

Hearing set for judge who refuses to perform same-sex marriages

By PARIS ACHEN
Capital Bureau

SALEM — A Marion County Circuit Court judge accused of discriminating against same-sex couples will have a misconduct hearing next week.

Judge Vance Day's legal team has argued his actions are protected under the state and federal constitutions.

The Oregon Commission on Judicial Fitness and Disability is scheduled to hear the case Nov. 9-20 in Salem.

The outcome could give clarification on whether judges relinquish their First Amendment rights when they take the bench.

The discrimination allegation is among a total of 13 complaints lodged against Day.

After taking testimony in the case, the commission will decide whether to recommend to the Oregon Supreme Court dismissal of the complaints or disciplinary action against the judge.

Day has repeatedly declined to perform same-sex marriages based on his Christian faith. Circuit court judges are under no obligation to perform marriages. Day's misconduct case stems from allegations that he asked his staff to screen out same-sex wedding applicants.



Ashley Smith/Statesman-Journal via AP

In this Feb. 6 photo, Circuit Court Judge Vance Day listens during an arraignment in Salem.

Judicial conduct rules prohibit judges, "by words or conduct" to "manifest bias or prejudice" based on sexual orientation, race, religion, political affiliation and other attributes.

Day instructed his assistant to find another circuit court judge who was willing to perform same-sex weddings, according to Day's formal response to the complaint.

The couples "are not prohibited from finding someone else to marry them, and in fact, his office was giving them help to find someone who would," said Patrick Korten, Day's Virginia-based spokesman. "It's pretty clear to me,

at least, this is not a valid cause for a complaint to the commission."

Day also is accused of allowing a felon to handle a firearm and then lying to a commission investigator about knowing the person was a felon.

Other complaints claim the judge called defendants names and required veterans to review materials that exacerbated their post-traumatic stress disorder.

He is accused of collecting money from attorneys to pay for veteran-related wall hangings in the courthouse, including an image of Adolph Hitler, and falsely claiming to have permission

to display the items. Another complaint alleges he gave his judicial business card to a soccer official at his son's game.

Day has denied the accusations.

Korten said the allegations related to the soccer officials had already been dismissed by the commission, but commission staff chose to present the complaints again.

Commission Executive Director Susan Isaacs did not respond to multiple requests for comment on the case.

"Oregon's Code of Judicial Conduct requires judges, among other things, to observe high standards of conduct in order to preserve the integrity, impartiality and public confidence in the judiciary," she wrote in a statement. "It prohibits judges from engaging in conduct that reflects adversely on the judge's competence and temperament, from using their judicial position for personal advantage, and from manifesting bias or prejudice against parties or other persons."

Day's legal team consists of Spooner & Much Attorneys at Law in Salem, Portland attorney Mike Day, who is not related, and Jim Bopp of the nonprofit James Madison Center for Free Speech in Indiana.

Security review at state data center minor part of consultant's contract

By HILLARY BORRUD
Capital Bureau

A consultant hired by Gov. Kate Brown to conduct an independent assessment of management practices and security vulnerabilities at the state data center is instead using the bulk of the contract to help the state's administrative department overhaul the way it charges other government agencies for technology services.

Brown called for the independent review of the data center in March, at the same time she revealed that hackers gained access to information about how data was stored at the center. It was the third high-profile state data breach in 13 months.

The data center stores information for government agencies including tax returns and health care records. The data center also stores state email correspondence and although Brown did not mention it in her announcement about the independent review, state officials were also trying to figure out who leaked thousands of former Gov. John Kitzhaber's emails to the *Willamette Week* newspaper.

The state signed a contract worth nearly \$300,000 with the financial and management consultant The PFM Group on May 26, and the consultants immediately set to work interviewing more than 70 state employees and other people with an interest in the state's centralized technology services to learn how the system could be improved.

By June 15, The PFM Group had completed its review of the data center's management and security vulnerabilities and

presented the results to the Governor's Office.

Consultants summed up their findings in a 12-page slideshow document that lists general conclusions, for example, that the technology division had inadequate internal controls, lacked a formal quality assurance function and had "high levels of critical unfilled positions." The PFM Group also concluded "the events of the last few months have their root causes in predominantly three areas: finances, management, leadership."

The PFM Group presentation did not discuss the causes of the data breach Brown revealed in March. Matt Shelby, a spokesman for the Department of Administrative Services, which operates the data center, said the breach "was more of a structural issue."

