

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

February 24, 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 Charles Beggs, Joann Waller, Mary Kremer, and Kenny Montoya. Ian Whitlock and Kenneth Lewis were excused. 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.

(0:05)

AGENDA ITEM 1, Approval of the minutes of the January 10, 2012 Commission meeting. Corrections to pages 1 & 3 were noted. Waller called for approval of the January 10, 2012 meeting minutes. The minutes were approved with corrections.

CONSENT CALENDAR

(01:15)

Items 3, 6, and 7 were removed from the consent calendar for comment or appearance by parties wishing to address the Commission.

(01:48)

Waller 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, Fawn McNeely, 3rd qtr 2011 – Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 4, American Institutes for Research, 3rd qtr 2011 – Letter of Education

AGENDA ITEM 5, Apollo Solutions Group, 1st qtr 2011 – Letter of Education
2nd qtr 2011 – Letter of Education

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Statement of Economic Interest Correspondence

None.

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

End of Consent Calendar

Lobbyist Penalty Correspondence

(02:36)

AGENDA ITEM 3, Sara Higginbotham, 4th qtr 2010, 2nd qtr 2011, and 3rd qtr 2011. The Commission discussed filing history. Beggs moved to reduce the 3 penalties to \$500. Roll call vote taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

Lobbyist Client Penalty Correspondence

(0:11.32)

AGENDA ITEM 6, Oregon Business Association, 3rd qtr 2011. The Commission discussed penalties and filing history. Waller moved to issue a letter of education with amended language. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

(14.42)

AGENDA ITEM 8, First Wind Energy, LLC, 1st qtr and 3rd qtr 2011. Anu Vege, Director of External Affairs and Benjamin Fairbanks were present. Ms. Vege addressed the Commission regarding late filings. The Commission discussed lobbying efforts in Oregon with Ms. Vege. Kremer moved for penalties of \$352. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

(22.12)

The Commission convened into executive session at 9:24 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).

Other Items

(22.56)

AGENDA ITEM 45, Review of Pending Litigation. DOJ trial counsel Stacy Posegate was present to address the Commission on pending litigation.

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EXECUTIVE SESSION CONSENT CALENDAR

(34.44)

Items 24, 30, and 31 were removed from the consent calendar for comment or appearance by parties wishing to address the Commission.

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

Reports of Preliminary Review

AGENDA ITEM 23, No. 11-177XMS, Ed Gowan, City of Lakeside Mayor. 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 25, No. 11-183XMS, Sue Allen, City of Lakeside Councilor. 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 26, No. 11-184XMS, Elaine Armstrong, City of Lakeside Councilor. 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 27, No. 11-185XMS, Mack Eubanks, City of Lakeside Councilor. 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 28, No. 11-186XMS, Naomi Parker, City of Lakeside Councilor. 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 29 No. 11-187XMS, Ed Langley, City of Lakeside Councilor. 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.

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

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End of Executive Session Consent Calendar

Reports of Preliminary Review

(35.25)

AGNEDA ITEM 24, No. 11-181EDT, Valerie McBride-Cater, Former Leasing Consultant, Administrative Services Facilities Division. Ms. McBride-Cater did not address the Commission. The Commission discussed facts of case. Beggs 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; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

OTHER ITEMS

Preliminary Review Stipulated Final Orders

None.

Own Motion Reviews

(43.27)

AGENDA ITEM 33, Brian Doherty, Lobbyist. Brian Doherty was present. Lutz summarized the possible own motion issues. Mr. Doherty addressed the Commission regarding the registration filing. The Commission discussed possible options and the Commission took no action to open the matter.

Reports of Preliminary Review

(51.07)

AGENDA ITEM 30, No. 11-188EMS, Henry Manjarres, Former Field Coordinator, ODOT Civil Rights Office. Henry Manjarres participated by telephone and his legal counsel Tonyia Brady was present. Standley summarized the case. Mr. Manjarres addressed the Commission regarding facts of the case. Waller 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; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

(59.48)

AGENDA ITEM 31, No. 11-189EMS, Mark Dostal, Former Labor Compliance Program Manager, ODOT Civil Rights Office. Mark Dostal participated by telephone. Standley summarized the case. Beggs 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:

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Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

Own Motion Reviews

(1:03:49)

AGENDA ITEM 36. Ashley Williams, LaPine Special Water District Administrative Asst. Ashley Williams and counsel Ron Downs were present. Standley summarized the case. Downs addressed the Commission regarding background, facts of case, and amended W-2's. The Commission discussed potential discounts. Beggs moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Ashley Williams has violated ORS chapter 244. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

(1:18:20)

AGENDA ITEM 35. Donna Zigler, LaPine Special Water District Operations Manager. Ms. Zigler did not address the Commission but was represented by counsel Ron Downs. Beggs moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Donna Zigler has violated ORS chapter 244. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

(1:19:00)

The Commission recessed at 10:18 a.m. and reconvened into regular session at 10:29 a.m.

Lobbyist Penalty Correspondence

(1:19:56)

Sara Higginbotham arrived to address the Commission. Campbell moved to reopen agenda item 3 for reconsideration. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

AGENDA ITEM 3, Sara Higginbotham, 4th qtr 2010, 2nd qtr 2011, and 3rd qtr 2011. Sara Higginbotham was present and addressed the Commission regarding the late filings. Beggs moved to reduce the penalty to \$200. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

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STIPULATED FINAL ORDERS

(1:26:30)

AGENDA ITEM 9, No. 11-138EMS, BarbeAnn Nelson-Dodson, LaPine Water District Board of Commissioners. BarneAnn Nelson-Dodson and counsel Ron Downs were present and did not address the Commission. 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; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

MISCELLANEOUS ITEMS

(1:28:30)

AGENDA ITEM 20, Review of Treasury Policies. Counsel Pete Shepard and Deputy State Treasurer Darren Bond were present. The Commission reviewed the proposed policies page by page discussing issues and proposed changes. The Commission scheduled the matter for the next Commission meeting for amendments and continued review.

