

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

September 8, 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 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, and Ian Whitlock. Gary Wilhelms arrived at 9:07 a.m. Heather Van Meter was excused from attendance. Staff present were Executive Director Ron Bersin, Investigator Tammy Hedrick, Investigator Deborah Tuss, Program Analyst Virginia Lutz, Administrative Specialist Amber Kerlee, and OGEC Counsel Lynn Rosik.

(Tape 1a, 0.2)

AGENDA ITEM 1, Approval of minutes of the July 23, 2010 meeting. The Commission approved the minutes without correction.

CONSENT CALENDAR

(Tape 1a, 0.8)

Items 9, 17, and 18 were removed from the consent calendar for comment.

(Tape 1a, 1.3)

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

The parties in the following items did not address the Commission. The staff recommendation on each of the following was to issue a letter of education:

AGENDA ITEM 2, American Heart Association, 2nd qtr 2010

AGENDA ITEM 3, City of Bend, 1st qtr 2010

AGENDA ITEM 4, HBA of Jackson County, 2nd qtr 2010

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AGENDA ITEM 5, Oregon Student Assn, 4th qtr 2009

The parties in the following item did not address the Commission. The staff recommendation on the following is as noted:

AGENDA ITEM 6, City of Bend, 2nd qtr 2010, 2nd violation. Staff recommendation is to reduce the penalty to \$50.

Lobbyist Penalty Correspondence

The parties in the following item did not address the Commission. The staff recommendation on the following was to issue a letter of education:

AGENDA ITEM 7, Alejandro Queral, 2nd qtr 2010

Statement of Economic Interest Penalty Correspondence

The parties in the following items did not address the Commission. The staff recommendation on each of the following was to issue a letter of education:

AGENDA ITEM 8, Phillip Barlow, St. Helens Council

AGENDA ITEM 10, Rick Dart, Port of Nehalem Commission

AGENDA ITEM 11, Terry Helfrich, Phoenix Planning Commission

AGENDA ITEM 12, Anne Root, Business Development Commission

AGENDA ITEM 13, Maureen Roxbury, Umatilla Planning Commission

AGENDA ITEM 14, Randy Shaw, Klamath Co Planning Commission

AGENDA ITEM 15, Kim Speelman, Vale Council

AGENDA ITEM 16, Marietta Walker, Fossil Council

The parties in the following item did not address the Commission. Staff recommendation on the following is as noted

AGENDA ITEM 19, William Hunsinger, Port of Astoria Commission, 2nd violation. Staff recommendation is to reduce the penalty to \$89.

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

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End of Consent Calendar

(Tape 1a, 2.0)

Wilhelms arrived at 9:07 a.m.

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 9 and 17, David Berniker, Gresham Design Commission. The Commission discussed the 2009 and 2010 Statement of Economic Interest late filings and processes for non-filers. Campbell moved to issue a letter of education for both violations. Roll call vote was taken as follows: Campbell, aye; Lewis, nay; Waller, nay; Wilhelms, aye; Beggs, nay; Whitlock, nay. Motion failed 4:2.

Lewis moved to approve staff recommendations to issue a letter of education for the 2009 violation and to reduce the 2010 penalty to \$84. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, nay; Beggs, aye; Whitlock, aye. Motion passed 5:1.

(Tape 1a, 12.7)

AGENDA ITEM 18, Christine Dublin, Molalla Planning Commission, 2nd violation. The Commission discussed filing history. Lewis moved to approve staff recommendation to reduce the penalty to \$79. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

(Tape 1a, 14.3)

The Commission reviewed the following without comment and the parties did not address the Commission:

AGENDA ITEM 20, No. 09-186EDT, Odie Harlon Green, City Counselor, City of Lakeside.

AGENDA ITEM 21, No. 10-157LTH, Ken Armstrong, Lobbyist.

AGENDA ITEM 23, No. 10-159LTH, Kelly Ross, Lobbyist.