Shelby said The PFM Group's work resulted in a couple of changes at the data center. Although the state already had an administrator in charge of security, Chief Information Security Officer Stefan Richards, security was just one component of the job for data center employees and no one at the center was completely focused on security.

"One of the things they found that they articulated to (State Chief Information Officer Alex Pettit) was the responsibility for security was spread out over a large number of individuals," Shelby said.

Based on The PFM Group's recommendations, Shelby said, the Department of Administrative Services reassigned some existing employees to focus on security and assigned the employees to work at the data center.

Seizure of Kitzhaber's computers criticized

PORTLAND (AP) — A newly disclosed report says a state technology manager who leaked former Gov. John Kitzhaber's personal emails had no authority to direct the seizure of computers from the governor's office.

The report was written by a Portland law firm at the request of the Department of Administrative Services. It shows the grab of computers was orchestrated by state technology workers without consulting lawyers or prosecutors, and customary steps to preserve evidence were not followed.

The report says state data center administrator Michael Rodgers had no reason to believe he could authorize the seizure and "exercised poor judgment" in not ensuring proper handling of potential evidence.

Woman, 86, escapes car trunk after abduction

KENNEWICK, Wash. (AP) — Officials say an 86-year-old Washington woman escaped from a car trunk in Oregon after she was reportedly abducted by teenagers.

The *Tri-City Herald* reports Hazel Abel was taken from her home in Kennewick on Monday, forced into the trunk of her car and driven to Multnomah County in Oregon.

Officials with the Benton County Sheriff's Office say Abel popped the trunk and got out when the suspects stopped at a store.

Three teens ages 14, 15 and 16 have been arrested and are being held at a jail on suspicion of kidnapping.

Authorities didn't say if the teens knew the woman. She was checked by doctors before returning home.

Bend City Council looks for road repair funding

BEND (AP) — The Bend City Council is looking for more money for street preservation, which they say will likely require a new revenue source.

The Bulletin reports that at a special meeting Monday, the council agreed that the city should spend more on street maintenance as a way to reduce the long-term costs of rebuilding roads. The council did not commit to how it would generate additional revenue.

The council's decision comes after a committee suggested the city spend enough money to increase its rating on a federal road quality index. The cost to increase from its present score of 68 out of 100 to a score of 73 would be about \$6 million a year.

The committee has been meeting since September to find solutions.

BRIEFLY

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AccuWeather.com Forecast

TODAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Mostly sunny	Mostly cloudy	Times of clouds and sun	Considerable cloudiness	Intervals of clouds and sunshine

PENDLETON TEMPERATURE FORECAST
51° 36° 54° 39° 55° 37° 59° 44° 56° 39°

HERMISTON TEMPERATURE FORECAST
54° 36° 57° 35° 57° 32° 58° 42° 59° 38°

ALMANAC

PENDLETON
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	46°	37°
Normals	55°	36°
Records	76° (1975)	10° (1935)

PRECIPITATION
24 hours ending 3 p.m. 0.01"
Month to date 0.01"
Normal month to date 0.11"
Year to date 6.64"
Last year to date 9.44"
Normal year to date 10.10"

HERMISTON
through 3 p.m. yesterday

TEMPERATURE	HIGH	LOW
Yesterday	53°	36°
Normals	57°	35°
Records	72° (1945)	0° (1935)

PRECIPITATION
24 hours ending 3 p.m. 0.00"
Month to date 0.10"
Normal month to date 0.10"
Year to date 4.59"
Last year to date 5.75"
Normal year to date 7.38"

SUN AND MOON

Sunrise today	6:39 a.m.
Sunset tonight	4:38 p.m.
Moonrise today	none
Moonset today	1:35 p.m.

NOV 11 NOV 18 NOV 25 DEC 2

REGIONAL FORECAST

Coastal Oregon: Times of clouds and sun today. Mostly cloudy tonight; a shower, except dry in the south.

Eastern and Central Oregon: Partly sunny today, except more clouds in the south. Patchy clouds tonight.

Western Washington: Clouds and sun today; areas of morning fog. Mostly cloudy tonight with a passing shower.

Eastern Washington: Mostly sunny today. Mainly clear tonight; a shower toward the Cascades.

Cascades: Clouds and sun today. A bit of snow with little or no accumulation tonight.

Northern California: Mostly sunny today; cold. Partly cloudy tonight; cold. Clouds and sun tomorrow; cold.

