

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
February 14, 2014
9:00 a.m.

(0:01)

Chair Mary Kremer called the meeting to order at 9:01 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 Tauman, Jan Hooper, and Kenny Montoya. Commissioner Marilyn Cover joined by telephone. 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.

(0:10)

AGENDA ITEM 1, Approval of the minutes of the January 3, 2014 Commission meeting. Chair Kremer called for approval of the minutes which were approved without correction.

CONSENT CALENDAR

(0:30)

Agenda Item 8 was removed from the consent calendar for discussion. Commissioner Whitlock moved for the approval of the balance of the consent calendar items and the staff recommendation on each as follows:

Reports of Investigation

None.

Lobbyist Penalty Correspondence

AGENDA ITEM 2, Lisa A. Gardner, 3rd qtr 2013, Letter of Education

AGENDA ITEM 3, Cameron Whitten, 2nd qtr 2013, Letter of Education

Lobbyist Client Penalty Correspondence

None.

Statement of Economic Interest Correspondence

AGENDA ITEM 4, Mary Aguila, Jordan Valley Council, 2013, Letter of Education

AGENDA ITEM 5, Michelle Hagen, Irrigon Council, 2013, Letter of Education

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AGENDA ITEM 6, Mary May, Monmouth Planning Comm, 2010, Letter of Education

AGENDA ITEM 7, Jeff Eynetich, Lone Council, 2010, Letter of Education

AGENDA ITEM 9, Ben Kaiser, Portland Design Comm, 2013, Letter of Education

AGENDA ITEM 10, Tammy Wilson, Dayton Planning Comm, 2010, Letter of Education

AGENDA ITEM 11, Zach Williams, Grant Co Planning Comm, 2013, Letter of Education

AGENDA ITEM 12, Joel Brown, Wasco Co Planning Comm, 2010, Letter of Education

AGENDA ITEM 13, James B. Wallis, Hospital Facility Authority – Umatilla County, 2013, Letter of Education

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

End of Consent Calendar

Statement of Economic Interest Correspondence

(2:30)

AGENDA ITEM 8, Jim Patrick, Newport Planning Comm, 2013. Mr. Patrick did not address the Commission. The Commission generally discussed correspondence from Mr. Patrick and content of Letters of Education. Commissioner Montoya moved to impose a penalty of \$210. Commissioner Whitlock suggested a Letter of Reprimand and proposed an amendment to the motion. Commissioner Montoya agreed to the modification. Commissioner Hooper suggested adding an education element to the penalty. Commissioner Montoya withdrew his motion. Commissioner Hooper moved to impose a penalty of \$210 with the stipulation that the financial penalty be waived upon completion of SEI training by April 15, 2014. Roll call vote was taken as follows: Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

Lobbyist Penalty Correspondence

(19:40)

AGENDA ITEM 14, Darin Campbell, 3rd qtr 2012 & 2nd qtr 2013. Mr. Campbell did not address the Commission. Executive Director Bersin reviewed Mr. Campbell's history. Commissioner Whitlock moved that the Commission issue Letters of Education for each occurrence. Roll call vote was taken as follows: Cover, aye; Hooper, nay; Montoya, aye; Tauman, nay; Whitlock, aye; Kremer, aye. Motion passed 4-2.

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(27:09)

AGENDA ITEM 15, Meghan Moyer, 3rd qtr 2011, 3rd qtr 2012, & 3rd qtr 2013, recommendation is to issue a letter of education for 2011, reduce the 2012 penalty to \$100, and to not reduce the \$90 penalty for 2013. Ms. Moyer did not address the Commission. Commissioner Whitlock moved to impose the recommended \$190 penalty and Letter of Education. Roll call vote was taken as follows: Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

(30:19)

AGENDA ITEM 16, No. 10-143ETH, Tim Kerns, Baker Valley Soil and Water District Board Chair. Mr. Kerns did not address the Commission. Commissioner Whitlock 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: Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

(31:59)

AGENDA ITEM 17, No. 11-110EDT, William McMillan, Curry Health District Chief Executive Officer. Mr. McMillan did not address the Commission. The Commission generally discussed the case history. 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: Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

(34:01)

AGENDA ITEM 18, No. 12-210EDG, Kim Anaclerio, Mount Hood Community College employee and instructor. Ms. Anaclerio did not address the Commission. The Commission generally discussed the case history. Commissioner Whitlock 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: Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

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CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

(36:01)

AGENDA ITEM 19, No. 13-122LDT, Patricia McCaig, Director of Government Relations and Lead Advisor to Governor Kitzhaber, Columbia River Crossing Project. Ms. McCaig was present but did not address the Commission. Commissioner Whitlock advised of the political interest from his Port of Portland employer, but finds no personal conflict to declare. Investigator Tuss summarized the case. The Commission generally discussed the case facts. Commissioner Montoya 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: Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

(56:43)

The Commission recessed from 9:59 – 10:08 a.m.

