

Avakian wants legislative leaders held in contempt

By **CLAIRE WITHYCOMBE** and **AUBREY WIEBER**
Capital Bureau

SALEM — Outgoing Oregon Labor Commissioner Brad Avakian is again taking the Legislature to task over sexual harassment, this time in Multnomah County Circuit Court.

Avakian wants a state judge to find legislators and staff in contempt for failing to comply with subpoenas in the administrative case he's brought against them over their handling of harassment allegations.

He's seeking a massive trove of documents, including all documents pertaining to reports or allegations of harassment involving legislators, employees, student interns or lobbyists since Jan. 1, 2011.

Avakian also wants copies of the Legislature's personnel rules, any draft personnel rules proposed since 2011, policies and procedures for placing student interns at the Capitol, as well as documents that could identify any student interns working at the Legislature since 2011.

A hearing on the motion is scheduled for Nov. 19.

While the bureau commonly subpoenas documents, it said in a state-

ment Friday that its motion for the contempt order was "unprecedented."

This summer, Avakian, a Democrat whose term ends in January, accused legislative leaders of allowing a hostile work environment to fester at the Capitol and reacting too slowly to various reports of sexual harassment.

Avakian filed what's called a commissioner's complaint with the Bureau of Labor and Industries, and the subpoenas, in early August. Avakian believed the Legislature wouldn't cooperate or be "reliable," court documents show, and feared the records would be destroyed.

Avakian now wants a judge to order Senate President Peter Courtney, Speaker Tina Kotek and Sen. Jackie Winters, along with other legislative staff, to comply with the subpoenas, and to level \$1,000 fines against them for every day that they have not done so since Aug. 20.

"State respondents are not above the law and their conduct is not beyond all scrutiny," an attorney for the Bureau of Labor and Industries wrote in the motion, filed Wednesday in Multnomah County Circuit Court. "This case is about inves-



Pamplin Media Group

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tigating allegations from women who were harmed in the Capitol, and the Legislature's failure to address their experiences," the bureau said in a written statement Friday. "Now, after professing cooperation with the investigation, the Oregon Legislature is continu-

ing to ignore the experiences of these women and refuses to provide information necessary in order to uncover the truth and, if the law has been broken, find redress for those who were harmed."

Legislative leaders are contesting Avakian's moves.

"I think it's very surprising and I think it's very unfortunate and frankly sad, because the commissioner knows that the Constitution of Oregon doesn't give him the authority to either impose or apply remedies," said Edwin Harnden, an attorney representing the Legislature.

The Legislature has already provided several hundred pages of documents outlining its response to sexual harassment in the Capitol.

Avakian filed the administrative complaint Aug. 1, nearly a year after the rise of the #MeToo movement and an investigation into sexual harassment allegations against a state senator from Roseburg.

Avakian's complaint alleges that on multiple occasions, legislative staff,

including attorneys and human resource officials, failed to properly handle reports of sexual harassment.

Avakian said the complaint was requested by two employees and two student interns who sought redress for "the harm they suffered and to remedy the intolerable conditions that respondents have failed to correct."

In Avakian's complaint, he details a history of sexual misconduct in the Capitol going back years.

In 2015, a legislative employee reported that a man who had sexually assaulted her had since been hired as a legislative intern, according to the complaint. She had recently found out that the intern had also assaulted a friend of hers.

The employee also reported that since being hired, the intern had asked her about her sexual relationship with someone else.

The employee reported the conduct, and legislative attorney Dexter Johnson and employee services manager Lore Christopher told her that the harasser is not to contact her again, the com-

plaint recounted. His internship was nearly finished, and the employee was told that she would be notified if her alleged assailant was hired again, according to the complaint.

Christopher and Johnson also warned the employee about speaking publicly about the issues, saying it could be seen as retaliatory or defamatory, according to the complaint.

Also in 2015, a legislative employee reported to Johnson and Courtney's chief of staff, Betsy Imholt, that Courtney's communications director had inappropriate contact with her at a bar, and then sent her lewd song lyrics over Facebook. Johnson told the employee he was working out an informal settlement between her and the communications director, and that she was not to contact him or talk about the allegations, according to the complaint.

