

# OREGON GOVERNMENT ETHICS COMMISSION

## **MEETING MINUTES**

**January 15, 2010**

9:00 a.m.

(Tape 1A, 0.1)

Chair Charles Beggs called the meeting to order at 9:00 a.m. The meeting was held in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, Salem, Oregon. Other Commissioners present were Kenneth Lewis, Larry Campbell, Joann Waller, and Gary Wilhelms. Heather VanMeter was delayed in joining the meeting and participated by telephone. Staff present were Executive Director Ron Bersin, Investigator Don Crabtree, Investigator Deborah Tuss, Trainer Tammy Hedrick, Trainer Lindsay Bassler, Program Analyst Virginia Lutz, Administrative Specialist Annie Williams, and OGEC Counsel Lynn Rosik.

(Tape 1A, 0.2)

AGENDA ITEM 1, Approval of minutes of the November 20, 2009 meeting. Lutz summarized a correction to Item 34 to change Wilhelms' vote to nay instead of aye. The Commission approved the minutes with the noted corrections.

## CONSENT CALENDAR

(Tape 1A, 0.8)

Items 2, 3, 4, 11, 12, 13, and 14 were removed from the consent calendar for comment. Campbell requested that stipulated final orders not be part of the consent calendar in future meetings.

(Tape 1A, 1.8)

Wilhelms moved for the approval of the balance of the consent calendar items and the staff recommendation on each as follows:

### Reports of Investigation

None.

### Statement of Economic Interest Penalty Correspondence

The staff recommendation on each of the following was to issue a letter of education:

The parties in the following items were not present except where noted.

AGENDA ITEM 5, Kevin Miller, City of Prescott Mayor

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AGENDA ITEM 6, John Crawford, City of Prineville Planning Commission

Lobbying Client/Employer Penalty Correspondence

The staff recommendation on each of the following was to issue a letter of education:

The parties in the following items were not present except where noted.

AGENDA ITEM 7, Northwest Regional ESD, 3<sup>rd</sup> quarter 2009

AGENDA ITEM 8, Oregon State Chamber of Commerce, 3<sup>rd</sup> quarter 2009

AGENDA ITEM 9, Logistic Specialties, Inc., 3<sup>rd</sup> quarter 2009

AGENDA ITEM 10, City of Gresham, 3<sup>rd</sup> quarter 2009

Lobbyist Penalty Correspondence

The staff recommendation on each of the following was to issue a letter of education:

The parties in the following items were not present except where noted.

AGENDA ITEM 15, Lisa Adatto, 3<sup>rd</sup> quarter 009

AGENDA ITEM 16, Graham Trainor, 3<sup>rd</sup> quarter 2009

AGENDA ITEM 17, Luanne Stoltz, 3<sup>rd</sup> quarter 2009

Consent calendar roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye. Motion passed unanimously.

End of Consent Calendar

Stipulated Final Orders

(Tape 1A, 2.5)

AGENDA ITEM 2, No. 09-161EDC, John D. Aarons, Casework Supervisor of Lane County, Dept of Youth Services. Mr. Aarons did not address the Commission. The Commission discussed the conclusion and sanction. Lewis moved that the Commission approve the proposed stipulated final order in this matter and that the Chairperson be authorized to sign it as such. Roll call vote was taken as follows: Wilhelms, aye; Campbell, aye; Lewis, aye; Waller, aye; Beggs, aye. Motion passed unanimously.

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(Tape 1A, 7.1)

AGENDA ITEM 3, No. 09-168EDC, Lisa D. Smith, Director of Lane County Dept of Youth Services. Ms. Smith did not address the Commission. Bersin summarized the conclusion and sanction. Waller moved that the Commission approve the stipulated final order as the final order in this matter and that the Chairperson be authorized to sign it as such. Roll call vote was taken as follows: Waller, aye; Wilhelms, aye; Campbell, aye; Lewis, aye; Beggs, aye. Motion passed unanimously.

(Tape 1A, 11.1)

AGENDA ITEM 4, No. 09-199EDT, Randy Peterson, Mayor of City of St. Helens. Mr. Peterson was not present. Bersin summarized the case. Beggs moved that the Commission approve the stipulated final order as the final order in this matter and that the Chairperson be authorized to sign it as such. Roll call vote was taken as follows: Waller, aye; Wilhelms, aye; Campbell, aye; Lewis, aye; Beggs, aye. Motion passed unanimously.

