

# Experts say Kitzhaber probe focused on financial crimes

By MARTHA BELLISLE  
Associated Press

PORTLAND — Legal experts say a subpoena used in a federal grand jury investigation into Oregon's fallen governor and his fiancée indicates that authorities are investigating possible violations of public corruption laws and financial crimes including wire or mail fraud, bribery and tax evasion. The subpoena was sent to the state's administrative

agency on the same day Gov. John Kitzhaber announced his resignation.

"Typically you don't see this extensive of a subpoena unless it's a top-priority investigation," said Laurie Levenson, a former assistant U.S. attorney who teaches at Loyola Law School in Los Angeles. "It's a pretty extensive investigation. Given that this involves a governor, I would expect this is being supervised at the highest level" and includes the U.S.

Department of Justice's Office of Public Integrity, the Internal Revenue Service and the FBI.

It may be that the grand jury reviews the material and finds no reason to bring charges, Levenson said. She noted that the authorities used a subpoena to collect records, not a search warrant that would have required a showing of probable cause. But Levenson added: "It's too early to say whether there will be charges, but none of this is good news for the

governor."

Tung Yin, a professor at Lewis and Clark Law School in Oregon, said a state official, employee or representative is in violation of the federal theft or bribery law if he or she "embezzles, steals, obtains by fraud" government property or corruptly offers anything "with intent to influence or reward" someone in connection with business or government transactions. Mail or wire fraud would kick in if prosecutors

could show the crime was played out through email or the postal service.

"The theory is that a public official owes the rights of honest service to the public," Yin said. The official breaches that duty if he or she gets a kickback or a bribe. If the governor was to be considered a conspirator, it would require an agreement to commit fraud, he said.

"The essence is, the governor would have to know what was going on," Yin said.

# Train derailment sends oil tanker into river

MOUNT CARBON, W.Va. (AP) — A train carrying more than 100 tankers of crude oil derailed in southern West Virginia on Monday, sending at least one into the Kanawha River, igniting at least 14 tankers and sparking a house fire, officials said.

One person was being treated for potential inhalation issues, but no other injuries were reported, according to a news release from CSX, the train company. Nearby residents were told to evacuate as state emergency response and environmental officials headed to the scene about 30 miles southeast of Charleston.

The state was under a winter storm warning and getting heavy snowfall at times, with as much as 5 inches in some places. It's not clear if the weather had anything to do with the derailment, which occurred about 1:20 EST along a flat stretch of rail.

As federal railway and hazardous materials officials were heading to the scene, the company said it's still investigating what caused the train to come off the tracks.

Public Safety spokesman Lawrence Messina said responders at the scene reported one tanker and possibly another went into the river. Messina said local emergency responders were having trouble getting to the house that caught fire.

Kanawha County Manager Jennifer Sayre said a reported 14 to 17 tankers caught fire or exploded.

James Bennett, 911 coordinator for Fayette County, said a couple hundred families were evacuated as a precaution.

The rail company said it's still sorting out many specifics



AP Photo/The Register-Herald, Steve Keenan

**A fire burns Monday after a train derailment near Charleston, W.Va. Nearby residents were told to evacuate as state emergency response and environmental officials headed to the scene.**

ics in its response. "CSX teams also are working with first responders to address the fire, to determine how many rail cars derailed, and to deploy environmental protective and monitoring measures on land, air and in the nearby Kanawha River," CSX spokesman Gary Sease said in a news release.

The fire continued burning along a hillside Monday evening, and small fires could be seen on the river.

David McClung said he felt the heat from one of the explosions at his home about a half mile up the hill.

His brother-in-law was outside at the time of the derailment and heard a loud crack below along the riverfront, then went inside to summon McClung, his wife and their son.

One of the explosions that followed sent a fireball at least 300 feet into the air, McClung said.

"We felt the heat, I can tell you that," McClung said. "It was a little scary. It was like an atomic bomb went off."

Becky Nuckols heard the train hit the house directly across the river from her house in the community of Boomer.

"I thought it was a snow plow," she said. That's what made me look out. All you heard was a big boom."

After calling 911 Nuckols said she ran outside and saw a man leave the house and take off running.

The office of Gov. Earl Ray Tomblin, which has issued a state of emergency, said the tanker cars were loaded with Bakken crude from North Dakota and headed to Yorktown, Virginia.

