

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

October 13, 2008

(Tape 1A, 0.1)

Chair Judy Stiegler called the meeting to order at 9:05 a.m. The meeting was held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, Salem, Oregon. Other commissioners present were Delna Jones, Jeff Jones, Thomas Bruner and Charles Beggs. Commissioners Sue Hildick and Kenneth Lewis were excused from attendance. Staff present were Executive Director Ron Bersin, Investigator Don Crabtree, Investigator Deborah Tuss, Trainer Tammy Hedrick, Program Analyst Virginia Lutz, Administrative Specialist Andrea Mowry and OGEC Counsel Lynn Rosik.

(Tape 1A, 0.1)

AGENDA ITEM 1, Approval of the Minutes of the August 15, 2008 meeting. Stiegler called for approval of the minutes of the August 15, 2008 commission meeting. The minutes were approved as presented.

CONSENT CALENDAR

(Tape 1A, 0.7)

D. Jones moved for approval of the consent calendar and the staff recommendation on each as follows:

Reports of Investigation

None.

Stipulated Final Orders

AGENDA ITEM 2, No. 07-186XDC, Mike Steward, Washington County Fair Board. Mr. Steward was not present.

AGENDA ITEM 3, No. 08-150LDC, John A. DiLorenzo, Jr., Lobbyist. Mr. DiLorenzo was not present.

Consent calendar roll call vote was taken as follows: Stiegler, aye; D. Jones, aye; Beggs, aye; J. Jones, aye. Motion passed unanimously.

End of Consent Calendar

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DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

(Tape 1A, 2.3)

AGENDA ITEM 4, No. 08A-1006, Request for extension of Portland Business Alliance opinion request. D. Jones moved for the approval of staff request to extend the timeframe for completion of the opinion. Roll call vote was taken as follows: Stiegler, aye; D. Jones, aye; Beggs, aye; J. Jones, aye. Motion passed unanimously.

(Tape 1A, 4.2)

The commission convened into executive session at 9:10 a.m. to consider preliminary reviews pursuant to ORS 244.060(6)(c), and to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h).

EXECUTIVE SESSION CONSENT CALENDAR

(Tape 1A, 4.2)

Item 20 was removed from the consent calendar because a Stipulated Final Order was approved earlier in the meeting. Item 23 was removed from the consent calendar for discussion or the appearance of parties wishing to address the Commission.

(Tape 1A, 7.6)

D. Jones moved for approval of the remaining consent calendar items and the recommended action on each as follows:

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Reports of Preliminary Review

AGENDA ITEM 21, No. 08-174EDT, Dan Harnden, City of Culver Mayor. Mr. Harnden was not present. The recommendation was that the commission find that the complaint and information before the commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed.

AGENDA ITEM 22, No. 08-177LDC, Ted Hughes, Lobbyist. Mr. Hughes was not present. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Ted Hughes may have violated ORS 171.740(3) and that the Commission should investigate accordingly.

Executive Session Consent Calendar roll call vote was taken as follows: Stiegler, aye; D. Jones, aye; Beggs, aye; J. Jones, aye. Motion passed unanimously.

End of Executive Session Consent Calendar

Reports of Preliminary Review

(Tape 1A, 8.9)

AGENDA ITEM 23, No. 08-178LDT, Paul S. Cosgrove, Lobbyist. Mr. Cosgrove was present and addressed the Commission regarding his lobbyist registration. Mr. Cosgrove suggested that he had no lobbying activity during the reporting period. The Commission asked questions regarding his lobby registration processes and discussed his suggestion as well as the possibility for settlement. J. Jones moved that the commission find that there is a substantial, objective basis for believing that Paul S. Cosgrove may have violated ORS 171.740(3) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Stiegler, aye; D. Jones, aye; Beggs, aye; J. Jones, aye. Motion passed unanimously.

OTHER PRELIMINARY REVIEWS

None.

OTHER ITEMS

Own Motion Reviews

(Tape 1A, 23.7)

AGENDA ITEM 24, Sandra U. Bishop lobbyist registration. Ms. Bishop was not present. Lutz summarized the matter for the Commission. D. Jones moved that the Commission

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conduct a preliminary review to determine if there is cause to investigate whether Sandra Bishop has violated ORS Chapter 171. Roll call vote was taken as follows: Stiegler, aye; D. Jones, aye; Beggs, aye; J. Jones, aye. Motion passed unanimously.

(Tape 1A, 31.0)

Commissioner Bruner arrived at 9:40 a.m.

Other Items

(Tape 1A, 40.6)

The Commission reviewed the following items without comment unless otherwise noted:

AGENDA ITEM 25, No. 08-208EAI, Aaron Reed re Aurora Police Chief Chris Conboy. The Commission generally discussed additional information requests.

