

# Charges dismissed against man convicted in Seaside case

**Marion County judge rules that plaintiff's claims are barred by statutes of limitations**

By Tyler Francke  
Woodburn Independent

A Marion County lawsuit that concerned alleged sex abuse crimes perpetrated at MacLaren Youth Correctional Facility has been dismissed, after the judge in the case sided with the defense in an April 25 summary judgment hearing.

The case centers on Frank James Milligan, 47, a convicted child sex predator whose most infamous crime was the July 2000 abduction of a 10-year-old boy, whom he sexually assaulted, choked unconscious and left for dead in a park in Dallas. He was also charged and convicted of the sexual molestation of a Seaside boy in 1999.

Prior to these crimes, he had previously been employed by the Oregon State Hospital and Oregon Youth Authority, working as a group life coordinator at MacLaren from May 1997 until being placed on leave by OYA in 1999. He was formally dismissed in 2000.

While at MacLaren, he allegedly sexually assaulted at least one youth offender housed there, a man identified

in court documents only as "J.M." J.M. was 15 in December 1998, when he was sent to MacLaren and assigned to the residential area in which Milligan was working at the time.

Milligan, already serving combined prison sentences of 36 years, was convicted in September 2015 of criminal charges stemming from the incident at MacLaren, for which Marion County Judge Cheryl Pellegrini tacked an additional 35 years onto his sentence.

However, the civil case may have reached its conclusion after a different judge, Claudia Burton, entered a ruling on summary judgment on May 9 against J.M. and his attorneys, of the Portland firm Kell Alterman & Runstein.

Burton ruled on two of the central issues in the case, both of which, in different ways, deal with statutes limiting the windows of time in which claims may be filed for damages stemming from injury or sex abuse.

The defense had argued that the \$5.5 million lawsuit was subject to the Oregon Tort Claim Act, which requires claims against government agencies to be noticed within



Frank James Milligan

six months of the alleged injury and filed within two years. In this case, the crimes occurred in 1998, and the claim was not filed until 2014 because — according to the plaintiffs — J.M. had repressed the memories of the abuse.

However, the plaintiff had countered that a different provision of Oregon law (ORS 12.117) should apply, which allows victims of child sex abuse until the age of 40 to file claims. One of J.M.'s attorneys, Dennis Steinman, said his client was only 30 when the claim was filed.

Burton ultimately ruled in favor of the OYA.

"As a statute of limitations, ORS 12.117 does not apply to claims brought against the state of Oregon that are sub-

ject to the Oregon Tort Claims Act," she wrote.

In a phone interview last week, Steinman was of the opinion that this decision creates a "disconnect" in the law.

"The net effect of the judge's ruling is that if a child is abused by a church or the Boy Scouts or some other private entity, you have until you're 40 years old to bring the claim, but if you're abused by a public entity, you have this very short window to file," he said. "And if you're 5 years old, you may not even realize that you were abused until you're 30."

The second issue concerned differences between Oregon and U.S. case law in regard to Section 1983, a federal statute commonly used to bring claims of alleged civil and constitutional rights violations.

Steinman said that federal case law has established a tighter window for when a plaintiff discovers the claims, but he and his firm had argued the court should use a different discovery standard for Section 1983 claims, which

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Attorney Dennis Steinman, speaking on Judge Claudia Burton's ruling

mouth shut because no one would believe him and threatened to break his neck.

"Plaintiff lived in fear that Milligan would sexually assault

him again during the time that Plaintiff was at MacLaren," the complaint read in part.

J.M. was released from MacLaren in September 1999. The complaint originally named OYA as a defendant in the case, along with Richard Hill and Gary Lawhead, who were, at the time, the director of OYA and superintendent of MacLaren, respectively. However, Hill was voluntarily dismissed by the plaintiff in a motion filed April 1.

The petition said J.M. blocked out the abuse after being released, and the memories did not begin to resurface until 2012, when news broke of the sex abuse scandal at Penn State University involving Jerry Sandusky.

Milligan is currently in custody at the medium-security Two Rivers Correctional Institution in Umatilla. The earliest he would be eligible for release is Sept. 25, 2071.

## New CEO aims to meet the challenges at Providence Seaside

By Nancy McCarthy  
EO Media Group

With a new CEO in charge, Providence Seaside Hospital could be in for several changes.

More full-time doctors will be hired. More partnerships may be formed with Columbia Memorial Hospital. The Providence Seaside campus could even get a new look.

Hired in January, Kendall Sawa came to Providence Seaside from Ocean Beach Hospital in Ilwaco, where he had been chief executive since late 2012.

He formerly served in several positions at PeaceHealth Ketchikan (Alaska) Medical Center for 17 years, before taking the helm of Ocean Beach Hospital under a management agreement between the public hospital district and PeaceHealth to manage daily operations. The agreement expired Jan. 31.

The move from PeaceHealth to Providence Health & Services wasn't a giant leap, Sawa said. Both systems are Catholic not-for-profits, they are located on the rural coast and their values are much the same.

He calls his new job "an exciting journey for me."

