

Secretary of State candidates disagree on scope of state audits

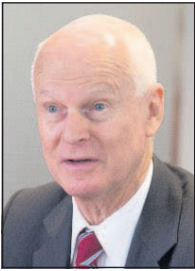
By **CLAIRE WITHYCOMBE**
Capital Bureau

SALEM — Oregon Secretary of State candidate and current labor commissioner Brad Avakian says he believes the secretary has statutory authority to audit private companies when “red flags” have been raised in the execution of public contracts. This and several other of the Democrat’s ambitions for the office have led to criticism from his opponent, former gubernatorial candidate and Republican state representative Dennis Richardson. Avakian faced similar criticism from members of his own party during the Democratic primary for the office this spring. Critics have characterized other aspects of Avakian’s platform as beyond the secretary of state’s purview — for example, his plans to promote renewable energy and civics education. But Avakian countered that he believes he’s squarely within legal authority to audit private businesses, and further, he does not intend to audit every company that has a contract with the state. He also says the other initiatives he wants to pursue fall within the scope of the office. Avakian says Oregon statutes and the state’s constitution allow the secretary of state to audit companies doing business with the state when

concerns have been raised about how the business is being done. He cites ORS 297.210, which outlines the responsibilities of the secretary’s audits division. It states: “The Secretary of State, as State Auditor, shall have the accounts and financial affairs of state departments, boards, commissions, institutions and state-aided institutions and agencies of the state reviewed or audited as the Secretary of State considers advisable or necessary.” Avakian said “financial affairs” includes how contractors use money provided by the state. “I think the language is broad enough to protect the taxpayer all the way to the endpoint of the money,” Avakian said. Avakian said if once elected there was disagreement on that interpretation, he could “partner with the legislature to clarify what ‘financial affairs’ means.” Then there’s ORS 177.170, which sets up a hotline so citizens can report allegations of government waste, abuse or fraud. Avakian said that those



Avakian



Richardson

statutes, “taken together” with the state’s constitution, which defines the secretary of state as the auditor of public accounts, justify his aims. He also pointed to the “About Us” section of the secretary’s website, which explains the secretary’s role, including as a watchdog of public spending. Avakian pointed to the recent audit of the Department of Energy Business Energy Tax Credits (BETC) program as an example of the types of audits he would do in office. The audit, released Sept. 8, found evidence of “suspicious behavior” in several dozen energy projects that received the tax credits. Avakian said that the secretary of state’s audit included interviews with representatives from private companies that received the tax credits. “...There’s numerous places in there where the secretary refers to interviews they were doing with people in the private sector contracting with the public agency in order to get the information they needed for the audit,” Avakian said. “That is very, very close to what I’m saying needs to be done.”

REFUGE: Video showed occupiers going through Burns Paiute tribal artifacts

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as completely trashed,” she said. During her testimony, the jury was also shown a photo of the boat launch at Malheur Lake. In the photo, dozens of pink evidence flags adorn the ground near the launch. Marcus Mumford, the lawyer for occupation leader Ammon Bundy, asked Beck if she knew what those flags were. She said the flags marked spent ammunition casings near the lake. “Before this photo was taken there were even more pink flags,” she said. “There were hundreds, to the point where I couldn’t even really get out there without kind of, presumably stepping on these pink flags and disturbing evidence.” Also taking the stand for the prosecution was Carla Burnside, an archaeologist at the refuge. Burnside said when she returned to the refuge with FBI agents in February, her office, which she said she always locked, was unlocked. The handle was broken to the point that it wouldn’t latch; personal items were missing; her computer had been accessed, she told the court. The focus then shifted from refuge employees to another group — the Burn Paiute tribe, whose artifacts are stored on the refuge. Burnside said an unwritten agreement between the refuge and the tribe had been in place since she arrived at the refuge in 1990. As artifacts are discovered, they are stored at the refuge because the tribe wants the items to remain in the Harney Basin, Burnside said. The prosecution had shown video of occupiers Robert “LaVoy” Finicum and David Fry going through artifacts. The day’s final witness, however, was not a refuge employee, but instead a soft-spoken, 23-year-old Harney County resident who participated in the occupation. Nick Bleuler, who has not been charged in connection with the takeover, told the court that his fiancée drove him to the refuge during the occupation. As the couple pulled up to the refuge in a Ford Crown Victoria, a car often used by law enforcement, Bleuler said a circle of men pointed their guns at them. Bleuler said he thought the group reacted that way because of the model of the car — they thought he was law enforcement. Bleuler’s fiancée backed up the car and

the two left the refuge. Bleuler returned to the refuge two more times. During one of those visits, he was involved in the removal of cameras installed by the FBI. Finicum, Jon Ritzheimer and Ryan Bundy had climbed up a ladder to remove the cameras, which were mounted on a utility pole. Bleuler held the ladder at one point. Bleuler was not charged in connection with the camera

incident, but a friend of his was. During cross-examination by Mumford, Bleuler was said the blame fell on him and his friend because the people who were really involved were on the refuge. “Because you were all at the refuge, so it came down on two local kids with a troubled past,” Bleuler said. Testimony continues Tuesday morning with FBI agents and USFWS workers scheduled to take the stand.

