

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

November 15, 2011

9:00 a.m.

(Tape 1a, .1)

Chair Kenneth Lewis called the meeting to order at 9:01 a.m. The meeting was held in the 1st Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Salem, Oregon. Other commissioners present were Charles Beggs, Joann Waller, Larry Campbell, Ian Whitlock and Mary Kremer. Staff present were Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Marlena Standley, Trainer Bethany Reeves, Administrative Specialist Amber Carson, Program Analyst Virginia Lutz, and OGEC Counsel Lynn Rosik.

(Tape 1a, .2)

AGENDA ITEM 1, Approval of minutes of the October 7, 2011 meeting. Campbell called for approval of the October 7, 2011 meeting minutes as presented. The minutes were approved without correction.

CONSENT CALENDAR

Reports of Investigation

None.

Lobbyist Penalty Correspondence

None.

Lobbyist Client Penalty Correspondence

None.

Statement of Economic Interest Correspondence

None.

End of Consent Calendar

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STIPULATED FINAL ORDERS

(Tape 1a, .6)

AGENDA ITEM 2, No. 11-138EMS, BarbeAnn Nelson-Dodson, LaPine Water District Board of Commissioners. Standley summarized the case. The Commission discussed the penalty matrix when negotiating settlements and discussed facts of the case. Whitlock 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; Beggs, nay; Whitlock, aye; Waller, aye; Lewis, nay; Kremer, nay. Motion failed 3:3. Staff to renegotiate Stipulated Final Order. Whitlock suggested that staff provide a summary of the process used to arrive at a stipulated final order.

(Tape 1a, 9.8)

AGENDA ITEM 3, No. 11-150EMS, Amos R. Rhodes, Nesika Beach-Ophir Water District Manager. Standley summarized the case. Campbell 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; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 1a, 12.3)

The Commission convened into executive session at 9:20 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

Items 15, 16, and 17, were removed from the consent calendar for comment or appearance by parties wishing to address the Commission. There were no remaining items on the consent calendar.

End of Executive Session Consent Calendar

Reports of Preliminary Review

(Tape 1a, 13.6)

AGENDA ITEM 15, No. 11-143EMS, Sandra Cassanelli, Josephine County Board of Commissioners. Ms. Cassanelli was present. Standley summarized the case. Ms. Cassanelli addressed the Commission regarding facts of the case and sought clarification regarding executive session provisions.. The Commission discussed the definition of "media". Whitlock moved that the Commission find that there is a

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substantial objective basis for believing that Sandra Cassanelli may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 1b, .9)

AGENDA ITEM 16, No. 11-159XMS, Jim Bradley, Detroit City Councilor. Mr. Bradley was present. Standley summarized the case. Mr. Bradley addressed the Commission regarding discussion within executive session. Whitlock moved that the Commission find that there is a substantial objective basis for believing that Jim Bradley may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 1b, 7.6)

AGENDA ITEM 17, No. 11-171EDT, Katherine Schacht, Emerald People's Utility District Board of Directors. Ms. Schacht was present. Tuss summarized the case. Ms. Schacht addressed the Commission regarding complaint filed and facts of the case. Campbell moved that the Commission find that there is a substantial objective basis for believing that Katherine Schacht may have violated ORS 244.040(1) and 244.177(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 1b, 21.1)

The Commission recessed at 10:15 a.m. and reconvened into Executive Session at 10:26 a.m.

OTHER ITEMS

Own Motion Reviews

(Tape 1b, 21.5)

AGENDA ITEM 18, Dr. Dave Novotney, Willamette Education Service District. Dr. Novotney and Counsel Channing Bennett were present. Bersin summarized the own motion. Dr. Novotney provided handouts and addressed the Commission regarding charges on purchase card. No action taken at this time. The Commission will address this matter at the next meeting after they review information provided by Dr. Novotney.

Other Items

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

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AGENDA ITEM 19, No. 11-176EAI, Brad Van Pelt re Chemult Rural Fire District officials, Pat Schaffner, Teresa Schaffner, Kristi Schaffner and Troy Schaffner.

(Tape 2a, 13.7)

AGENDA ITEM 22, Review of Pending Litigation. Rosik summarized the pending litigation.

(Tape 2a, 22.2)

AGENDA ITEM 20, Executive Director Performance Review. The Commission discussed performance review issues with Bersin.

AGENDA ITEM 21, Summary of Pending Cases

(Tape 2b, 3.3)

The Commission reconvened into regular session at 11:35 a.m.

(Tape 2b, 3.4)

The Commission recessed at 11:35 a.m. and reconvened into regular session at 11:43 a.m.

(Tape 2b, 3.5)

The Commission discussed meeting locations and other general items.

STIPULATED FINAL ORDERS

AGENDA ITEM 4, No. 11-163XMS, Jeanette Hartwell, City of Detroit Mayor

AGENDA ITEM 5, No. 11-157XMS, Shari Flander, City of Detroit Councilor

AGENDA ITEM 6, No. 11-158XMS, Deanne Foster, City of Detroit Councilor

AGENDA ITEM 7, No. 11-160XMS, Greg Sheppard, City of Detroit Councilor

AGENDA ITEM 8, No. 11-161XMS, Pat Carty, City of Detroit Councilor

AGENDA ITEM 9, No. 11-162XMS, Sandy Franz, City of Detroit Councilor

(Tape 2b 7.4)

Campbell moved that the Commission approve the proposed stipulated final orders as the final orders for Jeanette Hartwell, Shari Flander, Deanne Foster, Greg Sheppard, Pat Carty and Sandy Franz and that the chairperson be authorized to sign them in as such. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

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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 items without comment.

AGENDA ITEM 10, No. 11-179XNJ, Jeanette Hartwell re Christine Pavoni, City of Detroit.

AGENDA ITEM 11, No. 11-180ENJ, Kip O'Connor re Kenneth Helm, Clackamas County Code Compliance Hearings Officer

MISCELLANEOUS ITEMS

(Tape 2b, 9.9)

AGENDA ITEM 12, Election of 2012 Chair and Vice-Chair. Lewis nominated Campbell for position of Chair. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

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

(Tape 2b, 11.7)

AGENDA ITEM 14, Director's Report. Bersin advised that Kenneth Montoya has been selected to fill the vacant commissioner position and that he will obtain senate confirmation at the Senate Rules Committee Confirmation Hearing on November 16, 2011. Bersin advised the Commission that he had received a Staff Opinion request from special districts on media policy. Bersin forwarded request to legislative counsel. The Commission discussed opening a public comment section at future Commission Meetings.

(Tape 2b, 21.4)

AGENDA ITEM 13, Trainer's Report. Reeves summarized past trainings, training statistics, and online trainings. The Commission discussed a recent training at the Capitol Club for lobbyists.

(Tape 2b, 26.7)

Lewis adjourned the meeting at 12:10 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Tuesday, January 10, 2012 at 9:00 a.m. The meeting will be held in the 1st Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Suite 220, in Salem, Oregon.

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