Lewis moved that the Commission approve the proposed stipulated final orders as the final order in agenda items 20, 21, and, 23 and that the chairperson be authorized to sign them as such. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

(Tape 1a, 18.9)

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AGENDA ITEM 22, No. 10-158LTH, Michael D Mason, Lobbyist. Hedrick summarized the case. Mr. Mason 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, nay; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed 5:1.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

None.

Staff Advice

None.

Other Correspondence

The Commission reviewed the following without comment except where noted:

AGENDA ITEM 24, No. 10-169ENJ, Deena Blakesley re Wallowa County Planning Department members Harold Black & Mike Hayward

(Tape 1a, 20.7)

AGENDA ITEM 25, No. 10-170ENJ, Michael Cody Steelman re Cascade Locks Council Members Brad Lorang, et al. The Commission discussed the complaint.

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(Tape 1a, 23.0)

The Commission convened into executive session at 9:30 a.m. to consider preliminary review, 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

None.

End of Executive Session Consent Calendar

OTHER PRELIMINARY REVIEWS

None.

OTHER ITEMS

Own Motion Reviews

(Tape 1a, 24.8)

AGENDA ITEMS 31-38, Office of the State Treasurer.

The Commission discussed the travel policies of the Treasurer's office and preliminary reviews in general. The Commission chose to address each item individually with a vote to follow the group.

(Tape 1b, 2.0)

AGENDA ITEM 31, Possible own motion review re Brad Child, Office of the State Treasurer. Mr. Child was present with Darren Bond, Deputy Treasurer. Bersin summarized the case. Mr. Bond addressed the Commission regarding agency policy and procedures for reimbursement of meals, per diem, golf, and gifts. Mr. Child addressed the Commission by answering questions about agency practices. The Commission discussed per diem guidelines and the approval process for travel.

(Tape 1b, 42.5)

The Commission recessed at 10:33 a.m. and reconvened into executive session at 10:43 a.m.

(Tape 1a, 43.4)

AGENDA ITEM 32, Possible own motion review re Jay Fewel, Office of the State Treasurer. Mr. Fewel was not present. Darren Bond, Deputy Treasurer, was present on Mr. Fewel's behalf. Bersin summarized the case. Mr. Bond addressed the

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Commission. The Commission discussed partnership/investor expenses and management fees. (Tape 2a) The Commission discussed single source entities.

(Tape 2a, 8.9)

AGENDA ITEM 33, Possible own motion review re Sam Green, Office of the State Treasurer. Mr. Green was present with Darren Bond, Deputy Treasurer. Bersin summarized the case. Mr. Green addressed the Commission regarding meal reimbursement. Mr. Green and Mr. Bond addressed the Commission regarding limited partnership agreement.

(Tape 2a, 17.8)

AGENDA ITEM 34, Possible own motion review re Andy Hayes, Office of the State Treasurer. Mr. Hayes was present with Darren Bond, Deputy Treasurer. Bersin summarized the case. Mr. Bond and Mr. Hayes addressed the Commission regarding the case.

(Tape 2a, 27.5)

AGENDA ITEM 35, Possible own motion review re John Hershey, Office of the State Treasurer. Mr. Hershey was present with Darren Bond, Deputy Treasurer. Bersin summarized the case. Mr. Hershey and Mr. Bond addressed the Commission regarding the case.

(Tape 2a, 34.0)

AGENDA ITEM 36, Possible own motion review re Ben Mahon, Office of the State Treasurer. Mr. Mahon was present with Darren Bond, Deputy Treasurer. Bersin summarized the case. Mr. Mahon and Mr. Bond addressed the Commission regarding the case.

(Tape 2a, 43.1)

AGENDA ITEM 37, Possible own motion review re Ron Schmitz, Office of the State Treasurer. Mr. Schmitz was not present. Mike Mueller, Deputy CIO and Darren Bond, Deputy Treasurer were present on behalf of Mr. Schmitz. Bersin summarized the case. Mr. Bond and Mr. Mueller addressed the Commission regarding the case. The Commission discussed travel.