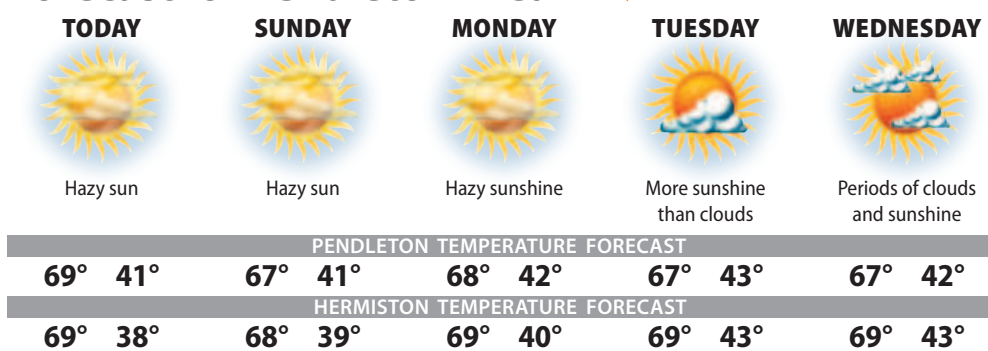
In March, 2016, state Sens. Sara Gelsler and Elizabeth Steiner Hayward reported inappropriate touching by state Sen. Jeff Kruse of Roseburg. A student intern working in Kruse's office also reported Kruse was inappropriate toward her, calling her "sexy," "little girl," touching her thighs despite being asked to stop and saying her husband was lucky, according to the complaint.

In early 2017, a different legislative intern in Kruse's office reported experiencing unwanted touching by Kruse, including touching her breasts and hips while he hugged her, according to the complaint. The woman told other legislative staffers about the conduct, who responded they had heard similar things before.

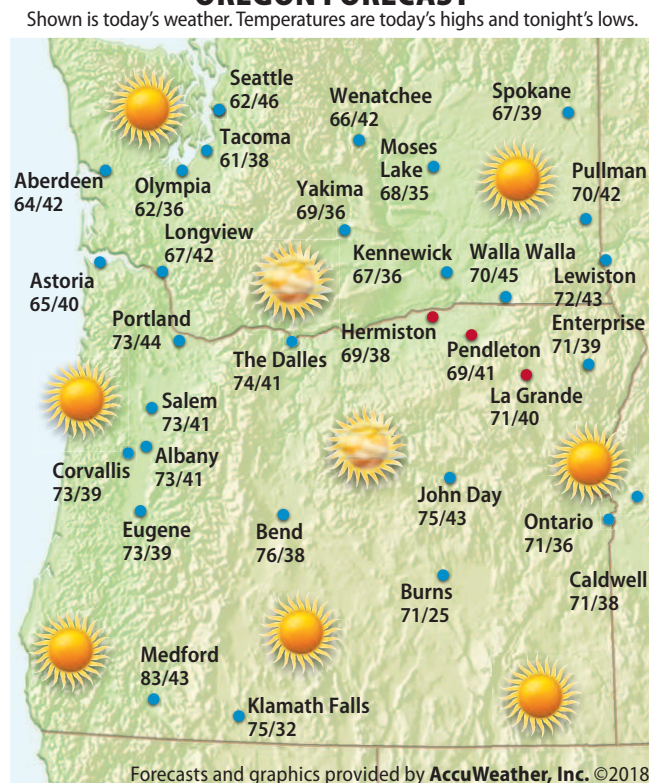
Harnden, of the Portland law firm Barran Liebman, said prior to the complaint, the labor bureau and the Legislature were working well together to fix the issues. Taking legal action, he said, "lacks common sense."

"To politicize it and legalize it, I think it's just frankly horrible," he said.

