

# BOLI report threw lawmaker 'under the bus'

By PARIS ACHEN  
Oregon Capital Bureau

When state Rep. Diego Hernandez heard a rumor in May 2017 accusing him of keeping a list ranking women lobbyists at the Oregon Capitol by attractiveness, he asked legislative attorneys to investigate.

After interviewing 21 staffers and others, legislative attorneys found no evidence that such a list ever existed, according to a Sept. 15, 2017, letter from Deputy Legislative Counsel Jessica Santiago.

Yet the unsubstantiated claim was included in a bombshell report issued Jan. 3 by the Oregon Bureau of Labor and Industries accusing legislative leaders of ignoring prevalent sexual harassment at the Capitol. The report resulted from a complaint that Labor Commissioner Brad Avakian filed with his own agency on behalf of legislative staffers and interns who said they were the victims of sexual harassment.

"As a victim of harassment in my freshman year in the Legislature, I feel thrown under the bus by Brad Avakian," Hernandez said in a phone interview Friday, Jan. 4.

But several who had firsthand knowledge of the allegations or were mentioned in the report, including Hernandez, said they were not interviewed by BOLI investigators.

When the rumor surfaced, Hernandez was serving his first term in the Oregon House of Representatives representing parts of East Portland.

Hernandez suspected at the time that the rumor was invented by his political foes, including one legislator, to silence his impassioned floor speeches on immigrant rights and to undermine his effectiveness as a lawmaker. He said the Labor Bureau published "gossip and hearsay" that was picked up in press reports and played "right into the hands of those who sought to target and harass me."

"It is remarkable that BOLI, an agency charged with protecting the civil rights of Oregonians, would further a racially-motivated, defamatory smear about me," Hernandez wrote in an email to Oregon Capital Bureau. "It also defies logic that in the course of the investigation conducted that they never asked to speak with me about my experiences — which have included rac-



Portland Tribune/Jaime Valdez, File  
**Rep. Diego Hernandez, D-East Portland, sits at his desk on the floor of the Oregon House of Representatives in this Feb. 5, 2018, file photo.**

ism, bullying, threats and harassment by those who started and fueled the smear to silence me after my strong stances on civil and immigrant rights."

Avakian did not respond to a call Friday, Jan. 4, from the Oregon Capital Bureau seeking comment. His spokeswoman, Christine Stone, said the agency doesn't comment on an open investigation. Friday was Avakian's last day in office. Val Hoyle was scheduled to be sworn in as the new labor commissioner Monday.

She has declined to comment on how she plans to proceed with the report.

Hernandez is mentioned three times in the 52-page

report, but none of the sources cited are firsthand. In one instance, the report said that state Sen. Sara Gelser told investigators that she heard there was "an altercation" over the purported list. The dispute was between a lobbyist, the lobbyist's husband and Hernandez at a party celebrating the last day of the legislative session.

The report stated that the lobbyist and her husband "did not feel like the interaction in itself was appropriate" and reported it to Lore Christopher, human resources director at the Legislature.

"This is what I've heard from members of the lobby about this — that they then went to meet with Lore Christopher to do a complaint and went to the Speaker's Office, but that Lore Christopher told them that it wouldn't go anywhere because he was an up-and-coming person that was going to have a lot of power," Gelser said, according to the state report.

Investigators didn't specify what the couple reported to Christopher and make no mention of interviewing the couple.

The report said investigators questioned Legislative Counsel Dexter Johnson's characterization of the Hernandez rumor as false. Asked how Johnson distinguished between a claim being false versus unsubstantiated, Johnson replied he uses "the terms in conversation as synonyms," the report stated.

The final mention of Hernandez in the report is when Santiago, another legislative attorney, confirmed that Hernandez requested "a fact-finding inquiry to determine whether or not the rumors were true or to find out also who may have been the source of the rumor."

They also sought to interview two additional people, according to a Sept. 15, 2017, letter to Hernandez from Santiago that he made public. One issued a statement through her attorney — that provided no evidence of a list; the other refused to participate in the investigation, the letter states.