#### Lobbying Client/Employer Penalty Correspondence

(Tape 1A, 14.0)

Bersin summarized the proposed sanctions for the following items. The Commission discussed the assessment process and methods used when addressing multiple quarters.

AGENDA ITEM 11, Alcatel Lucent, 4<sup>th</sup> quarter 2008. Staff recommendation was to issue a letter of education.

AGENDA ITEM 12, Alcatel Lucent, 1<sup>st</sup> quarter 2009. Staff recommendation was to reduce penalty to \$50.

AGENDA ITEM 13, Alcatel Lucent, 2<sup>nd</sup> quarter 2009. Staff recommendation was to reduce penalty to \$464.

AGENDA ITEM 14, Alcatel Lucent, 3<sup>rd</sup> quarter 2009. Staff recommendation was to reduce penalty to \$12.

Waller moved to approve the staff recommendations. Roll call vote was taken as follows: Lewis, aye; Waller, aye; Wilhelms, aye; Campbell, aye; Beggs, aye. Motion passed unanimously.

(Tape 1B, 3.6)

**The Commission recessed at 9:52 a.m. to arrange for Commissioner VanMeter to join the meeting by telephone and reconvened into regular session at 9:58 a.m.**

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## DEFAULT FINAL ORDERS

(Tape 1B, 3.7)

AGENDA ITEM 18, No. 08-188EDC, Gordon Kaesemeyer, City of Halfway. Mr. Kaesemeyer was not present. Crabtree summarized the case. The Commission briefly discussed the case. Waller moved that the Commission approve the final order by default as presented. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Van Meter, aye; Waller, aye; Wilhelms, aye; Beggs, aye. Motion passed unanimously.

(Tape 1B, 17.9)

AGENDA ITEM 19, No. 08-190XDC, Gordon Kaesemeyer, City of Halfway. Mr. Kaesemeyer was not present. Crabtree summarized the case. The Commission briefly discussed the case. Waller moved that the Commission approve the final order by default as presented. Roll call vote was taken as follows: Wilhelms, aye; Campbell, aye; Lewis, aye; VanMeter, aye; Waller, aye; Beggs, aye. Motion passed unanimously.

## CONTESTED CASE PROPOSED FINAL ORDERS

None.

## REPORTS OF INVESTIGATIONS

(Tape 1B, 25.5)

AGENDA ITEM 20, No. 08-228EDT, Terry Kneisler, Superintendent, Reynolds School District. Bersin advised the Commission that the item was removed from the agenda to review additional information that had been received.

## ADVISORY OPINIONS

None.

## CORRESPONDENCE RECEIVED/RESPONSES

The Commission reviewed the following items without comment.

### Staff Opinions

None.

### Staff Advice

AGENDA ITEM 21, Patty Glenn, Oregon Board of Massage Therapists, re board members participating in matters that could be to their pecuniary benefit or detriment.

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AGENDA ITEM 22, Charles Frank re fire district purchasing from his hardware store while he holds a position on the fire district board of directors.

AGENDA ITEM 23, Bruce Zager re Canby School District purchasing land from a business associated with one of the school board members.

AGENDA ITEM 24, Karen Pettigrew re conflict of interest issues for Boardman city councilor and a matter coming before the city involving the councilor's employer.

AGENDA ITEM 25, Karen Pettigrew re conflict of interest issues for Boardman mayor and companies associated with the city who may also be sponsors for the mayor's private racing endeavors.

AGENDA ITEM 26, Josh Moulin re forming a private business using knowledge developed while working as a public official.

### **MISCELLANEOUS ITEMS**

(Tape 1B, 27.2)

AGENDA ITEM 30, Administrative Rules. Bersin summarized the process and advised that the public comment period would remain open until March 5, 2010 at 10:00 a.m. The Commission briefly discussed.

(Tape 1B, 42.0)

Martha Pellegrino with the City of Portland addressed the Commission with comments regarding the following:

Division 5 – 199-005-0020

“who may officially sanction or designate”

(Tape 2A, 24.0)

Scott Winkels with the League of Oregon Cities addressed the Commission with comments regarding the following:

Division 5 – 199-005-0020

“who may officially sanction or designate”

(Tape 2A, 30.2)

Nori Cross with the State Court Administrator's Office addressed the Commission with comments regarding the following:

Some judges are appointed when there are vacancies. They are not “elected” until they run for office.

