

Many county races uncontested in May 2016 primary vote

By PHIL WRIGHT
Staff Writer

A former candidate for Umatilla County commissioner is challenging incumbent Bill Elfering.

Thomas Bailor is seeking to unseat Elfering in the May 17 election. He was one of six

candidates that ran in 2013 for an open seat on the county board of commissioners. George Murdock won that race.

Bailor has a background as a culture resource coordinator for the Confederated Tribes of the Umatilla

Indian Reservation, according to his candidate filing. His entrance also makes the election something of a classic in Umatilla County: Bailor is from Pendleton and Elfering is from Hermiston.

Elfering is seeking his

second term on the board. He oversees economic development for the county and is the board's law enforcement liaison.

Circuit Judge Ron Pahl did not file to seek another term in position 2 for 6th Judicial District. But the race for

the circuit courts of Umatilla and Morrow counties will be contested.

John Ballard of Hermiston will compete against Jon Lieuallen of Pendleton for the seat currently held by Pahl. (See related story on this page).

Circuit Judge Dan Hill is running unopposed, as is Umatilla County District Attorney Dan Primus.

In the race for Umatilla County sheriff remains between incumbent Terry Rowan and challenger Ryan Lehnert.

Candidates take differing approaches to the bench

By PHIL WRIGHT
Staff Writer

The two attorneys vying for the local circuit court have attitudes on opposite ends of the judicial spectrum.

Jon Lieuallen of Pendleton and John Ballard of Hermiston were part of a candidates forum Thursday in Heppner. Ballard told the crowd of about 50 that he would not coddle criminals.

"There are certain people who need to die in prison," he said. "And I have no qualms about sending someone to prison for the rest of their life."

Lieuallen said most people who go to prison also get out.

"Reformation needs to be something you focus on, because the person is going to be back (in the community)," he said.

Ballard, though, contended rehabilitation doesn't work: "It costs just as much to lock them up, and we're safe that way."

Ballard, 51, has been practicing law for 19 years in Hermiston. He is twice divorced and has a 25-year-old daughter attending Columbia University, New York City. Campaign finance filings show he put \$10,000 of his own money into the race for the bench.

Lieuallen turns 48 this summer and has been an attorney since 1999. He and his wife married in 2001 and have two boys and two girls. The family strode down Main Street in Adams last Saturday in the town's annual parade.

He was the lone candidate

there and even pulled a red wagon flying election signs.

Ballard also is working to drum up votes. His election sign towers over Sunset Elementary School in Hermiston. He spoke earlier this week about the campaign.

Ballard said about 50-60 percent of his practice now is divorce, most of the rest is criminal and he throws in some civil cases to boot. And for several years he has been the backup judge in the city court in Hermiston.

"I think I would probably be more effective as a judge in this stage in my life," he said.

The work of a trial attorney has its rewards and downsides, he said. Paying clients expect him to be available 24/7, every day of the year, and by his own choice he has not taken a week's vacation since at least 2006. A judge's workload is "more condensed," he said, but winning would mean a "hefty pay cut."

The position pays about \$124,500 a year, and the term is for six years.

A judge is akin to a baseball umpire, Ballard said, determining if a ball is fair or foul. Courtrooms are filled with close calls, he said, and his experience will help him to make the right decisions.

"You would be hard pressed to find a facts scenario I've not run into," he said. "And my BS meter is probably set fairly high."

Lieuallen was a deputy district attorney in Prineville, worked in public defense in



STAFF PHOTO BY GEORGE PLAVEN

John Ballard, left, speaks to the audience as Jon Lieuallen looks on at the Heppner Chamber of Commerce candidate's forum on Thursday in Heppner.

Umatilla County and in 2004 joined the Milton-Freewater firm of Monahan, Grove & Tucker, where he made partner three years later. A former high school champion wrestler, he said he is competitive and aspires to be at the top of his profession.

Thus the race for the bench, he said, where the key to success is exemplifying a judicial temperament.

"You have to be firm and fair," he said, "but you also have to be willing to listen and be unbiased. I think some of his (Ballard's) stuff can be sharp."

So sharp the Oregon State Bar Disciplinary Board in 2013 put Ballard on trial to consider if he violated a restraining order and broke the law while representing a client in a divorce.

The *East Oregonian* obtained a copy of the three-person trial panel's 8-page opinion. The panel consisted of Bend attorneys Carl W. Hopp Jr. and Ronald L. Roome, both of Bend, and retired den-

tist John G. McBee of Pendleton.

Ballard's client owned a Ford F-150 pickup, which the client's wife used. Ballard ordered his assistant to take the pickup at dawn on June 29, 2010 and keep it out of view. Marylu Lopez, the wife in the case, reported she filed a complaint with the Bar.

Ballard said that led to an inquiry, and the Bar cleared him. Then came an appeal, and he prevailed again. But Lopez and Aaron Guevara, her attorney in the divorce case, pushed for the trial panel.

The trial was Oct. 31 and Nov. 1, 2013, in Hermiston. Ballard, Guevara and others testified, including Hermiston police Capt. Daryl Johnson. The panel concluded Ballard did not violate the restraining order when he took the pickup.