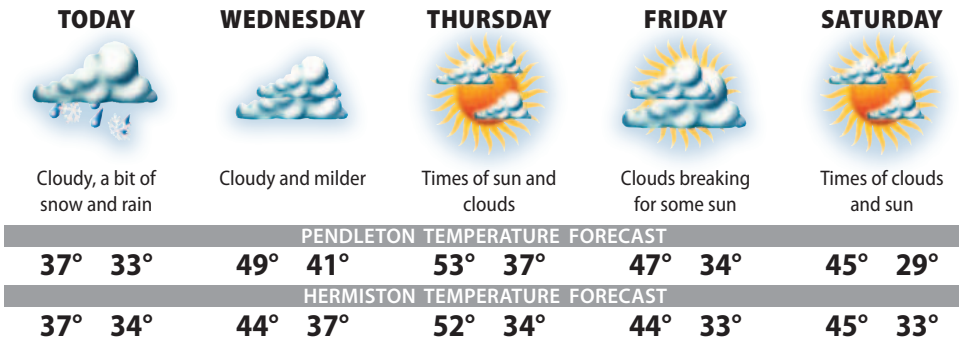
"We did find ample evidence that individuals had engaged in spreading the rumor that such a list existed, but none of those engaged in rumormongering ever had personal knowledge or evidence of such a list," Santiago wrote.

"Several interviewees stated that they assumed the rumor was baseless because it seemed to be completely out of character with what they knew of your values and integrity," the letter said.

Hernandez said it's important to believe victims of harassment, whether racial or other forms of hate.

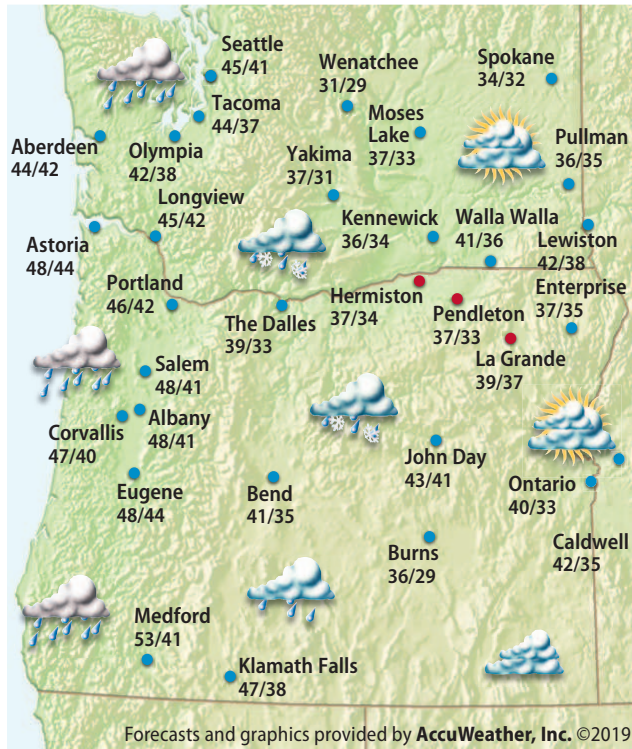
"There is a lot of work that remains to be done to ensure that the Oregon Capitol is a safe and healthy environment for everyone," he wrote. "We must end this culture of harassment and be proactive and swift in our efforts to rid the Capitol of this toxic working environment."

## Forecast for Pendleton Area



## OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



## ALMANAC

PENDLETON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	45°	31°
Normals	40°	26°
Records	68° (1902)	-7° (1937)

PRECIPITATION

24 hours ending 3 p.m.	Trace
Month to date	0.04"
Normal month to date	0.40"
Year to date	0.04"
Last year to date	0.13"
Normal year to date	0.40"

HERMISTON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	49°	34°
Normals	40°	28°
Records	67° (2002)	-13° (1937)

PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.01"
Normal month to date	0.28"
Year to date	0.01"
Last year to date	0.11"
Normal year to date	0.28"

WINDS (in mph)

	Today	Wed.
Boardman	NNE 6-12	NE 4-8
Pendleton	N 4-8	SSE 7-14

SUN AND MOON

Sunrise today	7:35 a.m.
Sunset tonight	4:29 p.m.
Moonrise today	9:19 a.m.
Moonset today	7:11 p.m.



