

WILLAMETTE WEEK

Legislative Leaders Agree to Pay Sexual Harassment Victims More Than \$1 Million Award settles complaint brought by former Labor Commissioner Brad Avakian on behalf of eight women.

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In an unprecedented development, the Oregon Legislature has agreed to pay \$1.32 million to resolve sexual harassment complaints by eight women who worked in the Legislature. The [settlement](#) resulted from an [explosive investigation the Oregon Bureau of Labor and Industries completed earlier this year](#), after state Sen. Sara Gelser (D-Corvallis), registered harassment complaints against then-Sen. Jeff Kruse (R-Roseburg).

The investigation ultimately found eight women who suffered harassment ranging from unwanted touching to verbal and electronic propositioning.

Although Kruse resigned in February 2018, the BOLI investigative report also criticized legislative leadership, particularly House Speaker Tina Kotek (D-Portland) and Senate President Peter Courtney (D-Salem), for their failure to address harassment in the Capitol and for aggressively resisting the BOLI investigation, including refusing to comply with subpoenas. BOLI ultimately found that Kotek and Courtney "failed to take immediate and appropriate corrective action to unlawful employment practices based on sex."

The size of the settlement is unprecedented in Oregon. Greg Chaimov, who once served as legislative counsel, says he can't recall a similar pay-out.

"I don't remember the Legislature paying out a settlement to anyone for any reason," Chaimov says.

Details of the \$1.322 million payout: \$1.095 million for eight women whom a state Bureau of Labor and Industries investigation identified in January as having suffered sexual harassment; \$200,000 for BOLI's legal fees and investigative costs; and \$26,200 in legal fees for state Sen. Sara Gelser (D-Corvallis), whose complaint about sexual harassment by former Sen. Jeff Kruse (R-Roseburg) in 2016 began the slow-motion scandal. (Gelser is not among the eight women who received compensation).

The largest individual award any women received was \$415,000. The precise breakdown and the names of the eight women, except for those who have identified themselves publicly, will remain confidential.

The total does not include the costs of the Legislature's outside counsel, the Barran Liebman firm, whose fees so far are \$221,730 and lawyer Dian Rubanoff, who was paid \$56,032 an investigation of Kruse.

The nine-page settlement comes nearly two months after former Labor Commissioner [Brad Avakian published a bombshell investigative report on the sometimes toxic culture in the Legislature.](#)

Although Avakian's term expired just days after he published the report, mediation to settle what is known as a "commissioner's complaint" began Feb. 5 under his successor, Labor Commissioner Val Hoyle and the settlement of that mediation was announced today.

Although the women will receive financial compensation, they won't get what some of them sought: the dismissal of Legislative Counsel Dexter Johnson and human resources director Lore Christopher, both of whom were faulted in Avakian's investigation and by some of the women for failing to take harassment complaints seriously or to respond effectively.

Gelser, who has been critical of Courtney's handling of complaints and of his response to the BOLI investigation says today's settlement is a positive step but that the Legislature is nowhere near where it needs to be in terms of providing a safe, healthy working environment for interns, staff members lobbyists or even elected officials.

"We can't just proclaim we fixed it—sexual harassment—with the formation of a Capitol culture committee and trainings," Gelser says. "Not until people in the building tell us they feel safe and don't fear retaliation—and we're a long way from that place."

Charese Rohny, a lawyer who represented Annie Montgomery and Adrianna Martin-Wyatt, two interns placed in Kruse's office long after women had lodged complaints against him, issued the following statement:

"Because of Senator Gelser and former Commissioner Brad Avakian's commissioner complaint, on Jan. 3, 2019, BOLI found substantial evidence that sexual harassment at the Capitol was severe and pervasive, that given the numerous reports between 2013-2015 that leadership knew or should have known of the culture, that leadership accepted the culture and failed to take meaningful and appropriate corrective action," Rohny said. "[Montgomery and Martin-Wyatt] hope that this settlement helps to shift the power differential at the Capitol toward transparency and equality."

Kotek and Courtney also issued a statement regarding the settlement:

"On behalf of the Oregon Legislature, we sincerely apologize to the women who suffered harm during their time in the Capitol," Kotek and Courtney said. "Everyone working in or visiting the State Capitol deserves to feel safe and respected. We remain committed to improving the Capitol's workplace culture and are working hard to implement that change during the ongoing legislative session, following the recommendations of the Oregon Law Commission."

(The two former interns will drop [their lawsuit against Courtney and Kruse and Johnson](#) as part of the settlement.)

The settlement includes a requirement that the Legislature establish an Equity Office to receive and investigate complaints and that until that mechanism is in place, that lawmakers retain an independent law firm to handle complaints.

"This settlement ensures that the injured parties have their harms addressed," said Labor Commissioner Val Hoyle, who succeeded Avakian in January. "It puts in place requirements and processes that, when fully implemented, will improve the Capitol as a workplace and will provide appropriate support to workers who may have issues in the future".