

# OREGON GOVERNMENT ETHICS COMMISSION

## MEETING MINUTES

August 29, 2011

9:00 a.m.

(Tape 1a, 0.1)

Chair Kenneth Lewis 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 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 Tammy Hedrick, Trainer Bethany Reeves, Program Analyst Virginia Lutz, Administrative Specialist Amber Carson, and OGEC Counsel Lynn Rosik.

(Tape 1a, 0.3)

AGENDA ITEM 1, Approval of minutes of the July 13, 2011 meeting. Lewis questioned the motions made for Childs. Commission staff will review tape. The minutes were approved without correction.

## CONSENT CALENDAR

(Tape 1a, 1.9)

Items 13, 16 and 17 were removed from the consent calendar for comment.

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.

### Lobbyist Penalty Correspondence

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

AGENDA ITEM 2, Anthony Marx, 1<sup>st</sup> quarter 2011

### Client/Lobbyist Penalty Correspondence

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

AGENDA ITEM 3, Friends of Trees, 1<sup>st</sup> quarter 2011

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Statement of Economic Interest Correspondence

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

AGENDA ITEM 4, Julee Bishop, Falls City Council

AGENDA ITEM 5, Steve Bittner, Adair Village Council

AGENDA ITEM 6, Eric Bredleau, Astoria Design Review Commission

AGENDA ITEM 7, Mace Cadwell, Union County Planning Commission

AGENDA ITEM 8, Steve Donovan, Coos Bay Planning Commission

AGENDA ITEM 9, Loyal Hamilton, Willamina Planning Commission

AGENDA ITEM 10, Russell Hargrave, Wasco County Planning Commission

AGENDA ITEM 11, Richard Higgins, Valley Design Review Board

AGENDA ITEM 12, Chris Hood, Coos Bay Planning Commission

AGENDA ITEM 14, Skip Stanaway, Tualatin Arch Review Board

AGENDA ITEM 15, Steve Winters, Seaside Planning Commission

(Tape 1a, 2.1)

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

End of Consent Calendar

Statement of Economic Interest Correspondence

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

(Tape 1a, 3.4)

AGENDA ITEM 13, Tim Saunders, Merrill Council. The Commission discussed letter of explanation. Lutz provided a summary of previous filings. Saunders did not address the Commission.

Staff recommendation on each of the following is as indicated:

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(Tape 1a, 3.5)

AGENDA ITEM 16, Robert Ashline, Prescott Council, 2009 and 2011. Staff recommendation is to issue a Letter of Education for 2009 and reduce penalty to \$374 for 2011. Ashline did not address the Commission. The Commission discussed current and future internal processes regarding penalties and address changes.

(Tape 1a, 9.9)

AGENDA ITEM 13, Tim Saunders, Merrill Council. Lewis moved to accept the staff recommendation. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 1a, 13.4)

AGENDA ITEM 17, Mike Clark, Eugene Council. Staff recommendation is to issue a Letter of Education for 2009, reduce penalty to \$500 for 2010, and reduce penalty to \$388 for 2011. Mike Clark addressed the Commission regarding late filing. Campbell moved to reduce the penalties to a total of \$500. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 1a, 18.9)

AGENDA ITEM 16, Robert Ashline, Prescott Council. Campbell moved to reduce the penalties to \$250 and include a letter that advises of proper steps of notifying jurisdiction with any address change. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

### **STIPULATED FINAL ORDERS**

(Tape 1a, 25.0)

AGENDA ITEM 18. No. 10-173EDT, Harold Anderson, Lincoln County Planning and Development Building Inspector. Anderson did not address the Commission. The Commission discussed the penalties. Bersin summarized facts of case including loans. Waller 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, 39.9)

AGENDA ITEM 19, No. 11-132EMS, Scott Graham, North Bend Fire Chief. Bersin summarized facts of case regarding wood. Graham did not address the Commission. 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, nay; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed 5-1.

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## DEFAULT FINAL ORDERS

None.

## CONTESTED CASE PROPOSED FINAL ORDERS

None.

## REPORTS OF INVESTIGATIONS

(Tape 1b, 2.3)

AGENDA ITEM 20, No. 10-206EDT, Patti Chappel, Emerald People's Utility District Board of Directors. Frank Weiss, attorney for Patti Chappel, was present by phone. Tuss summarized the case. Complainant Sandra Bishop addressed the Commission regarding possible conflicts of interest and personal financial benefit. Weiss address the Commission regarding the minutes and declaration of conflict of interest. Waller moved that the Commission 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. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 1b, 34.5)

**The Commission recessed at 10:25 a.m. and reconvened into regular session at 10:40 a.m.**

(Tape 1b, 35.1)

**The Commission convened into executive session at 10:42 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).**

## EXECUTIVE SESSION CONSENT CALENDAR

Items 33 and 36-43 were removed from the consent calendar for comment or appearance by parties wishing to address the Commission.

### Reports of Preliminary Review

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

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AGENDA ITEM 34. No. 11-111EDT, Dawna Martin, Hermiston School District Teacher and DECA Advisor. The recommendation was that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244 or warrant further review and that this complaint be dismissed.

AGENDA ITEM 35. No. 11-112EDT, David Drotzman, Hermiston 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 244 or warrant further review and that this complaint be dismissed.

(Tape 1b, 37.4)

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

End of Executive Session Consent Calendar

#### Reports of Preliminary Review

(Tape 1b, 38.4)

#### AGENDA ITEMS 36-40

No. 11-121XMS, Rex Rice, Colton Rural Fire District Board of Directors.

No. 11-122XMS, Ivan Maluski, Colton Rural Fire District Board of Directors.

No. 11-123XMS, James Postlewait, Colton Rural Fire District Board of Directors.

