

# Local & State

## Legislature: Labor Commissioner lacks jurisdiction to pursue sexual harassment allegations

By Andrew Selsky

Associated Press

SALEM — Oregon's Legislature on Friday battled the state labor commissioner's attempt to investigate sexual harassment in the Capitol, saying he lacks jurisdiction and that it would violate the privacy of those who have come forward with complaints.

The Legislature's 35-page response to Labor Commissioner Brad Avakian sets up a confrontation between the legislative and executive branches of state government.

"The Commissioner's Complaint is an attempt to violate the Constitution's strong protection of the separation of powers," insisted the Legislature's outside attorney, Edwin Harnden, in response to Avakian's complaint.

On Aug. 1, Avakian created shock waves in the Capitol when he accused two fellow Democrats — Senate President Peter Courtney and House Speaker Tina Kotek — of allowing a sexually hostile environment and of being slow to protect women from Republican Sen. Jeff Kruse.

His complaint was filed on behalf of two female interns for Kruse who had complained of unwanted touching and comments, and on behalf of two employees. None was identified.

Kruse resigned this year after an outside investigation found he had inappropriately touched women in the Capitol and as the #MeToo movement against sexual misconduct swept politics, entertainment and other industries.

Avakian's legislative director, Christine Lewis, said late Friday that questions over the authority of the Bureau of Labor and Industry to investigate would be addressed at a hearing later.

"BOLI's investigation is open, with investigators looking into not only the specific allegations of a hostile environment at the Capitol, but also the systems in place ... for maintaining the Capitol in a safe and healthy manner," Lewis said in an emailed statement.

In a telephone interview, Harnden said the labor bureau, which is part of the executive branch, does not have jurisdiction over the Legislature's rules and policies over the discipline of members.

Oregon Attorney General Ellen Rosenblum is distancing herself from the dispute, said her spokeswoman, Kristine Edmunson.

"We have chosen not to provide legal advice to either the Legislature or to BOLI in this matter due to at least an appearance of a conflict. We

represent both in other matters, at least when one is not suing the other," Edmunson said.

Since the #MeToo movement caught fire, legislatures in about one-fifth of America's states added provisions that allow for the external investigation of complaints. That takes them out of the hands of lawmakers who might have a vested and even personal interest in the outcome.

In California, outside experts will be tasked with substantiating claims under a new legislative sexual misconduct policy that is expected to take effect in early 2019.

In New Mexico, a new sexual harassment policy enacted just before the start of the 2018 legislative session requires the involvement of an outside counsel when accusations are made against lawmakers.

Kotek and Courtney had already asked the Oregon Law Commission to review policies on harassment and recommend ways to improve them by year's end.

They both "categorically deny" Avakian's accusations that they permitted a "generally hostile environment based upon sex," Harnden wrote in the Legislature's response to Avakian.

Harnden said the Legis-

lature is already working to tighten policies against harassment, and that the Bureau of Labor and Industry was a part of it.

"It was a great collaborative effort that was going on," Harnden told The Associated Press. "It was the best of all worlds ... then the BOLI commissioner made the decision to move all of it to a legal process. So instead of collaboration to a solution, they decided to make it a litigation process."

Subpoenas related to Avakian's complaint have requested names and information about all employees, student interns, or lobbyists and all documents relating to allegations of harassment for almost an eight-year period, Harnden said.

Complaints about inappropriate behavior can only occur when they're brought forward by employees "who feel safe and protected," Harnden argued.

Some of those who participated in investigations of assembly members' and staffers' inappropriate behavior did so reluctantly and only under "the understanding that their privacy would be protected," Harnden wrote.

That information is private, and likely to raise concerns of confidentiality. Their disclosure would create a chilling effect on others to come forward, Harnden said.

### LOCAL BRIEFING

#### Rep. Findley plans coffee hour in Baker

State Rep. Lynn Findley, the Vale Republican whose district includes Baker County, has scheduled a public "coffee hour" event to meet constituents in Baker City on Friday, Sept. 14.

The event is set for 9 a.m. at Mad Matilda's Coffee House, 1931 Court Ave.

Findley was chosen by county commissioners in House District 60 in January 2018 to replace Cliff Bentz, who replaced Ted Ferrioli as state senator for this region.

Findley is a member of the House Committee on Revenue and the House Committee on Energy and Environment. He can be reached by phone at 503-986-1460 or online at [www.oregonlegislature.gov/findley](http://www.oregonlegislature.gov/findley). His email address is [Rep.LynnFindley@oregonlegislature.gov](mailto:Rep.LynnFindley@oregonlegislature.gov)

#### Donations for Brooklyn School

Customers who donate a school supply item at the Baker City Maurices store by Sept. 9 will receive 20 percent off the highest regular priced item purchased. Customers can also donate money, and for every \$1 they have a chance to win a \$10 Maurices gift card.

#### Steelhead daily limit set at one fish

For the second year in a row, daily bag limits for hatchery summer steelhead will be reduced to one fish per day for the Snake River and tributaries in the Grande Ronde and Imnaha River basins for the season that opened Saturday, Sept. 1.

The decision to initially reduce the bag limit corresponds with historically low Columbia River steelhead counts observed in 2018, which also led fishery managers to close steelhead harvest in the mainstem Columbia River last week, according to the Oregon Department of Fish and Wildlife. As of Aug. 29 just over 55,000 steelhead, which includes about 22,000 wild steelhead, had passed Bonneville Dam. In total the steelhead run is about 25 percent of the most recent 10-year average.

