

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

December 7, 2012

9:00 a.m.

(0:03)

Chair Larry Campbell 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 Ian Whitlock, Charles Beggs, Kenneth Lewis, Kenny Montoya, Mary Kremer, and Jan Hooper. Staff present were Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Marlena Standley, Program Manager Virginia Lutz, Trainer Tammy Hedrick and OGEC Counsel Lynn Rosik.

(0:06)

AGENDA ITEM 1, Approval of the minutes of the October 30, 2012 Commission meeting. Lewis called for approval of the October 30, 2012 meeting minutes. The minutes were approved without correction.

CONSENT CALENDAR

(0:06)

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

Reports of Investigation

None.

Lobbyist Penalty Correspondence

AGENDA ITEM 2, Andrew Riley, 2nd qtr 2012 – Letter of Education

AGENDA ITEM 3, Nate Reaver, 2nd qtr 2012 – Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 4, Williams Co., 2nd qtr 2012 – Letter of Education

AGENDA ITEM 5, DaVita, Inc., 3rd qtr 2012 – Letter of Education

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO RECORDINGS.

Statement of Economic Interest Correspondence

None.

Consent Calendar roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Lewis, aye; Hooper, aye; Montoya, not present. Motion passed unanimously.

End of Consent Calendar

Lobbyist Client Penalty Correspondence

(1:57)

AGENDA ITEM 6, Center for Intercultural Organizing, 2nd qtr 2012. Campbell moved to reduce the penalty to \$620, which consists of \$500 for the current violation and \$120 for the past due balance on a previous violation. Both penalties will be due by February 15, 2013 or they will revert to the original amounts. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Montoya, aye; Lewis, aye; Hooper, aye. Motion passed unanimously.

(5:48)

AGENDA ITEM 7, SolarCity, 2nd qtr 2012. Whitlock noted an apparent misunderstanding of lobby processes by the client. Lutz advised that she would send educational materials. Lewis moved to set the penalty at \$250. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Montoya, aye; Lewis, aye; Hooper, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

(9:30)

AGENDA ITEMS 8 – 11, Warrenton Hammond School District Board of Directors

No. 10-175XTH, Dennis Warren

No. 10-177XTH, Kelly Simonsen

No. 10-178XTH, Darlene Warren

No. 10-179XTH, Len Mossman

Respondents did not address Commission. Campbell explained the letter of reprimand recommendation. Whitlock requested more information regarding the matter. Beggs moved that the Commission approve the proposed stipulated final orders on each as the final orders in these matters and that the chairperson be authorized to sign them as such. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Montoya, aye; Lewis, aye; Hooper, aye. Motion passed unanimously.

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(15:04)

The Commission convened into executive session at 9:35 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

Reports of Preliminary Review

(15:50)

AGENDA ITEM 23, No. 12-166EDT, Fred Messerle, Chairman, Beaver Slough Drainage District and Coos County Commissioner. Mr. Messerle was present. Campbell provided a summary regarding the respondent's request to present a statement to the Commission. Tuss summarized the case. Mr. Messerle addressed the Commission. The Commission discussed conflict of interest provisions and exceptions. Beggs moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Beggs, aye; Kremer, nay; Hooper, aye; Whitlock, nay; Montoya, nay; Lewis, nay; Campbell, nay. Motion failed 5-2.

Lewis moved that the Commission find that there is a substantial objective basis for believing that Fred Messerle may have violated ORS 244.040(1) and (2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Lewis, aye; Beggs, nay; Kremer, aye; Hooper, aye; Whitlock, aye; Montoya, aye; Campbell, aye. Motion passed 6-1.

OTHER ITEMS

Other Items

(44:08)

AGENDA ITEM 27, Executive Director Performance Review. The Commission conducted a review of the Executive Director's 2012 performance.

The Commission reconvened into regular session at 10:35 a.m.

(1:33:48)

Chair Campbell acknowledged the departure of Commissioner Lewis from the Commission and presented Lewis with a plaque to commemorate his service. Chair Campbell also acknowledged the departure of Investigator Standley.

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(1:44:48)

The Commission convened into executive session at 10:58 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).

OTHER ITEMS

Other Items

(1:44:48)

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

AGENDA ITEM 24, No. 12-206EAI, Steven Schulman re Carolyn Bartell, City Councilor, City of Phoenix

AGENDA ITEM 25, No. 12-211EAI, Kathryn S. Nove re Cynthia Austin, former Salem-Keizer School District employee. Director Bersin reviewed the correspondence and provided an overview of the complaint.

AGENDA ITEM 26, No. 12-212EAI, Reba Owen re Lianne G. Thompson, Clatsop County Planning Commissioner. Additional information was received and the complaint has been opened into preliminary review.

(1:52:10)

AGENDA ITEM 28, Summary of Pending Cases. Bersin provided an overview of the pending cases.

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

STIPULATED FINAL ORDERS

(1:59:01)

AGENDA ITEMS 12-14, Lakeside City Council

No. 12-136XMS, Naomi Parker

No. 12-137XMS, Ed Langley

No. 12-138XMS, Dean Warner

Standley summarized the cases. The matters were continued to the conclusion of the investigation.

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CORRESPONDENCE RECEIVED/RESPONSES

(2:01:45)

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

Staff Opinions

None.

Staff Advice

AGENDA ITEM 15, Ed Brookshier re possible conflicts of interest with Hermiston city manager position and secondary position with Eastern Oregon Trade and Event Center.

AGENDA ITEM 16, Dr. Roberto Gtierrez re Klamath Community College employee possible conflict of interest with spouse employed as college counsel. Whitlock commented on the clarity of the advice.

Other Correspondence

AGENDA ITEM 17, No. 12-198ENJ, Thomas R. Randolph, II, re Drew Foster, city administrator, City of Adair.

AGENDA ITEM 18, No. 12-205XNJ, Dan Billings re Cam Parry, Coos County Commissioner. The Commission briefly discussed the issue.

AGENDA ITEM 19, No. 12-207ENJ, Russell Moon et all re Debra Dudley, city administrator, City of Rainier.

MISCELLANEOUS ITEMS

(2:05:53)

AGENDA ITEM 21, Trainer's Report. Hedrick provided a summary of current training activities. The Commission discussed attending trainings in their areas and sending training notices to charter schools.

(2:16:55)

AGENDA ITEM 20, Election of 2013 Chair and Vice Chair. Campbell nominated Commissioner Whitlock for chair position and Commissioner Kremer as vice-chair. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, aye; Montoya, aye; Lewis, aye, Hooper, aye. Motion passed unanimously. Campbell passed the gavel to newly-elected Chair Whitlock for the remainder of the meeting.

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(2:18:13)

AGENDA ITEM 22, Director's Report. Bersin discussed the appointment of new Commissioner Charles Tauman, current vacancies within the agency and the contracting with former Investigator Crabtree in the interim. Bersin also discussed the Governor's recommended budget process, the electronic reporting system and the potential for rulemaking regarding the definition of "media".

(2:29:59)

Whitlock adjourned the meeting at 11:44 a.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Thursday, January 17, 2013 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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