

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**September 18, 2020**  
9:00 a.m.

(File 1)

Chair Nathan Sosa called the meeting to order at 9:02 a.m. The meeting was held by video conference in the 2<sup>nd</sup> Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Chair Nathan Sosa and Commissioner Dave Fiskum were present. Commissioners participating by video conference were Dan Mason, Sean O'Day, Richard Burke, Charles Starr, Karly Edwards, Anna Sortun, and Amber Hollister. OGEC Counsel Amy Alpaugh also joined by video conference. Staff present were Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Lisa Christon, Trainer Monica Walker, and Trainer Becky Maison.

AGENDA ITEM 1, Comments from the Chair.

AGENDA ITEM 2, Approval of minutes of the August 7, 2020 Commission meeting. The minutes were approved without correction.

**CONSENT CALENDAR**

Fiskum moved for the approval of Consent Calendar items 3-7 and the recommendation on each as follows:

Lobbyist Penalty Correspondence

None.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 3, Veritec Solutions, Q2 2020, Letter of Education

AGENDA ITEM 4, UiPath, Inc, Q2 2020, Letter of Education

AGENDA ITEM 5, Central Oregon LandWatch, Q2 2020, Letter of Education

SEI Penalty Correspondence

AGENDA ITEM 6, Tracy Young, 2018 SEI, Letter of Education

AGENDA ITEM 7, Zack Geary, 2019 SEI. Letter of Education

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Group voice vote was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

End of Consent Calendar

REPORTS OF INVESTIGATIONS

AGENDA ITEM 26, 19-207XLC, Teri Cummings  
AGENDA ITEM 27, 19-208XLC, Richard Sakelik  
AGENDA ITEM 28, 19-209XLC, Bill Relyea  
AGENDA ITEM 29, 19-212XLC, Russ Axelrod  
AGENDA ITEM 30, 19-213XLC, Jules Walters

Councilors, City of West Linn. Criston summarized the cases as one. Attorney Kenny Montoya addressed the Commission. Councilor Axelrod addressed the Commission. Councilors Relyea, Sakelik, Cummings, and Walters were present for the discussion. The Commission and Counsel Alpaugh discussed the matters.

Item # 26: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Mason, absent; Burke, aye; Sosa, nay. Motion passed 6 – 2.

Item # 27: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Mason, absent; Burke, aye; Sosa, nay. Motion passed 6 – 2.

Item # 28: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, nay. Motion passed 7 – 2.

Item # 29: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, nay. Motion passed 7 – 2.

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Item # 30: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, nay. Motion passed 7 – 2.

**Commission recessed at 10:35 a.m. and reconvened at 10:40 a.m.**

**The Commission convened into executive session at 10:40 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d).**

**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 Reviews  
(removed from consent calendar)

(File 2)

AGENDA ITEM 42, 20-178ESM, Jackie Lawson, City Councilor, City of Dallas.

Myers summarized the case. Lawson joined by video conference and addressed the Commission. The Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Lawson may have violated ORS 244.040 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9-0.

AGENDA ITEM 38, 20-168ELC, Cara Kaser, City Councilor, City of Salem.

Christon summarized the matter. Kaser addressed the Commission by video conference. The Commission briefly discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Cara Kaser may have violated ORS 244.120(2) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9-0.

AGENDA ITEM 44, 20-182ELC, Court Boice, Commissioner, Curry County Board of Commissioners. Christon summarized the case. Boice and Attorney K. C. Huffman

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addressed the Commission by video conference. Mason 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, nay; Sortun, nay; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 7 – 2.

AGENDA ITEM 40, 20-175ESM, Justin Gates, City Councilor, City of Estacada. Myers summarized the matter. Gates addressed the Commission by video conference. The Commission briefly discussed the case. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9-0.

AGENDA ITEM 39, 20-170ESM, David McCall, City Councilor and Interim Mayor, City of Bay City. Myers summarized the matter. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Hollister, aye; Burke, aye; Sortun, absent; Sosa, aye. Motion passed 8 – 0.

AGENDA ITEM 41, 20-176ELC, Russel Heath, Fleet Manager, Yamhill County, Public Works Department. Christon summarized the matter. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 43, 20-179ESM, Jo Barker, City Councilor, City of Drain. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

#### Own Motion Preliminary Reviews

None.

#### Other Items

(non-action informational only items)

None.

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Commission recessed at 12:22 p.m. and reconvened into regular session at 12:32 p.m.

Lobbyist Client Penalty Correspondence

(File 3)

AGENDA ITEM 8, Sierra Club of Oregon, Q4 2019, \$130. Bersin summarized the matter. Fiskum moved approval of the recommendation to reduce to \$50 as it was the second violation. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

SEI Penalty Correspondence

AGENDA ITEM 9, John Gambie, 2018 SEI, \$40; 2019 SEI, \$120; Bersin summarized the matter. Fiskum moved approval of the recommendation of Letter of Education for 2018; and \$50 for 2019. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

STIPULATED FINAL ORDERS

AGENDA ITEM 10, 19-271ESM, Joseph McHaney, Executive Director, Madras Aquatic Center Recreation District. Myers summarized the matter. McHaney did not address the Commission. Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 11, 19-285XSM, David Bassett, Member, Board of Commissioners, Port of Port Orford. Myers summarized the matter. Bassett did not address the Commission. Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 12, 20-066XLC, Esther Williams

AGENDA ITEM 13, 20-067XLC, Edie Jurgenson

AGENDA ITEM 14, 20-068XLC, Carol Acklin

AGENDA ITEM 15, 20-069XLC, David Allen

AGENDA ITEM 16, 20-070XLC, Tom Bedell

Members, Board of Commissioners, Southern Coos Health District. Christon summarized the cases. Commissioners did not address the Commission.

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Item #12: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

Item #13: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

Item #14: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

Item #15: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, abstained; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 8 – 0, with 1 abstention.

Item #16: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 17, 20-094XSM, Lynn Morley, Judge  
AGENDA ITEM 18, 20-095XSM, Debbie Starkey, Commissioner  
AGENDA ITEM 19, 20-096XSM, Rick Shaffer, Commissioner  
Wheeler County Court. Myers summarized the cases. Respondents did not address the Commission.

Item # 17: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

Item # 18: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

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Item # 19: Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 20, 20-139FDG, Darcy Long-Curtis, Candidate, 2018 State Representative. Gould summarized the case. Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 21, 20-148FDG, Fred Cuthbertson, Planning Commissioner, City of Monroe. Gould summarized the case. Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 22, 20-188FDG, Lorrie Zeller, Planning Commissioner, City of Coburg. Gould summarized the case. Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 23, 20-190FDG, Andrew Clarke, Commissioner, Portland Design Commission. Gould summarized the case. Fiskum moved that the Commission accept 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

#### DEFAULT FINAL ORDERS

AGENDA ITEM 24, 20-145FDG, Mace Cadwell, Planning Commissioner, Union County. Gould summarized the matter. Cadwell did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 25, 20-146FDG, Les Poole, Planning Commissioner, City of Gladstone. Gould summarized the matter. Poole did not address the Commission. Fiskum moved

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approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, abstained; Sosa, aye. Motion passed 8 – 0 with 1 abstention.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

The Commission reviewed the following without comment unless otherwise noted:

Staff Opinions  
(non-action, informational only items)

None.

Staff Advice  
(non-action, information only items)

AGENDA ITEM 31, 20-184I, Stephen Dingle, County Counsel, Lane County re application of Oregon Government Ethics law to Questions of political speech by public officials and other issues..

AGENDA ITEM 32, 20-186I, Rick Rogers, Mayor, City of Newberg, re issues that arise as a result of private employment as Executive Director of the Newberg Area Habitat for Humanity.

AGENDA ITEM 33, 20-187I, Stephen Dingle, County Counsel, Lane County Office of County Counsel, re application of Oregon Government Ethics law to the Lane County Sheriff's Office (LCSO) scheduling weekend appointments for processing Concealed Handgun License (CHL) applications requested by direct family members.

AGENDA ITEM 34, 20-196I, Andrea Nagles, Assistant County Counsel, Lane County Office of County Council re Lane County Sheriff's Office (LCSO) implementing a written policy giving volunteers, such as reserves and cadets, a hiring preference over non-volunteer applicants.

Other Correspondence  
(non-action, informational only items)

None.

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## MISCELLANEOUS ITEMS

AGENDA ITEM 35, Review of 2020 Best Practices Survey. Bersin summarized the survey.

AGENDA ITEM 36, Trainer's Report. Walker summarized and discussed the training activity.

AGENDA ITEM 37, Executive Director's Report. Bersin reviewed the following:

- 19-21 Budget update: Equipment purchases relating to Covid. No reductions to the current budget.
- 21-23 Status Budget process; Agency Request Budget submitted and anticipated statewide reductions. Maybe reduction of ending balance.
- SEI: Staff continues to contact non-filers.
- Secretary of State's audit field work: no current communications but it continues.
- Covid prevention measures taken in office: masks and temperature scans.
- Continued discussion re Status of Legislative Concepts.
- 100% compliance for Q2 2020 Lobby & Client filings.
- Raussen case is Appellate court case. Oral arguments can be heard.
- Suit filed against OGEC: updates as it progresses.
- Commissioner Edwards has been reappointed for an additional 4 year term.
- Plaque presentation to outgoing Commissioner Burke. Commission comments.

**Chair Sosa adjourned the meeting at 1:25 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, November 6, 2020, 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, in Salem, Oregon, and will be conducted via video conference.**

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# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 19, 2020

Meliah Masiba  
775 Summer St.  
Salem OR 97301

Dear Ms. Masiba:

The written explanation of why your Q3 2020 Lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$40 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Lobbyist Activity

## Q3 2020

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Lobbyist Code: 1583  
User Name: meliahm  
Email: meliah.m.masiba@dsl.state.or.us

Meliah Masiba  
775 Summer St  
Salem, OR 97301

Q3 2020 Filing:	10/19/2020
Q3 2020 Expended:	\$0.00
Q3 2020 Penalty:	\$40.00


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### Activity Log - Q3 2020 to Date

07/10/20 03:28:19.530 - User Successfully Authenticated -  
07/10/20 03:28:48.173 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q2 2020  
09/30/20 01:01:21.307 - User Successfully Authenticated -  
10/16/20 01:30:08.360 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/17/20 01:30:06.433 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/18/20 01:30:06.667 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/19/20 01:30:04.970 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/19/20 03:34:34.503 - User Successfully Authenticated -  
10/19/20 03:36:07.747 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2020

PAST VIOLATIONS: NONE

RECOMMENDATION:

*with def*  


**BAIER Kathy \* OGEC**

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**From:** MASIBA Meliah  
**Subject:** RE: Lobbyist report

**From:** MASIBA Meliah <MeliAh.M.Masiba@state.or.us>  
**Sent:** Monday, October 19, 2020 3:43 PM  
**To:** BAIER Kathy \* OGEC <Kathy.BAIER@oregon.gov>; MASIBA Meliah <MeliAh.M.Masiba@state.or.us>  
**Subject:** RE: Lobbyist report

Dear Kathy,

Thank you for bringing this to my attention, and my great apologies.

Believe it or not what had happened was that I went online to file this fall's report the day before the system was open. I am currently managing a personal injury which has resulted in playing catch up much more often than is typical for me. If the Ethics Commission would consider waiving my late penalties for this one time oversight, I would be so appreciative.

Please don't hesitate to email or call if you have any further questions and thank you again for the reminder.

**best,**  
MeliAh Masiba  
Oregon Department of State Lands  
Legislative & Government Affairs  
Tribal Liaison  
Elliott State Forest Project Lead  
[meliah.m.masiba@dsl.state.or.us](mailto:meliah.m.masiba@dsl.state.or.us)  
971.332.0313 (m) | 503.986.5308 (o)





# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

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Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 19, 2020

Andrea Valderrama  
13632 SE Mill St.  
Portland OR 97233

Dear Ms. Valderrama:

The written explanation of why your Q3 2020 Lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$10 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Lobbyist Activity

## Q3 2020

Lobbyist Code: 1828  
User Name: Andrea Valderrama  
Email: drea.valderrama@gmail.com

Andrea Valderrama  
13632 SE Mill St.  
Portland, OR 97233

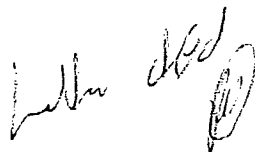
Q3 2020 Filing: 10/16/2020  
Q3 2020 Expended: \$0.00  
Q3 2020 Penalty: \$10.00

### Activity Log - Q3 2020 to Date

07/14/20 10:49:15.603 - User Failed to Authenticate -  
07/14/20 10:49:29.430 - Admin User Reset Initiated - An admin user reset was initiated.  
07/14/20 10:51:23.067 - Admin User Password Reset Completed - A user reset their password using an admin reset.  
07/14/20 10:51:31.990 - User Successfully Authenticated -  
07/14/20 10:52:54.890 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q2 2020  
10/16/20 01:30:08.720 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/16/20 12:04:25.883 - Admin User Reset Initiated - An admin user reset was initiated.  
10/16/20 12:05:07.100 - Admin User Password Reset Completed - A user reset their password using an admin reset.  
10/16/20 12:05:23.163 - User Failed to Authenticate -  
10/16/20 12:05:31.163 - User Successfully Authenticated -  
10/16/20 12:06:16.250 - User Profile Updated - User profile updated for Andrea Valderrama  
10/16/20 12:06:16.590 - User Profile Updated - The user's main profile was updated.  
10/16/20 12:17:56.980 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2020  
10/16/20 12:21:15.133 - User Profile Updated - User profile updated for Andrea Valderrama  
10/16/20 12:21:15.640 - User Profile Updated - The user's main profile was updated.