(56:70)

The Commission convened into executive session at 10:09 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(2)(d) and to consult with legal counsel regarding pending litigation pursuant to ORS 192.660(2)(h).

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar

OTHER ITEMS

Reports of Preliminary Review

(removed from consent calendar)

(59:30)

AGENDA ITEM 30, No. 13-199EDG, Jeffrey Soule, Research Analyst, Oregon Health Authority. Investigator Diane Gould summarized the case. Mr. Soule was present and addressed the Commission. He read additional correspondence into the record for the benefit of the Commission and Commissioner Cover who was on the telephone. The Commission discussed the case facts. Commissioner Hooper moved that the

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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: Cover, aye; Hooper, aye; Montoya, aye; Tauman, aye; Whitlock, aye; Kremer, aye. Motion passed unanimously.

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

None.

Own Motion Reviews

None.

Other Items
(non-action informational only items)

The Commission reviewed the following items without comment unless otherwise noted:

(1:18:30)

AGENDA ITEM 31, No. 14-101EAI, Roger Findley re John Forsyth, TVCC Board of Directors. The Commission generally discussed the matter.

AGENDA ITEM 32, No. 14-102EAI, Robert James Claus re Rena Kennedy, Gilliam County Clerk.

AGENDA ITEM 33, No. 14-105EAI, Marc Wilson re John Forsyth, TVCC Board of Directors. The Commission generally discussed the matter.

AGENDA ITEM 34, No. 14-106EAI, Martin Burrows re Agness Balassa, Governor's Workforce Policy Advisor.

AGENDA ITEM 35, Summary of Pending Cases. The Commission reviewed the list of pending cases without comment.

AGENDA ITEM 36, Review of Pending Litigation. Counsel Rosik made no comments regarding pending litigation.

(1:24:27)

The Commission adjourned from executive session and reconvened into regular session at 10:25 a.m.

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ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

None.

Other Correspondence

AGENDA ITEM 25, No. 14-109ENJ, Betty Ariele James re Highland Neighborhood Association co-Chair, Steve Emerson. Commissioner Montoya declared a possible conflict with Highland Neighborhood Association as it is within the jurisdiction of the City of Salem which is his employer.

Staff Advice

(1:24:35)

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

AGENDA ITEM 20, Larry Niswender re employment limitations pertaining to former public officials. Executive Director Bersin summarized the issue regarding revolving door. Counsel Rosik discussed the history of revolving door.

AGENDA ITEM 21, Senator Vicki Berger re food, lodging and travel expenses.

Other Correspondence

AGENDA ITEM 22, No. 13-221ENJ, Andrew Gainer re Troutdale City Councilor David Ripma.

AGENDA ITEM 23. No. 14-103ENJ, Dennis Jefcoat re Chiloquin Mayor Joe Hobbs, Chiloquin city Clerk Teresa Foreman, and Chiloquin city Council members Julie Trevino, Carolyn Blackman, Kathy Erion, and Raymond Kirk.

AGENDA ITEM 24. No. 14-104ENJ, Marc Wilson re TVCC Board of Education members Dana Young, Cheryl Cruzon, & Darlene McConnel.

AGENDA ITEM 26. No. 110ENJ, Jeff Houston re Klamath county employees Linda Smith and Rochelle Long.

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MISCELLANEOUS ITEMS

(1:32:30)

AGENDA ITEM 27, Legislative Concepts. Executive Director Bersin addressed the Commission regarding possible legislative concepts and timelines as follows:

- Rulemaking authority in Executive Session statutes.
- Lobby sunset provisions.
- (244.135) Direct or substantial Conflict of Interest issues.
- Housecleaning issues.
- Candidate SEI filing.
- “E” exception regarding omission of ‘Relative.’
- OR Education Information Board – SEI filing for Governor’s Office-related filers.
- Media definition issues. Chair Kremer suggested designating a specific time at the next Commission meeting to collect public comment. Chair Kremer also suggested advance collection of information online and via email. A volunteer committee of Commissioners Hooper, Kremer, and Tauman will develop a notice and distribution list. Commissioner Whitlock offered his time to consult with the Attorney General’s office and Governor’s legal counsel if needed. Executive Director Bersin will initiate a conversation with the Governor’s Office.

(2:13:33)

AGENDA ITEM 28, Trainers’ Report, Trainer Russ Casler summarized current and future training efforts, improvements in reaching all public officials, and outreach through Social Media. Trainer Casler also began a general discussion regarding new software that may improve training statistics and meet performance measures.

(2:21:04)

AGENDA ITEM 29, Director’s Report, Executive Director Bersin generally discussed fee assessments for this and future biennia, enhanced software for training, management classification study, and education opportunities for the Staff. Director Bersin updated the Commission on the Electronic Filing Project. Foundational document preparation will be due by March 27, 2014. That information will be submitted to the Emergency Board in May to release funds for the project.

(2:34:13)

Chair Kremer adjourned the meeting at 11:45 a.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, April 4, 2014, 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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