

OREGON GOVERNMENT ETHICS COMMISSION

MEETING MINUTES

March 1, 2013

9:00 a.m.

(0:10)

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, Charles Tauman, Mary Kremer, Kenny Montoya and Jan Hooper. Staff present were Executive Director Ron Bersin, Investigator Deborah Tuss, Investigator Diane Gould, Investigator Don Crabtree, Program Manager Virginia Lutz, Trainer Tammy Hedrick, Trainer Bethany Reeves, Administrative Specialist Michelle Vold, and OGEC Counsel Lynn Rosik.

(0:43)

AGENDA ITEM 1, Approval of the minutes of the January 17, 2013 Commission meeting. Campbell called for approval of the January 17, 2013 meeting minutes. The minutes were approved without correction.

CONSENT CALENDAR

(1:06)

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

Reports of Investigation

None.

Lobbyist Penalty Correspondence

None.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 2, Action for Services for Oregon's Older Adults and People with Disabilities, 3rd qtr 2012 – Letter of Education

Statement of Economic Interest Correspondence

None.

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.

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

End of Consent Calendar

STIPULATED FINAL ORDERS

(1:45)

AGENDA ITEM 3, No. 12-136XMS, Naomi Parker, City of Lakeside Councilor

AGENDA ITEM 4, No. 12-137XDT, Ed Langley, City of Lakeside Councilor

AGENDA ITEM 5, No. 12-138XDT, Dean Warner, City of Lakeside Councilor

Respondents did not address Commission. Tuss summarized the cases. The Commission discussed media issues and letters of education or reprimand. Hooper moved that the Commission approve the proposed stipulated final order as the final order for Naomi Parker, Ed Langley, and Dean Warner, and that the chairperson be authorized to sign them as such. Roll call vote was taken as follows: Campbell, nay; Beggs, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed 6-1.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

None.

(13:09)

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

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.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

None.

Staff Advice

AGENDA ITEM 6, Michael Mueller, Treasury Investment Officer, re unpaid summer internship for his child with organization associated with Investment Council. The Commission generally discussed the advice.

Other Correspondence

AGENDA ITEM 7, No. 13-101ENJ, Jill Prewitt re Mark Cobb, Chiloquin Mayor.

(19:48)

The Commission convened into executive session at 9:20 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).

EXECUTIVE SESSION CONSENT CALENDAR

(24:20)

The Commission removed agenda items 11, 12, 15, and 20 from the consent calendar for discussion. Campbell moved for the approval of the balance of the Executive Session Consent Calendar and the staff recommendation on each as follows:

Reports of Preliminary Review

AGENDA ITEM 13, No. 12-187XDT, Mike McCabe, Crook County Commissioner. Mr. McCabe did not address the Commission. Staff recommendation was to move to investigate possible violations of ORS 192.660(1).

AGENDA ITEM 14, No. 12-204XDT, Ken Fahlgren, Crook County Commissioner. Mr. Fahlgren did not address the Commission. Staff recommendation was to move to investigate possible violations of ORS 192.660(1).

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.

AGENDA ITEMS 16-19,

- No. 12-200LDT, Paul Phillips, Lobbyist
- No. 12-201LDT, Josh Balloch, Lobbyist
- No. 12-202LDT, Ryan Tribbett, Lobbyist
- No. 12-203LDT, Laura Modjeski, Lobbyist

Respondents did not address the Commission. Staff recommendation was to move to dismiss the complaints.

Executive Session Consent Calendar roll call vote was taken as follows: Tauman, aye; Beggs, aye; Kremer, aye; Hooper, aye; Campbell, aye; Montoya, aye; Whitlock, aye.

End of Executive Session Consent Calendar

OTHER ITEMS

Reports of Preliminary Review

(24:29)

AGENDA ITEM 11, No. 12-179EDT, Jim Kight, former Mayor, city of Troutdale. Mr. Kight did not address the Commission. Crabtree summarized the case. Whitlock discussed the case. Montoya moved that the Commission find that there is a substantial objective basis for believing that Jim Kight may have violated ORS 244.040(1) and 244.040(2)(a) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Tauman, aye; Beggs, aye; Kremer, aye; Hooper, aye; Campbell, aye; Montoya, aye; Whitlock, aye. Motion Passed unanimously.