PAST VIOLATIONS: NONE

RECOMMENDATION:





## BAIER Kathy \* OGEC

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**From:** Andrea Valderrama <drea.valderrama@gmail.com>  
**Sent:** Friday, October 16, 2020 12:27 PM  
**To:** BAIER Kathy \* OGEC  
**Subject:** Late Penalty Fee Waiver Request

Hi Kathy,

I hope this email finds you well.

I am emailing regarding the late fees that have accrued on my account and would like to ask for them to be waived. I left the CCC on September 4th, and did not know that I needed to submit a report after I left. The email on file was that of my previous employer and I did not get any reminders or information regarding the report needing to still be submitted. I have never submitted a report late thus far, and would appreciate a waiver.

Please let me know if there is anything else you need from me. I'd also like to confirm my up to date contact information, below.

Thank you,

Andrea Valderrama  
13632 SE Mill Street  
Portland, OR 97233  
(503) 706-8510  
Drea.Valderrama@gmail.com





# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 19, 2020

Scott Beckstead  
737 Tanglewood St.  
Sutherlin OR 97479

Dear Mr. Beckstead:

The written explanation of why your Q3 2020 Lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$10 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Lobbyist Activity

## Q3 2020

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Lobbyist Code: 156	Q3 2020 Filing: 10/16/2020
User Name: ScottBeckstead	Q3 2020 Expended: \$0.00
Email: sbeckstead@centerforahumaneconomy.org	Q3 2020 Penalty: \$10.00

Scott Beckstead  
737 Tanglewood Street  
Sutherlin, OR 97479

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### Activity Log - Q3 2020 to Date

07/01/20 09:52:26.337 - User Successfully Authenticated -  
07/01/20 09:53:56.387 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q2 2020  
10/16/20 01:30:07.380 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/16/20 09:05:25.000 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2020  
10/16/20 10:49:54.333 - User Failed to Authenticate -  
10/16/20 10:50:07.413 - User Failed to Authenticate -  
10/16/20 10:55:52.230 - Admin User Reset Initiated - An admin user reset was initiated.  
10/16/20 10:56:33.497 - Admin User Password Reset Completed - A user reset their password using an admin reset.  
10/16/20 10:56:58.047 - User Successfully Authenticated -  
10/16/20 10:57:41.140 - User Profile Updated - User profile updated for Scott Beckstead  
10/16/20 10:57:41.220 - User Profile Updated - The user's main profile was updated.  
10/16/20 10:59:03.507 - User Profile Updated - User profile updated for Scott Beckstead  
10/16/20 10:59:03.890 - User Profile Updated - The user's main profile was updated.  
10/16/20 10:59:32.000 - Admin User Reset Initiated - An admin user reset was initiated.  
10/16/20 11:04:41.093 - Admin User Password Reset Completed - A user reset their password using an admin reset.  
10/16/20 11:05:07.067 - User Successfully Authenticated -  
10/16/20 11:25:56.133 - User Profile Updated - User profile updated for Scott Beckstead  
10/16/20 11:25:56.517 - User Security Questions Reset - The user's security questions were reset from the "My Profile" page.  
10/16/20 11:25:56.563 - User Profile Updated - The user's main profile was updated.  
10/19/20 08:26:38.410 - User Profile Updated - User profile updated for Scott Beckstead  
10/19/20 08:26:39.010 - User Profile Updated - The user's main profile was updated.

PAST VIOLATIONS: NONE

RECOMMENDATION:

*Wade JED*  
*10*

**BAIER Kathy \* OGEC**

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**From:** Scott Beckstead <scott.beckstead7@gmail.com>  
**Sent:** Friday, October 16, 2020 11:59 AM  
**To:** BAIER Kathy \* OGEC  
**Subject:** Late Filing Penalty

Dear Commissioners:

I am requesting a waiver of the late filing fee of \$10. Yesterday was the deadline and I filed today. I am transitioning between clients, and my previous email has been closed, which is why I didn't receive the filing notification.

Thank you and please advise if you require any further information.

Scott Beckstead  
541-530-3460





# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 19, 2020

Steve Shropshire  
Jordan Ramis PC  
360 SW Bond St, #510  
Bend OR 97702

Dear Mr. Shropshire:

The written explanation of why your Q3 2020 Lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$30 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Lobbyist Activity

## Q3 2020

Lobbyist Code: 581  
User Name: sshrop  
Email: steve.shropshire@jordanramis.com

Q3 2020 Filing: 10/18/2020  
Q3 2020 Expended: \$0.00  
Q3 2020 Penalty: \$30.00

Steve Shropshire  
Jordan Ramis PC  
Bend, OR 97702

### Activity Log - Q3 2020 to Date

07/01/20 09:15:28.820 - User Successfully Authenticated -  
07/01/20 09:16:19.810 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q2 2020  
10/15/20 08:28:59.803 - User Successfully Authenticated -  
10/15/20 08:29:42.663 - Lobbyist Report Saved - Lobbyist Report Saved for Q3 2020  
10/16/20 01:30:07.877 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/17/20 01:30:06.200 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/18/20 01:30:06.090 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/18/20 10:49:23.193 - User Successfully Authenticated -  
10/18/20 10:50:02.570 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2020

PAST VIOLATIONS: NONE

RECOMMENDATION:

*Letter attached*



## HUNTER David \* OGEC

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**From:** Steve Shropshire <Steve.Shropshire@jordanramis.com>  
**Sent:** Sunday, October 18, 2020 10:58 PM  
**To:** OGEC Mail \* OGEC  
**Cc:** Lisa Klonoski  
**Subject:** Penalty for late filing

Dear Commission members,

On October 15, 2020 after preparing my Q3 lobbyist expenditure report and submitting it, the status page indicated the report was pending. I understood this to be a message from the electronic filing system that my report was in the system but that the transaction was slow to process. I was then out of email range until this evening, when I received notice via email that my report had not, in fact, been received. I immediately re-filed it and it was accepted.

I have never filed a late report before. Additionally, I have never filed a report showing any expenditures because I am not a professional lobbyist. I am registered out of an abundance of caution based on a conservative reading of the statute.

Based on these circumstances and the fact that I've not previously encountered this problem with the system in the past, I request that the Commission waive the late filing fee.

Thank you,

**EVE SHROPSHIRE** | Shareholder  
**Jordan Ramis PC** | Attorneys at Law  
Direct Bend: 541.647.2979 Direct Portland: 503.598.5583 Mobile: 503-522-8667

Portland OR | Vancouver WA | Bend OR  
[www.jordanramis.com](http://www.jordanramis.com)

**PLEASE NOTE:** All offices of Jordan Ramis are working remotely. Our professionals continue to remain fully available by telephone and email.

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# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 20, 2020

Aldo Solano  
123 SE 13<sup>th</sup> Ave. Unit 413  
Portland OR 97214

Dear Mr. Solano:

The written explanation of why your Q3 2020 Lobbyist expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for the \$50 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Lobbyist Activity

## Q3 2020

Lobbyist Code: 1631  
User Name: asolano  
Email: aldo.solano@oregon.gov

Aldo Solano  
123 SE 13th Ave. Unit 413  
Portland, OR 97214

Q3 2020 Filing: 10/20/2020  
Q3 2020 Expended: \$0.00  
Q3 2020 Penalty: \$50.00

### Activity Log - Q3 2020 to Date

07/01/20 10:23:52.877 - User Successfully Authenticated -  
07/01/20 10:25:30.403 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q2 2020  
10/16/20 01:30:08.393 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/17/20 01:30:06.480 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/18/20 01:30:06.760 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/19/20 01:30:05.047 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/20/20 01:30:05.333 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/20/20 12:07:19.467 - Lobbyist Report Submitted - Lobbyist Report Submitted for Q3 2020  
10/20/20 12:09:54.727 - User Profile Updated - User profile updated for Aldo Solano  
10/20/20 12:09:55.253 - User Profile Updated - The user's main profile was updated.

PAST VIOLATIONS: NONE

RECOMMENDATION:

*held at Fed*  
*(K)*

**BAIER Kathy \* OGEC**

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**From:** Aldo Solano <aldosolano1@gmail.com>  
**Sent:** Tuesday, October 20, 2020 12:17 PM  
**To:** BAIER Kathy \* OGEC  
**Subject:** Lobbyist Expenditure Report, Waiver Request

Dear Government Ethics Commission,

The reason for my late submission of my Q3 lobbyist expenditure report can be attributed to my transition out of my role within the Governor's Office and hectic onboarding onto a new job. As you can imagine, it's very difficult to get a good hold of timelines and deadlines during this difficult moment and I kindly would like to ask that my late fee of \$40 dollar be waived.

I sincerely appreciate your time and consideration in this matter,

Aldo Solano





# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

September 15, 2020

NeighborWorks Umpqua  
Attn: Trisha Ingalls  
605 SE Kane St.  
Roseburg OR 97470

Dear Ms. Ingalls:

The written explanation of why the Q2 2020 Client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for \$2,500 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Client/Employer Activity

## Q2 2020

Client Code: 1517  
User Name: nwumpqua  
Email: tingalls@nwumpqua.org

Q2 2020 Filing: 9/15/2020  
Q2 2020 Expended: \$0.00  
Q2 2020 Penalty: \$2,500.00

NeighborWorks Umpqua  
Attn: Trisha Ingalls  
605 SE Kane St  
Roseburg, OR 97470

09/07/20 01:30:04.947 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/08/20 01:30:05.417 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/09/20 01:30:05.090 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/10/20 01:30:05.353 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/11/20 01:30:06.240 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/12/20 01:30:05.180 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/13/20 01:30:04.850 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/14/20 01:30:04.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/15/20 01:30:06.113 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/15/20 11:02:37.870 - Admin User Reset Initiated - An admin user reset was initiated.  
09/15/20 11:21:10.627 - Admin User Password Reset Completed - A user reset their password using an admin reset.  
09/15/20 11:21:36.727 - User Successfully Authenticated -  
09/15/20 11:29:16.353 - User Profile Updated - The user's main profile was updated.  
09/15/20 11:29:16.373 - User Profile Updated - User profile updated for Eric Harvey  
09/15/20 11:29:50.740 - User Profile Updated - The user's main profile was updated.  
09/15/20 11:29:50.793 - User Profile Updated - User profile updated for Trisha Ingalls  
09/15/20 11:30:47.917 - User Successfully Authenticated -  
09/15/20 11:31:46.190 - User Profile Updated - The user's main profile was updated.  
09/15/20 11:31:46.240 - User Profile Updated - User profile updated for Trisha Ingalls  
09/15/20 11:44:05.903 - Client Report Submitted - Client Report Submitted for Q2 2020

PAST VIOLATIONS: NONE

RECOMMENDATION:

*Letter Attached*  
*(Signature)*



# Client/Employer Activity

## Q2 2020

Client Code: 1517  
User Name: nwumpqua  
Email: tingalls@nwumpqua.org

Q2 2020 Filing: 9/15/2020  
Q2 2020 Expended: \$0.00  
Q2 2020 Penalty: \$2,500.00

NeighborWorks Umpqua  
Attn: Trisha Ingalls  
605 SE Kane St  
Roseburg, OR 97470

### Activity Log - Q2 2020 to Date

04/01/20 01:48:47.190 - User Successfully Authenticated -  
04/01/20 01:49:29.397 - Client Report Submitted - Client Report Submitted for Q1 2020  
07/16/20 01:30:08.273 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/17/20 01:30:06.183 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/18/20 01:30:06.550 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/19/20 01:30:06.050 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/20/20 01:30:05.640 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/21/20 01:30:05.283 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/22/20 01:30:06.247 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/23/20 01:30:07.507 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/24/20 01:30:07.427 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/25/20 01:30:07.380 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/26/20 01:30:05.283 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/27/20 01:30:05.520 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/28/20 01:30:05.880 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/29/20 01:30:08.867 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/30/20 01:30:06.420 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q2  
07/31/20 01:30:05.890 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/01/20 01:30:04.580 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/02/20 01:30:06.167 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/03/20 01:30:04.357 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/04/20 01:30:05.627 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/05/20 01:30:07.343 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/06/20 01:30:07.447 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/07/20 01:30:07.633 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/08/20 01:30:07.917 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/09/20 01:30:08.810 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/10/20 01:30:05.673 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/11/20 01:30:07.723 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/12/20 01:30:06.043 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/13/20 01:30:06.713 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/14/20 01:30:06.917 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/15/20 01:30:07.263 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/16/20 01:30:05.177 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/17/20 01:30:05.807 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/18/20 01:30:06.100 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/19/20 01:30:05.543 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/20/20 01:30:06.323 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/21/20 01:30:07.883 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/22/20 01:30:05.607 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/23/20 01:30:05.060 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/24/20 01:30:05.187 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/25/20 01:30:05.313 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/26/20 01:30:06.640 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/27/20 01:30:04.823 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/28/20 01:30:06.380 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/29/20 01:30:05.617 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/30/20 01:30:07.110 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
08/31/20 01:30:05.053 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/01/20 01:30:08.527 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/02/20 01:30:04.963 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/03/20 01:30:05.073 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/04/20 01:30:05.823 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/05/20 01:30:05.937 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2  
09/06/20 01:30:04.887 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020 Q2

## BAIER Kathy \* OGEC

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**To:** Trisha Ingalls  
**Subject:** RE: Receipt of Late Quarterly Report

**From:** Trisha Ingalls <tingalls@nwumpqua.org>  
**Sent:** Tuesday, September 15, 2020 11:52 AM  
**To:** BAIER Kathy \* OGEC <Kathy.BAIER@oregon.gov>; OGEC Mail \* OGEC <OGEC.Mail@oregon.gov>  
**Cc:** Merten Bangemann-Johnson <mbjohnson@nwumpqua.org>  
**Subject:** FW: Receipt of Late Quarterly Report

Dear Commissioners,

I'm writing on behalf of NeighborWorks Umpqua to request a waiver of our penalties and sanctions totaling \$2,500 for a late filing. As you will note in our filing history, we have never had a late filing until now. Our CFO, Eric Harvey, transitioned out of NeighborWorks Umpqua in May of this year, and this was a responsibility he neglected to transfer to another staff member. Additionally, our account was not set up for our backup staff member to receive e-mail notifications, so we were unaware of the late filing and the penalties until today, when Kathy reached out to us. I have taken on this responsibility for the organization and Kathy has helped me update the system and demonstrated how to use the online filing system. We understand our reporting responsibility and should have no late filings in the future. Thank you for your consideration.