REGIONAL CITIES

	Today			Thu.		
	Hi	Lo	W	Hi	Lo	W
Astoria	56	48	pc	58	48	c
Baker City	46	18	pc	47	23	c
Bend	46	25	s	48	25	c
Brookings	58	45	pc	58	45	c
Burns	46	16	s	46	20	c
Enterprise	42	21	pc	44	29	c
Eugene	56	41	pc	56	38	sh
Heppner	49	29	s	51	35	c
Hermiston	54	36	s	57	35	c
John Day	46	29	pc	47	35	c
Klamath Falls	46	22	pc	47	22	c
La Grande	46	22	pc	48	33	c
Meacham	44	21	pc	45	33	c
Medford	54	36	pc	56	33	c
Newport	55	45	pc	55	46	sh
North Bend	58	47	pc	58	45	sh
Ontario	53	26	pc	50	30	c
Pasco	53	33	s	56	31	c
Pendleton	51	36	s	54	39	c
Portland	53	46	pc	54	46	sh
Redmond	48	23	s	50	21	c
Salem	56	44	pc	56	41	c
Spokane	45	29	s	45	30	sh
Ukiah	45	22	pc	46	32	c
Vancouver	51	45	pc	53	43	sh
Walla Walla	48	38	s	51	40	c
Yakima	54	31	s	56	32	c

WORLD CITIES

	Today			Thu.		
	Hi	Lo	W	Hi	Lo	W
Beijing	61	46	pc	50	35	r
Hong Kong	83	76	pc	84	77	s
Jerusalem	70	56	s	65	54	t
London	58	52	sh	60	56	sh
Mexico City	73	52	pc	73	48	pc
Moscow	46	39	c	44	29	i
Paris	60	52	sh	63	54	c
Rome	68	54	s	69	51	pc
Seoul	63	42	s	65	45	pc
Sydney	71	67	r	75	67	t
Tokyo	66	55	s	67	57	s

WINDS

(in mph)	Today	Thu
Boardman	SW 4-8	WSW 6-12
Pendleton	SW 4-8	WSW 7-14

UV INDEX TODAY

0 1 2 1 0 0

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.

National Summary: Much of the eastern two-thirds of the nation will remain sunny and warm today. Clouds and showers will linger in the Southeast states. Cold air and snow will continue to expand across the West.

Yesterday's National Extremes: (for the 48 contiguous states)
High 93° in Jacksonville, Fla. Low 19° in Kremmling, Colo.

NATIONAL CITIES

	Today			Thur.		
	Hi	Lo	W	Hi	Lo	W
Albuquerque	59	37	t	52	32	c
Atlanta	72	62	c	74	65	sh
Atlanta City	69	56	s	70	62	c
Baltimore	72	50	pc	70	57	c
Billings	42	27	sn	44	29	pc
Birmingham	78	65	pc	80	68	c
Boise	49	30	pc	48	33	c
Boston	61	51	s	69	58	c
Charleston, SC	79	65	c	79	65	c
Charleston, WV	78	56	s	77	61	pc
Chicago	70	57	pc	71	53	pc
Cleveland	74	58	s	73	62	pc
Dallas	76	65	c	74	53	t
Denver	65	34	pc	45	28	r
Detroit	72	57	s	73	62	pc
El Paso	73	48	pc	64	39	pc
Fairbanks	25	20	c	31	24	pc
Fargo	61	39	pc	44	32	r
Honolulu	88	76	pc	88	76	pc
Houston	77	67	pc	82	67	c
Indianapolis	72	58	pc	73	61	pc
Jacksonville	85	68	sh	83	66	pc
Kansas City	71	58	pc	70	42	pc
Las Vegas	57	43	pc	61	45	c
Little Rock	75	61	pc	77	63	t
Los Angeles	69	52	s	73	54	s
Louisville	77	62	pc	76	66	pc
Memphis	78	64	pc	80	68	pc
Miami	87	78	t	86	77	pc
Millwaukee	67	57	pc	69	51	pc
Minneapolis	68	59	pc	66	40	r
Nashville	76	62	pc	78	66	pc
New Orleans	79	67	pc	82	72	c
New York City	70	57	s	70	62	c
Oklahoma City	73	62	c	73	45	r
Omaha	72	61	pc	71	40	r
Philadelphia	75	54	s	74	63	c
Phoenix	68	50	pc	67	50	s
Portland, ME	60	42	s	61	50	c
Providence	67	49	s	69	56	c
Raleigh	65	60	r	75	61	c
Rapid City	54	33	c	47	29	pc
Reno	42	21	pc	45	24	pc
Sacramento	67	41	s	66	42	pc
St. Louis	75	59	pc	75	56	t
Salt Lake City	48	34	sn	48	33	c
San Diego	70	56	pc	73		