

# State commission approves Kitzhaber ethics settlement

By **PARIS ACHEN**  
Capital Bureau

SALEM — The Oregon Government Ethics Commission voted unanimously Friday to accept a settlement that fines former Gov. John Kitzhaber \$20,000 for misusing his office and for conflicts of interest related to his fiancée, Cylvia Hayes' consulting firm.

The settlement — less than half of the maximum \$50,000 for the violations — ends three years of investigations and media attention on an influence-peddling scandal that prompted the governor to resign in February 2015.

"I say this is a bright day for the state because this is a state where we will show the people of Oregon and public officials that ethics laws do mean something. It will enhance their trust in government. I think that's very good," said Commission Vice Chair Richard



Paris Achen/Capital Bureau

**Left to right at table, attorney Janet Hoffman and former Gov. John Kitzhaber wait for a decision by the Oregon Government Ethics Commission on a proposed \$20,000 settlement of ethics complaints against the former governor, during a meeting in Salem Friday.**

Burke.

In February the commission made preliminary findings that Kitzhaber had violated ethics laws on at least 10 instances while he was governor between 2011

and 2013.

He violated a law prohibiting use of his office for personal financial gain at least twice when he took actions that benefited Hayes' environmental consulting

firm, 3E Strategies, investigators wrote in the report. Hayes served as first lady and lived in the governor's residence in Salem with Kitzhaber.

She acted as an adviser to the governor on issues she was being paid for in her private consulting work. As an adviser, she was subject to state ethics law.

Meanwhile, her earnings from clients who sought to influence environmental policy in the state were counted as part of the couple's household income in mandatory statements of economic interest.

"The commission made no finding that former Governor Kitzhaber intentionally used his position as governor to advance the financial interests of Ms. Hayes or 3E Strategies," states the proposed stipulated final order, released Wednesday, March 28. "Such intent is not a necessary element."

# Judge rules HB 3078 unconstitutional

By **JAYATI RAMAKRISHNAN**  
East Oregonian

A Umatilla County court ruled Friday that House Bill 3078 is unconstitutional, but still assigned an amended sentence to the Hermiston defendant in the case.

Cesar Macias Delatorre, 21, a Hermiston man, was arrested in October of 2017 for charges of unlawful possession of a firearm, two counts of first-degree theft and carrying concealed weapons. He was also arrested on warrants for probation violation and failure to appear.

Judge Dan Hill determined that the state law, which reduces the sentence for those accused of identity theft or first-degree theft, should not have passed through the legislature

because it was not approved by a two-thirds majority, as stipulated in the Oregon Constitution.

The state asked for a four-year sentence for Delatorre while the defense asked for 13 months — which is what the law's reduced sentencing would require. Hill ruled that while the bill is unconstitutional, Delatorre's circumstances and age warranted a shorter sentence, and assigned him three years in prison with a year of post-prison supervision.

Deputy District Attorney Craig Russell said the ruling now applies to all first-degree theft cases in Umatilla County. But defense attorneys may appeal the ruling.

"Depending on how those appeals go, there may be a lot of re-sentencing," he said.

Prosecutor Matthew

Dyal had argued that the bill should never have left the Oregon House or Senate, and shouldn't have been signed by the governor without a supermajority. He asked that Delatorre be sentenced to 48 months. He also asked that Delatorre pay \$190 restitution to one of his victims. Though all her stolen property was recovered, Dyal said she had to have some of the items appraised, which cost \$190.

Noting recent efforts by the Oregon Legislature to reduce prison populations, Dyal cited a Clackamas County ruling that found the law unconstitutional.

"Saving money is a great motivator, but saving money does not and cannot trump the Constitution," he said.

Delatorre's defense attorney Travis O'Neal did not comment on the

constitutionality of the law, but after Hill's ruling on it, asked that his client be sentenced to 24 months in jail, as well as a year of post-prison supervision. He asked Hill to merge the two counts of first-degree theft, which Hill did.

O'Neal told the judge that Delatorre had faced some problems in his youth, including homelessness and drug abuse. He said that the former was the reason for one of Delatorre's prior burglary convictions. He said Delatorre had aspirations to improve his life and go to Blue Mountain Community College.

Delatorre also addressed the judge, apologizing to the victims of his crimes.

"I want to let the court know I plan on taking this prison time to better myself," he said.

# Sex-crime defendant pushes for sensitive records review

HERMISTON — Sex crime defendant Jose Guadalupe Sanguino Cancino of Hermiston continues to push for an inspection of sensitive records.

Cancino's attorney, Mark C. Cogan of Portland, filed another motion Thursday afternoon in Umatilla County Circuit Court asking the judge to review documents the state plans to use at trial, namely school and medical records.