Kind regards,  
Trisha Ingalls

**Trisha Ingalls**

Chief Operating Officer | NeighborWorks Umpqua  
605 SE Kane Street, Roseburg, OR 97470 | 541-622-3247



# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 19, 2020

Oregon Pawnbrokers Assoc.  
Attn: Timothy Barnes  
11940 SW Pacific Hwy Suite A  
Tigard OR 97223

Dear Mr. Barnes:

The written explanation of why the Q3 2020 Client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for \$40 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Client/Employer Activity

## Q3 2020

Client Code: 684  
User Name: oregon pawnbrokers assoc  
Email: tim@tigardpawn4more.com

Q3 2020 Filing: 10/19/2020  
Q3 2020 Expended: \$7,500.00  
Q3 2020 Penalty: \$40.00

Oregon Pawnbrokers Association  
Attn: Timothy Barnes  
11940 SW Pacific HWY Ste : A  
TIGARD, OR 97223

### Activity Log - Q3 2020 to Date

- 07/15/20 04:34:28.010 - Client Report Submitted - Client Report Submitted for Q2 2020
- 10/16/20 01:30:09.453 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3
- 10/17/20 01:30:06.760 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3
- 10/18/20 01:30:06.980 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3
- 10/19/20 01:30:05.423 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3
- 10/19/20 09:23:40.707 - User Successfully Authenticated -
- 10/19/20 09:39:10.977 - Client Report Submitted - Client Report Submitted for Q3 2020

PAST VIOLATIONS: 2016 Q4, \$20 paid by check

RECOMMENDATION:

~~John W. ... under \$5000 per ...~~

Letter to Ed  
due to fines and he has not  
received one yet.

(10)

## HUNTER David \* OGEC

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**From:** Tim Barnes <Tim@tigardpawn4more.com>  
**Sent:** Monday, October 19, 2020 1:43 PM  
**To:** OGEC Mail \* OGEC  
**Subject:** Late Quarterly Report Filing & fees

Hello, I am writing to explain the reason for the late filing for the Oregon Pawnbrokers association that was due on 10/15/2020.

My issues all started with the wildfires and related evacuation as we were affected and disrupting our life and business activity. When it was clear to us that we could move back in to our home, we did so with the help of my life long friend, who also was evacuated (he lives less than a mile from me) The evening of the day that he and I moved my all of my cars back home from Canby's fairgrounds, my friend informed me that he was feeling sick and thought that he had food poisoning. 4 days later, he called me and asked me to take him to the hospital. At that point we were informed that my friend suffered a ruptured appendix and that condition had been unattended for a couple of days. For the 4 weeks following I have been attending to his affairs and visiting the hospital almost daily, until he died on Oct 13. I have been in no shape to be able to run my business, let alone the pawnbroker association's business for the last 3 weeks. I was able to (this morning) get the filing done online, 4 days late.

I would appreciate the committee's consideration regarding waiving the late fees for the pawnbroker's account due to my incapacitated state.

Best Regards,  
Tim Barnes  
Tigard Pawn 4 More  
503-624-7800  
[www.tigardpawn4more.com](http://www.tigardpawn4more.com)





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Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 19, 2020

CRH Americas Materials  
Attn: KC Klosterman  
3273 Fairview Industrial Dr SE  
Salem OR 97302

Dear Mr. Klosterman:

The written explanation of why the Q3 2020 Client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for \$10 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Client/Employer Activity

## Q3 2020

Client Code: 3497  
User Name: CRH Americas Materials  
Email: kc.klosterman@na.crh.com

CRH Americas Materials  
Attn: KC Klosterman  
3273 Fairview Industrial Dr SE  
Salem, OR 97302

Q3 2020 Filing: 10/16/2020  
Q3 2020 Expended: \$15,000.00  
Q3 2020 Penalty: \$10.00

### Activity Log - Q3 2020 to Date

07/01/20 08:16:22.583 - User Successfully Authenticated -  
07/01/20 08:18:39.823 - Client Report Submitted - Client Report Submitted for Q2 2020  
10/16/20 01:30:10.280 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/16/20 07:21:38.057 - User Successfully Authenticated -  
10/16/20 07:25:32.423 - Client Report Submitted - Client Report Submitted for Q3 2020

PAST VIOLATIONS: NONE

RECOMMENDATION:

*Letter of EP*  
*(P)*



## HUNTER David \* OGEC

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**From:** Klosterman, KC (CRH Americas Materials) <kc.klosterman@na.crh.com>  
**Sent:** Friday, October 16, 2020 12:52 PM  
**To:** OGEC Mail \* OGEC  
**Subject:** 1 day late Quarterly report

On behalf of CRH Americas Materials, I apologize for being a day late on my reporting. As with most organizations, my role changed under Covid-19 to assure monitoring and tracking of our Covid policies & safety across four states. I just had too much going and by the time I caught up with my emails, including the reminders for this requirement, I was a day late. Please consider these difficult times we are in currently not only for my appeal to waive the penalty but for others that are working to assure their businesses can stay both safe and keep financially afloat.

Respectfully,

**KC Klosterman**  
Director Government & Community Relations  
Northwest Region

**CRH Americas Materials, Inc.**  
3723 Fairview Industrial Drive, Suite 160  
Salem, Oregon 97302

T +1 (503) 363-9281  
C +1 (541) 912-0401  
E [kc.klosterman@na.crh.com](mailto:kc.klosterman@na.crh.com)

[www.crhamericasmaterials.com](http://www.crhamericasmaterials.com)





# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.inmail@oregon.gov](mailto:ogec.inmail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 20, 2020

Universal Health Systems  
Attn: Grace-Ann Munoz  
10300 SW Eastridge St.  
Portland OR 97225

Dear Ms. Munoz:

The written explanation of why the Q3 2020 Client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for \$50 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Client/Employer Activity

## Q3 2020

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Client Code: 737	Q3 2020 Filing:	10/20/2020
User Name: elizabeth.crook@uhsinc.com	Q3 2020 Expended:	\$10,400.00
Email: grace-ann.munoz@uhsinc.com	Q3 2020 Penalty:	\$50.00

Universal Health Systems  
Attn: Grace-Ann Munoz  
10300 SW Eastridge St  
Portland, OR 972255004

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### Activity Log - Q3 2020 to Date

07/01/20 10:13:05.260 - User Successfully Authenticated -  
07/02/20 04:25:21.160 - User Successfully Authenticated -  
07/02/20 04:26:39.177 - Client Report Submitted - Client Report Submitted for Q2 2020  
10/16/20 01:30:09.593 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/17/20 01:30:06.853 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/18/20 01:30:07.090 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/19/20 01:30:05.580 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/20/20 01:30:05.440 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/20/20 08:42:47.830 - Admin User Reset Initiated - An admin user reset was initiated.  
10/20/20 09:08:14.230 - Admin User Password Reset Completed - A user reset their password using an admin reset.  
10/20/20 09:08:47.887 - User Successfully Authenticated -  
10/20/20 09:53:14.057 - Client Report Submitted - Client Report Submitted for Q3 2020

**PAST VIOLATIONS:** NONE

**RECOMMENDATION:**

*See above 10/20/20*  
*RM*

**HUNTER David \* OGEC**

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**From:** Munoz, Grace-Ann <Grace-Ann.Munoz@uhsinc.com>  
**Sent:** Tuesday, October 20, 2020 10:13 AM  
**To:** OGEC Mail \* OGEC  
**Cc:** Frizzell, Lamar; Gustafson, Brady; Sorensen, Michael  
**Subject:** Q3 - Report Filed for Cedar Hills Hospital/Universal Health Services

To whom it may concern,

The Q3 electronic report for Universal Health Services / Cedar Hills Hospital was submitted today, 10/20/20, confirmation number AAC25U5. Universal Health System experienced an IT shut down which delayed receipt of emails at our facility (Cedar Hills Hospital).

Please accept this letter as a request to waive the \$50 penalty fee acquired as this is the first time a delayed in reporting has occurred for Cedar Hills Hospital.

We appreciate your consideration in this matter.

Thank you!

Grace Munoz  
Executive Assistant  
P: 503-535-7208 | F: 503.292.3594  
Email: grace-ann.munoz@uhsinc.com  
10300 SW Eastridge St, Portland OR 97225



*This message has been sent as a part of discussion between Grace Munoz and the addressee whose name is specified in this email. Should you receive this message by mistake, we would be most grateful if you informed us that the message has been sent to you in error. In this case, we also ask that you delete this message from your mailbox, and do not forward it or any part of it to anyone else. Thank you for your cooperation and understanding. [www.cedarhillshospital.com](http://www.cedarhillshospital.com)*

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# Oregon

Kate Brown, Governor

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Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 21, 2020

Oregon Small Business United  
Attn: James Parker  
4445 SW Barbur Blvd, Suite 102  
Portland OR 97239

Dear Mr. Parker:

The written explanation of why the Q3 2020 Client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for \$60 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Client/Employer Activity

## Q3 2020

Client Code: 3612  
User Name: ONAC2020  
Email: jparker@onacc.org

Oregon Small Business United (OSBU)  
Attn: James Parker  
4445 SW Barbur Blvd, Suite 102  
Portland, OR 97239

Q3 2020 Filing: 10/21/2020  
Q3 2020 Expended: (\$12,300.00)  
Q3 2020 Penalty: \$60.00

### Activity Log - Q3 2020 to Date

07/07/20 01:30:05.923 - Lobbyist/Client Registration Request Unconfirmed - The client did not respond to the registration invitation in the allotted amount of time.  
07/15/20 10:14:20.317 - User Profile Updated - User profile updated for James Parker  
07/15/20 10:14:20.413 - User Profile Updated - The user's main profile was updated.  
07/15/20 03:46:30.743 - User Successfully Authenticated -  
07/15/20 03:49:48.327 - Client Report Submitted - Client Report Submitted for Q2 2020  
10/16/20 01:30:10.420 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/17/20 01:30:07.383 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/18/20 01:30:07.463 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/19/20 01:30:06.157 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/20/20 01:30:05.643 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/21/20 01:30:06.253 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/21/20 09:53:09.680 - Client Report Saved - Client Report Saved for Q3 2020  
10/21/20 09:59:09.380 - Client Report Submitted - Client Report Submitted for Q3 2020

PAST VIOLATIONS: NONE

RECOMMENDATION:

*revised 10/21/20*  
*AD*



**BAIER Kathy \* OGEC**

---

**From:** James Parker <jparker@onacc.org> ONAC2020  
**Sent:** Wednesday, October 21, 2020 10:00 AM  
**To:** BAIER Kathy \* OGEC  
**Subject:** Late Filing - Fee Waive Request

Kathy,

Thank you for the call today and your assistance. I am writing to request a fee waiver for our late filing for the third quarter of 2020. This is a new process for us as an organization and we were facing a difficult schedule with new and existing programming during this time.

Thank you for understanding. Please contact me with any questions.