(Tape 2b, 4.0)

AGENDA ITEM 38, Possible own motion review re Mike Viteri, Office of the State Treasurer. Mr. Viteri was present with Darren Bond, Deputy Treasurer. Bersin summarized the case. Mr. Viteri and Mr. Bond addressed the Commission regarding the case.

(Tape 2b, 7.5)

The Commission discussed the processes regarding proceeding into preliminary review.

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(Tape 2b, 32.3)

All parties in agenda items 31-38 were called in for roll call vote.

(Tape 2b, 33.8)

Waller moved that the Commission conduct a preliminary review, on Items 31-38, to determine if there is cause to investigate whether Brad Child, Jay Fewel, Sam Green, Andy Hayes, John Hershey, Ben Mahon, Ron Schmitz, and Mike Viteri, have violated ORS Chapter 244. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

(Tape 3a, 0.4)

AGENDA ITEM 40, Possible own motion review re Oregon State Grange. Phyllis Wilson was present. Bersin summarized the case. Ms. Wilson addressed the Commission regarding facts of case. The Commission discussed the definitions of "Lobbyist" and "Goodwill". Tuss addressed the Commission regarding case history. Lewis moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether the Oregon State Grange has violated ORS Chapter 171. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

(Tape 3a, 16.4)

AGENDA ITEM 39, Possible own motion review re Oregon Cattlemen's Association. Kay Tiesl was present. Bersin summarized the case. Tiesl addressed the Commission by answering questions. Tuss addressed the Commission regarding filing history. Beggs moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether the Oregon Cattlemen's Association has violated ORS Chapter 171. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Wilhelms, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

Other Items

The Commission reviewed the following items without comment

AGENDA ITEM 41, No. 10-172EAI, Charlie Casey re Gold Beach Port Commissioners.

AGENDA ITEM 42, No. 10-174EAI, Joy Brewer re Clatsop Community College Vice President.

AGENDA ITEM 43, No. 10-184XAI, R.L. Christian re City of Elgin Public Officials

AGENDA ITEM 44, Summary of Pending Cases

AGENDA ITEM 45, Review of Pending Litigation

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(Tape 3a, 22.8)

The Commission convened into regular session at 12:45 p.m.

MISCELLANEOUS ITEMS

The Commission recessed at 12:46 p.m. and reconvened into regular session at 12:58 p.m.

(Tape 3a, 23.4)

Lewis was excused for the remainder of the meeting.

(Tape 3a, 24.1)

AGENDA ITEM 26, Adoption of "Guide for Public Officials". Bersin summarized the meeting with the stakeholders. The Commission discussed examples in the Guide. The Commission elected to continue discussion at the October 26, 2010 Commission meeting and directed staff to meet with stakeholders and request additional comments.

(Tape 3a, 46.0)

AGENDA ITEM 27, Meeting Date Schedule for 2011. The Commission discussed the proposed meeting dates and requested that the August 26, 2011 meeting be moved to August 29, 2011.

(Tape 3b, 2.9)

AGENDA ITEM 28, 2011 – 2013 Agency Request Budget. Bersin summarized the content of the agency request budget and the steps in the budgeting process.

(Tape 3b, 4.6)

AGENDA ITEM 29, Trainer's Report. Hedrick addressed the Commission regarding current training efforts and the continued development of the online training modules.

(Tape 3b, 8.1)

AGENDA ITEM 30, Director's Report. Bersin summarized the required agency budget reduction plan and informed the Commission of Trainer, Lindsay Bassler's transfer to the Department of Public Safety Standards and Training.

(Tape 3b, 10.7)

Beggs adjourned the meeting of the Oregon Government Ethics Commission at 1:30 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Tuesday, October 26, 2010 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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