The filing came in response to the letter Circuit Judge Dan Hill sent March

23 to Cogan and Umatilla County deputy district attorney Jaelyn Jenkins regarding Cogan's previous request for the review.

"I have concerns that there is a request for the court to approve an [sic] series of subpoenas that are not based in any reasonable known need for the material, that meaning it is merely being used as a discovery device and thus a 'fishing expedition,' and or also merely for impeachment," Hill wrote.

The judge also stated he would give Cogan the

opportunity to make his case for need of the record review. Cogan in Thursday's motion contended this the inspection would not merely be a "discovery device" but vital to the issues at the trial.

Cancino, 36, faces eight counts of first-degree sexual abuse, one each of second- and third-degree sexual abuse and incest, and two counts each of first-degree sodomy

and first-degree rape. The state has alleged Cancino committed the crimes against one girl in 2005-2006 and against another starting in 2010 when she was younger than 12. Hermiston police has stated there could be more victims.

Hill set a hearing Monday morning in Hermiston to hear the arguments on the matter. Cancino remains free on bail.

## BRIEFLY

### Boardman man sentenced to 18 years for sex crimes against children

BOARDMAN — Kenneth James Sicard of Boardman is serving 18 years in prison for sexually assaulting two children.

The Morrow County District Attorney's office last August charged Sicard, 57, with multiple sex crimes. District Attorney Justin Nelson said the victims were between 8 and 12 years old.

Court records show Sicard on March 16 pleaded no contest to second-degree rape, second-degree sodomy and first-degree sexual abuse. In exchange, the state dismissed eight other charges.

Circuit Judge Christopher Brauer sentenced Sicard to 18 years, nine months in all — six years, three months for each crime. The offenses fall under Oregon's mandatory minimum sentencing law, so while Sicard receives credit for the time he was in jail, he will not receive an early release from state prison.

Court records say Sicard was subject to 22 previous criminal prosecutions in Oregon, most in Morrow County.

### Pilot Rock to appoint signers for lagoon construction account

PILOT ROCK — The Pilot Rock City Council votes Tuesday night to authorize who can sign on a construction account for the new sewer treatment lagoons.

City staff recommend new financial officer Teri Bacus and Mayor Virginia Carnes are the signers on the account at Umpqua Bank. Designating the signers meets state and federal loan agreement requirements.

The city also is seeking a sixth resident to serve on the budget committee, which has its first meeting April 11.

And the city reported the U.S. Department of Agriculture, which is loaning the city about \$4 million for the lagoon project, completed a civil rights compliance review on March 27. The review suggested the city should install an actuator to help open the heavy door to city hall and use Oregon Relay Services to aid the deaf at city council meetings.

The Pilot Rock City Council meets Tuesday at 7 p.m. at council chambers in city hall.

### Public can give input on new service area to help older adults

PENDLETON — Oregon's Aging and People with Disabilities program announced a series of public meetings to seek input on the creation of the Eastern Oregon service area for the Area Agency on Aging.

The state designated the Community Action Program of East Central Oregon as the new AAA to serve Hood River, Wasco, Sherman, Gilliam and Wheeler counties. CAPECO already administers the program in Umatilla and Morrow counties. The Area Agency on Aging, under the federal Older Americans Act, offers services to help older adults remain in their homes.

The process of designating a new service area requires public meetings in the area. The Aging and People with Disabilities program will hold the following meetings:

- Wasco County — Tuesday at 1 p.m. at the Mid-Columbia Senior Center, 1112 W. Ninth St., The Dalles;
- Sherman County — Wednesday at noon at the Sherman County Senior & Community Center, 300 Dewey St., Moro;
- Wheeler County — Thursday at 1 p.m. at the Fossil Senior Meal Site, Wheeler County Fairgrounds, 702 Third St., Fossil;
- Gilliam County — Friday at noon at the United Church of Christ Condon Senior Meal Site, 110 S. Church St. Condon;
- Hood River County — April 6, at 1 p.m. at the Hood River Valley Adult Center, 2010 Sterling Place, Hood River;
- Umatilla County — April 10 at noon at the Milton-Freewater Senior Center, 311 N. Main, Milton-Freewater;
- Morrow County — April 11 at noon at St. Patrick's Senior Center, 182 N. Main, Heppner.

The meeting locations are accessible to people with disabilities. For questions about accessibility, to request an accommodation or to get more information about the meetings, contact Aging and People with Disabilities program analyst Debbie McCuin at 541-301-1672 or [debbie.mccuin@state.or.us](mailto:debbie.mccuin@state.or.us).

The state also advised to make requests at least 48 hours before the meeting.

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