Thank you,

**James Alan Parker (Chippewa-Cree)**

4445 SW Barbur blvd, SUITE 102 Portland, Oregon 97239

w:[www.ONACC.org](http://www.ONACC.org) | e: [jparker@onacc.org](mailto:jparker@onacc.org) | p:503.894.4525

To request an appointment: <https://calendly.com/jamesalanparker/30min>





# Oregon

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Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 21, 2020

Oregon Mortgage Bankers Assoc  
Attn: Susan Brown  
9755 SW Barnes Rd.  
Portland OR 97225

Dear Ms. Brown:

The written explanation of why the Q3 2020 Client expenditure report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020, at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

The due date for \$40 penalty will be extended to coincide with the November 6<sup>th</sup> meeting date. You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# Client/Employer Activity

## Q3 2020

Client Code: 588  
User Name: jeredhelton  
Email: SusanBrown@UmpquaBank.com

Q3 2020 Filing: 10/19/2020  
Q3 2020 Expended: \$10,800.00  
Q3 2020 Penalty: \$40.00

Oregon Mortgage Bankers Association  
Attn: Susan Brown  
9755 SW Barnes Rd  
Portland, OR 97225

### Activity Log - Q3 2020 to Date

07/01/20 04:01:05.470 - User Failed to Authenticate -  
07/01/20 04:01:34.143 - User Successfully Authenticated -  
07/01/20 04:10:52.517 - Client Report Submitted - Client Report Submitted for Q2 2020  
10/16/20 01:30:09.500 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/16/20 11:21:49.177 - User Successfully Authenticated -  
10/16/20 12:05:26.447 - User Successfully Authenticated -  
10/17/20 01:30:06.807 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/18/20 01:30:07.043 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/19/20 01:30:05.487 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020 Q3  
10/19/20 06:12:19.093 - User Successfully Authenticated -  
10/19/20 06:13:22.900 - Client Report Submitted - Client Report Submitted for Q3 2020  
10/19/20 06:39:46.637 - User Successfully Authenticated -

**PAST VIOLATIONS:** Q4 2018, 1 day late, \$10, paid by check

**RECOMMENDATION:**

*Handwritten signature*  
*Handwritten initials*

## HUNTER David \* OGEC

---

**From:** Susan Brown <SusanBrown@UmpquaBank.com>  
**Sent:** Wednesday, October 21, 2020 3:18 PM  
**To:** OGEC Mail \* OGEC  
**Subject:** Q3 2020 Quarterly report Penalty - A1GMH1R

To The Commission:

On Friday October 16, I received a call from David at the Government Ethics Commission stating our quarterly report was past due. I immediately called our secretarial service and our lobbying firm to confirm the amount we had paid for the quarter and entered the report. I believe that was done by around 2:00 pm on Friday. I applied my signature and submitted the report.

This morning I opened my email to find there had been three more notifications over the weekend stating the report is past due. Once again, I filed the report. This time I captured a screen shot of the confirmation which I failed to do on Friday

We are responsible for \$10 in late filing fee because the report was not filed by the due date. However, I am requesting the remaining fees be waived as an earnest attempt was made one day late to rectify the oversight. We have a long history of timely filing, and this appears to be a user error in completing the transaction successfully.

### Report Successfully Filed

Thank you, your Oregon Government Ethics Commission E-Filing Report for 2020, Q3 has been successfully submitted.

- \* Your confirmation number is: A1GMH1R
- \* An email receipt has been sent to the email address provided.
- \* You can also print this receipt for your records.

Thank you for your consideration.

Susan Brown  
Vice President  
Oregon Mortgage Bankers Association  
503-799-3745

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# Oregon

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Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

September 17, 2020

James D. Huffman  
52904 NW Cliff Dr.  
Scappoose OR 97056

Re: 2020 SEI late filing

Dear Mr. Huffman:

The written explanation of why your Statement of Economic Interest report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020 at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



**SEI Activity**  
**2020**

SEI Code: 9483  
User Name: James Huffman  
Email: jimd.huffman@gmail.com

2020 Filing: 5/19/2020  
2020 Penalty: \$140.00

James Huffman  
52904 NW Cliff Dr.  
Scappoose, OR 97056

**2020 Offices Held**

Circuit Court Judge (Primary Candidates), Circuit Court Judge - Appointed 03/10/20

**Activity Log - 2020 to Date**

04/08/20 10:56:35.680 - User Profile Created - A new user profile was created.  
04/08/20 10:56:35.710 - SEI Assigned to Seat - SEI Assigned to Seat  
04/08/20 10:56:36.110 - User Profile Created - User profile created for James Huffman  
05/06/20 01:30:08.757 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/07/20 01:30:12.030 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/08/20 01:30:09.293 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/09/20 01:30:11.127 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/10/20 01:30:07.823 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/11/20 01:30:08.273 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/12/20 01:30:10.180 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/13/20 01:30:10.617 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/14/20 01:30:10.950 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/15/20 01:30:08.983 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/15/20 10:21:16.633 - Admin User Reset Initiated - An admin user reset was initiated.  
05/16/20 01:30:08.273 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/16/20 02:06:17.133 - User Failed to Authenticate -  
05/16/20 02:14:14.283 - User Failed to Authenticate -  
05/17/20 01:30:07.210 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/18/20 01:30:06.197 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/19/20 01:30:06.510 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/19/20 04:39:40.517 - User Failed to Authenticate -  
05/19/20 04:40:23.997 - User Failed to Authenticate -  
05/19/20 04:40:53.400 - User Failed to Authenticate -  
05/19/20 04:54:10.007 - Late SEI Report Filed - SEI Report Filed Late for year 2020

**PAST VIOLATIONS: NONE**

**RECOMMENDATION:**

*Handwritten signature/initials*



52904 NW Cliff Drive  
Scappoose, OR 97056  
Sept. 17, 2020

RECEIVED

SEP 17 2020

OREGON GOVERNMENT  
ETHICS COMMISSION

OR Government Ethics Commission  
3218 Pringle Rd SE, Suite 220  
Salem OR 97302-1680

Dear Commissioners,

*I am writing this letter to request a waiver from the late penalty that I incurred last April 15, 2020, for my filing for state office.*

*This was the first time that I ever ran for office, and I was unaware of this deadline. It is my first and only violation.*

*I am very sorry for the oversight. I set up a new email for my filing and I was not as diligent as I should have been in checking it. This summer has been a very hectic one for me and I further apologize for my tardiness in rectifying this problem.*

*For my entire career, I have been a vocal and active proponent for citizen government and justice under the law. I was very eager to make some changes to the court system here in Columbia County, and although I did not win my race, I think I was able to have an impact just by being able to participate in the process. I want to thank you for that opportunity.*

*Again, I am asking for a waiver of the penalty for the 2020 SEI that I filed on May 19, 2020, as I was new at the process and unaware that it was due April 15.*

Sincerely,

James D. Huffman





# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

September 24, 2020

Jim Hinsvark  
11875 Monitor McKee Rd. NE  
Woodburn OR 07071

Re: 2020 SEI late filing

Dear Mr. Hinsvark:

The written explanation of why your Statement of Economic Interest report was filed late has been received and will be submitted to the Oregon Government Ethics Commission (Commission) for consideration at a regular meeting. The next meeting will be held on Friday, November 6, 2020 at 9:00 a.m. The Commission will consider the matter at that time and then waive all, some, or no part of the penalty based on the explanation. Commission meetings are open to the public and you are welcome to attend. The meeting will be held in the Morrow Crane Building at 3218 Pringle Road, SE, Room 220, Salem, Oregon 97302.

You will be notified of the outcome and will be given additional instructions regarding the penalty, if any, in writing after the meeting. You may feel free to contact this office if you have any questions concerning this matter.

Sincerely,

Commission Staff



# SEI Activity

## 2020

SEI Code: 9563  
User Name: Jim Hinsvark  
Email: farmerjim54@yahoo.com

2020 Filing: 9/24/2020  
2020 Penalty: \$5,000.00

Jim Hinsvark  
11875 Monitor McKee Rd. NE  
Woodburn, OR 97071

## 2020 Offices Held

State Senator (Primary Candidates), State Senator - Appointed 03/10/20

## Activity Log - 2020 to Date

04/17/20 04:47:13.497 - User Profile Created - A new user profile was created.  
04/17/20 04:47:13.530 - SEI Assigned to Seat - SEI Assigned to Seat  
04/17/20 04:47:13.563 - User Profile Created - User profile created for Jim Hinsvark  
05/06/20 01:30:08.883 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/07/20 01:30:12.140 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/08/20 01:30:09.417 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/09/20 01:30:11.283 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/10/20 01:30:07.887 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/11/20 01:30:08.323 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/12/20 01:30:10.210 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/13/20 01:30:10.653 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/14/20 01:30:10.973 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/15/20 01:30:09.020 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/16/20 01:30:08.303 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/17/20 01:30:07.240 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/18/20 01:30:06.213 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/19/20 01:30:06.540 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/20/20 01:30:08.180 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/21/20 01:30:07.967 - Automated Late Fee Applied - Late fee of amount \$10.00 applied for reporting requirement 2020  
05/22/20 01:30:07.033 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/23/20 01:30:06.223 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/24/20 01:30:11.873 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/25/20 01:30:06.247 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/26/20 01:30:06.340 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/27/20 01:30:09.257 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/28/20 01:30:07.847 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/29/20 01:30:08.493 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/30/20 01:30:08.940 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
05/31/20 01:30:07.653 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/01/20 01:30:09.837 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/02/20 01:30:07.313 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/03/20 01:30:07.563 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/04/20 01:30:07.163 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/05/20 01:30:06.933 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/06/20 01:30:07.193 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/07/20 01:30:07.247 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/08/20 01:30:05.590 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/09/20 01:30:06.563 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/10/20 01:30:06.977 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/11/20 01:30:07.360 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/12/20 01:30:08.187 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/13/20 01:30:07.333 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/14/20 01:30:07.603 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/15/20 01:30:06.467 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/16/20 01:30:10.830 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/17/20 01:30:08.377 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/18/20 01:30:09.243 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/19/20 01:30:09.587 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/20/20 01:30:08.510 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/21/20 01:30:08.013 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/22/20 01:30:07.353 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
06/23/20 01:30:08.117 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020

**SEI Activity**  
**2020**

SEI Code: 9563  
User Name: Jim Hinsvark  
Email: farmerjim54@yahoo.com

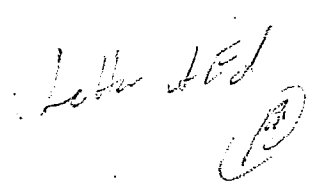
2020 Filing: 9/24/2020  
2020 Penalty: \$5,000.00

Jim Hinsvark  
11875 Monitor McKee Rd. NE  
Woodburn, OR 97071

08/21/20 01:30:08.663 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
08/22/20 01:30:06.310 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
08/23/20 01:30:05.873 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
08/24/20 01:30:05.903 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
08/25/20 01:30:06.373 - Automated Late Fee Applied - Late fee of amount \$50.00 applied for reporting requirement 2020  
08/26/20 01:30:07.467 - Automated Late Fee Applied - Late fee of amount \$40.00 applied for reporting requirement 2020  
09/24/20 10:42:39.843 - Admin User Reset Initiated - An admin user reset was initiated.  
09/24/20 10:43:27.397 - Admin User Password Reset Completed - A user reset their password using an admin reset.  
09/24/20 10:43:51.117 - User Successfully Authenticated -  
09/24/20 10:44:54.360 - User Profile Updated - User profile updated for Jim Hinsvark  
09/24/20 10:44:54.403 - User Profile Updated - The user's main profile was updated.  
09/24/20 11:03:43.483 - User Successfully Authenticated -  
09/24/20 11:20:16.317 - User Failed to Authenticate -  
09/24/20 11:20:17.010 - User Profile Updated - User profile updated for Jim Hinsvark  
09/24/20 11:20:17.223 - User Profile Updated - The user's main profile was updated.  
09/24/20 11:20:55.570 - User Successfully Authenticated -  
09/24/20 11:33:24.940 - Late SEI Report Filed - SEI Report Filed Late for year 2020

**PAST VIOLATIONS: NONE**

**RECOMMENDATION:**

*Letter to JED*  


**BAIER Kathy \* OGEC**

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**To:** Jim Hinsvark  
**Subject:** RE: ORS 244.050 requirement for Candidates VERY IMPORTANT

Dear Commissioners,

I was late in filing the Statement of Economic Interest because of an incorrect e-mail address. The notices never made it to me. I am sorry for the late filing. The e-mail address has been corrected and I have filed the statement.

I hope you will remove the late filing/penalty fees.

Thank you  
Jim Hinsvark  
971-338-3606

On Thursday, September 24, 2020, 11:19:02 AM PDT, Jim Hinsvark <[farmerjim54@yahoo.com](mailto:farmerjim54@yahoo.com)> wrote:

Thank you Kathy,

I had not realized that the information I provided was inaccurate. The filing seems correct when I look at the SOS Orestar page.

Thank you for creating my account and I will get the filing done.

Jim Hinsvark  
971-338-3606

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 ) **STIPULATED FINAL ORDER**  
 )  
 Tom Calvanese ) **CASE NO. 19-286XSM**  
 )  
 )  
 \_\_\_\_\_ )

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Tom Calvanese.
  
2. JURISDICTION: At all material times, Tom Calvanese was an elected Commissioner for the Port of Port Orford Board of Commissioners (Board). As the governing body of a public body, the Board members are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. Tom Calvanese, along with the other Board members, participated in an executive session held by the Board on December 17, 2019.
  
  - B. ORS 192.660(1) provides that a governing body of a public body may hold an executive session "during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session."
  
  - C. Prior to convening the December 17, 2019 executive session, the Board did not publicly announce the specific reasons and statutes that authorized the executive session.

- D. Tom Calvanese violated ORS 192.660(1) by participating in an executive session for which the Board failed to identify the statutory authorization.
- E. ORS 192.660(2)(h) provides that a governing body may convene an executive session to “consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.” OAR 199-040-0050(2) directs that to “meet the requirements for an executive session permitted by ORS 192.660(2)(h), the attorney with whom the governing body is consulting must be present at the executive session, either in person or by telephone or by other concurrent means of oral or video electronic communication.”
- F. The matters discussed by the Board at the December 17, 2019 executive session did concern pending litigation; however, there was no legal counsel present, either in person or by telephone or other electronic means. Therefore, the matters discussed were not authorized for discussion in an executive session.
- G. Tom Calvanese violated ORS 192.660(2) by participating in an executive session when the Board discussed matters not authorized for discussion.
- H. The actions set forth in paragraphs 3(A), 3(C) and 3(D) constitute one violation of ORS 192.660. The actions set forth in paragraphs 3(F) and 3(G) constitute a second violation of ORS 192.660.
- I. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.660.
- J. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find two violations of ORS 192.660.



