

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

December 10, 2010

9:00 a.m.

(Tape 1a, 0.1)

Chair Charles Beggs called the meeting to order at 9:01 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 Kenneth Lewis, JoAnn Waller, Larry Campbell, Gary Wilhelms, and Ian Whitlock. Staff present were Executive Director Ron Bersin, Investigator Tammy Hedrick, Investigator Deborah Tuss, Program Analyst Virginia Lutz, Trainer Bethany Reeves, Administrative Specialist Amber Carson, and OGE Council Lynn Rosik.

(Tape 1a, 0.2)

AGENDA ITEM 1, Approval of minutes of the October 26, 2010 meeting. Beggs called for approval of the minutes of the October 26, 2010 Commission meeting. The minutes were approved without correction.

(Tape 1a, 0.9)

Bersin introduced new Trainer Bethany Reeves.

CONSENT CALENDAR

(Tape 1a, 1.6)

Items 3, 4, and 5 were removed from the consent calendar for comment.

(Tape 1a, 2.1)

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

Reports of Investigation

None.

Lobbying Client/Employer Penalty Correspondence

Staff recommendation on each of the following is to issue a letter of education:

AGENDA ITEM 2, Central School District, 2nd quarter, 2010

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Lobbyist Penalty Correspondence

Staff recommendation on each of the following is as indicated:

AGENDA ITEM 6, Lisa Adatto, 2nd quarter, 2010, 2nd violation. Staff recommendation is to reduce the penalty to \$194.

Statement of Economic Interest Penalty Correspondence

Staff recommendation on each of the following is to issue a letter of education:

AGENDA ITEM 7, Mike McManus, Jr., Seneca Planning Commission

AGENDA ITEM 8, Chet Mills, Weston Council

AGENDA ITEM 9, Dalton Miller-Jones, Board of Higher Education, 2009

Staff recommendation on each of the following is as noted:

AGENDA ITEM 10, Dalton Miller-Jones, Board of Higher Education, 2010. Staff recommendation is to reduce the penalty to \$50.

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, 2.8)

AGENDA ITEM 11, 10-112EDT, Tishri Tucker, Executive Assistant, Willamette Education Service District. Bersin summarized the case. Tucker was not present and did not address the Commission. Lewis moved that the Commission approve the proposed 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: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

Lobbying Client/Employer Penalty Correspondence

(Tape 1a, 3.7)

Staff recommendation on each of the following is to issue a letter of education:

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AGENDA ITEM 3, Mary Ellen Glynn, 3rd quarter, 2009

AGENDA ITEM 4, Mary Ellen Glynn, 4th quarter, 2009

Staff recommendation on each of the following is as indicated:

AGENDA ITEM 5, Mary Ellen Glynn, 2nd quarter, 2010, previous violation. Staff recommendation is to reduce the penalty to \$204.

Lutz summarized the cases. Ms. Glynn was present and addressed the Commission regarding filings. The Commission discussed 2009 termination form. Wilhelms moved to approve the staff recommendations as indicated above. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

The Commission reviewed the following without comment except where noted

Staff Opinions

None.

Staff Advice

(Tape 1a, 13.9)

AGENDA ITEM 12, Jack Hoffman re Metro Council transit project. The Commission discussed the staff advice.

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Other Correspondence

(Tape 1a, 19.0)

AGENDA ITEM 13 No. 10-198ENJ, James A. Graham re Salem Airport Advisory Commissioner James Harr and Salem Airport Administrator Alan Alexander.

(Tape 1a, 19.3)

The Commission convened into executive session at 9:24 a.m. to consider preliminary reviews pursuant to ORS 244.260(4)(d), to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h), and to conduct the annual Executive Director performance review pursuant to ORS 192.660(i).

EXECUTIVE SESSION CONSENT CALENDAR

(Tape 1a, 20.3)

Items 20 and 22 were removed from the consent calendar for comment or appearance by parties wishing to address the Commission.

Reports of Preliminary Review

AGENDA ITEM 20, No. 10-160ETH, David Fuller, City of Wood Village Mayor. Hedrick summarized the case. Counsel Kari Furnanz and David Fuller were present. Furnanz addressed the Commission regarding city meeting minutes and disclosure of conflicts of interest. Fuller addressed the Commission regarding the city budget. The Commission discussed the complainant and the hiring process. Waller moved that the Commission find that there is a substantial, objective basis for believing that David Fuller may have violated ORS 244.040(1) and 244.120 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, nay; Beggs, aye; Whitlock, aye. Motion passed 5:1.

(Tape 1b, 0.9)

AGENDA ITEM 22, No. 10-173EDT, Harold Anderson, Lincoln County former Building Inspector. Tuss summarized the case. Harold Anderson was present and addressed the Commission regarding relationship with Dan James, owner of NW Homes Inc, and terms and reasons for loan. The Commission discussed the case. Lewis moved that the Commission find that there is a substantial, objective basis for believing that Harold Anderson may have violated ORS 244.040(1) and 244.120(1)(c) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

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(Tape 1b, 10.9)

Campbell moved for approval of the balance of the executive session consent calendar items and the recommended action on each as follows:

AGENDA ITEM 17, No. 09-196EDT, Chuck Wilcox, Crook County School District Teacher and Coach. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Chuck Wilcox, may have violated ORS 244.040(1) and 244.120(1)(c) and that the Commission should investigate accordingly.