### Scouting for docs

The challenges facing the 25-bed Providence Seaside, Sawa added, aren't too different than those faced by hospitals in other small communities. Recruitment, changing reimbursement systems as a result of the federal Affordable Care Act and competition with other local hospitals are among his top concerns.

But Sawa is optimistic. After recently introducing four new full-time specialists to the community, he is continuing to scout for more primary care doctors in the Cannon Beach, Seaside and Warrenton clinics.

He's using the coastal beauty as bait, and he's pretty sure it will work; more providers — including a nurse practitioner, physician's assistant, an internal medicine physician and two walk-in clinic specialists — are expected to arrive at Providence

Seaside in the next six to nine months, he said.

"It's a beautiful place to come and work," Sawa said. "There are providers looking for an opportunity to serve a small community hospital like Providence Seaside."

But, he added, every community wants more primary care doctors, which are becoming rare nowadays. Medical school graduates are going into the higher paying specialties instead of serving general populations.

Being in a small community hospital has its disadvantages: It means being on call much more frequently than in a larger hospital, where there may be little or no on-call duty. It may be difficult to find an affordable home, and the doctor's spouse or partner may not be able to find appropriate work.

But, Sawa noted, there's one big advantage: "In a rural community, you really get to know the people you see as patients." There are other pluses, too, he added. The North Coast is a good place to make a lifestyle change.

"We've been lucky to find several candidates who want to make this a place to live," Sawa said.

### Collaborations

Providence Seaside also will continue to find ways to form partnerships with Columbia Memorial Hospital in Astoria, Sawa added.

"The walls are breaking down," he said. "It's the right thing to do. We are collaboratively working together."

When CMH announced that it was ending its home health services at the end of April, Providence Seaside agreed to pick up CMH's 17 patients. The Seaside hospital already serves about 100 home health patients — those who need medical attention but can't leave home and don't need a nursing home.

In addition, the two hospitals are collaborating with



Kendall Sawa

each other and with Clatsop Behavioral Health to create the Clatsop Behavioral Health Respite Center for those who need treatment for mental health crises. The Warrenton center is expected to open at the end of May.

While CMH recently became affiliated with Oregon Health and Science University in Portland, Sawa points to the strength of the overall Providence Health & Services system, which stretches over seven states. It is the third-largest health system in the United States.

Seaside Providence also is working with Ocean Beach Hospital by sending cardiologist Robert Morse there on a regular basis. "He already sees a lot of patients from that area," Sawa said.

To provide service for its rural residents and still stay within budget, the hospital is increasing its use of "telemedicine," where patients talk to doctors online and don't have to travel to appointments. The online process is being used to admit patients to the hospital and to have follow-up discussions with cancer and stroke patients. The system is even being used in the intensive care unit.

With the addition of doctors and other personnel, the hospital may have to expand outside its current boundaries on Wahanna Road in Seaside, Sawa said. A master construction plan is being worked on, he added, and more off-campus offices may be opened.

"We are definitely out of space," Sawa said.

## Memorial Day remembrance

Memorial Day from Page 1A

gave up their life so I could stand on that beach," Michael Heuvelhorst, an officer of the Seaside Elks Lodge. "I just can't imagine what it would take to repay that debt."

The liberty Americans have today — to celebrate the national holiday, to spend time with their loved ones — was paid for by those who gave their lives fighting for the country.

"We need to remember this not only today, but every day," Heuvelhorst said.

Col. Michael Becker, from the Camp Rilea Armed Forces Training Center, gave a brief history of Memorial Day, which he called "America's most solemn holiday."

"This day is observed on the last Monday of May," he said. "It is the day we set aside in which we give honor to the men and women who died while serving in the U.S. military."

The history is important, Becker said, to understand its significance. He urged the audience to share with their children "what this day is all about."

The event was capped by the traditional wreath-laying ceremony. Standing atop the Broadway Bridge and accompanied by First Vice Commander Brad Moore, Greg McCollum, of Seaside, laid a wreath in the Neawanna Creek in memory and celebration of his father, Jack McCollum, who served in the Korean War and died in November.

Although Jack McCollum received a Bronze Star and was proud of his service to the



KATHERINE LACAZE/FOR SEASIDE SIGNAL

**Local Boy Scout troops present colors during the Seaside American Legion Post 99's annual Memorial Day observance.**

United States, "he was a very quiet individual," and kept silent regarding his memories of the war, Greg McCollum said.

"Most of the guys are silent," he added.

To have the life and service of his father, who was a member of the Seaside American Legion, remembered during the Memorial Day service was "overwhelming," McCollum said.

"It's very special," he said. The ceremony also included the singing of "The Star-Spangled Banner" and "God Bless America," by Kayla Vowels, and "Amazing Grace," by Maureen Boggs, a member of the Seaside American Legion Auxiliary.



KATHERINE LACAZE/FOR SEASIDE SIGNAL

**State Rep. Deborah Boone, D-Cannon Beach, speaks during the Seaside American Legion Post 99's annual Memorial Day Celebration.**

Instead of an opening prayer, Post 99 Chaplain Jeanie Peterman shared lines from war poem "In Flanders Field," which is written from the perspective of those who died in conflict.

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