No. 11-124SMS, Don Vicars, Colton Rural Fire District Board of Directors.

No. 11-125XMS, Danny Fine, Colton Rural Fire District Board of Directors.

Standley summarized the cases. Maluski, Vicars, and Fine did not address the Commission. Rex Rice and James Postlewait addressed the Commission regarding processes, case history, and the complaint. (Tape 2a) Campbell moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 191.660 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed unanimously.

(Tape 2a, 5.0)

#### AGENDA ITEMS 41-42

No. 11-134EMS, David Sisson, OSU College of Veterinary Medicine Professor.

No. 11-135EMS, Sherry Sisson, OSU College of Veterinary Medicine Financial Services Manager.

The Commission discussed potential personal financial gain. Standley summarized the case. David Sisson and Sherry Sisson addressed the Commission regarding case history, complainant, and repayment of use of trailer. Kremer moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244 or warrant further review and that this complaint be

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dismissed. Campbell declared potential conflict of interest as Mr. Sisson is associated with the Humane Society where Campbell is a member of the board. Roll call vote was taken as follows: Campbell, aye; Beggs, nay; Whitlock, aye; Waller, aye; Lewis, aye; Kremer, aye. Motion passed 5:1.

(Tape 2a, 27.4)

AGENDA ITEM 33, No. 10-209EDT, Jamie Sanchez, Douglas County Housing Authority Board of Directors. Tuss summarized the case. Jamie Sanchez addressed the Commission by phone regarding facts of the case. (Tape 2b) The Commission discussed the lawsuit of a relative and potential conflicts of interest. Lewis moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Whitlock, nay; Waller, aye; Lewis, aye; Kremer, aye. Motion passed 5:1.

(Tape 2b, 6.7)

AGENDA ITEM 43, No. 11-136EDT, Michael Taaffe, Dept of Corrections Procurement and Contract Specialist. Tuss summarized the case. Taaffe did not address the Commission. The Commission discussed statute. Waller moved that the Commission find that there is a substantial objective basis for believing that Michael Taaffe may have violated ORS 244.040(1), 244.040(3), 244.040(4), 244.040(5) 244.047(2) and 244.120(1)(c) 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.

### OTHER ITEMS

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

#### Own Motion Reviews

None.

#### Other Items

(Tape 2b, 12.6)

AGENDA ITEM 44, No. 11-166XAI, Dave May re Rockaway Beach officials Dennis Porter, John Orloff, Rodney Breazile and Jack McClave. The Commission discussed executive session provisions. Bersin will send additional information to the Commission.

AGENDA ITEM 45, Summary of Pending Cases

AGENDA ITEM 46, Review of Pending Litigation

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(Tape 2b, 18.4)

The Commission reconvened into regular session at 12:00 p.m.

### ADVISORY OPINIONS

None.

### CORRESPONDENCE RECEIVED/RESPONSES

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

#### Staff Opinions

None.

#### Staff Advice

AGENDA ITEM 21, Annette Price re Capitol Club Hello Party.

AGENDA ITEM 22, Andy Hayes, Office of State Treasurer, re paid expenses for food and beverage from outside sources and travel expenses paid by government employer.

(Tape 2b, 20.4)

AGENDA ITEM 23, Carlos Debritto re conflicts of interest. The Commission discussed conflict of interest and lawsuit.

#### Other Correspondence

(Tape 2b, 24.6)

AGENDA ITEM 24, No. 11-165ENJ, Lloyd Trackwell re Umatilla County Circuit Court, Judge Daniel Hill. The Commission discussed financial detriment.

(Tape 2b, 27.4)

AGENDA ITEM 25, No. 11-167ENJ, Sara Vincent re Seaside Police Officer, Steve Kuhl. Bersin to send letter to seaside regarding complaint.

AGENDA ITEM 26, No. 11-168ENJ, Mary Geddry re Port of Coos Bay Commissioner, Dave Kronsteiner.

AGENDA ITEM 27, No. 11-169ENJ, Aaron Reed re City of Aurora Council member, Scott Brotherton.

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(Tape 2b, 29.4)

AGENDA ITEM 28, No. 11-170XNJ, William Dooley re Curry County Public Transit Board Member, Paul Fossum. The Commission discussed the correspondence.

### **MISCELLANEOUS ITEMS**

(Tape 2b, 30.7)

AGENDA ITEM 29, Customer Service Survey. The Commission discussed the increase in positive feedback in the Customer Service Survey.

(Tape 2b, 35.5)

AGENDA ITEM 30, 2012 Commission Meeting Schedule. The Commission reviewed the proposed 2012 Commission Meeting schedule and made the following changes:

January 6, 2012 move to January 10, 2012

April 13, 2012 move to April 17, 2012

December 14, 2012 move to December 7, 2012

(Tape 2b, 44.1)

AGENDA ITEM 31, Trainer's Report. Reeves presented an overview of past trainings that included onsite, phone, and email trainings. (Tape 3a) Reeves notified the Commission that correspondence has been emailed to jurisdictional contacts. The Commission discussed upcoming trainings and requested that training schedules be sent to the Commissioners periodically.

(Tape 2b, 4.6)

Campbell requested that the Commission staff add additional language to the jurisdictional contact letters that advises them of the number and potential penalties of late or non filers within their jurisdiction.

(Tape 2b, 7.2)

AGENDA ITEM 32, Director's Report. Bersin discussed status of Commission member vacancies and advised that the fiber optics installment project is still underway. Bersin advised that the Treasurer's policies will be brought to October 7, 2011 meeting. The Commission requested that they received the policies by September 19, 2011.

**(Tape 2b, 19.3)**

**Lewis adjourned the meeting at 12:45 p.m. The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, October 7, 2011 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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