4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission acted to find violations, bring the investigative phase to a close, and move to a negotiated settlement or a contested case hearing. The August 7, 2020 action was a preliminary finding of violations of ORS 192.660, as a prelude to a stipulated settlement or a contested case hearing, and not a final conclusion regarding violations of the executive session provisions of Oregon Public Meetings law by Tom Calvanese.
- B. Tom Calvanese will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Tom Calvanese within the scope of the above-referenced proceedings.
- D. Tom Calvanese will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.


6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Tom Calvanese agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Tom Calvanese agrees to waive his right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Tom Calvanese

10.20.2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 ) **STIPULATED FINAL ORDER**  
 )  
 Leila Thompson ) **CASE NO. 19-287XSM**  
 )  
 )  
 \_\_\_\_\_ )

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Leila Thompson.
  
2. JURISDICTION: At all material times, Leila Thompson was an elected Commissioner for the Port of Port Orford Board of Commissioners (Board). As the governing body of a public body, the Board members are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. Leila Thompson, along with the other Board members, participated in an executive session held by the Board on December 17, 2019.
  
  - B. ORS 192.660(1) provides that a governing body of a public body may hold an executive session "during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session."
  
  - C. Prior to convening the December 17, 2019 executive session, the Board did not publicly announce the specific reasons and statutes that authorized the executive session.

- D. Leila Thompson violated ORS 192.660(1) by participating in an executive session for which the Board failed to identify the statutory authorization.
- E. ORS 192.660(2)(h) provides that a governing body may convene an executive session to “consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.” OAR 199-040-0050(2) directs that to “meet the requirements for an executive session permitted by ORS 192.660(2)(h), the attorney with whom the governing body is consulting must be present at the executive session, either in person or by telephone or by other concurrent means of oral or video electronic communication.”
- F. The matters discussed by the Board at the December 17, 2019 executive session did concern pending litigation; however, there was no legal counsel present, either in person or by telephone or other electronic means. Therefore, the matters discussed were not authorized for discussion in an executive session.
- G. Leila Thompson violated ORS 192.660(2) by participating in an executive session when the Board discussed matters not authorized for discussion.
- H. The actions set forth in paragraphs 3(A), 3(C) and 3(D) constitute one violation of ORS 192.660. The actions set forth in paragraphs 3(F) and 3(G) constitute a second violation of ORS 192.660.
- I. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.660.
- J. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find two violations of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission acted to find violations, bring the investigative phase to a close, and move to a negotiated settlement or a contested case hearing. The August 7, 2020 action was a preliminary finding of violations of ORS 192.660, as a prelude to a stipulated settlement or a contested case hearing, and not a final conclusion regarding violations of the executive session provisions of Oregon Public Meetings law by Leila Thompson.
- B. Leila Thompson will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Leila Thompson within the scope of the above-referenced proceedings.
- D. Leila Thompson will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

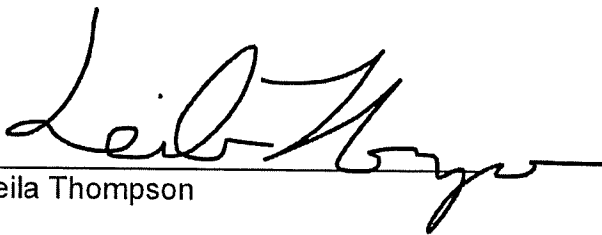
6. EFFECT:

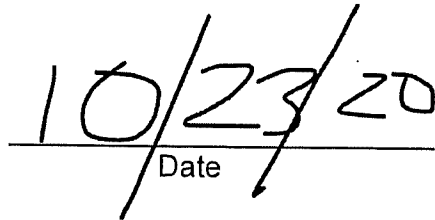
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Leila Thompson agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Leila Thompson agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Leila Thompson

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 )  
 )  
 Aaron Ashdown )  
 )  
 )  
 )  
 \_\_\_\_\_ )

**STIPULATED FINAL ORDER**

**CASE NO. 19-288XSM**

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Aaron Ashdown.
  
2. JURISDICTION: At all material times, Aaron Ashdown was an elected Commissioner for the Port of Port Orford Board of Commissioners (Board). As the governing body of a public body, the Board members are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. Aaron Ashdown, along with the other Board members, participated in an executive session held by the Board on December 17, 2019.
  
  - B. ORS 192.660(1) provides that a governing body of a public body may hold an executive session “during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.”
  
  - C. Prior to convening the December 17, 2019 executive session, the Board did not publicly announce the specific reasons and statutes that authorized the executive session.

- D. Aaron Ashdown violated ORS 192.660(1) by participating in an executive session for which the Board failed to identify the statutory authorization.
- E. ORS 192.660(2)(h) provides that a governing body may convene an executive session to “consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.” OAR 199-040-0050(2) directs that to “meet the requirements for an executive session permitted by ORS 192.660(2)(h), the attorney with whom the governing body is consulting must be present at the executive session, either in person or by telephone or by other concurrent means of oral or video electronic communication.”
- F. The matters discussed by the Board at the December 17, 2019 executive session did concern pending litigation; however, there was no legal counsel present, either in person or by telephone or other electronic means. Therefore, the matters discussed were not authorized for discussion in an executive session.
- G. Aaron Ashdown violated ORS 192.660(2) by participating in an executive session when the Board discussed matters not authorized for discussion.
- H. The actions set forth in paragraphs 3(A), 3(C) and 3(D) constitute one violation of ORS 192.660. The actions set forth in paragraphs 3(F) and 3(G) constitute a second violation of ORS 192.660.
- I. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.660.
- J. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find two violations of ORS 192.660.



4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission acted to find violations, bring the investigative phase to a close, and move to a negotiated settlement or a contested case hearing. The August 7, 2020 action was a preliminary finding of violations of ORS 192.660, as a prelude to a stipulated settlement or a contested case hearing, and not a final conclusion regarding violations of the executive session provisions of Oregon Public Meetings law by Aaron Ashdown.
- B. Aaron Ashdown will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Aaron Ashdown within the scope of the above-referenced proceedings.
- D. Aaron Ashdown will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.


6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Aaron Ashdown agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Aaron Ashdown agrees to waive his right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Aaron Ashdown

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 ) **STIPULATED FINAL ORDER**  
 )  
 Johanna Dillard ) **CASE NO. 20-028ESM**  
 )  
 )  
 \_\_\_\_\_ )

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above referenced case against Johanna Dillard.
  
2. JURISDICTION: At all material times, Johanna Dillard was a member and the presiding officer of the Budget Committee for the City of North Bend, Oregon. As a Budget Committee member, Johanna Dillard was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  
3. STIPULATED FACTS:
  - A. In addition to being a volunteer member of the Budget Committee, Johanna Dillard owns Coastal Paper & Supply, a business located in North Bend that sells janitorial and cleaning supplies. Coastal Paper & Supply is a business with which Johanna Dillard is associated, as defined in ORS 244.020(2) and 244.020(3).
  
  - B. During the relevant period, Johanna Dillard’s husband, Bob Dillard, was the Director of Public Works for the City of North Bend (City). Bob Dillard is Johanna Dillard’s relative, as defined in ORS 244.020(16)(a).

- C. During meetings held on May 3, 2016, May 16, 2017, and May 15, 2018, the Budget Committee considered draft City budgets. Members of the Budget Committee then voted to recommend the budgets to the City Council for adoption. Johanna Dillard participated in all three of these Budget Committee meetings, and participated in the discussion and vote to recommend the budgets to the City Council for adoption.
- D. Funds within the City's adopted budgets are used to pay salaries and benefits, including the salary and benefits for the Director of Public Works. Funds within the City's adopted budgets are also used by City departments to pay for supplies, including janitorial and cleaning supplies purchased from Coastal Paper & Supply.
- E. ORS 244.020(13) provides that a public official has a potential conflict of interest when the public official participates in any action, decision or recommendation the effect of which could be to the private financial benefit or detriment of the public official, or the public official's relative, or a business with which the public official or the public official's relative is associated.
- F. When as a member of the Budget Committee she participated in the discussions and votes to recommend the budgets to the City Council for adoption, Johanna Dillard had a potential conflict of interest, as defined in ORS 244.020(13), because those budgets could result in a financial benefit to her husband, Bob Dillard, and to Coastal Paper & Supply, a business with which Johanna Dillard is associated.
- G. ORS 244.120(2)(a) requires an appointed public official, such as a Budget Committee member, to publicly disclose potential conflicts of interest prior to taking any official action which could result in a financial impact to the public official, a relative of the public official or a business with which the public official or a relative is associated.

- H. At each Budget Committee meeting, Johanna Dillard introduced herself as Bob Dillard's wife and the owner of Coastal Paper & Supply, but she did not make any public disclosure of her potential conflicts of interest prior to participating in the discussions and votes on the City budgets.
- I. By failing to publicly disclose her potential conflicts of interest at the May 3, 2016, May 16, 2017, and May 15, 2018 Budget Committee meetings, Johanna Dillard violated ORS 244.120(2)(a).
- J. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000.00 for each violation of ORS 244.120(2) set forth in paragraph 3(I).
- K. The Commission contends that results of the investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 244.120(2).
- L. Johanna Dillard contends that she did not violate ORS 244.120(2)(a) as her introduction as Bob Dillard's wife and the owner of Coastal Paper & Supply was sufficient notification of her potential conflicts of interest. In order to conclude this matter, however, Ms. Dillard agrees to the terms and conditions in this Stipulated Final Order.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On May 15, 2020, the Commission considered information in the preliminary review phase of Case No. 20-028ESM and acted to find cause to initiate an investigation of this matter. Johanna Dillard has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.

- B. Johanna Dillard has completed a webinar training course on conflicts of interest provided by Commission staff.
- C. In lieu of civil penalty, Johanna Dillard will receive a letter of education, as authorized by ORS 244.350, in order to settle and compromise this matter.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Johanna Dillard within the scope of the above-referenced proceedings.
- E. Johanna Dillard will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

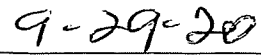
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Johanna Dillard agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Johanna Dillard agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

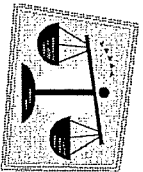
  
\_\_\_\_\_  
Johanna Dillard

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

OREGON GOVERNMENT ETHICS COMMISSION  
Certificate of Completion



Let it be known that

**Johanna Dillard**

has successfully completed training on

**Oregon Government Ethics Law:  
Conflicts of Interest**

ORS Chapter 244

Granted: October 7, 2020

A handwritten signature in black ink, appearing to read 'Ronald A. Bersin', written over a horizontal line.

Ronald A. Bersin – Executive Director



**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 ) **STIPULATED FINAL ORDER**  
 )  
 Jim Stouder ) **CASE NO. 20-039ESM**  
 )  
 )  
 \_\_\_\_\_ )

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above referenced case against Jim Stouder.
  
2. JURISDICTION: At all material times, Jim Stouder was the head of the County Road Maintenance Division, within the Benton County Public Works Department, first as a County employee and then as an independent contractor. As the head of the County Road Maintenance Division, Jim Stouder was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  
3. STIPULATED FACTS:
  - A. On August 9, 2019, while working on a road-building project, a Benton County road worker was killed when the skidder he was operating rolled down a hill and overturned. The County Road Maintenance Division had leased the skidder from Jackson-Luck Enterprises (Jackson-Luck), using an existing contract between the County and Jackson-Luck.
  
  - B. Jackson-Luck did not own the skidder and was never in possession of the skidder. Instead, the skidder was owned by Charlie Stouder, Jim Stouder's son.
  
  - C. Charlie Stouder is Jim Stouder's relative, as defined in ORS 244.020(16)(a).

- D. According to investigative reports compiled by Benton County and the Benton County Sheriff's Office, Jim Stouder knew that the County had a contract with Jackson-Luck and that Jackson-Luck did not have a skidder; he also knew his son Charlie had a skidder. So he arranged for Jackson-Luck to lease the skidder from Charlie and for Jackson-Luck to lease it to the County using its existing County contract. The County's \$3,000.00 monthly lease payment, under this arrangement, would be divided between Jackson-Luck (\$500.00) and Charlie Stouder (\$2,500.00).
- E. ORS 244.040(1) prohibits a public official from using or attempting to use the public official's position or office to obtain a financial benefit or avoid a financial detriment for the public official, the public official's relative or a business with which the public official or their relative is associated, if the financial benefit or avoidance of detriment would not otherwise be available but for the public official's holding the official position.
- F. Jim Stouder engaged in a prohibited use of office, in violation of ORS 244.040(1), when he used his position to arrange for the Jackson-Luck to lease the skidder from his son Charlie in order to lease it to the County. This arrangement provided a financial benefit to Charlie Stouder, Jim Stouder's relative, that would not otherwise be available but for Jim Stouder's holding his official position.
- G. The actions described in paragraphs 3(D) and 3(F) constitute one violation of ORS 244.040(1).
- H. ORS 244.020(1) and ORS 244.020(13) provide that a public official has an actual or potential conflict of interest when the public official participates in any action, decision or recommendation the effect of which would (actual) or could (potential) be to the private financial benefit or detriment of the public official, or the public official's relative, or a business with which the public official or the public official's relative is associated.