But the opinion also stated the panel "unanimously disapproves of Ballard's conduct," found his "actions were overzealous," and his

claim he owed no duty to the wife "rang hollow."

He left Lopez without a vehicle for an extended period of time, according to the panel, and "caused actual harm to the wife, to the couple's daughter, and to the perception of lawyers held by the community at large."

The panel also found it "offensive" for Ballard, an attorney and officer of the court, to "surreptitiously" pull off the scheme.

"An attorney snatching and holding the opposing party's sole means of transportation reflects poorly on all lawyers," the panel stated. "What if there had been a breach of the peace and someone was hurt? What if wife's attorney, following Ballard's example, took the vehicle back? Where do personal, self-help style, snatch and grab activities by attorneys end?"

McBee as "representative of the conscience and norms of the community," found Ballard was wrong and broke the law.

Ballard said he anticipated this would come up during the campaign. He said he hits hard as an attorney, and the trial panel "didn't like me one bit," but he was protecting his client in that situation.

Ballard said his client owned the pickup and had a report of people drinking and driving in it. If someone crashed it while drunk, Ballard said, his client would have been liable.

"I made a judgment call to have the truck picked up at dawn," he said, and as-

serted there was a receipt in the pickup for "\$70 or \$80" worth of alcohol and "beer bottles all over it."

He also said he called Hermiston police and said he took the pickup so they would know it was not stolen.

Good, bad or otherwise, he said that's what happened. But it was by the book, and that is how he would be as judge.

"I'm fairly balanced and very procedural," he said, and he suspected his rulings "will be a little stronger than my opponent's."

Lieuallen said he knew of the trial panel but he would not make it a campaign issue. He said he was talking about his experience and community involvement, including as a member of the Milton-Freewater Rotary Club and president of the Pendleton youth wrestling club. He said he plans to spend about \$5,000 on mailings to voters in Morrow County and the west side of Umatilla County.

Lieuallen campaigned in 2012 against sitting Circuit Judge Lynn Hampton and lost by about 55 percent to 45 percent.

And this week the Bar released the results of its judicial preference poll, in which local lawyers cast their votes for judge candidates. Lieuallen won with 30 votes while Ballard received 18.

But the real verdict in the May election rests with the voters of Umatilla and Morrow counties.

George Plaven contributed to this story.

VOTE:

continued from Page A1

better, faster response for our citizens."

On the ballots in the mail this week, voters in both areas will see ballot measure 30-108, which forms the new Umatilla County Fire District 1. Voters in Hermiston will also see 30-109, dissolving the current Hermiston Fire District, and voters in Stanfield will see measure 30-110, dissolving the Stanfield Fire District.

All three measures must pass to create the new district; if any one fails, then the reformation fails. Stanton said this could lead to cutting one staff position in Hermiston, longer response times, longer delays between responses and higher maintenance costs.

"If it doesn't pass, there's some tough decisions to be made," Stanton said. "It's not a good picture."

Stanton said the number of calls Hermiston receives has continued to climb. From Jan. 1 through Feb. 29, for example, Hermiston Fire and Emergency Services ran 687 total calls — on track for more than 4,100 calls this year compared to 3,900 in 2015. Because the fire districts handle both fire and emergency medical response, Stanton said the districts simply need more personnel.

"In 66 years, the district has never asked for money, and we're at the point now that we need to take it to the voters," Stanton said. "It's a need."

If the reformation passes, the increased funding will be used to staff firefighter/medics at station two on Diagonal Road — 24 hours a day, seven days a week.

The new district will give everyone within the combined district a tax rate of \$1.75 per \$1,000 of assessed property value.

The rate means:
* Most Hermiston residents within city limits will see no change due to compression, where tax rates are capped.
• Stanfield residents will see a discount of 31 cents per

What's on the Ballot

Hermiston

- 30-108 - Forming the Umatilla Fire District 1
- 30-109 — Dissolving the current Hermiston Fire District
- Nominees for the fire board for the new district, consisting of three current Hermiston Fire Board members and two current Stanfield Fire Board members.

Stanfield

- 30-108 - Forming the Umatilla Fire District 1
- 30-110 — Dissolving the current Stanfield Fire District
- Nominees for the fire board for the new district, consisting of three current Hermiston Fire Board members and two current Stanfield Fire Board members.

Note: All three measures must pass in order to create the combined fire district.

thousand as the current Stanfield rate is \$2.06 per thousand.

* Rural residents around Hermiston, such as in the Hat Rock area, will see an increase of 55 cents per \$1,000 of property value.

The reformation is expected to generate about \$900,000. In addition to adding staff, the funding will also go toward replacement of deteriorating vehicles and preventing the need to go out for a bond.

This is the second time the fire districts have sent the reformation to the voters.

Eighteen months ago, the measure failed, but Stanton has high hopes for next

month's election. The fire departments have had more time to talk to the community, to clear up misconceptions and to explain the purpose behind the reformation in text, video and "coffee with the chiefs" discussion formats.

"I think people understand it better now," Stanton said. "More people understand the process now, and I think they do understand why we need it."

Voters in both cities and rural areas will also see names on the ballot for nominees for the fire board for the new district, consisting of three current Hermiston Fire Board members and two current Stanfield Fire Board members.

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