

IN BRIEF

Astoria police officer honored for rescue

Kevin Berry, a senior officer with the Astoria Police Department, was honored during a City Council meeting Monday night for rescuing a woman from the Columbia River in June.

Just after midnight on June 17, emergency crews responded to a call about a woman who was stranded in the water after a late-night swim. When she tried to get out, police said her foot got pinned beneath a large boulder, leaving her stuck torso deep in the water.

Emergency responders initially used a pike pole and throw bag to free the woman, but efforts were unsuccessful.

Because the water was nearly 50 degrees and the tide was coming in, the city said Berry took swift action in a dangerous and high-risk situation. He swam into the water and lifted the boulder enough for the woman's foot to be freed.

Berry was presented the Meritorious Service Commendation.

Portland man found dead on Highway 30

A Portland man was found dead on Saturday on U.S. Highway 30 near the Claremont Road intersection, Oregon State Police said.

The deceased is Kevin Lilly, 32.

The case does not pose a risk to public safety, state police said.

State police said that anyone who was in the area and saw a maroon Mercedes passenger car between midnight and 2:30 a.m. on Saturday, or who has any information on the case, is asked to contact Oregon State Police at *677 or 800-442-0776.

Police release identity of human remains found near Alderbrook

The human remains discovered on railroad tracks near Alderbrook on Aug. 10 belong to Astoria resident John Mattson, 74, police announced on Tuesday.

Mattson died of natural causes, police said.

Fire danger increases with hot weather

The fire danger has been raised to high — or yellow — for people recreating in forests in the region, the Oregon Department of Forestry announced.

At Nicolai Mountain's riding area for off-highway vehicles, trails will close every day at 1 p.m., the department said.

Campfires and barbecues are banned at dispersed campsites in Nicolai's off-highway vehicle area — Viewpoint, Kerry, Plympton and Shingle Mill — as well as at Lost Lake, the department said.

Campfires are allowed in designated metal fire pits at Gnat Creek Campground, Northrup Creek Horse Camp, Henry Rierson Spruce Run Campground and Beaver Eddy sites, the department said.

In addition, residential campfires and burn barrels are prohibited.

Fireworks, sky lanterns and exploding targets and tracer ammunition are banned throughout fire season, the department said.

— The Astorian

DEATHS

Aug. 13, 2022

LILLY, Kevin Michael, 32, of Portland, died in Astoria. Caldwell's Luce-Layton Mortuary of Astoria is in charge of the arrangements.

Aug. 12, 2022

JARVIS, Wayne Edwin, 80, of Warrenton, died in Warrenton. Caldwell's Luce-Layton Mortuary of Astoria is in charge of the arrangements.

MEMORIAL

Saturday, Aug. 20

RAY, Harold Mark — Memorial and celebration of life at 11 a.m., Calvary Assembly of God, 1365 S. Main Ave. in Warrenton. Graveside service follows at 2 p.m., Ocean View Cemetery, 575 S.W. 18th Ave. in Warrenton.

ON THE RECORD

Theft

• Marcy A. Fincher, 59, of Long Beach, Washington, was arrested on Monday at Walmart in Warrenton for second-degree theft and third-degree criminal mischief.

DUII

• Kaile Hart Crowell, 40, of Seal Beach, California, was arrested on Sunday at Lief Erikson Drive and 34th Street in Astoria

for driving under the influence of intoxicants.

• Jared Richard Gardner, 44, of Nehalem, was arrested on Friday on U.S. Highway 26 near the Kamy Road intersection for DUII and reckless driving.

• Andrea Lyn Fugleberg, 31, of Colorado Springs, Colorado, was arrested on Aug. 9 on Seventh Street in Astoria for DUII and reckless driving.

PUBLIC MEETINGS

THURSDAY

Seaside Transportation Advisory Committee, 6 p.m., City Hall, 989 Broadway.

Gearhart City Council, 6:30 p.m., work session, (electronic meeting).