- I. ORS 244.120(1)(c) requires that when met with an actual or potential conflict of interest, a public official such as Jim Stouder, must "notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict."
- J. Jim Stouder had an actual conflict of interest when he arranged for the County to lease the skidder owned by his son Charlie from Jackson-Luck. Jim Stouder did not make a written disclosure of his conflict of interest to his appointing authority.
- K. By failing to disclose in writing his actual conflict of interest to his appointing authority prior to participating in the decision to lease the skidder owned by his son, Jim Stouder violated ORS 244.120(1)(c).
- L. The actions described in paragraphs 3(J) and 3(K) constitute one violation of ORS 244.120(1).
- M. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000.00 for each violation of ORS 244.040(1) set forth in paragraph 3(G) and each violation of ORS 244.120(1) set forth in paragraph 3(L).
- N. ORS 244.360 authorizes the Commission to order Jim Stouder to pay a monetary forfeiture equal to twice the amount of financial gain his son realized as a result of these violations. In this case, there was no financial gain as Charlie Stouder never received any lease payments.
- O. The Commission contends that the results of the investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find one violation of ORS 244.040(1) and one violation of ORS 244.120(1)(c).

P. Jim Stouder contends that the results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would not establish a preponderance of evidence in support of a post hearing order of two violations. In order to conclude this matter, however, Jim Stouder agrees to the terms and conditions in this Stipulated Final Order.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On May 15, 2020, the Commission considered information in the preliminary review phase of Case No. 20-039ESM and acted to find cause to initiate an investigation of this matter. Jim Stouder has indicated that he wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Jim Stouder will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$200.00 in order to settle and compromise this matter.
- C. By entering into this Stipulated Final Order, Jim Stouder will not pay a forfeiture, as authorized by ORS 244.360.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Jim Stouder within the scope of the above-referenced proceedings.
- E. Jim Stouder will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Jim Stouder agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Jim Stouder agrees to waive his right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

\_\_\_\_\_  
Jim Stouder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date



**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
Rob Ordway )  
 )  
 )  
 )  
\_\_\_\_\_ )

**STIPULATED FINAL ORDER**  
**CASE NO. 20-097XSM**

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Rob Ordway.
  
2. JURISDICTION: At all material times, Rob Ordway was an elected Commissioner of the Wheeler County Court. The Wheeler County Court is a governing body of a public body. [ORS 192.610(3) and (4)]. As a member of the governing body of a public body, Rob Ordway is required to comply with the executive session provisions of Oregon Public Meetings law found in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. Rob Ordway participated in two executive sessions held by the Wheeler County Court on August 23, 2018 and May 29, 2019. The statutory provisions cited as authority for these executive sessions were ORS 192.660(2)(n)(D) and ORS 192.660(2)(n)(E). Rob Ordway participated in two executive sessions held by the Wheeler County Court on March 20, 2019 and April 25, 2019. The statutory provision cited as authority for these executive sessions was ORS 192.660(2)(n)(D).
  
  - B. ORS 192.660(2)(n)(D) provides that a governing body may hold an executive session to discuss information about review or approval of programs relating to the security of telecommunication systems, including cellular, wireless or radio systems.

- C. ORS 192.660(2)(n)(E) provides that a governing body may hold an executive session to discuss information about review or approval of programs relating to the security of data transmissions by whatever means provided.
- D. In the executive session held on August 23, 2018, the members of the Wheeler County Court met with an internet service provider firm to discuss concerns what that firm could provide and to discuss issuing a Request for Proposals. In the March 20, 2019 and April 25, 2019 executive sessions, the members of the Wheeler County Court discussed the proposals that had been received and interviewed one of the proposing firms. In the May 29, 2019 executive session, the members of the Wheeler County Court met with a representative of the other proposing firm and discussed franchise and operating agreements.
- E. The discussions in these four executive sessions did not concern the review or approval of programs relating to the security of the County's telecommunications or data transmission systems and therefore were not authorized by either ORS 192.660(2)(n)(D) or ORS 192.660(2)(n)(E), the statutory provisions that had been cited.
- F. By participating in four executive sessions where the members of the Wheeler County Court discussed matters that were not authorized by the statutory provisions cited, Rob Ordway violated ORS 192.660(2).
- G. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for violations of ORS 192.660.
- H. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660(2).



4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On June 26, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of this matter.
- B. Rob Ordway has indicated that he wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- C. Rob Ordway will receive a letter of education, as authorized by ORS 244.350, in order to settle and compromise this matter.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Rob Ordway within the scope of the above-referenced proceedings.
- E. Rob Ordway will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

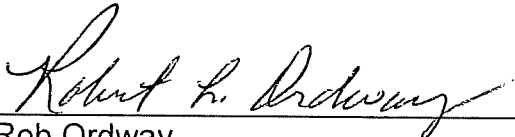
6. EFFECT:

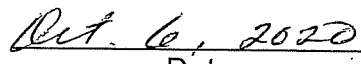
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Rob Ordway agrees to waive his right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Rob Ordway agrees to waive his right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Rob Ordway

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )  
 )  
Tom Buchholz ) **STIPULATED FINAL ORDER**  
 ) **CASE NO. 20-129XDG**  
 )  
\_\_\_\_\_ )

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Tom Buchholz (Respondent).
  
2. JURISDICTION: At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:
    - ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
    - ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
    - ORS 192.660(2)(i) – to review and evaluate the employment-related

performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 14, 2018, after citing ORS 192.660(2)(f) and (h). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a statement of complaint from the Deputy Superintendent concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. Members of the Board of Directors, including Respondent, participated in an executive session on May 13, 2019, after citing ORS 192.660(2)(f). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a letter of complaint from the Superintendent's attorney to the Board concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- D. The actions described in paragraphs (B) and (C) constitute violations of ORS 192.660.
- E. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation

occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.

- F. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

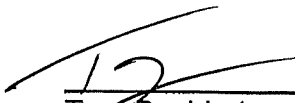
6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive their right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Tom Buchholz

9/30/20  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )

Shelly Nealon )  
\_\_\_\_\_ )

) STIPULATED FINAL ORDER

) CASE NO. 20-130XDG  
)

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Shelly Nealon (Respondent).
  
2. JURISDICTION: At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:
    - ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
    - ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
    - ORS 192.660(2)(i) – to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 14, 2018, after citing ORS 192.660(2)(f) and (h). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a statement of complaint from the Deputy Superintendent concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. Members of the Board of Directors, including Respondent, participated in an executive session on May 13, 2019, after citing ORS 192.660(2)(f). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a letter of complaint from the Superintendent's attorney to the Board concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- D. The Respondent had no advance knowledge of the letters that were to be presented at the relevant executive sessions. The letters, erroneously described on the agendas as "exempt from public inspection", were prepared and presented by the District Administrators. At both meetings, Respondent objected to the consideration of the letters when presented.
- E. The actions described in paragraphs (B) and (C) constitute violations of ORS 192.660.



- F. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.
- G. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.


6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Shelly Nealon

10-23-2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Ervin Stadeli

)  
)  
)  
)  
)  
)  
)

STIPULATED FINAL ORDER

CASE NO. 20-131XDG

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Ervin Stadeli (Respondent).
  
2. JURISDICTION: At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:
    - ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
    - ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
    - ORS 192.660(2)(i) – to review and evaluate the employment-related

performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 14, 2018, after citing ORS 192.660(2)(f) and (h). The record or information “exempt from public inspection” considered by the Board pursuant to ORS 192.660(2)(f) was a statement of complaint from the Deputy Superintendent concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. Members of the Board of Directors, including Respondent, participated in an executive session on May 13, 2019, after citing ORS 192.660(2)(f). The record or information “exempt from public inspection” considered by the Board pursuant to ORS 192.660(2)(f) was a letter of complaint from the Superintendent’s attorney to the Board concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- D. The actions described in paragraphs (B) and (C) constitute violations of ORS 192.660.
- E. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation

occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.

- F. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive their right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Ervin Stadeli

10/19/2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )  
 )  
Jennifer Traeger )  
 )  
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STIPULATED FINAL ORDER  
CASE NO. 20-132XDG

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Jennifer Traeger (Respondent).
  
2. JURISDICTION: At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:
    - ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
    - ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
    - ORS 192.660(2)(i) – to review and evaluate the employment-related

performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 14, 2018, after citing ORS 192.660(2)(f) and (h). The record or information “exempt from public inspection” considered by the Board pursuant to ORS 192.660(2)(f) was a statement of complaint from the Deputy Superintendent concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. Members of the Board of Directors, including Respondent, participated in an executive session on May 13, 2019, after citing ORS 192.660(2)(f). The record or information “exempt from public inspection” considered by the Board pursuant to ORS 192.660(2)(f) was a letter of complaint from the Superintendent’s attorney to the Board concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- D. The actions described in paragraphs (B) and (C) constitute violations of ORS 192.660.
- E. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation



occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.

- F. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

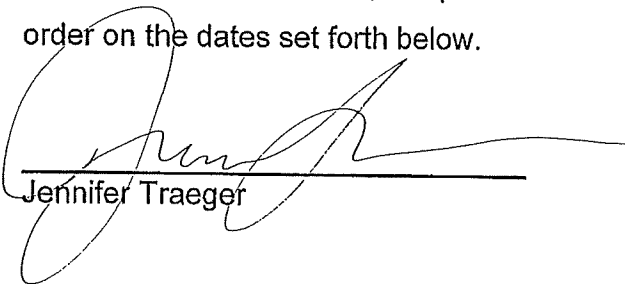
6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive their right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Jennifer Traeger

2020 SEPT 30  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )

Jonathan Edmonds )

**STIPULATED FINAL ORDER**

**CASE NO. 20-133XDG**

- \_\_\_\_\_ )
1. **PURPOSE:** The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Jonathan Edmonds (Respondent).
  
  2. **JURISDICTION:** At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
  3. **STIPULATED FACTS:**
    - A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:
      - ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
      - ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
      - ORS 192.660(2)(i) – to review and evaluate the employment-related

performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 13, 2019, after citing ORS 192.660(2)(f). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a letter of complaint from the Superintendent's attorney to the Board concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. The actions described in paragraph (B) constitute a violation of ORS 192.660.
- D. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.
- E. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find a violation of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

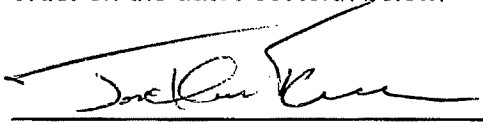
6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive their right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Jonathan Edmonds

10/9/2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Ronald Valoff

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STIPULATED FINAL ORDER

CASE NO. 20-134XDG

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Ronald Valoff (Respondent).
  
2. JURISDICTION: At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:
    - ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
    - ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
    - ORS 192.660(2)(i) – to review and evaluate the employment-related

performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 14, 2018, after citing ORS 192.660(2)(f) and (h). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a statement of complaint from the Deputy Superintendent concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. Members of the Board of Directors, including Respondent, participated in an executive session on May 13, 2019, after citing ORS 192.660(2)(f). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a letter of complaint from the Superintendent's attorney to the Board concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- D. The actions described in paragraphs (B) and (C) constitute violations of ORS 192.660.
- E. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation



occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.

- F. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.


6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive their right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Ronald Valoff

9.28.2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Timothy Roth

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STIPULATED FINAL ORDER

CASE NO. 20-135XDG

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Timothy Roth (Respondent).
  
2. JURISDICTION: At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
  
3. STIPULATED FACTS:
  - A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:
    - ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
    - ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
    - ORS 192.660(2)(i) – to review and evaluate the employment-related

performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 14, 2018, after citing ORS 192.660(2)(f) and (h). The record or information “exempt from public inspection” considered by the Board pursuant to ORS 192.660(2)(f) was a statement of complaint from the Deputy Superintendent concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. Members of the Board of Directors, including Respondent, participated in an executive session on May 13, 2019, after citing ORS 192.660(2)(f). The record or information “exempt from public inspection” considered by the Board pursuant to ORS 192.660(2)(f) was a letter of complaint from the Superintendent’s attorney to the Board concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- D. The actions described in paragraphs (B) and (C) constitute violations of ORS 192.660.
- E. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation

occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.

- F. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violations of ORS 192.660.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

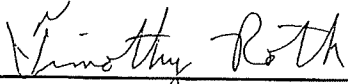
6. EFFECT:

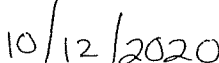
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive their right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Timothy Roth

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )

Todd White )

) **STIPULATED FINAL ORDER**

) **CASE NO. 20-136XDG**

\_\_\_\_\_ )  
1. **PURPOSE:** The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Todd White (Respondent).

2. **JURISDICTION:** At all material times, Respondent was a member of the Board of Directors for the Silver Falls School District (Marion County School District 4J). As the governing body of a public body, the members of the Board of Directors are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.