Local emergency officials said all but two of the 109 cars being hauled were tanker cars.

West Virginia American Water spokeswoman Laura Jordan said the company shut down a water treatment plant, located about 3 miles from the derailment, at about 2:30 p.m. The plant serves about 2,000 customers.

State health officials said another water plant downstream in the town of Cedar Grove also closed its intake. They asked customers from both water systems to conserve water.

Responding to a series of fiery train crashes, including one this spring in Lynchburg, Virginia, the government proposed rules in July that would phase out tens of thousands of older tank cars that carry increasing quantities of crude oil and other highly flammable liquids. It's not clear how old the tankers were on the derailed train.

# Brown names OHSU lobbyist chief of staff

By PETER WONG  
Capital Bureau

SALEM — Brian Shipley, who's been in and out of state government for 20 years, will return to Salem as chief of staff to incoming Gov. Kate Brown.

The news was first reported by Willamette Week.

Brown will be sworn in Wednesday after John Kitzhaber's resignation takes effect.

Shipley, 39, is the top lobbyist for Oregon Health & Science University in Portland as associate vice president for government relations. Shipley has served a couple of stints for Brown in two of her previous positions. He was chief of staff when Brown was the Senate Democratic leader about a decade ago, and chief of staff for several months after Brown was re-elected secretary of state in 2012.

He also has worked for two previous governors. After he left Brown the first time, he rose to become a deputy chief of staff to Gov. Ted Kulongoski, overseeing energy and climate change policies and state spending of federal stimulus funds.

He also was legislative director for Kitzhaber — a job he also had under Ku-

longoski — but left at the end of the 2011 session, Kitzhaber's first during the third term.

"This job is going to be a lot more challenging," Kulongoski said.

Once called executive assistant — the title was changed in the late 1980s — the chief of staff oversees the governor's staff and carries out what the chief executive wants done.

Shipley has had a long acquaintance with Salem. While still a student at Willamette University in the 1990s, Shipley worked for then Reps. Judy Uherbelau of Ashland and Kitty Piercy of Eugene.

He earned his bachelor's degree in politics and environmental science from Willamette in 1996. He earned his law degree at Georgetown University, and could have gone to a top law firm. But he returned to Oregon to work as a legislative assistant for a state senator.

He also worked for Senate President Peter Courtney, D-Salem.

In 2011 and 2012, after his stint with Kitzhaber and before he worked with Brown during her tenure as secretary of state, Shipley was with Forest Capital Partners, an investment firm in Portland.

## Corrections

The East Oregonian works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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### COMMERCIAL PRINTING

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## AccuWeather.com Forecast

TODAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sunny to partly cloudy	Mostly sunny	Mostly cloudy	Mostly sunny	Partly sunny

### PENDLETON TEMPERATURE FORECAST

49°	29°	55°	35°	51°	33°	50°	31°	49°	29°
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### HERMISTON TEMPERATURE FORECAST

51°	28°	54°	35°	53°	32°	54°	31°	52°	29°
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### ALMANAC

#### PENDLETON

through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	50°	29°
Normals	47°	29°
Records	66° (1902)	-8° (1936)

#### PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.76"
Normal month to date	0.66"
Year to date	1.48"
Last year to date	2.02"
Normal year to date	2.04"

#### HERMISTON

through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	53°	25°
Normals	48°	29°
Records	69° (1982)	-5° (1936)

#### PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.61"
Normal month to date	0.55"
Year to date	1.05"
Last year to date	1.54"
Normal year to date	1.83"

### SUN AND MOON

Sunrise today	6:55 a.m.
Sunset tonight	5:24 p.m.
Moonrise today	5:44 a.m.
Moonset today	4:19 p.m.

New	First	Full	Last
Feb 18	Feb 25	Mar 5	Mar 13

### REGIONAL FORECAST

Coastal Oregon: Sunny much of the time today; pleasant.	Eastern Washington: Mostly sunny today. Mainly clear tonight. Partly sunny tomorrow.
Eastern and Central Oregon: Mostly sunny today. Mainly clear tonight. Sunshine tomorrow.	Cascades: Sunshine and patchy clouds today. Mainly clear tonight.
Western Washington: Mostly sunny today. Mainly clear tonight. A shower in spots tomorrow.	Northern California: Low clouds followed by sunshine at the coast today; sunny to partly cloudy elsewhere.