FRIDAY

Astoria City Council, 9 a.m., work session, City Hall, 1095 Duane St.

the Astorian

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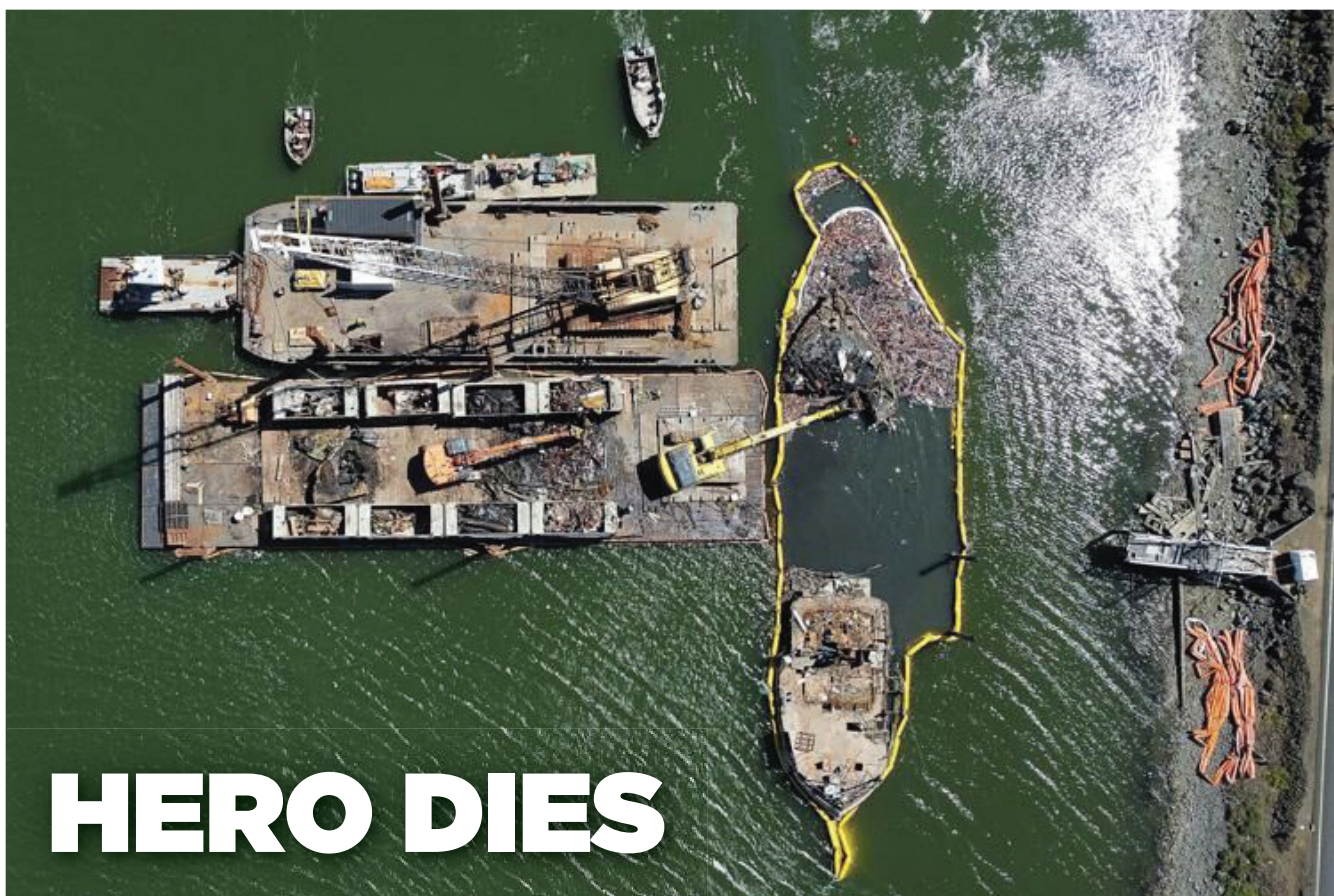
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HERO DIES

Jeff Clemens/Chinook Observer

Crews work to remove the R/V Hero. The wooden research vessel sank at Bay Center, Washington, in 2017. The recovery is costing taxpayers \$2.5 million.

Court denies preliminary injunction in Ilwaco RV suit

Owners push back against the state

By BRANDON CLINE
Chinook Observer

SOUTH BEND, Wash. — In one of several lawsuits connected to the ongoing dispute at Beacon RV Park, a judge ruled against a preliminary injunction sought by the state against the owners.