(32:57)

AGENDA ITEM 15, No. 12-199LDT, Greg Miller, Lobbyist. Tuss summarized the case. Mr. Miller was present and addressed the Commission. The Commission discussed the case. Tauman moved that the Commission find that there is a substantial objective basis for believing that Greg Miller may have violated ORS 171.740(3) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Tauman, aye; Beggs, aye; Kremer, aye; Hooper, aye; Campbell, aye; Montoya, aye; Whitlock, aye. Motion passed unanimously.

(50:37)

AGENDA ITEMS 16-19,

- No. 12-200LDT, Paul Phillips, Lobbyist
- No. 12-201LDT, Josh Balloch, Lobbyist
- No. 12-202LDT, Ryan Tribbett, Lobbyist
- No. 12-203LDT, Laura Modjeski, Lobbyist

Campbell moved to reconsider the previous vote to dismiss. Roll call vote was taken as follows: Campbell, aye; Beggs, nay; Kremer, aye; Whitlock, nay; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed 5-2.

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.

(56:28)

AGENDA ITEMS 16-19,

- No. 12-200LDT, Paul Phillips, Lobbyist
- No. 12-201LDT, Josh Balloch, Lobbyist
- No. 12-202LDT, Ryan Tribbett, Lobbyist
- No. 12-203LDT, Laura Modjeski, Lobbyist

The Commission discussed lobbying issues. Rosik advised the Commission regarding lobbying law. Campbell moved that the Commission find that there is a substantial objective basis for believing that Paul Phillips, Josh Balloch, Ryan Tribbett and Laura Modjeski may have violated ORS 171.740(3) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Campbell, aye; Beggs, aye; Kremer, aye; Whitlock, nay; Hooper, aye; Montoya, aye; Tauman, aye. Motion passed 6-1.

(1:12:30)

Commissioner Beggs was excused from the meeting at 10:10 a.m.

(1:13:05)

AGENDA ITEM 12, No. 12-182EDT, Fred Messerle, former Coos County Commissioner. Mr. Messerle did not address the Commission. Tuss summarized the case. Campbell 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: Campbell, aye; Kremer, aye; Whitlock, aye; Hooper, aye; Tauman, aye. Motion passed unanimously.

(1:20:12)

AGENDA ITEM 20, No. 12-208EDT, Sloan Nelson, city of Rainier Councilor. Mr. Nelson did not address the Commission. Tuss summarized the case. Campbell moved that the Commission find that there is a substantial objective basis for believing that Sloan Nelson may have violated ORS 244.040(1) and 244.120(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Tauman, aye; Kremer, aye; Hooper, aye; Campbell, aye; Montoya, aye; Whitlock, aye. Motion passed unanimously.

Preliminary Review Stipulated Final Orders

None.

Own Motion Reviews

None.

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.

Other Items

(1:24:30)

The Commission reviewed the following items without comment:

AGENDA ITEM 20, Summary of Pending Cases.

AGENDA ITEM 21, Review of Pending Litigation.

The Commission reconvened into regular session at 10:21 a.m. and recessed from 10:21 to 10:31 a.m.

MISCELLANEOUS ITEMS

(1:24:40)

AGENDA ITEM 8, 2012 Gold Star Certificate. The Commission reviewed the Certificate without comment.

(1:25:12)

AGENDA ITEM 9, Trainer's Report. Reeves provided a summary of current training activities.

(1:29:34)

AGENDA ITEM 10, Director's Report. Bersin introduced new Investigator Diane Gould and new Administrative Specialist Michelle Vold. Lutz reminded Commission of SEI filing requirements. Bersin advised of the March 31 hearing for the OGEC budget review. Bersin summarized the budget and pending bills. The Commission discussed pending bills and the definition of media. The Commission also discussed scheduling a workshop for after the appointment of a new Commissioner.

(2:41:26)

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

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Thursday, April 18, 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.

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.