### REGIONAL CITIES

	Today			Wed.		
	Hi	Lo	W	Hi	Lo	W
Astoria	62	43	s	55	44	pc
Baker City	52	21	s	56	26	s
Bend	52	28	s	58	28	s
Brookings	61	46	s	59	45	pc
Burns	52	24	s	59	26	s
Enterprise	52	28	s	56	31	s
Eugene	57	41	s	56	42	s
Heppner	51	27	s	57	34	s
Hermiston	51	28	s	54	35	s
John Day	55	28	s	60	31	s
Klamath Falls	60	26	s	62	27	s
La Grande	52	21	s	59	30	s
Meacham	49	22	s	56	29	s
Medford	66	36	s	63	37	s
Newport	61	46	s	55	43	pc
North Bend	64	46	s	57	43	pc
Ontario	56	29	s	57	31	s
Pasco	52	27	s	54	32	s
Pendleton	49	29	s	55	35	s
Portland	59	37	s	55	43	pc
Redmond	52	25	s	60	27	s
Salem	60	38	s	57	42	pc
Spokane	46	29	s	48	31	pc
Ukiah	52	27	s	59	32	s
Vancouver	58	35	s	55	41	pc
Walla Walla	49	31	s	53	38	s
Yakima	55	28	s	57	33	pc

### WORLD CITIES

	Today			Wed.		
	Hi	Lo	W	Hi	Lo	W
Beijing	51	25	s	48	23	s
Hong Kong	73	63	s	71	62	pc
Jerusalem	50	37	pc	51	39	sh
London	46	31	s	49	37	pc
Mexico City	75	47	s	74	46	s
Moscow	21	12	s	26	20	s
Paris	47	33	c	47	31	pc
Rome	62	39	pc	56	36	s
Seoul	42	26	sf	42	25	pc
Sydney	84	71	s	82	71	pc
Tokyo	44	40	r	45	39	r

### WINDS

(in mph)	Today	Wednesday
Boardman	VAR 2-4	WSW 4-8
Pendleton	NNW 3-6	WSW 6-12

### UV INDEX TODAY

0	2	2	2	0	0
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8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.  
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

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### NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

**News Summary:** While departing the mid-Atlantic in the morning, disruptive snow will sideswipe southern New England. A re-enforcing shot of arctic air will grip the Upper Midwest as the West Coast remains warm.

**Yesterday's National Extremes:** (for the 48 contiguous states)  
High 87° in McAllen, Texas      Low -36° in Watertown, N.Y.

### NATIONAL CITIES

	Today			Wed.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	55	29	s	63	32	s
Atlanta	45	26	c	41	14	pc
Atlantic City	29	19	sn	27	11	sf
Baltimore	29	9	sn	30	7	sf
Billings	36	22	c	49	36	c
Birmingham	43	24	c	42	15	pc
Boise	53	31	s	56	33	s
Boston	22	13	sn	28	11	sf
Charleston, SC	57	31	sh	51	23	s
Charleston, WV	26	13	c	20	-3	sf
Chicago	18	1	c	10	-7	pc
Cleveland	20	5	sf	14	-1	sf
Dallas	54	33	pc	57	33	s
Denver	39	20	pc	50	29	s
Detroit	21	6	sf	16	-3	sf
El Paso	62	37	s	71	40	s
Fairbanks	29	5	pc	21	-2	s
Fargo	2	-18	c	-1	-18	pc
Honolulu	83	69	s	84	70	s
Houston	53	33	pc	65	37	s
Indianapolis	25	5	c	15	-2	sf
Jacksonville	65	37	sh	55	29	s
Kansas City	27	7	sf	19	1	s
Las Vegas	68	45	s	73	48	s
Little Rock	40	18	c	40	10	s
Los Angeles	74	56	pc	76	56	pc
Louisville	29	8	c	19	-3	sf
Memphis	34	20	c	33	2	s
Miami	83	66	pc	69	47	sh
Millwaukee	14	2	c	8	-6	pc
Minneapolis	9	-6	c	4	-10	pc
Nashville	30	16	c	26	-2	sf
New Orleans	51	3				