3. **STIPULATED FACTS:**

A. A prerequisite to holding all executive sessions is the announcement by the presiding officer of the statutory authorization(s) for the topics to be discussed during the executive session [ORS 192.660(1)]. Among the permitted authorized topics to be discussed in executive session once prerequisites have been met are:

- ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.
- ORS 192.660(2)(h) – to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- ORS 192.660(2)(i) – to review and evaluate the employment-related

performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

- B. Members of the Board of Directors, including Respondent, participated in an executive session on May 14, 2018, after citing ORS 192.660(2)(f) and (h). The record or information "exempt from public inspection" considered by the Board pursuant to ORS 192.660(2)(f) was a statement of complaint from the Deputy Superintendent concerning the conduct of one Board member. This was not a record or information exempt by law from public inspection. Also discussed in the executive session was the annual evaluation of the Superintendent, but the statutory authorization for that topic, ORS 192.660(2)(i), was not announced by the presiding officer prior to commencing the executive session, as required by ORS 192.660(1).
- C. The actions described in paragraph (B) constitute a violation of ORS 192.660.
- D. ORS 244.360 authorizes the Commission to assess civil penalties of up to \$1,000 as a result of any violation of ORS 192.660 unless the violation occurred as a result of the members of the governing body acting upon the advice of the public body's counsel, an exception which does not apply in this case.
- E. The results of the Commission's investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find a violation of ORS 192.660.



4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On August 7, 2020, the Commission considered information in the preliminary review phase and acted to find cause to initiate an investigation of these matters. Respondent wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. Respondent will receive a letter of education in lieu of a civil penalty as authorized by ORS 244.350 in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- D. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

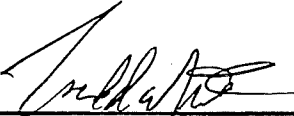
6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive their right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

  
\_\_\_\_\_  
Todd White

10/15/2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date

# BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of )  
 )  
 )  
Cara Kaser )  
 )  
 )  
\_\_\_\_\_ )

**STIPULATED FINAL ORDER**  
**CASE NO. 20-168ELC**

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above referenced case against Cara Kaser.
  
2. JURISDICTION: At all material times, Cara Kaser was a City Council member with the City of Salem City Council (City Council). As a City Council member, Cara Kaser was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  
3. STIPULATED FACTS:
  - A. Ms. Kaser is a city councilor in Salem, Oregon. She is serving in her fourth year as a city councilor and was elected to the position in 2016.
  
  - B. In June, 2020, Ms. Kaser participated in a City Council meeting in which the decision to approve the 2020-2024 Consolidated Plan to award and deny federal US Department of Housing and Urban Development "HOME" funds to multiple organizations. This decision specified the awarding of funds to multiple organizations and the denial of funds to one organization, DevNW.
  
  - C. Specifically, the funds denied to DevNW were for "acquisition and conversion of an existing church and parsonage for up to 14 affordable

housing units and office space for” DevNW for a potential project that would be located on real property at 905/925 Cottage Street NE in Salem, Oregon.

- D. Ms. Kaser owns and resides at real property located at 934 Cottage Street NE in Salem, Oregon, which is located across the street from the property DevNW wished to develop. The property is currently owned by Evergreen Presbyterian Church.
- E. Ms. Kaser, upon learning of the upcoming decision regarding the 2020-24 Consolidated Plan to award and deny federal HOME funds consulted with the city attorney about potential conflicts of interest prior to the June City Council meeting. The city attorney advised Ms. Kaser that a decision which might involve a conflict of interest would be many months removed from any potential land-use decision affecting the Evergreen Presbyterian Church property and that the legislative decision at issue would not result in any direct action being taken on that property.
- F. Ms. Kaser, acting in good faith and on the opinion of the city attorney and her own understanding, did not disclose that she owned and resided at property located across the street from the proposed DevNW property, currently owned by Evergreen Presbyterian Church, during the June 22, 2020 City Council meeting. Ms. Kaser voted on the Consolidated Plan which, in part, denied funds to DevNW for the property located at 905/925 Cottage St NE in Salem, Oregon at that meeting.
- G. Actual and potential conflicts of interest are defined in ORS 244.020(1) and (13), respectively, as arising when a public official, acting in his or her official capacity, participates in any action, decision, or recommendation, the effect of which would be (actual) or could be (potential) to the private pecuniary benefit or detriment of the public official, a relative, or any business with which the public official or a relative is associated.

- H. Cara Kaser was met with a potential conflict of interest while serving in her official capacity as a City Councilor at the June 22, 2020 City Council meeting when the Consolidated Plan was discussed and acted upon, as described in paragraphs (B) through (E), above.
- I. ORS 244.120(2)(a) requires an elected official, when met with a potential conflict of interest, to announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Ms. Kaser did not announce the conflict at the June 22, 2020 City Council meeting.
- J. The actions described in paragraph 3(B), (E) and (F) constitute one violation of ORS 244.120(2).
- K. ORS 244.350 authorizes the Commission to assess civil penalties for violations of ORS 244.120 set forth in paragraph 3(I).
- L. The Commission contends that results of the investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find one violation of ORS 244.120(2)(a).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On September 18, 2020, the Commission considered information in the preliminary review phase of Case No. 20-168ELC and acted to find cause to initiate an investigation of this matter. Cara Kaser has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.

- B. Cara Kaser will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Cara Kaser within the scope of the above-referenced proceedings.
- D. Cara Kaser will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Cara Kaser agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Cara Kaser agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.



\_\_\_\_\_  
Cara Kaser

10/23/2020

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date





**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of )  
 )  
 ) **STIPULATED FINAL ORDER**  
Lisa Clement )  
 ) **CASE NO. 20-189FDG**  
 )  
 )  
\_\_\_\_\_ )

1. **PURPOSE:** The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) against Lisa Clement (Respondent). Respondent is also known as Lisa Tarabochia.
  
2. **JURISDICTION:** At all material times, Respondent was a Clatsop County Commissioner. Respondent was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
  
3. **STIPULATED FACTS:**
  - A. As a County Commissioner, Respondent was required by ORS 244.050 (1)(j) to file an annual verified statement of economic interest (SEI) on or before April 15 of 2017 and 2018.
  
  - B. Respondent failed to file the required statement in timely fashion on April 15, 2018, which was Respondent's second late filing.
  
  - C. The action described in paragraph B above constituted a violation of ORS 244.050.
  
  - D. ORS 244.350(4)(c) authorizes the Commission to impose a civil penalty of \$10 for each of the first 14 days the SEI is late beyond the date set by ORS 244.050, and \$50 for each day thereafter, up to a maximum of \$5000.

- E. The failure to timely file the 2018 SEI accrued a civil penalty of \$1,160.
- F. The results of the Commission investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find violation of ORS 244.050.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. Pursuant to ORS 244.350(4)(b), failure to file the required statement of economic interest in timely fashion is *prima facie* evidence of a violation of ORS 244.050.
- B. As authorized by ORS 244.350(5), Respondent will pay \$200 to settle and compromise this matter,
- C. The civil penalty in item B above will be paid at a monthly rate of \$50 for a period of 4 months. The payments will be due on or before the 10th day of each month with the first payment being due on the 10<sup>th</sup> of the month following final execution of this order. All payments will be interest free. If a payment becomes 10 days or more delinquent, the entire balance will be assigned to the Oregon Department of Revenue for collection.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Respondent within the scope of the above-referenced proceedings.
- E. Respondent will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Respondent agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Respondent agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.

Lisa Tarabochia Clement  
Lisa Clement Tarabochia

October 4 2020  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

\_\_\_\_\_  
Date



**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of	)	<b>FINAL ORDER BY DEFAULT</b>
	)	
Rick Scholl	)	<b>Case No. 19-187XSM</b>
	)	
_____	)	

The Oregon Government Ethics Commission (Commission) has jurisdiction, pursuant to ORS 192.685, to review and investigate complaints alleging violations of ORS 192.660 as provided by ORS 244.260 and to impose civil penalties for violations as provided by ORS 244.350. On August 23, 2019, the Commission received a complaint alleging that St. Helens' Mayor Rick Scholl may have violated the executive session provisions of Oregon Public Meetings law, ORS 192.660. The Commission undertook a preliminary review of the complaint, and on October 3, 2019, the Commission found cause to open an investigation. On June 26, 2020, following that investigation, the Commission made a preliminary finding that Rick Scholl violated the executive session provisions of Oregon Public Meetings law.

Notice of the Commission action was sent to Rick Scholl, in care of his attorney, on June 26, 2020 along with the following: a proposal to settle the matter, a Notice of Proposed Civil Penalty and Opportunity for a Hearing, and Contested Case Hearing Rights. Rick Scholl was advised that upon receipt of the Notice he had 21 days to submit a written request for a contested case proceeding.

Rick Scholl did not request a contested case proceeding within the 21 day period.

The Commission obtained a status report pursuant to the Servicemembers Civil Relief Act confirming that Rick Scholl is not an active duty servicemember entitled to stay these proceedings under that Act.

Now therefore, after considering the relevant portions of the Commission's file relating to this matter, the Oregon Government Ethics Commission enters the following Order by Default in the matter of Rick Scholl:

### **FINDINGS OF FACT**

1. At all material times Rick Scholl was the elected Mayor for the City of St. Helens. As the governing body of a public body, the members of the St. Helens' City Council, including the Mayor, are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
2. Rick Scholl participated in an executive session held by the St. Helens' City Council on May 21, 2019. The meeting Notice identified ORS 192.660(2)(e) as the statutory authority for the executive session. At the meeting, Mayor Rick Scholl also announced ORS 192.660(2)(h) as authority for the executive session. The executive session was not being held on advice of counsel.
3. The May 21, 2019 executive session concerned the St. Helens' Central Waterfront Redevelopment project. The topics discussed related to a real property transaction, but were not limited to deliberations with persons designated by the governing body to negotiate real property transactions. They also included discussions about public perceptions of the project, consideration of core values driving the City Council's decision-making, visioning exercises for possible uses of the property, and assessments of different governance options for the project.
4. While legal counsel was present at the May 21, 2019 executive session, the City Council did not consult with that legal counsel concerning the City's legal rights and duties with regard to current litigation or litigation likely to be filed.

### ULTIMATE FINDINGS OF FACT

1. The City Council's discussions in the May 21, 2019 executive session were not authorized by ORS 192.660(2)(e) because the discussions were not limited to discussions of negotiations regarding specific real property, but instead went beyond the scope of that provision to discussion of corollary topics such as public relations, visioning exercises and long-range planning.
2. The City Council's discussions in the May 21, 2019 executive session were not authorized by ORS 192.660(2)(h) because the City Council did not consult with legal counsel concerning the City's legal rights and duties with regard to current litigation or litigation likely to be filed.

### CONCLUSION OF LAW

1. Rick Scholl violated ORS 192.660(2) when he participated in an executive session when the City Council discussed matters not authorized for discussion under the statutory provisions cited.
2. Under the authority of ORS 244.350(2)(a), 244.370, 244.390, OAR 199-001-0015 and Tables A and B, the commission may impose a civil penalty up to \$1,000 per violation. OAR 137-003-0505(1)(i).

### ORDER

Rick Scholl committed 1 violation of ORS 192.660(2).

The Commission orders that Rick Scholl be issued a Letter of Education in lieu of civil penalty for 1 violation, pursuant to ORS 244.350(5).

**NOTICE**

You are entitled to seek judicial review of this order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within sixty days from the service of this Default Final Order. Judicial review is pursuant to the provisions of ORS 183.482.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

Date of Mailing: \_\_\_\_\_



**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of                    )  
  )  
Brett Webb                         )  
  )  
  )  
\_\_\_\_\_                            )

**FINAL ORDER BY DEFAULT**

**Case No. 19-284XSM**

The Oregon Government Ethics Commission (Commission) has jurisdiction, pursuant to ORS 192.685, to review and investigate complaints alleging violations of ORS 192.660 as provided by ORS 244.260 and to impose civil penalties for violations as provided by ORS 244.350.

On December 28, 2019, the Commission received a complaint alleging that Port of Port Orford Board of Commissioners President Brett Webb may have violated the executive session provisions of Oregon Public Meetings law, ORS 192.660. The Commission undertook a preliminary review of the complaint, and on February 13, 2020, the Commission found cause to open an investigation. On August 7, 2020, following that investigation, the Commission made preliminary findings of two violations of the executive session provisions of Oregon Public Meetings law by Brett Webb.

Notice of the Commission action was sent to Brett Webb on August 18, 2020 along with the following: a proposal to settle the matter, a Notice of Proposed Civil Penalty and Opportunity for a Hearing, and Contested Case Hearing Rights. Brett Webb was advised that upon receipt of the Notice he had 21 days to submit a written request for a contested case proceeding.

Brett Webb did not request a contested case proceeding within the 21 day period.

The Commission obtained a status report pursuant to the Servicemembers Civil Relief Act confirming that Brett Webb is not an active duty servicemember entitled to stay these proceedings under that Act.

Now therefore, after considering the relevant portions of the Commission's file relating to this matter, the Oregon Government Ethics Commission enters the following Order by Default in the matter of Brett Webb:

### **FINDINGS OF FACT**

1. At all material times Brett Webb was an elected Commissioner for the Port of Port Orford (Port) Board of Commissioners. As the governing body of a public body, the members of the Board of Commissioners, including Brett Webb, are subject to the executive session provisions of Oregon Public Meetings law as set forth in ORS 192.660 and ORS 192.685.
2. Brett Webb participated in an executive session held by the Board of Commissioners on December 17, 2019. The executive session had not been noticed, and during the public meeting that preceded the executive session, the members of the Board of Commissioners did not publicly announce the specific reasons and statutes that authorized the executive session.
3. The topics discussed in the December 17, 2019 executive session concerned litigation involving the Port. There was no legal counsel present, either in person or by telephone or other electronic means.

