

# OREGON GOVERNMENT ETHICS COMMISSION

## MEETING MINUTES

March 5, 2010

9:00 a.m.

(Tape 1A, 0.1)

Chair Charles Beggs called the meeting to order at 9:03 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, Heather Van Meter, Ian Whitlock and Gary Wilhelms. Staff present were Executive Director Ron Bersin, Investigator Don Crabtree, Investigator Deborah Tuss, Trainer Linsay Bassler, Program Analyst Virginia Lutz, and OGEC Counsel Lynn Rosik.

(Tape 1A, 0.3)

New Commissioner Ian Whitlock was introduced to the Commission.

(Tape 1A, 1.0)

AGENDA ITEM 1, Approval of minutes of the January 15, 2010 meeting. The Commission approved the minutes without corrections.

(Tape 1A, 1.3)

Scott Winkels addressed the Commission regarding OAR-199-005-0020(3)(6), regarding travel sanctions. The Commission discussed who should be able to sanction their own travel.

## CONSENT CALENDAR

(Tape 1A, 20.8)

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

### Reports of Investigation

AGENDA ITEM 2, No. 09-128EDC, Vincent J. Watson, Sr, West Umatilla Vector Control District Board of Trustees. The staff recommendation was to find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed.

AGENDA ITEM 3, No. 09-129EDC, Donald W. Hanson, West Umatilla Vector Control District Board of Trustees. The staff recommendation was to find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed.

---

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.

---

### 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 did not address the Commission.

AGENDA ITEM 4, Greater Oregon Chapter of the Appraisal Institute, 3<sup>rd</sup> quarter 2009

AGENDA ITEM 5, United Seniors of Oregon, 3<sup>rd</sup> quarter 2009

AGENDA ITEM 6, Ash Grove Cement Co, 4<sup>th</sup> quarter 2009

AGENDA ITEM 7, Oregon Tribal Gaming Alliance, 4<sup>th</sup> quarter 2009

### Lobbyist Penalty Correspondence

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

AGENDA ITEM 8, Aimee Wilson, 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; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

End of Consent Calendar

### **STIPULATED FINAL ORDERS**

(Tape 1A, 22.5)

AGENDA ITEM 11, No. 09-138EDT, Trina Duncan, City of Halfway Recorder/Treasurer. Ms. Duncan was present and addressed the Commission regarding settlement terms, suggesting that there should be no penalty even though the Stipulated Final Order was signed. Lewis moved to amend the Stipulated Final Order to include a letter of education in lieu of the penalty. Lewis withdrew his previous motion and moved that the Commission dismiss the complaint. The Commission discussed check signing practices. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

(Tape 1B, 1.4)

AGENDA ITEM 9, No. 08-230EDT, Ed Royce Smith, Reynolds School District. Mr. Smith did not address the Commission. The Commission discussed terms of the settlement. Bersin summarized the settlement. Lewis moved that the Commission approve the stipulated final order as the final order in this matter and that the

---

**THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.**

---

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; Van Meter, aye. Motion passed unanimously.

(Tape 1B, 7.7)

Chair Beggs closed the public comment period for the Administrative Rules at 10:00 a.m.

(Tape 1B, 7.9)

AGENDA ITEM 10, No. 09-130LDT, Jim Welsh, Lobbyist. Mr. Welsh did not address the Commission. Campbell 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: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

(Tape 1B, 8.6)

AGENDA ITEM 12, No. 09-203XDT, Danny Fine, Colton Fire District Board of Directors. Mr. Fine did not address the Commission. 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: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

### **DEFAULT FINAL ORDERS**

(Tape 1B, 11.2)

AGENDA ITEM 13, No. 08-220EDT, Kenneth Condon, Manager, Oregon Department of Fish and Wildlife. Mr. Condon did not address the Commission. Campbell moved that the Commission approve the default 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; Van Meter, aye. Motion passed unanimously.

### **CONTESTED CASE PROPOSED FINAL ORDERS**

None.

### **REPORTS OF INVESTIGATIONS**

(Tape 1B, 13.1)

AGENDA ITEM 15, No. 09-112EDC, Paul Koch, Former City Manager, City of Pilot Rock. Mr. Koch did not address the Commission. Crabtree summarized the case. Campbell moved that the Commission find that there is sufficient evidence to find a

---

**THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.**

---

violation of ORS Chapter 244.025(1) by Paul Koch, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. The Commission discussed the violation. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

(Tape 1B, 20.2)

AGENDA ITEM 16, No. 09-117EDT, Ray Akers, Operations Manager, West Extension Irrigation District. Mr. Koch did not address the Commission. Tuss summarized the case. The Commission discussed supervision of relatives. Lewis moved that the Commission find that there is sufficient evidence to find a violation of ORS Chapter 244.025(1) by Ray Akers, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. The Commission discussed elements of the report regarding soliciting bids. Roll call vote was taken as follows: Campbell, nay; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed 6-1.

