

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**November 22, 2013**  
9:00 a.m.

(0:01)

Chair Ian Whitlock called the meeting to order at 9:00 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, Salem, Oregon. Other commissioners present were Larry Campbell, Mary Kremer, Charles Tauman, Jan Hooper, and Kenny Montoya. Commissioner Marilyn Cover was excused from attendance. Staff present were OGEC Counsel Lynn Rosik, Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Diane Gould, Program Manager Virginia Lutz, Trainer Russ Casler, and Office Specialist Kathy Daniel.

(.10)

AGENDA ITEM 1, Approval of the minutes of the October 11, 2013 commission meeting. Bersin noted a correction to the name spelling of Casler on page 1. Whitlock called for approval of the minutes of the October 11, 2013 meeting. The minutes were approved with the noted correction.

**CONSENT CALENDAR**

(1:03)

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, Andy Stahl, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 3, Ryan Green, 2<sup>nd</sup> qtr 2013, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 4, Forest Service Employees for Environment Ethics, 2<sup>nd</sup> qtr 2013, Letter of Education

AGENDA ITEM 5, Columbia River Fishermen's Defense Fund, 2<sup>nd</sup> qtr 2013, Letter of Education

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## Statement of Economic Interest Correspondence

None.

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

### End of Consent Calendar

## **STIPULATED FINAL ORDERS**

(3:55)

AGENDA ITEM 7, No. 12-208EDT, Sloan Nelson, Rainier City Councilor.

Mr. Nelson did not address the commission. Investigator Tuss summarized the case. The commission generally discussed the Stipulated Final Order process. Commissioner Montoya 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; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

(8:20)

AGENDA ITEMS 8 – 12, City of Chiloquin

No. 13-125XDG, Raymond Kirk, Councilor

No. 13-126XDG, Kathy Erion, Councilor

No. 13-127XDG, Joe Hobbs, Councilor

No. 13-128XDG, Julie Trevino, Councilor

No. 13-129XDG, Jill Prewitt, Councilor

Respondents did not address the commission. Investigator Gould summarized the cases. Commissioner Hooper moved that the commission approve the proposed stipulated final orders as the final orders in these matters and the Chairperson be authorized to sign them as such. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

## **DEFAULT FINAL ORDERS**

None.

## **CONTESTED CASE PROPOSED FINAL ORDERS**

None.

## **EXECUTIVE SESSION**

(10:10)

**The commission convened into executive session at 9:10 a.m. to consider preliminary reviews and possible own motion reviews pursuant to ORS 244.260 (2)(d) and (4)(d).**

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Preliminary Review Stipulated Final Orders  
(discussion only, action in open session)

(10:15)

AGENDA ITEM 33, Nos. 12-199LDT and 13-186LDT, Greg Miller, Lobbyist  
AGENDA ITEM 34, Nos. 12-200LDT and 13-185LDT, Paul Phillips, Lobbyist  
AGENDA ITEM 35, Nos. 12-202LDT and 13-187LDT, Ryan Tribbett, Lobbyist  
AGENDA ITEM 36, Nos. 12-203LDT and 13-188LDT, Laura Modjeski, Lobbyist  
AGENDA ITEM 37, No. 13-189LDT, Jamie Painter, Lobbyist  
AGENDA ITEM 38, No. 190LDT, Caleb Hayes, Lobbyist

Respondents did not address the commission. Investigator Tuss summarized the cases. The commission discussed Letters of Education and penalties, and the open session vs executive session procedures for stipulated final orders.