ROUND-UP: 14 crashes during week

Continued from 1A

setting signs and barricades along the route of the Westward Ho! Parade that started six hours later. Even so, Roberts said, “we towed more cars of that route than we’ve ever towed before by two or three times the number.” One tow driver was hauling away a vehicle, Roberts said, while another vehicle parked in that very space. Chris Clark, operator of Blue Mountain Towing & Recovery, Pendleton, said the company towed 17 vehicles from the parade route that morning, marking one of the busiest in years. And Clark agreed with Roberts that this year’s crowds had a more aggressive attitude. Roberts said he and other officers experienced that attitude first-hand while directing traffic before and after Friday’s parade. “I was given the finger, expletives and other things,” he said. The short loop at Mazatlan Mexican Restaurant, 1408 S.W. Court Ave., connecting to Dorion Avenue becomes a hot spot for bad driving. The turn is sharp and blind where the crowd is thick, so police shut it down Friday morning for public safety. Roberts said he was working there when a local driver ignored directions and took the loop. He said he blew his police whistle at the man and pointed to him, and that prompted the man to curse the chief and call him unprofessional. Roberts said if he had the time, he would have cited him. Crashes ticked up, with 14 during the week. The worst was a five-car pile-up Saturday morning on Southgate/Highway

“The vast majority of the people that come to this event and this week are respectful and they take the time to communicate that.” — **Stuart Roberts**, Pendleton police chief

395 at the intersection with Tutuilla Road and Southwest Hailey Avenue. Roberts said the victims suffered bumps and bruises. “And I think this year we had more people passed out in the middle of roadways than I’ve ever seen,” Roberts said. Police attending to one of those souls nearly became crash victims when a drunk driver came close. Such near misses, he said, are not uncommon. “The vast majority of the people that come to this event and this week are respectful and they take the time to communicate that,” Roberts stressed, but a few carry a sense of entitlement and “feel like they can get away with whatever they want.” And most of the time, he said, locals cause most of the problems. Pendleton police might be ready for a break after a summer that included new events in the ramp-up to Round-Up, but that will have to wait. This week is almost as busy as Round-Up for Pendleton police. Roberts said the department Monday morning was taking call after call from people reporting crimes that happened during Round-Up. Solving those, however, is a long shot now.

LEAD: School district has provided a pack of water bottles for each class

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Superintendent Andy Kovach said replacing front-end hardware has helped lower the levels below the 20 parts per billion threshold the EPA says districts should take action on, but that tactic wasn’t effective with some of the McKay Creek water sources and one of the Pendleton High School sources that tested positive the first time. While further plumbing work is time-consuming and costly, Kovach said they’ve tested water filters that have been able to reduce lead levels. Michelle Jones, the district’s director of business services, said the district has ordered filters with the intention of installing them by the end of the month. All told, Jones said all the testing and replacement has cost the district approximately \$8,000, including \$900 to purchase the filters. “It’s a cost, but not an astronomical one,” she said. While the school waits for the filters to

be installed, McKay Creek Principal Ronda Smith said the district has provided a pack of water bottles for each class and water dispensers in the cafeteria and in the staff lounge. Faucets and fountains that contain elevated levels of lead in them are labeled with hot pink signs warning people not to drink from them, and teachers have told all their students what those signs mean, Smith said. Smith recalls only two parents sharing concern about the school’s lead testing results, but they were mostly about how the students would be supplied with water. Smith said many students already bring their water from home, so the temporary set-up isn’t that different from the norm. Although the district seems to have found a solution, Kovach said he was unsure whether the filters would provide short- or long-term relief to some of the district’s lead issues.

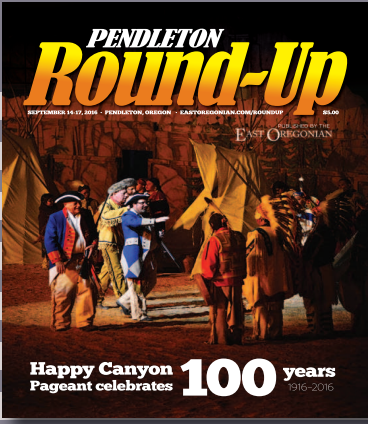
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