Steve Bloom/The Olympian via AP  
**A crew from Ron's Stump Removal & Tree Service works to remove several large storm-damaged trees along Cain Road in Olympia, Wash., on Monday as the cleanup from the regional weekend windstorm continues with power restored to more than 250,000 customers.**

## Many still without power in the Northwest

SEATTLE — Tens of thousands of people remained without power after windstorms struck parts of Washington state and Oregon over the weekend.

Approximately 30,000 Puget Sound Energy customers were still without power as of noon Monday. The utility said on Twitter

that workers had restored power to more than 288,000 customers since the height of the storm. Seattle City Light had about 1,000 customers without power as of Monday morning.

In Oregon the lights were back on for most people. The storm caused Alaska Airlines to ground flights between 4:20 a.m. and

5:15 a.m. Sunday after a power outage in the Seattle area, where its operations are based. Twenty-seven flights were delayed and five were canceled.

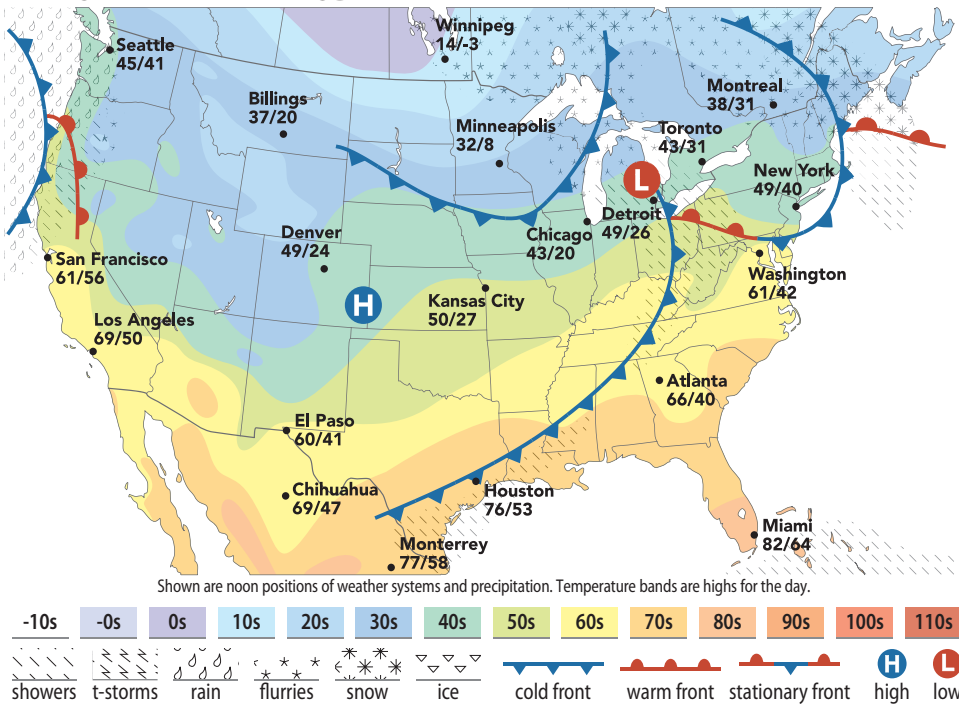
The National Weather Service reported winds included gusts of more than 60 mph at the storm's peak Saturday night and early Sunday morning.

## NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)

High 86° in McAllen, Texas Low -17° in Saranac Lake, N.Y.