(Tape 1B, 37.6)

AGENDA ITEMS 17- 21 Board Members, Bly Water and Sanitary District

No. 09-123EDT, Dean Lawrence

No. 09-124EDT, John Lansdowne

No. 09-125EDT, Robert Tucker

No. 09-126EDT, Bill Bell

No. 09-127EDT, Gloria Buchanan

Ron Downs, Counsel for Special Districts, was present on behalf of the respondents. Tuss summarized the case. The Commission generally discussed items within compensation packages and other elements of the case. Campbell moved that the Commission find that there is sufficient evidence to find a violation of ORS Chapter 244.025(1) by Dean Lawrence, John Lansdowne, Robert Tucker, Bill Bell, and Gloria Buchanan, if this evidence is not rebutted by contrary evidence, and that these public officials be offered a contested case proceeding. . Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

(Tape 2A, 14.8)

**The Commission recessed at 10:55 a.m. and reconvened into regular session at 11:04 a.m.**

(Tape 2A, 15.0)

**The Commission convened into executive session at 11:05 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).**

---

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.

---

Item 28 was removed from the Executive Session Consent Calendar for discussion or for appearance of parties wishing to address the Commission.

#### Reports of Preliminary Review

(Tape 2A, 16.2)

AGENDA ITEM 28, No. 09-182EDT, Murray Paolo, Yamhill County Information Services Director. Mr. Paolo was present with counsel Brent Goodfellow. Tuss summarized the case. Mr. Paolo addressed the Commission regarding his activities related to the case. Van Meter moved that the Commission find that there is a substantial, objective basis for believing that Mr. Paolo may have violated ORS 244.040(1)(a) 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, nay; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed 6-1.

(Tape 2A, 40.1)

Item 27 was removed from the agenda and continued to a future meeting.

### **EXECUTIVE SESSION CONSENT CALENDAR**

(Tape 2A, 40.9)

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

#### Reports of Preliminary Review

AGENDA ITEM 29, No. 09-184EDT, Jim Baker, Jr. Former District Manager, Bly Water and Sanitary District. Mr. Baker did not address the Commission. The recommendation was that the Commission move to investigate possible violations of ORS 244.040(1) and 244.120(1)(c).

AGENDA ITEM 30, No. 09-197EDC, Darrin N. Humphreys, Former Superintendent, Oregon Youth Authority. Mr. Humphreys did not address the Commission. The recommendation was that the Commission move to investigate possible violations of ORS 244.040(1)(a).

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

#### End of Executive Session Consent Calendar

---

**THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.**

---

## OTHER PRELIMINARY REVIEWS

None.

## OTHER ITEMS

### Own Motion Reviews

(Tape 2A, 44.2)

AGENDA ITEM 31, Possible own motion preliminary review re Tishri Tucker, Willamette Education Service District. Ms. Tucker did not address the Commission. Bersin summarized the potential case issues. The Commission discussed the documentation. Lewis moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Ms. Tucker has violated ORS Chapter 244. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

(Tape 2B, 8.3)

AGENDA ITEM 32, Possible own motion preliminary review re Ron J. Montgomery, West Umatilla Vector Control District. Mr. Montgomery did not address the Commission. Crabtree summarized the potential case issues. The Commission discussed action options. Van Meter moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Ms. Tucker has violated ORS Chapter 244. Roll call vote was taken as follows: Campbell, aye; Lewis, nay; Waller, nay; Wilhelms, nay; Beggs, nay; Whitlock, nay; Van Meter, aye. Motion failed 2-5.

### Other Items

(Tape 2B, 21.0)

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

(Tape 2B, 21.4)

AGENDA ITEM 33, No. 09-200EAI, Michael Walker re Kay Walters, Terrebonne Domestic Water Board. The Commission discussed the request for additional information.

AGENDA ITEM 34, Summary of Pending Cases

The Commission reviewed the list of pending cases without comment.

AGENDA ITEM 35, Review of Pending Litigation

Rosik summarized the status of pending litigation.

---

**THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.**

---

(Tape 2B, 23.7)

**The Commission convened into regular session at 12:01 p.m.**

### **ADVISORY OPINIONS**

None.

### **CORRESPONDENCE RECEIVED/RESPONSES**

(Tape 2B, 24.0)

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

#### **Staff Opinions**

None.

#### **Staff Advice**

(Tape 2B, 27.0)

AGENDA ITEM 22, Merlyn Hough re Lane Regional Air Protection Agency employee who is a business owner that may sell equipment or services to the agency. The Commission discussed the content of the advice. Whitlock offered to draft additional language to give more advice.

#### **Other Correspondence**

AGENDA ITEM 23, No. 10-101ENJ, Gavin Wilson re Neal Lemery of Tillamook County Justice Court.

### **MISCELLANEOUS ITEMS**

(Tape 2B, 33.1)

AGENDA ITEM 24, Review and Adoption of Division 1, 5, and 20 Administrative Rules. Campbell moved that the Commission approve the proposed Administrative Rules. The Commission discussed the addition of Justice of the Peace to Division 199-005-0020(3)(vi). Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye; Van Meter, aye. Motion passed unanimously.

(Tape 2B, 43.3)

AGENDA ITEM 25, Trainer's Report. Bassler summarized training activity and gave an overview of training modules on the OGEC website.

---

**THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.**

---

(Tape 3A, 0.1)

**The Commission recessed at 12:20 p.m. to set up for working lunch and reconvened at 12:30 p.m.**

(Tape 3A, 0.5)

**AGENDA ITEM 26, Director's Report.** Bersin summarized current issues and discussed staffing and recruitment efforts to fill current vacancy. Bersin also discussed the interim legislative session activity and adjustments to the assessment fee for next year, as well as methods for collection.

### **ADJOURNMENT**

(Tape 3A, 11.6)

**Beggs adjourned the meeting of the Oregon Government Ethics Commission at 1:05 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for April 23, 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.**

---

**THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO TAPE RECORDINGS.**

---