

# OREGON GOVERNMENT ETHICS COMMISSION

## MEETING MINUTES

October 26, 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 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, JoAnn Waller, Larry Campbell, and Ian Whitlock. Gary Wilhelms was excused from attendance and Heather Van Meter resigned her position. Staff present were Executive Director Ron Bersin, Investigator Tammy Hedrick, Investigator Deborah Tuss, Program Analyst Virginia Lutz, Administrative Specialist Amber Carson, and OGEC Counsel Lynn Rosik.

(Tape 1a, 0.2)

AGENDA ITEM 1, Approval of minutes of the September 8, 2010 meeting. The Commission approved the minutes without correction.

(Tape 1a, 0.6)

The Commission announced the resignation of Heather Van Meter.

## REPORTS OF INVESTIGATIONS

(Tape 1a, 1.2)

AGENDA ITEM 26, No. 09-182EDT, Murray Paolo, Yamhill County Information Services Director. The Commission removed this item from the agenda due to possible settlement. The Commission discussed the settlement process.

## CONSENT CALENDAR

(Tape 1a, 5.0)

Items 2 and 25 were removed from the consent calendar for comment.

(Tape 1a, 6.4)

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.

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### Lobbying Client/Employer Penalty Correspondence

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

AGENDA ITEM 3, Novo Nordisk, 2<sup>nd</sup> qtr 2010

AGENDA ITEM 4, Chamber of Medford/Jackson County, 1<sup>st</sup> qtr 2010

AGENDA ITEM 5, Oregon Alliance of YMCA, 1<sup>st</sup> qtr 2010

Staff recommendation on the following is as noted:

AGENDA ITEM 6, Oregon Alliance of YMCA, 2<sup>nd</sup> qtr 2010, reduce to \$100

AGENDA ITEM 7, Oregon Health Action Campaign, 4<sup>th</sup> qtr 2009, \$30

### Lobbyist Penalty Correspondence

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

AGENDA ITEM 8, Bryon Madsen, 1<sup>st</sup> qtr 2010

AGENDA ITEM 9, Ellen Pinney, 4<sup>th</sup> qtr 2009

### Statement of Economic Interest Penalty Correspondence

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

AGENDA ITEM 10, Angelica Humphreys, Fossil City Council

AGENDA ITEM 11, Tim Parsons, Dayton Planning Commission

AGENDA ITEM 12, Raul Torres, Scappoose Planning Commission

AGENDA ITEM 13, Carl Hicks, Huntington Council

AGENDA ITEM 14, Chris Hayward, Warrenton Planning Commission

AGENDA ITEM 15, James Larson, Prescott City Council

AGENDA ITEM 16, Micki Summerhays, Phoenix Planning Commission

AGENDA ITEM 17, Thomas Dimitre, Ashland Planning Commission

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AGENDA ITEM 18, Dawn Trotman, Merrill Planning Commission

AGENDA ITEM 19, Jim Gates, King City Council

AGENDA ITEM 20, Steve Ruyle, Amity Planning Commission

AGENDA ITEM 21, Crystal Boothe, Rainier Planning Commission

AGENDA ITEM 22, Kent Smith, Yoncalla Council

AGENDA ITEM 23, Rick Tree, Eagle Point Council

Staff recommendation on the following is as noted:

AGENDA ITEM 24, Terise McDaniel, Scio Council, 2<sup>nd</sup> violation, recommended \$50 penalty

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

End of Consent Calendar

Lobbying Client/Employer Penalty Correspondence

(Tape 1a, 6.8)

AGENDA ITEM 2, R. R. Holdings, LLC, 1<sup>st</sup> qtr 2010. The Commission discussed methods of assessing penalty amounts and the penalty matrix. Beggs moved to accept staff recommendation and issue a letter of education. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

Statement of Economic Interest Penalty Correspondence

(Tape 1a, 14.0)

AGENDA ITEM 25, Colleen DeShazer, Port of St Helens Commission, 2<sup>nd</sup> violation. The Commission discussed the letter of explanation. Campbell moved to issue a letter of education in lieu of a penalty and to waive the \$10 penalty from 2009. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

**STIPULATED FINAL ORDERS**

None.

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## DEFAULT FINAL ORDERS

None.

## CONTESTED CASE PROPOSED FINAL ORDERS

None.

## REPORTS OF INVESTIGATIONS

None.

## ADVISORY OPINIONS

None.

## CORRESPONDENCE RECEIVED/RESPONSES

The Commission reviewed the following without comment except where noted:

### Staff Opinions

(Tape 1a, 16.9)

AGENDA ITEM 27, No. 10S-002, Bernadette Dieker Nunley, Multnomah County, re offer of a car for personal use through a pilot program offered by Portland State University and Toyota. Bersin summarized the opinion. The Commission discussed why a conflict would exist.

### Staff Advice

(Tape 1a, 21.0)

AGENDA ITEM 28, John Rakowitz, AGC Oregon Columbia Chapter, re Associated General Contractors Southern Oregon Coastal Area Council reception and dinner. The Commission discussed the exception for food and beverage and meeting/meal type specifications.