(2:49:19)

The Commission recessed at 11:58 a.m. and reconvened into regular session at 12:03 p.m.

(2:49:19)

NON-AGENDA ITEM, Oregon State Treasury

No. 10-187EDT, Brad Child

No. 10-190EDT, Andy Hayes

No. 10-193EDT, Ron Schmitz

The parties did not address the Commission. Bersin summarized activity. Waller moved to accept the 3 letters of education and the stipulated judgment with amendment. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously

STIPULATED FINAL ORDERS

(2:51:24)

AGENDA ITEM 10, No. 09-197EDC, Darrin Humphreys, River Bend Facility Director and MacLaren Youth Correctional Facility Superintendent. Mr. Humphreys did not address the Commission. Kremer 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; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

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DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

(2:52:47)

AGENDA ITEM 11, No. 11-136EDT, Michael Taaffe Former Assistant Administrator, Dept. of Corrections Health Services. Mr. Taaffe did not address the Commission. Tuss summarized the case. Beggs 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; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

None.

Staff Advice

None.

Other Correspondence

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

(2:56:42)

AGENDA ITEM 12, 11-196XNJ, Mary Geddry et al re Coos County Structure Advisory Committee members Cam Perry, Fred Messerle, Bob Main and Alan Petit. Bersin summarized the complaint.

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(2:58:10)

AGENDA ITEM 13, No. 12-100XNJ, Sandra Cassanelli re Josephine Co. legal counsel Steven Rich. The Commission discussed the complaint.

AGENDA ITEM 14, No. 12-101ENJ, Ky Karnecki re Sisters Mayor Lon Kellstrom.

AGENDA ITEM 15, No. 12-102ENJ, Roger Findley re Treasure Valley Community College officials Dana Young and Al Buyok.

AGENDA ITEM 16, No. 12-104ENJ, Jerry Siebert re Wolf Creek RFPD officials.

(3:00:40)

AGENDA ITEM 17, No. 12-111ENJ, Loretta Murphy re LaPine Water District Commissioner William Sawders. The Commission discussed jurisdiction.

AGENDA ITEM 18, No. 12-112ENJ, Vicky Jackson re LaPine Water District Commissioner William Sawders. The Commission discussed issues.

MISCELLANEOUS ITEMS

(3:03:24)

AGENDA ITEM 19. Robert Ashline, request for reconsideration of imposed Statement of Economic Interest penalty. Kremer declared a potential conflict of interest. The Commission took no action.

Lobbyist Client Penalty Correspondence

(3:06:24)

AGENDA ITEM 7, Willamette Riverkeeper, 1st qtr 2010, 2nd qtr 2011, and 3rd qtr 2011. The Commission discussed the letter of explanation. Montoya moved to issue letter of education for the 1st qtr 2010 and 2nd qtr 2011 in lieu of penalties and to keep the \$110 penalty for the 3rd qtr 2011 late filing. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously

MISCELLANEOUS ITEMS

(3:09:07)

AGENDA ITEM 22, Director's Report. Bersin provided an update regarding the advisory opinion for the Department of Justice. Bersin advised the Commission that some Legislative Concepts will be on the agenda for the next Commission meeting and the Commission is renegotiating the building space lease. Bersin reviewed the status of the budget process.

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(3:17:31)

AGENDA ITEM 21, Trainer's Report. Reeves summarized the recent training efforts and provided statistical data.

(3:19:45)

The Commission convened into executive session at 12:31 p.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).

Own Motion Reviews

(3:20:02)

AGENDA ITEM 34. Scott Barrie, Lobbyist. Lutz summarized the own motion. The Commission discussed the lobbyist registration threshold. Montoya moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Scott Barrie has violated ORS chapter 171.725. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Waller, aye; Kremer, aye; Montoya, aye. Motion passed unanimously.

Other Items

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

AGENDA ITEM 37, No. 11-195EAI, Katie Hauge re Jacksonville Councilor David Jesser.

(3:26:056)

AGENDA ITEM 38, No. 11-197EAI, Henry Manjarres re ODOT officials Michael Cobb, Angela Ramos, Joan Plank and Matt Garrett. Bersin advised the Commission on the additional information he requested.

AGENDA ITEM 39, No. 12-103EAI, Roger Findley re Tualatin Valley Community College official John Forsyth.

AGENDA ITEM 40, No. 12-106EAI, Joe Carbajal re Lane County Dept. of Youth Services official John Aarons. Item removed from the agenda because additional information has been received and a case is now pending.

AGENDA ITEM 41, No. 12-108EAI, Allen Margulies re Trimet Board of Directors member Tiffany Sweitzer.

AGENDA ITEM 42, No. 12-109EAI, Tamara Maygra re Columbia County Commissioner Earl Fisher.

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AGENDA ITEM 43. No. 12-110EAI, Brad Smith re Talent City Councilor E.J. McMannus.

AGENDA ITEM 44, Summary of Pending Cases.

AGENDA ITEM 45, Review of Pending Litigation.

(3:30:30)

The Commission reconvened into regular session at 12:44 p.m.

Campbell adjourned the meeting at 12:44 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Tuesday, April 17, 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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