reaction to our audit work."

"(The audits division) is completely nonpartisan yet it appears our work is often viewed from a partisan perspective," Memmott told the interviewer. "This is not surprising but disappointing. I will be working hard to change this dynamic as the citizens are not well served within this paradigm."

Portland Tribune reporter Nick Budnick contributed to this report.

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FEBRUARY 20 Clatsop County District Attorney Josh Marquis

A Columbia Forum Presentation



Josh Marquis is about to start his 25th year as Clatsop County's District Attorney. First appointed by Gov. Barbara Roberts in 1994 after the recall and criminal conviction of his predecessor.

A graduate of the Honors College and Law School of the University of Oregon, he has spent most of his 37 years as a lawyer as a prosecutor, first in Eugene, then Newport, and as Chief Deputy DA in Bend before coming to Astoria. He also spent time as a newspaper reporter and speechwriter in Los Angeles and two years as a criminal defense lawyer. He

lectures and teaches to lawyers and others across the nation and overseas and has been asked to testify four times before Congress. Marquis served as President of the Oregon District Attorneys Association and Vice President of the National DA's Association, on whose board he still serves 21 years later. He is married to City Councilor Cindy Price. For more than 20 years he's been a jazz programmer at KMUN and appeared in SHANGHAI IN ASTORIA every year since 1994.

TO ATTEND:

For Members: Dinner & Lecture: \$25 each; Lecture only: no charge
For Non-Members: Dinner & Lecture: \$35 each; Lecture only: \$15 ea.

Appetizers will be available at 6 p.m. • Dinner will be served at 6:30 p.m.

The speaker will begin after the dinner service is complete and non-dinner members and guests of the audience take their seats.

Forum to be held at the CMH Community Center at 2021 Exchange St., Astoria.

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wishes to thank everyone for
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in Mom/Grandma's
Celebration of Life.

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Jeffrey M. Leinassar DMD and Team
will be providing complimentary dental care
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