(Tape 1a, 30.2)

AGENDA ITEM 29, David M. Gordon, Crook County Counsel, re employment of relatives. Hedrick summarized the advice.

(Tape 1a, 32.3)

**The Commission convened into executive session at 9:25 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).**

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## EXECUTIVE SESSION CONSENT CALENDAR

Item 34 was removed from the consent calendar for comment or appearance by parties wishing to address the Commission.

### Reports of Preliminary Review

(Tape 1a, 32.8)

AGENDA ITEM 34, No. 10-142EDT, Jerry Boyum, Lane Regional Air Pollution Authority (LRAPA) Monitoring and Technical Services Manager. Tuss summarized the case. Counsel Meg Kieran for Mr. Boyum and Counsel Jim Green for LRAPA were present. Ms. Kieran addressed the Commission regarding the complainant and the 1996 licensing agreement. (Tape 1b) Mr. Green addressed the Commission regarding licensing agreement and employment, and proprietary agreement. The Commission discussed contractual issues versus ethical issues. Lewis moved that the Commission find that there is a substantial, objective basis for believing that Jerry Boyum, may have violated ORS 244.040(1)(a) and ORS 244.120(1)(c) and that the commission should investigate accordingly. Roll call vote was taken as follows: Campbell, nay; Lewis, aye; Waller, aye; Beggs, aye; Whitlock, aye. Motion passed 4-1.

(Tape 1b, 31.3)

The Commission discussed the process of going into investigations and parties addressing the Commission during preliminary review.

(Tape 2a, 0.3)

Beggs moved for approval of the balance of the executive session consent calendar item as follows and the recommended action on each.

AGENDA ITEM 35, No. 09-160EDT, Dennis Davidson, Oregon Parks Dept former District Manager. Mr. Davidson did not address the Commission. The recommendation was that the Commission find that there is a substantial, objective basis for believing that Dennis Davidson, may have violated ORS 244.040(1)(a) and that the commission should investigate accordingly.

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

### End of Executive Session Consent Calendar

(Tape 2a, 1.0)

**The commission recessed at 10:35 a.m. and reconvened into executive session at 10:44 a.m.**

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## OTHER PRELIMINARY REVIEWS

None.

### OTHER ITEMS

#### Own Motion Reviews

(Tape 2a, 1.2)

AGENDA ITEM 36, Possible own motion preliminary review re Jeff Stone Lobbyist. Lutz summarized the case. Stone was present and addressed the Commission taking responsibility for the failure to register. Following discussion of the material the Commission took no action.

(Tape 2a, 5.5)

AGENDA ITEM 37, Possible own motion preliminary review re Gary Conkling Lobbyist

AGENDA ITEM 38, Possible own motion preliminary review re David Fiskum Lobbyist

AGENDA ITEM 39, Possible own motion preliminary review re Daniel Jarman Lobbyist

AGENDA ITEM 40, Possible own motion preliminary review re Ralph Saperstein

Lobbyist

AGENDA ITEM 41, Possible own motion preliminary review re Elizabeth Slater Lobbyist

Lutz summarized the cases. Dave Fiskum and Kirsten Johnson were present. Mr. Fiskum addressed the Commission regarding correspondence dated 7/16/10, registrations, and mailing issues. Ms. Johnson addressed the Commission regarding registrations not being dated. Campbell moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Gary Conkling, David Fiskum, Daniel Jarman, Ralph Saperstein, and Elizabeth Slater have violated ORS Chapter 171. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

#### Other Items

(Tape 2a, 29.1)

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

AGENDA ITEM 42, No. 10-196EAI, Dennis Wilkinson re Union County Planner, Hanley Jenkins

AGENDA ITEM 43, No. 10-197EAI, Gerald Gotcher re Culver Mayor, Dan Harnden

AGENDA ITEM 44, Summary of Pending Cases

(Tape 2a, 30.2)

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AGENDA ITEM 45, Review of Pending Litigation. Rosik reviewed status of pending litigation.

(Tape 2b, 0.2)

**The Commission convened into regular session at 11:30 a.m.**

(Tape 2b, 0.6)

AGENDA ITEM 30, Review of "Guide for Public Officials." The Commission discussed changes to the Guide. Campbell moved to adopt the guide with adjustments made by Whitlock and Rosik. Roll call vote was taken as follows: Campbell, aye; Lewis, aye; Waller, aye; Beggs, aye; Whitlock, aye. Motion passed unanimously.

**Lewis was excused at 12:02p.m.**

(Tape 2b, 30.0)

AGENDA ITEM 31, Trainer's Report. Hedrick summarized the training schedule and the advisory opinion on "Gifts."

(Tape 2b, 35.2)

AGENDA ITEM 32, Director's Report. Bersin announced that the trainer vacancy had been filled and that the new employee would begin on November 1, 2010. Bersin summarized the request for policy review from Treasury and discussed potential legislative concepts.

(Tape 3a, 2.5)

AGENDA ITEM 33, Executive Director's Performance Evaluation Discussion. The Commission discussed the procedure for the Director's performance evaluation.

(Tape 3a, 4.2)

**Beggs adjourned the meeting of the Oregon Government Ethics Commission at 12:20 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, December 10, 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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