The bag limit reduction is intended to reduce fishing pressure on sensitive wild stocks of steelhead, in addition to ensuring enough hatchery fish return to facilities in the Snake River basin to meet production objectives.

"Our current estimates suggest enough hatchery fish will return to meet program goals and support recreational harvest, but we also need to manage conservatively this early in the season" said Jeff Yanke, ODFW district fish biologist in Enterprise. "We found that this approach was successful last year to increase survival and returns to wild spawning tributaries and hatchery facilities."

Managers expect the reduced bag limits to be temporary, but will hold off on further changes until more of the steelhead run arrives closer to home. So far, less than 10 percent of Grande Ronde and Imnaha steelhead have moved upstream of the Columbia River. ODFW expects to have a much clearer picture by late October.

## Horse rescued from Eagle Cap Wilderness

ESTACADA (AP) — An injured horse found wandering alone in the Eagle Cap Wilderness has been rescued.

KATU-TV reports that the 8-year-old horse named Sandy was led out of the Wallowa Mountains last week and is recovering at the Eagle Fern Equine Hospital in Estacada.

She's in the care of the

horse rescue group Sound Equine Options and is scheduled for surgery at Oregon State University on Tuesday.

The horse had an injured left back leg but was led out after veterinarians said the 6-mile trip would be safe after giving her painkillers. It's not clear who owns Sandy or how she sustained the injuries.

"We're guessing she fell

down a cliff or on rocks," said Kim Mosiman, the executive director of Sound Equine Options.

A U.S. Forest Service lookout on Mule Peak, Brian Sather, spotted the horse several weeks ago. He called for help after spotting her again a week later and went to check on her.

"We got up close to her, and

we could see that her leg was very injured," Sather said.

He started making calls and eventually found Sound Equine Options. He also found Blue Mountain Back Country Riders who rode in to bring Sandy out.

"They just took it slow," Sather said. "She made it through all the rough terrain."

### COUNTY

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Commissioners, who will meet at 9 a.m. at the Courthouse, 1995 Third St.,

will also consider an agreement with Nelson Roofing Inc. for replacement of the Baker County Jail roof, a memorandum of understanding for an economic opportunity analysis grant, and bylaws

for the Baker County Transportation/Traffic Safety Commission.

Commissioners will also have a public hearing at 10 a.m. on a proposal to sell county property on Hunt Mountain.

### HEAT

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The advantage for 1961 is considerably larger if you extend the comparison to include June (climatologists, rather than heeding the calendar with its solstices and equinoxes, divide the four seasons using entire months, so summer is June 1 through Aug. 31).

The summer of 1961 had an average high temperature of 88.1 degrees, compared with this year's 85.6.

June 1961 was the hottest on record, with an average high temperature of 84.1.

This year, by contrast, June, though warmer than average at 76.9 degrees, ranked only 13th at the airport, where records date to 1943.

Based on the July-August period, this summer was on pace to surpass 1961 until the final week of August.

This July was the second-hottest on record, compared with 1961's rank as the 10th hottest.

But a major change in the weather pattern started Aug. 24.

The temperature at the airport topped 90 degrees on 14 of first 23 days of August. But there were no 90-degree days

in the month's final week.

On the 26th the high was just 65, and the next day it was 67.

That cooldown pushed August's average high to 88.1. That's still well above the long-term average of 84.5, but it fell short of August 1961's average of 90.7.

The summer of 2018 was still historic, though.

The heat wave of Aug. 8-10 was the most severe on

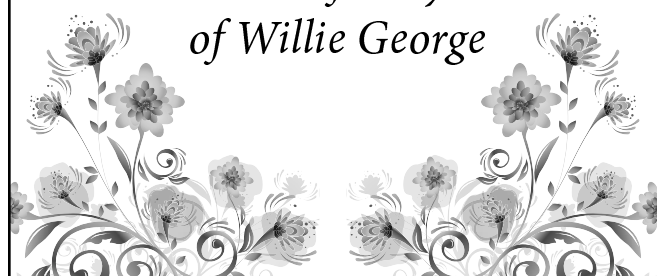
record at the airport, with temperatures of 103, 108 and 109.

The three-day average of 106.7 is hotter than the all-time one-day record that had stood for 57 years — 106 degrees on Aug. 4, 1961.

That was the peak of the previous record heat wave, Aug. 1-4, 1961, when the highs were 102, 103, 103 and 106, a four-day average of 103.5.

Thank you to all for your prayers, thoughts, and acts of kindness for Willora (Willie) George over the last few years.

- The family of Willie George



### THANK YOU ENTREE SPONSORS!

From Community Connection of Baker County These individuals, organizations and businesses are supporting our senior Dining Center for this month:

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Judy Baker  
Margaret Davidson

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Kerbs Family  
Terrie Evarts  
Settler's Park  
Gregg Hinrichsen

#### Closed September 3rd & 13th

"The food is great here! I don't fix full meals at home, so if I didn't eat here, I wouldn't get the fruits and vegetables that I like"

Thank you to Gray's West & Co., Safeway and Heart N Home for donating the cake! The Dining Center is open Monday through Friday, serving 11:30 - 12:30 p.m. Closed on holidays. The suggested donation for senior lunches, for people over 60 and under 12 is \$4.50. Non-senior meal price is \$6.75. Come and enjoy visiting with friends over a good meal.

Other activities available:  
Aerobic exercise, bingo, Tai Ji, Tai Chi, bridge, pinochle, dancing, blood pressure checks and more!



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