At a hearing last Friday, Judge Katherine L. Svoboda, of Grays Harbor County, denied a motion for preliminary injunctive relief that was being sought by the state attorney general's office over alleged violations of the state Consumer Protection Act by Michael and Denise Werner. The state alleges that the Werners, as owners of Beacon RV Park, have committed unfair and deceptive acts and practices that have impacted the public interest.

The state, in its filing, made a litany of allegations against the Werners, including that they issued illegal vacate notices, aggressively attempted to intimidate tenants into leaving, threatened to shut off utilities, neglected a rodent infestation, failed to offer written rental agreements and refused to accept rent from tenants.

Similar or identical violations of state landlord-tenant laws have also been alleged by the attorney general's office through its Manufactured Housing Dispute Resolution Program, a process that remains ongoing in addition to cases that were filed in Pacific County Superior Court. That case also could end up before the court.

In their response opposing the preliminary injunction, attorneys for Beacon RV said the new owners were wrongly being blamed for conditions at the RV park and that it had long been neglected by the previous owner, Ilwaco Mayor Mike Cassinelli. They also claimed that 30 former residents of the RV park have moved out and found alternative housing options, including 18 who received a financial incentive and physical assistance from Beacon to make their RVs movable again.

"Defendants did not cause the dangerous conditions that were allowed to exist for years by Mr. Cassinelli and the Port of Ilwaco," Beacon's attorneys



Lydia Ely/The Astorian

The new owners of an Ilwaco RV park are challenging the state's allegations of their treatment of tenants.

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wrote. "Defendants' only sin in that regard was to agree to improve the park's conditions."

The attorneys also claimed the new owners were victims and claimed that the attorney general's office has launched an "assault" on Beacon RV that will have an adverse effect on low-income, housing-vulnerable citizens.

"And while making Beacon appear evil plays well in the sympathetic press eager for a juicy story in a rural community such as Ilwaco on a slow news day, the long-term logical consequences of the AG's full frontal assault on Beacon does not get any traction in the press," Beacon's attorneys wrote, also alleging that the attorney general's office filings have the "incendiary effect of emboldening the remaining

residents of Beacon to continue to fight, despite their stated desire to move out of the (RV park), and without any regard to the long-term consequences of such fight."

To support its claim that the remaining residents of the RV park want to move out, Beacon's attorneys rely on a comment from a lawyer with Thurston County Volunteer Legal Services, representing the tenants in a lawsuit brought forward by Beacon against the tenants in an attempt to evict them, in a recent KMUN article saying, "I know none of (the tenants) really want to be there ... It's not a great situation to be living in."

Beacon's attorneys further claim that the attorney general's evidence is "chock full of hearsay and innuendos, not supported by fact or taken out of context for the shock factor alone."

They also cast themselves as a defender of the housing-vulnerable.

"Without a doubt, if AG cannot be counted on to think through their incredibly adverse position on the

fates of hundreds of RV park residents across the state and remaining residents at Beacon, then this court is the last resort to restore sanity in the RV park and provide the most vulnerable residents with a peace of mind that the road to housing hell paved with AG's good intentions will not come to pass," they wrote.

The attorney general's office had sought in its preliminary injunction for the court to restrict the Werners from continuing or resuming the alleged unlawful conduct in violation of state consumer protection laws. They also sought the court to levy civil penalties of up to \$7,500 for each alleged violation, as well as an enhanced \$5,000 penalty for each violation because the "unlawful acts or practices targeted or impacted specific individuals or communities based on demographic characteristics, including age and the presence of any sensory, mental, or physical disability."

A permanent injunction continues to be sought by the state against Beacon RV. The case is being heard by Svoboda, rather than Pacific County Superior Court Judge Donald J. Richter, because Beacon filed a notice of disqualification requesting a judge outside of the Pacific County community to hear the case. State law allows any party to disqualify a judge from hearing the matter in Superior Court proceedings, if done within the appropriate time frame.

Beacon RV also filed a notice of disqualification in all of its active lawsuits seeking to evict the remaining tenants of the RV park. Those cases will also be heard by a judge from Grays Harbor County.

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