(25.19)

**The commission adjourned from executive session and reconvened into regular session at 9:25 a.m.**

Preliminary Review Stipulated Final Orders

(25:30)

AGENDA ITEM 6, No. 12-201LDT, Josh Balloch, Lobbyist  
AGENDA ITEM 33, Nos. 12-199LDT and 13-186LDT, Greg Miller, Lobbyist  
AGENDA ITEM 34, Nos. 12-200LDT and 13-185LDT, Paul Phillips, Lobbyist  
AGENDA ITEM 35, Nos. 12-202LDT and 13-187LDT, Ryan Tribbett, Lobbyist  
AGENDA ITEM 36, Nos. 12-203LDT and 13-188LDT, Laura Modjeski, Lobbyist  
AGENDA ITEM 37, No. 13-189LDT, Jamie Painter, Lobbyist  
AGENDA ITEM 38, No. 190LDT, Caleb Hayes, Lobbyist

Commissioner Tauman moved that the commission approve the proposed stipulated final orders as the final orders in the matters and that the chairperson be authorized to sign them as such. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

**REPORTS OF INVESTIGATIONS**

(27.40)

AGENDA ITEM 14, No. 13-130XDG, Teri Cummings, Former West Linn City Councilor. Ms. Cummings did not address the commission. Investigator Gould summarized the case. The commission briefly discussed the case. Commissioner Campbell moved that the commission find that the information before the commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

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(47.50)

The commission generally discussed "Outside Employment" advice.

### **ADVISORY OPINIONS**

None.

### **CORRESPONDENCE RECEIVED/RESPONSES**

(52.00)

The commission reviewed the following items without discussion except where noted.

#### Staff Opinions

AGENDA ITEM 15, John M. Junkin, Garvey Schubert Barer, re representing a business with which you are associated before the planning commission on which you serve.

#### Staff Advice

(non-action informational only items)

AGENDA ITEM 16, Honorable Greg Smith, State Representative, re potential conflict of interest regarding public position and role as the contract Economic Development Director to Malheur County.

AGENDA ITEM 17, Rick Mark, former City of Lincoln City employee, re public position and private employment.

#### Other Correspondence

(non-action information only items)

AGENDA ITEM 18, No. 13-200ENJ, R.D. Twamley re Joe Hobbs, Mayor of Chiloquin

AGENDA ITEM 19, No. 13-206ENJ, Pavel Goberman re Tobias Read, Oregon State Representative

AGENDA ITEM 20, No. 13-207ENJ, Pavel Goberman re Brad Avakian, Oregon Bureau of Labor and Industries

AGENDA ITEM 21, No. 13-208ENJ, Pavel Goberman re Judge Janelle Wipper, Washington County Circuit Court

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## **MISCELLANEOUS ITEMS**

(54.14)

### **AGENDA ITEM 22**

No. 12-209EDG, Bryan Anaclerio

No. 12-210EDG, Kim Anaclerio

Respondents did not address the commission. Investigator Gould summarized the request to expand the investigations and referred to the handout from respondent's counsel. The commission discussed the additional information. Commissioner Hooper moved to expand the investigation. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

**(1:03:01)**

**The commission recessed from 10:04 to 10:10 a.m.**

**(1:03:30)**

**The commission reconvened into executive session at 10:11 a.m. to consider preliminary reviews and possible own motion reviews pursuant to ORS 244.260(2)(d) and (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(2)(i).**

## **EXECUTIVE SESSION CONSENT CALENDAR**

### **Reports of Preliminary Review**

(All items were removed from consent calendar for discussion.)

**End of Executive Session Consent Calendar**

## **OTHER ITEMS**

### **Reports of Preliminary Review**

(removed from consent calendar)

(1:03:35)

**AGENDA ITEM 26, No. 13-167XDT**, Jeff Bellah, Mayor, City of Phoenix

**AGENDA ITEM 31, No. 13-172XDT**, Bruce Sophie, Councilor, City of Phoenix

Mayor Bellah and Councilor Sophie joined the meeting by telephone. Investigator Tuss summarized the cases. Mayor Bellah addressed the commission. The commission discussed the case. Commissioner Tauman moved that the commission find that there is a substantial, objective basis for believing that Jeff Bellah and Bruce Sophie may have violated ORS 192.660(1), (2) and (7) and that the commission should investigate accordingly. Roll call vote was taken as follows: Campbell, nay; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed 5-1.