AGENDA ITEM 26, No. 08-209EAI, Brady Stichler re Stanfield Police Chief, Bryon Zumwalt.

AGENDA ITEM 27, No. 08-210EAI, Sandy Semanko re use of a public vehicle. The Commission briefly discussed additional information requests and the use of public vehicles.

AGENDA ITEM 28, No. 08-213EAI, Betty Munsey re Ochoco West Water District.

(Tape 1A, 40.6)

AGENDA ITEM 29, Review of Pending Litigation. Bersin and Rosik reviewed pending litigation matters with the Commission.

(Tape 1B, 4.3)

Bersin commented on a non-jurisdictional case that Commissioner Lewis had questioned in a previous meeting.

(Tape 1B, 5.6)

AGENDA ITEM 30, Summary of Pending Cases. The Commission reviewed the list of pending cases without comment.

(Tape 1B, 5.8)

The OGEC reconvened into regular session at 10:00 a.m.

(Tape 1B, 6.1)

The commission recessed at 10:01 a.m. and reconvened into regular session at 10:10 a.m.

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(Tape 1B, 6.5)

Bersin introduced the Commission to the newest employee, Andrea Mowry.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

(Tape 1B, 9.1)

AGENDA ITEM 5 No. 08S-005, Charles Fletcher, Oregon State University, re administrators of OSU programs related to a for profit partnership accepting positions on board of that business. The Commission generally discussed the opinion.

Staff Advice

(Tape 1B, 9.8)

The Commission reviewed the following correspondence and generally discussed issues regarding Staff Advice:

AGENDA ITEM 6, Pamela Leavitt re public officials participating in an annual meeting hosted by four Oregon cooperatives.

AGENDA ITEM 7, Darlene Strouzut re potential conflicts of interest in service as a member of several districts.

AGENDA ITEM 8, David Hatton re offer of a monetary gift to fund a study from an association.

AGENDA ITEM 9, John M. Gray re commission member decisions that could be to the benefit of the person or their relative.

AGENDA ITEM 10, Annette Price re luncheon event planned by the Port of Portland.

Other Correspondence

(Tape 1B, 21.5)

The Commission reviewed the following correspondence without comment:

AGENDA ITEM 11, No. 08-189XNJ, David Turpin re Nanci Staples, Mayor of Oakland.

AGENDA ITEM 12, No. 08-198ENJ, William Durrett re Carlton Chief of Police.

AGENDA ITEM 13, No. 08-199ENJ, William Durrett re Carlton Chief of Police.

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AGENDA ITEM 14, No. 08-200ENJ, Jeremy Proffitt re Carlton Police Officer.

AGENDA ITEM 15, No. 08-201ENJ, Jeremy Proffitt re Carlton Chief of Police.

AGENDA ITEM 16, NO. 08-212XNJ, Ruth Keith re Shady Cove Water District.

AGENDA ITEM 17, No. 08-216ENJ, Ted Freeman and Sue Gold re Port of Brookings Commissioners.

MISCELLANEOUS ITEMS

(Tape 1B, 22.3)

AGENDA ITEM 19A, Senator Burdick request to extend Legal Defense Trust Fund. The Commission generally discussed reasonable timeframes for soliciting funds and the limitation of six months from the date of approval. D. Jones moved that the Commission approve the extension to February 20, 2009. Roll call vote was taken as follows: Stiegler, aye; D. Jones, aye; Beggs, aye; J. Jones, aye; Bruner, aye. Motion passed unanimously.

(Tape 1B, 37.4)

AGENDA ITEM 19, Director's Report Bersin addressed the Commission's budgetary recommendations and discussed current staffing levels, as well as the electronic filing system. Lutz will provide a summary of the electronic filing system for the December 5, 2008 meeting. Bersin also discussed legislative positions and the shift from compliance to training.

(Tape 2A, 14.2)

Representative Vickie Berger was present and commented on legislative committee assignments and public comment session.

(Tape 2A, 18.4)

Rosik commented on the issue of media attending executive sessions and the City of Lake Oswego's activity in the matter.

(Tape 2A, 28.0)

AGENDA ITEM 18, Executive Director Annual Review Process. The Commission discussed appointing a committee to develop the review process, and selected Chair Stiegler and Commissioners D. Jones and Bruner.

(Tape 2A, 40.0)

The Commission was reminded that new officers would be elected at the upcoming December 5, 2008 meeting.

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(Tape 2A, 43.5)

Chair Stiegler adjourned the meeting of the Oregon Government Ethics Commission at 11:45 a.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for December 5, 2008 at 9:00 a.m. The meeting will be held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, in Salem, Oregon.

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