AGENDA ITEM 18, No.10-126ETH, Valerie Magnus, City of Oakland Public Works Utility Worker. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Valerie Magnus, may have violated ORS 244.040(1) and that the Commission should investigate accordingly.

AGENDA ITEM 19, No. 10-156XTH, Linda Dugan, Warrenton-Hammond School District Board Member. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Linda Dugan, may have violated ORS 192.660 and that the Commission should investigate accordingly.

AGENDA ITEM 21, No. 10-171EDT, Cheryl Myers, North Clackamas School District Board of Directors. 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 23, No. 10-175XTH, Dennis Warren, Warrenton-Hammond School Board Member. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Dennis Warren, may have violated ORS 192.660 and that the Commission should investigate accordingly

AGENDA ITEM 24, No. 10-176XTH, James Gannaway, Warrenton-Hammond School Board Member. The recommendation was that the Commission find that there is a substantial, objective basis for believing that James Gannaway, may have violated ORS 192.660 and that the Commission should investigate accordingly.

AGENDA ITEM 25, No. 10-177XTH, Kelly Simonsen, Warrenton-Hammond School Board Member. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Kelly Simonsen, may have violated ORS 192.660 and that the Commission should investigate accordingly.

AGENDA ITEM 26, No. 10-178XTH, Darlene Warren, Warrenton-Hammond School Board Member. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Darlene Warren, may have violated ORS 192.660 and that the Commission should investigate accordingly.

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AGENDA ITEM 27, No. 10-179XTH, Len Mossman, Warrenton-Hammond School Board Member. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Len Mossman, may have violated ORS 192.660 and that the Commission should investigate accordingly.

AGENDA ITEM 28, No. 10-180XTH, Craig Brewington, Warrenton-Hammond School District No. 30 Superintendent. The recommendation was that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS chapter 192.660 or warrant further review and that this complaint be dismissed.

AGENDA ITEM 29, No. 10-181XTH, Shannon Schelin, Warrenton-Hammond School Board Member. The recommendation was that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS chapter 192.660 or warrant further review and that this complaint be dismissed.

AGENDA ITEM 30, No. 10-182EDT, Jason Knope, Junction City former City Administrator. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Jason Knope, may have violated ORS 244.040(1) and that the Commission should investigate accordingly.

AGENDA ITEM 31, No. 10-183EDT, Elizabeth Murray, City of Westfir former Recorder. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Elizabeth Murray, may have violated ORS 244.040(1) and 244.120(1)(c) and that the Commission should investigate accordingly.

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

End of Executive Session Consent Calendar

OTHER PRELIMINARY REVIEWS

None.

OTHER ITEMS

Own Motion Reviews

None.

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Other Items

(Tape 1b, 12.0)

The Commission recessed at 10:02 a.m. and reconvened into executive session at 10:13 a.m.

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

AGENDA ITEM 32 No. 10-207EAI, Brent Robinett re Crook Co Sheriff, Rodd Clark.

AGENDA ITEM 33 No. 10-208XAI, Kyle Osborne re City of Burns officials

(Tape 1b, 12.6)

AGENDA ITEM 34, Executive Director Performance Evaluation. The Commission discussed performance review issues with Bersin.

AGENDA ITEM 35, Summary of Pending Cases

AGENDA ITEM 36, Review of Pending Litigation

(Tape 2a, 3.4)

The Commission convened into regular session at 10:48 a.m.

ADVISORY OPINIONS

(Tape 2a, 3.6)

ADDENDUM 1-A, 10A- 1001, League of Oregon Cities re discounts offered to public officials. Request for 60 day extension to review additional information received. Lewis moved to approve the staff request for a 60 day extension. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

MISCELLANEOUS ITEMS

(Tape 2a, 4.7)

AGENDA ITEM 15, Trainer's Report. Hedrick addressed the Commission regarding upcoming trainings.

(Tape 2a, 6.4)

AGENDA ITEM 16, Director's Report. Bersin addressed the Commission regarding a new option for Department of Justice billings for the next biennium. He announced that Norma Paulus has been appointed to fill the vacant Commissioner position and that she would attend the January 2011 meeting. Bersin summarized the status of the Treasury's policy review request and provided an informational handout. He informed

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the Commission that interviews were scheduled for the vacant Investigator position. Bersin advised that a bill has been submitted to the Legislature that would reduce the maximum assessment for late filing penalties from \$5000 to \$1000.

(Tape 2a, 18.1)

AGENDA ITEM 14, Election of Chair and Vice Chair for 2011. Beggs nominated Lewis for Chair. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

Lewis nominated Campbell for Vice Chair. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

(Tape 3a, 4.2)

Beggs adjourned the meeting at 11:08 a.m. The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, January 21, 2011 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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