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(1:25:04)

AGENDA ITEM 27, No. 13-168XDT, Stan Bartell, Councilor, City of Phoenix  
AGENDA ITEM 28, No. 13-169XDT, Carolyn Bartell, Councilor, City of Phoenix  
AGENDA ITEM 29, No. 13-170XDT, Chris Luz, Councilor, City of Phoenix  
AGENDA ITEM 30, No. 13-171XDT, Karen Jones, Councilor, City of Phoenix  
AGENDA ITEM 32, No. 13-173XDT, Terry Helfrich, Councilor, City of Phoenix

Respondents did not address the commission. Commissioner Montoya moved that the commission find that there is a substantial, objective basis for believing that Stan Bartell, Carolyn Bartell, Chris Luz, Karen Jones, and Terry Helfrich may have violated ORS 192.660(1), (2) and (7) and that the commission should investigate accordingly. Roll call vote was taken as follows: Campbell, nay; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed 5-1.

### Own Motion Reviews

(1:29:54)

AGENDA ITEM 39, Possible Own Motion Preliminary Review re Liane Richardson. Ms. Richardson did not address the commission. Executive Director Bersin summarized the matter. Commissioner Campbell moved that the commission conduct a preliminary review to determine if there is cause to investigation whether Liane Richardson has violated ORS Chapter 244. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

### Other Items

(non-action informational only items)

(1:32:01)

The commission reviewed the following items without comment except where noted:

AGENDA ITEM 40, No. 13-191XAI, D. Michael Lucas re Danny Burroughs, Troy Donohue, Mark Orr, & Jessie O'Dell, Lyons city Council.

AGENDA ITEM 41, No. 13-197-EAI, Noel Kersey re Josie Wall, Jacksonville City Council.

AGENDA ITEM 42, No. 13-198XAI, Linda Siegert re Mike McCabe, Ken Fahlgren, and Seth Crawford, Crook County Commission. Executive Director Bersin summarized the complaint and the request for additional information.

AGENDA ITEM 43, No. 13-201EAI, Lauren Halgren re Matt Langer, Sherwood City Council.

AGENDA ITEM 44, No. 13-202EAI, Kurt Kristensen re Matt Wellner, Washington County Planning Commission.

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AGENDA ITEM 45, No. 13-203EAI, Susan Waddell re Thomas H. Luba, Former Linn Benton Lincoln Education Service District Administrator

(1:45:39)

AGENDA ITEM 46, Summary of Pending Cases

Executive Director Bersin summarized the status of older cases.

(1:46:43)

AGENDA ITEM 47, Review of Pending Litigation

Counsel Rosik made no comment regarding pending litigation.

(1:47:00)

AGENDA ITEM 48, Executive Director Performance Review

The commission conducted the annual executive director performance review.

(2:17:00)

**The commission adjourned from executive session and reconvened into regular session at 11:25 a.m.**

(2:20:12)

AGENDA ITEM 24, Director's Report

Executive Director Bersin introduced new employee, Kathy Daniel. Bersin discussed the need for commission signatures on request for private use of vehicle form and the status of the electronic reporting system.

(2:20:27)

AGENDA ITEM 25, Election of Chair and Vice Chair for 2014

Chair Whitlock moved to nominate Commissioner Kremer as Chair and Commissioner Montoya as Vice Chair for 2014. Roll call vote was taken as follows: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed unanimously.

(2:34:03)

AGENDA ITEM 23, Trainers' Report

Trainer Casler summarized training efforts and web upgrade progress.

(2:40:10)

Commission and staff extended thanks to Chair Whitlock for his service as Chair during 2013.

**(2:40:41)**

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Chair Whitlock adjourned the meeting at 11:50 a.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, January 3, 2014, 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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