Forecast for Pendleton Area



OREGON FORECAST



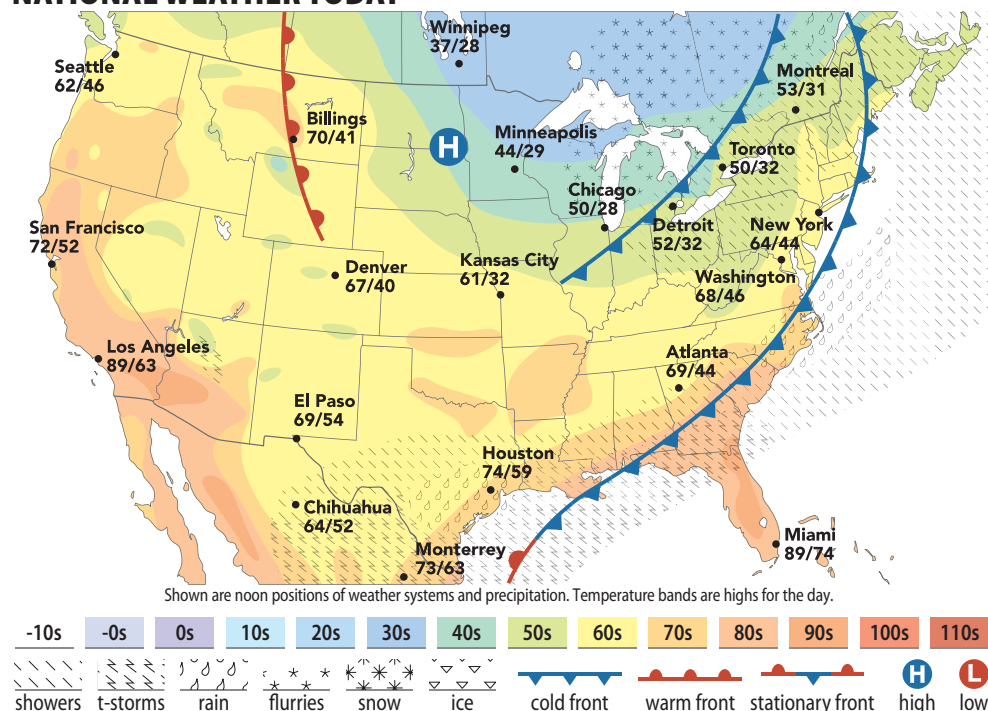
ALMANAC

| PENDLETON through 3 p.m. yest. | | |
|--------------------------------|------------|------------|
| TEMP. | HIGH | LOW |
| Yesterday | 67° | 36° |
| Normals | 62° | 39° |
| Records | 82° (1940) | 15° (1911) |
| PRECIPITATION | | |
| 24 hours ending 3 p.m. | 0.00" | |
| Month to date | 1.39" | |
| Normal month to date | 0.62" | |
| Year to date | 7.91" | |
| Last year to date | 13.01" | |
| Normal year to date | 9.56" | |
| HERMISTON through 3 p.m. yest. | | |
| TEMP. | HIGH | LOW |
| Yesterday | 66° | 31° |
| Normals | 64° | 38° |
| Records | 77° (1973) | 15° (1949) |
| PRECIPITATION | | |
| 24 hours ending 3 p.m. | 0.00" | |
| Month to date | 1.14" | |
| Normal month to date | 0.35" | |
| Year to date | 6.29" | |
| Last year to date | 7.52" | |
| Normal year to date | 6.91" | |
| WINDS (in mph) | | |
| | Today | Sun. |
| Boardman | NE 3-6 | NE 3-6 |
| Pendleton | N 4-8 | NNW 4-8 |
| SUN AND MOON | | |
| Sunrise today | 7:18 a.m. | |
| Sunset tonight | 6:01 p.m. | |
| Moonrise today | 4:43 p.m. | |
| Moonsset today | 2:48 a.m. | |
| | Full | Last |
| | Nov 7 | Nov 15 |

NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)
High 94° in Camarillo, Calif. Low 2° in Bodie State Park, Calif.

NATIONAL WEATHER TODAY



BRIEFLY

Man awaiting trial on sex abuse charges disappears

REDMOND (AP) — A Redmond man who was awaiting trial on several sex abuse charges has removed his GPS monitoring ankle bracelet and is missing. The *Bulletin* reports Friday that Michael Tallman, the former director of a Redmond charter school, was supposed to go to trial Tuesday but police found his ankle bracelet in the Bend area and believe he is planning to flee the state.

The 45-year-old Tallman changed his name from Michael Bremont last year. He has already served prison time for sexually abusing two female students under the age of 18 at Redmond Proficiency Academy and at Central Linn High School in Halsey, where he worked as a principal until 2006.

Another academy student came forward after his release in 2014 and he was awaiting trial in that case.

Two students sickened after eating marijuana-infused Oreos

MEDFORD (AP) — Two students at South Medford High School were taken to a hospital by ambulance after eating Oreo cookies drizzled with marijuana-infused oil.

The *Mail Tribune* reports Friday that the students were conscious and able to talk while they were being transported on Thursday afternoon.

District spokeswoman Natalie Hurd tells the newspaper that a third student got sick on Tuesday and may have also ingested

marijuana, but the evidence isn't as clear. The district says it is seeing an increase in the use of marijuana edibles among students.

Medford police and the school district are still investigating the cause of the first reported overdose on Tuesday.

Man accused of killing wife with drug-laced ice cream

SPOKANE, Wash. (AP) — A Washington man faces charges of killing his wife by lacing her ice cream with a lethal dose of pain medication.

The *Spokesman-Review* reports David Pettis of Cheney appeared in Spokane County District Court on Thursday after he was arrested Wednesday by Spokane County sheriff's deputies.

Judge Patti Walker set Pettis' bond at \$1 million, which his defense attorney, Robert Sargent, says is unreasonable because Pettis earned significantly less than indicated in the pretrial findings, which estimated his monthly income at \$5,000 to \$7,000.

Sargent says Pettis' income was closer to \$2,500 a month, and because that income came from a logging business, it's not always consistent.

Sargent says Pettis maintains his innocence and plans to enter a not guilty plea at the next hearing.

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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Business Office Manager: Janna Heimgartner
541-966-0822 • jheimgartner@eastoregonian.com

COMMERCIAL PRINTING

Production Manager: Mike Jensen
541-215-0824 • mjensen@eastoregonian.com