

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

June 1, 2012

9:00 a.m.

(0:01)

Vice-chair Ian Whitlock called the meeting to order at 9:00 a.m. The meeting was held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, Salem, Oregon. Other commissioners present were Larry Campbell, Charles Beggs, Joann Waller, Mary Kremer, Kenny Montoya, and Kenneth Lewis. Staff present were Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Marlena Standley, Trainer Tammy Hedrick, Administrative Specialist Amber Carson, and OGEC Counsel Lynn Rosik.

(01:16)

AGENDA ITEM 1, Approval of the minutes of the April 17, 2012 Commission meeting. Staff distributed corrections to the minutes. Lewis called for approval of the April 17, 2012 meeting minutes with corrections. The minutes were approved with noted corrections.

CONSENT CALENDAR

(03:24)

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

Reports of Investigation

None.

Lobbyist Penalty Correspondence

AGENDA ITEM 2, Arthur Towers, 4th qtr 2011 – Letter of Education

AGENDA ITEM 3, Sonny Ramaswamy, 4th qtr 2011 – Letter of Education

Lobbyist Client Penalty Correspondence

None.

Statement of Economic Interest Correspondence

None.

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

End of Consent Calendar

Lobbyist Client Penalty Correspondence

(04:24)

AGENDA ITEM 4, eHealth Insurance, Inc., 4th qtr 2011. The Commission discussed the recommended penalty. Campbell moved to assess a penalty of \$400. The Commission discussed the letter of explanation. Montoya moved to amend Campbell's recommendation of a \$400 penalty to a penalty of \$500. Roll call vote was taken on Montoya motion as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

(09:32)

AGENDA ITEM 5, Oregon Seed Trade Assn, 3rd qtr 2011 & 4th qtr 2011. Waller moved to accept the recommendation of a letter of education for the 2011, 3rd quarter and a \$100 penalty for the 2011, 4th quarter. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

(10:32)

AGENDA ITEM 7, No. 12A-1002, George Okulitch re access to and purchases in Nike employee store by public officials. Bersin summarized the advisory opinion. The Commission discussed the Advisory Opinion. Campbell moved that the Commission adopt the advisory opinion as presented. Roll call vote was taken as follows: Campbell,

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aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

CORRESPONDENCE RECEIVED/RESPONSES

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

Staff Opinions

None.

Staff Advice

AGENDA ITEM 8, D. Owen Nicholson re conflicts of interests related to a group or class

Other Correspondence

AGENDA ITEM 9, No. 12-131ENJ, Brent Thompson re City of Gold Beach Councilor Tamie Kaufman.

AGENDA ITEM 10, No. 12-140ENJ, Rebecca Kossler re Deschutes Co District Attorney Patrick Flaherty.

(21:14)

AGENDA ITEM 11, No. 12-144XNJ, Lester Pugh re officials of Quincy Water Association. The Commission discussed jurisdiction.

(22:22)

AGENDA ITEM 12, No. 12-145ENJ, Robert Baker re Oakridge Mayor Donald Hampton. The Commission discussed the complaint.

AGENDA ITEM 13, No. 12-146ENJ, Thomas Estes re Benton Co District Attorney John Haroldson.

AGENDA ITEM 14, No. 12-147ENJ, Robert Baker re Oakridge Mayor Donald Hampton.

(24:08)

The Commission convened into executive session at 9:19 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).

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EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(26:06)

AGENDA ITEM 17, 12-106EDT, John D. Aarons, Lane Co. Dept. of Youth Services Casework Supervisor. Mr. Aarons and Counsel Stephen Dingle were present. Lewis moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244.040(1)(a) or 244.040(1) or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

End of Executive Session Consent Calendar

OTHER ITEMS

Reports of Preliminary Review

None.

Preliminary Review Stipulated Final Orders

(30:38)

AGENDA ITEM 18, 12-120LDT, Scott Barrie, Lobbyist. The Commission reviewed the Stipulated Final Order with no discussion.

Own Motion Reviews

(32:08)

AGENDA ITEM 19, Proposed own motion preliminary review re Klamath Co Community Corrections director Kiki Parker-Rose. Kiki Parker-Rose and Counsel Matt Parks were present. Bersin summarized the complaint. Ms. Parker-Rose addressed the Commission regarding the complaint. Lewis moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Kiki Parker-Rose has violated ORS Chapter 244. Roll call vote was taken as follows: Campbell, nay; Beggs, aye; Waller, nay; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, nay. Motion passed 4-3.