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### Other Correspondence

The Commission reviewed the following items without comment except where noted:

AGENDA ITEM 27, No. 09-194ENJ, Barbara Rose re Mt. Angel mayor, Thomas Bauman.

AGENDA ITEM 28, No. 09-200ENJ, Michael Walker re Terrebonne Water Board member, Kay Walters. Lewis questioned why matter was considered non-jurisdictional. Campbell commented that the Commission would need record of a vote. Bersin will request additional information.

AGENDA ITEM 29, No. 09-204ENJ, Jerrie Fife re Echo School District Superintendent, Robert Waite.

(Tape 2A, 41.0)

**The Commission convened into executive session at 11:23 a.m. to consider preliminary reviews pursuant to ORS 244.260(4)(d) and to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h).**

### **EXECUTIVE SESSION CONSENT CALENDAR**

#### Reports of Preliminary Review

(Tape 2A, 43.4)

AGENDA ITEM 33, Jim Weidner, Oregon State House of Representatives. Mr. Weidner not present. Crabtree summarized the case. Campbell moved 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. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; VanMeter, aye; Waller, aye; Wilhelms, aye; Beggs, aye. Motion passed unanimously.

End of Executive Session Consent Calendar

### **OTHER PRELIMINARY REVIEWS**

None.

### **OTHER ITEMS**

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## Own Motion Reviews

(Tape 2B, 0.6)

AGENDA ITEM 34, Possible own motion review re Linda Wagner, Lane County Dept of Youth Services. Crabtree summarized the case. Lewis moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Linda Wagner has violated ORS Chapter 244. Roll call vote was taken as follows: Wilhelms, nay; Campbell, nay; Lewis, aye; VanMeter, aye; Waller, aye; Beggs, aye. Motion passed 4-2.

## Other Items

The Commission reviewed the following items without comment except where noted:

AGENDA ITEM 35, No. 09-195XAI, Angela Flood re Lafayette City Council.

(Tape 2B, 4.4)

AGENDA ITEM 36, No. 09-198EAI, Diane Davidson re Tim Cramblit and Mark Keith, Central Cascades Fire District. Lewis questioned why conflict of interest was not concluded. Bersin requested additional information from the complainant to make an informed decision but has not yet received it.

(Tape 2B, 6.1)

Campbell informed the Commission that he would like to change his vote on Agenda Item 34 from nay to aye. Vote changed. Motion passed 5-1.

(Tape 2B, 6.7)

AGENDA ITEM 37, No. 09-205EAI, Mack Holman re Marc Fullhart, Gardiner Sanitary District.

AGENDA ITEM 38, No. 09-206EAI, Mack Holman re Dixie Hash, Gardiner Sanitary District.

AGENDA ITEM 39, No. 09-208EAI, Mack Holman re Jackie Degman, Gardiner Sanitary District.

Lewis questioned why potential violations weren't found on items 37, 38 & 39. Bersin advised that he had requested additional information before making an informed decision and had not yet received it.

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(Tape 2B, 8.6)

AGENDA ITEM 40, No. 09-208EAI, Margaret Kite re Marc Stauffer, Wallowa-Union Railroad. Lewis could not read complaint as it was too light of a copy. Staff provided the Commission with a legible copy of complaint. Bersin summarized complaint.

AGENDA ITEM 41, Summary of Pending Cases. The Commission reviewed the list of pending cases without comment.

(Tape 2B, 10.2)

AGENDA ITEM 42, Review of Pending Litigation. Rosik discussed pending litigation matters.

(Tape 2B, 26.4)

**The Commission convened into regular session at 11:58 a.m.**

(Tape 2B, 26.7)

AGENDA ITEM 31, Trainer's Report. Hedrick reviewed recent trainings. Bassler presented a draft of a PowerPoint training module that will be posted to the agency's website. The Commission provided feedback on the module.

(Tape 3A, 5.2)

AGENDA ITEM 32, Director's Report. Bersin discussed the assessment fees, the budget, and the first draft of the public official guide.

### **ADJOURNMENT**

(Tape 3A, 16.7)

**Beggs adjourned the meeting of the Oregon Government Ethics Commission at 12:34 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for March 5, 2010 at 9:00 a.m. The meeting will be held in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, in Salem, Oregon.**

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