## NATIONAL WEATHER TODAY



## Oregon gets a new labor commissioner

SALEM (AP) — Oregon's new labor commissioner has an ambitious agenda but an investigation pushed by her predecessor on sexual harassment in the Capitol looms — and the report drew new criticism.

Val Hoyle, a former state legislator, was sworn in Monday by Attorney General Ellen Rosenblum.

For the first time in Oregon history, most of the five statewide elected executive offices

are now held by women.

Now, Hoyle must deal with an investigation released Thursday that condemned top lawmakers for allegedly allowing sexual harassment to persist in the Capitol.

## CONCEALED CARRY PERMIT CLASS

Valid in Washington

### January 19<sup>TH</sup> • 6PM

### Best Western

2255 S Hwy 395, Hermiston

\$80 multi-State, OR included no-fee. \$45 Oregon-only

Required class to get an Oregon or multi-State permit. Class includes:

- Fingerprinting & photo
- Oregon gun laws
- Washington gun laws
- Interstate travel laws
- Interaction with law enforcement
- Use of deadly force
- Firearm / ammunition / holster selection

360.921.2071

FirearmTrainingNW.com : FirearmTrainingNW@gmail.com

## EAST OREGONIAN

— Founded Oct. 16, 1875 —

211 S.E. Byers Ave., Pendleton 541-276-2211  
333 E. Main St., Hermiston 541-567-6211  
Office hours: Monday through Friday, 8 a.m. to 5 p.m.  
Closed major holidays

EastOregonian.com

To subscribe, call 1-800-522-0255  
or go online to EastOregonian.com  
and click on 'Subscribe'

East Oregonian (USPS 164-980) is published daily except Sunday,  
Monday and postal holidays, by the EO Media Group, 211 S.E. Byers  
Ave. Pendleton, OR 97801. Periodicals postage paid at Pendleton, OR.  
Postmaster: send address changes to  
East Oregonian, 211 S.E. Byers Ave. Pendleton, OR 97801.  
Copyright © 2018, EO Media Group

Subscriber services:

For mail delivery, online access, vacation stops  
or delivery concerns call 1-800-522-0255 ext. 1

SUBSCRIPTION RATES

	Local home delivery	Savings (cover price)
EZPay	\$14.50	41 percent
52 weeks	\$173.67	41 percent
26 weeks	\$91.86	38 percent
13 weeks	\$47.77	36 percent

\*EZ Pay = one-year rate with a monthly credit  
or debit card/check charge

Single copy price:

\$1 Tuesday through Friday, \$1.50 Saturday

Circulation Manager:

Bonny Tuller, 541-966-0828

ADVERTISING

Regional Publisher and Revenue Director:

• Christopher Rush  
541-278-2669 • crush@eomediagroup.com

Advertising Services:

• Angela Treadwell  
541-966-0827 • atreadwell@eastoregonian.com

• Grace Bubar  
541-276-2214 • gbubar@eastoregonian.com

Multimedia Consultants:

• Kimberly Macias  
541-278-2683 • kmacias@eastoregonian.com

• Jeanne Jewett  
541-564-4531 • jjewett@eastoregonian.com

• Dayle Stinson  
541-278-2670 • dstinson@eastoregonian.com

• Audra Workman  
541-564-4538 • aworkman@eastoregonian.com

Classified & Legal Advertising

1-800-962-2819 or 541-278-2678  
classifieds@eastoregonian.com or legals@eastoregonian.com

NEWS

• To submit news tips and press releases:  
call 541-966-0818 or email news@eastoregonian.com

• To submit community events, calendar items and Your EO News:  
email community@eastoregonian.com or call Tammy Malgesini  
at 541-564-4539 or Renee Struthers at 541-966-0818.

• To submit engagements, weddings and anniversaries:  
email rstruthers@eastoregonian.com or visit eastoregonian.com/community/announcements

• To submit sports or outdoors information or tips:  
541-966-0838 • sports@eastoregonian.com

Business Office Manager:

541-966-0822

COMMERCIAL PRINTING

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