(46:34)

AGENDA ITEM 20, Proposed own motion preliminary review re Clackamas Co Commissioner James Bernard. James Bernard and Counsel Steven Madkour were present. Bersin summarized the complaint. Mr. Madkour addressed the Commission regarding the complaint. The Commission discussed conflicts of interest and class

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exceptions. Beggs moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether James Bernard violated ORS Chapter 244. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

(1:18:23)

The Commission recessed at 10:18 a.m. and reconvened into executive session at 10:28 a.m.

(1:18:32)

AGENDA ITEM 21, Proposed own motion preliminary review re lobbyist Genice Rabe. Carson summarized the own motion. Genice Rabe and Executive Director of Northwest Workers Justice Project, Michael Dale were present. Mr. Dale and Ms. Rabe addressed the Commission regarding the circumstances around the failure to register. The Commission took no action to proceed.

(1:29:30)

Proposed own motion preliminary review re lobbyists:

AGENDA ITEM 22, George Okulitch

AGENDA ITEM 23, Alan Tresidder

Carson summarized the own motions on agenda items 22 & 23. The Commission discussed the letter of explanation sent in by Mr. Okulitch and the facts of the own motions. Campbell moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Alan Tressider violated ORS Chapter 171 Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

The Commission took no action on the own motion matter for George Okulitch.

(1:37:10)

AGENDA ITEM 24, Proposed own motion preliminary review re lobbyist Stephen Kafoury. Carson summarized the own motion. Kafoury did not address the Commission. Beggs moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Stephen Kafoury violated ORS Chapter 171.725. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

Other Items

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

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(1:39:21)

AGENDA ITEM 25, No. 11-131EAI, Marcia Denison re Oregon Board of Forestry members Jennifer Phillippi and Larry Guistina (update). Bersin provided an update regarding the request for additional information.

(1:42:10)

AGENDA ITEM 28, No. 12-142EAI, Robert Bailey re Washington Co. Board of Commissioner members Robert Terry and Andy Duyck. The Commission discussed the request for additional information and requested an update be provided at the July 20, 2012 Commission meeting.

(1:47:07)

AGENDA ITEM 26, No. 12-133EAI, Sandra Thompson re Prospect School District Board Chair Dale Bliss. The Commission discussed the request for additional information.

(1:47:29)

AGENDA ITEM 29, No. 12-143EAI, Darrell Hale re Sumpter Council members Marlene Bork, Myrna Clarke, Leanne Woolf and John Young. The Commission discussed the request for additional information.

(1:49:30)

AGENDA ITEM 27, No. 12-141XAI, Mack Holman re Gardiner Sanitary District Board Chair Jackie Degman. The Commission discussed the request for additional information and facts around the complaint. The Commission requested an update be provided at the July 20, 2012 Commission meeting and that additional information be requested.

AGENDA ITEM 30, Summary of Pending Cases. The Commission reviewed the summary of pending cases without comment.

(1:56:21)

AGENDA ITEM 31, Review of Pending Litigation. Rosik addressed pending litigation matters.

(1:56:25)

The Commission reconvened into regular session at 11:05 a.m.

STIPULATED FINAL ORDERS

AGENDA ITEM 6, No. 12-120LDT, Scott Barrie, Lobbyist. Vote on preliminary review stipulated final order. 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,

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aye; Waller, aye; Kremer, aye; Montoya, aye; Lewis, aye; Whitlock, aye. Motion passed unanimously.

MISCELLANEOUS ITEMS

(1:58:09)

AGENDA ITEM 15, Trainer's Report. Hedrick addressed the Commission regarding a conversion of software and provided a summary of training tools available for training efforts. Hedrick also provided an update on the recent SEI trainings and future trainings.

(2:09:09)

Whitlock addressed the Commission regarding a meeting he had with a delegation from Thailand, during which he provided them with an overview of the Commission.

(2:12:39)

AGENDA ITEM 16, Director's Report. Bersin provided an update regarding the Treasury matter, the budget process, and the proposed electronic filing system.

(2:18:33)

Campbell presented a plaque to departing Commission member JoAnn Waller and thanked her for her dedicated service to the Commission.

(2:20:47)

Non-Agenda Item, No. 11-143XMS, Sandra Cassanelli. Bersin advised that Ms. Cassanelli has indicated her desire to withdraw from the negotiated settlement process and has requested a hearing. The Commission clarified that she will not participate in the development of the proposed letter of education.

(2:24:47)

Whitlock adjourned the meeting at 11:34 a.m. The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, July 20, 2012 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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