### **ULTIMATE FINDINGS OF FACT**

1. The December 17, 2019 executive session was not authorized because the presiding officer of the Board of Commissioners did not identify the statutory authorization for holding the executive session, as required by ORS 192.660(1).

2. ORS 192.660(2)(h) provides that a governing body may convene an executive session to “consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.” OAR 199-040-0050(2) directs that to “meet the requirements for an executive session permitted by ORS 192.660(2)(h), the attorney with whom the governing body is consulting must be present at the executive session, either in person or by telephone or by other concurrent means or oral or video electronic communication.”
3. The discussion in the December 17, 2019 executive session was not authorized under ORS 192.660(2)(h) because legal counsel was not present and the members of the Board of Commissioners did not consult with legal counsel concerning the Port’s legal rights and duties with regard to current litigation or litigation likely to be filed.

#### **CONCLUSIONS OF LAW**

1. Brett Webb violated ORS 192.660(1) when he participated in an executive session for which no statutory authority had been identified.
2. Brett Webb violated ORS 192.660(2) when he participated in an executive session when the Board of Commissioners discussed matters not authorized for discussion under ORS 192.660(2)(h).
3. Under the authority of ORS 244.350(2)(a), 244.370, 244.390, OAR 199-001-0015 and Tables A and B, the commission may impose a civil penalty up to \$1,000 per violation. OAR 137-003-0505(1)(i).

#### **ORDER**

Brett Webb committed two violations of ORS 192.660.

The Commission orders that Brett Webb be issued a Letter of Education in lieu of civil penalty for two violations, pursuant to ORS 244.350(5).

**NOTICE**

You are entitled to seek judicial review of this order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within sixty days from the service of this Default Final Order. Judicial review is pursuant to the provisions of ORS 183.482.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

Date of Mailing: \_\_\_\_\_

**BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION**

In the Matter of	)	
	)	<b>FINAL ORDER BY DEFAULT</b>
Trini Marquez	)	
	)	<b>Case No. 20-141FDG</b>
	)	
_____	)	

The Oregon Government Ethics Commission (Commission) is the state agency responsible for enforcing Oregon Government Ethics Laws contained in ORS Chapter 244 and the implementing rules in OAR Chapter 199. The initial Notice of the Commission's proposed civil penalty and opportunity to request a hearing was sent to Trini Marquez, also known as Maria Trinidad Marquez (Respondent) on June 25, 2020 via certified mail. Respondent did not respond to the initial Notice or request a contested case hearing.

On September 28, 2020, Commission sent Respondent the following documents via certified mail to the address provided by Respondent when establishing her EFs account and verified by Respondent by phone on 8/7/2020:

- Amended Notice of Proposed Civil Penalty and Opportunity to Request a Hearing for the outstanding civil penalties of \$4,450
- Proposed Stipulated Final Order for a letter of education and \$450
- Notice of Contested Case Hearing Rights

Respondent was advised that she had 21 days from the date of mailing to request a contested case proceeding. Respondent failed to request a contested case and failed to accept the proposed stipulated final order.

The Commission obtained a status report pursuant to the Servicemembers Civil Relief Act confirming that Maria Trinidad Marquez is not an active duty servicemember entitled

to stay these proceedings under that Act.

Now therefore, after considering the relevant portions of the Commission's file relating to this matter, the Oregon Government Ethics Commission enters the following Order by Default in the matter of Trini Marquez:

### **FINDINGS OF FACT**

1. Trini Marquez (Respondent) held the position of City Councilor for the City of Dayton on April 15 of the following years: 2018, 2019, and 2020.
2. As a City Councilor, Respondent was required by ORS 244.050(1)(j) to file an Annual Verified Statement of Economic Interest (SEI) with the Commission on or before April 15 of each year.
3. Respondent failed to file the required SEI by April 15, 2018.
4. On April 10, 2018, the Commission, via its electronic filing system (EFS) sent a reminder notice to Respondent that the SEI filing deadline of April 15, 2018 was approaching.
5. On April 21, 2018, the Commission notified Respondent that the SEI was late and Respondent had 15 days to comply with the filing requirement before penalties would begin to accrue.
6. On May 7, 2018 and every day until May 25, 2018, the Commission notified Respondent of the overdue SEI and the amount of penalties accruing.
7. On May 25, 2018, Respondent filed the 2018 SEI via the EFS.
8. On May 25, 2018, the Commission noticed Respondent that the 2018 SEI had been received and that Respondent now owed \$310 in late filing penalties. The notice advised Respondent of the option to submit a letter of explanation to the Commission regarding the late filing or to remit payment by June 25, 2018.

9. Respondent failed to file the required SEI by April 15, 2019.
10. On April 10, 2019, the Commission, via EFS, sent a reminder notice to Respondent that the SEI filing deadline of April 15, 2019 was approaching.
11. On April 21, 2019, the Commission notified Respondent that the SEI was late and Respondent had 15 days to comply with the late filing requirement before penalties would begin to accrue.
12. On May 6, 2019, and every day until May 13, 2019, the Commission notified Respondent of the overdue SEI and the amount of penalties accruing.
13. On May 13, 2019, Respondent filed the 2019 SEI with Commission via EFS.
14. On May 13, 2019, the Commission noticed Respondent that the 2019 SEI had been received and that Respondent now owed an additional \$80 in late filing penalties. The notice advised of the option to submit a letter of explanation to the Commission regarding the late filing or to remit payment by June 12, 2019.
15. Respondent failed to file the required 2020 SEI by April 15.
16. On April 10, 2020, the Commission, via EFS, sent a reminder notice to Respondent that the April 15 filing deadline was approaching.
17. On April 21, 2020, the Commission notified Respondent that the SEI was late and Respondent had 15 days to comply with the late filing requirement before penalties would begin to accrue.
18. On May 6, 2020 and continuing daily until August 7, 2020, Respondent was notified via EFS of the late penalty amount accruing.
19. On August 7, 2020, Respondent filed the 2020 SEI via EFS and was notified of

the Commission's receipt of the 2020 SEI filing and that an additional \$4,060 in late filing penalties had accrued. The notice advised Respondent of the option to submit a letter of explanation to the Commission regarding the late filing or to remit payment by September 6, 2020.

20. Respondent has accrued \$4,450 in civil penalties for the three late filings as follows: 2018 penalty of \$310; 2019 penalty of \$80; 2020 penalty of \$4,060.
21. The initial 6/25/2020 Notices for the 2018 and 2019 civil penalties were sent via certified mail to Respondent's post office box and delivery was attempted by USPS on 6/27/2020, 7/2/2020, and 7/15/2020 but the letter went unclaimed and was returned to Commission. The Initial Notice was also emailed to Respondent's private email on July 9, 2020 and Respondent's City of Dayton email on July 22, 2020, and mailed via USPS on July 22, 2020 to Respondent in c/o the City of Dayton, where she continues to serve as City Councilor.
22. The 9/28/2020 Amended Notices for the 2018, 2019, and 2020 civil penalties were sent via certified mail to Respondent's post office box and delivery was attempted by USPS on 10/1/2020 and 10/17/2020 but the letter went unclaimed and was returned to Commission. The Amended Notice was also emailed to Respondent's private email, Respondent's City of Dayton email, and mailed via USPS to Respondent in c/o the City of Dayton, where she continues to serve as City Councilor.
23. To date, Respondent has failed to make a written request to the Commission for mitigation, has failed to remit the civil penalties owed, and has failed to respond to a proposed stipulated final order to settle the matter for \$450 civil penalty plus a letter of education.



### ULTIMATE FINDINGS OF FACT

1. Respondent held the position of City Councilor for the City of Dayton on April 15 of 2018, 2019, and 2020.
2. Respondent failed to file the 2018 SEI until May 25, 2018, failed to file the 2019 SEI until May 13, 2019; and failed to file the 2020 SEI until August 7, 2020.

### CONCLUSIONS OF LAW

1. As a City Councilor for the City of Dayton on April 15, Respondent was required under ORS 244.050(1)(j) to file an SEI with the Commission on or before April 15 of the following years: 2018, 2019, and 2020.
2. In accordance with ORS 244.050(6), the Commission notified respondent that the filing deadline was approaching and again notified Respondent 5 days after the filing deadline had passed that Respondent could file the SEI within 15 days without accruing civil penalties.
3. Respondent failed to file the 2018 SEI until May 25, 2018; failed to file the 2019 SEI until May 13, 2019, and failed to file the 2020 SEI until August 7, 2020.
4. Per ORS 244.350(4)(b), failing to timely file a required SEI is *prima facie* evidence of a violation of ORS 244.050.
5. ORS 244.350(4)(c) authorizes the Commission to impose a civil penalty of \$10 for each of the first 14 days the SEI is late beyond the date set by ORS 244.050, and \$50 for each day thereafter, up to a maximum of \$5,000.

**ORDER**

Trini Marquez is assessed a civil penalty of \$4,450 for failing to file the 2018 SEI until May 25, 2018, the 2019 SEI until May 13, 2019, and the 2020 SEI until August 7, 2020.

**NOTICE**

You are entitled to judicial review of the Final Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days from the service of this Default Final Order. Judicial review is pursuant to the provisions of ORS 183.482.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

Date of Mailing: \_\_\_\_\_

# OREGON GOVERNMENT ETHICS COMMISSION

## INVESTIGATION

**CASE NO:** 20-021XSM

**DATE:** October 28, 2020

**RESPONDENT:** JACOBS, Dave, President, Board of Directors, Mid-Columbia Fire & Rescue

**COMPLAINANT:** HAMMEL, Daniel, Retired Division Chief, Mid-Columbia Fire & Rescue

**RECOMMENDED ACTION:** Move to Dismiss

1 **SYNOPSIS:** As the President of the Board of Directors (Board) for Mid-Columbia Fire &  
2 Rescue District (MCFR or the District), Dave Jacobs participated in the two executive  
3 sessions relevant to this investigation. The focus of the investigation was to determine if  
4 the Board took final action or reached a final decision while in executive session on June  
5 17, 2019 and August 19, 2019. Based on the information available during this  
6 investigation, there is not a preponderance of evidence to support a finding that the Board  
7 took final action or made a final decision in these executive sessions.

8  
9 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the  
10 issues addressed herein:

11  
12 **192.610 Definitions for ORS 192.610 to 192.690.** As used in ORS 192.610 to 192.690:

13 \* \* \* \* \*

14 (2) "Executive session" means any meeting or part of a meeting of a governing body  
15 which is closed to certain persons for deliberation on certain matters.

16 \* \* \* \* \*

17 ///

18 ///

1 **192.660 Executive sessions permitted on certain matters; procedures; news media**  
2 **representatives' attendance; limits.** (1) ORS 192.610 to 192.690 do not prevent the  
3 governing body of a public body from holding executive session during a regular, special  
4 or emergency meeting, after the presiding officer has identified the authorization under  
5 ORS 192.610 to 192.690 for holding the executive session.

6 (2) The governing body of a public body may hold an executive session:

7 \* \* \* \* \*

8 (h) To consult with counsel concerning the legal rights and duties of a public body with  
9 regard to current litigation or litigation likely to be filed.

10 \* \* \* \* \*

11 (6) No executive session may be held for the purpose of taking any final action or making  
12 any final decision.

13

14 **192.685 Additional enforcement of alleged violations of ORS 192.660.** (1)  
15 Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have  
16 been committed by public officials may be made to the Oregon Government Ethics  
17 Commission for review and investigation as provided by ORS 244.260 and for possible  
18 imposition of civil penalties as provided by ORS 244.350.

19 \* \* \* \* \*

20

21 **OAR 199-040-0050 Consultation with Legal Counsel**

22 (1) The purpose of this rule is to provide guidance to governing bodies when the  
23 governing body holds an executive session permitted by ORS 192.660(2)(h): "To  
24 consult with counsel concerning the legal rights and duties of a public body with  
25 regard to current litigation or litigation likely to be filed."

26 (2) In order to meet the requirements for an executive session permitted by ORS  
27 192.660(2)(h), the attorney with whom the governing body is consulting must be  
28 present at the executive session, either in person or by telephone or by other  
29 concurrent means of oral or video electronic communication.

30 ///

1 **INVESTIGATION:** The Oregon Government Ethics Commission (Commission) initiated  
2 a preliminary review based on information in a signed written complaint filed on February  
3 3, 2020 by Daniel Hammel. The complaint alleged that MCFR Board President Dave  
4 Jacobs, along with five other current and former members of the Board of Directors, may  
5 have violated the executive session provisions of Oregon Public Meetings law by taking  
6 a final action or making a final decision, while in executive session, to file a lawsuit against  
7 the Mid-Columbia Firefighters Association IAFF Local 1308 (Union) alleging service mark  
8 infringement of an MCFR logo. (#PR1).

9  
10 The Commission found cause to investigate on May 15, 2020 after considering the  
11 information developed in the preliminary review. For the reasons described below, the  
12 focus of the investigation was to determine if there is sufficient evidence to indicate that  
13 in the executive sessions held on June 17 or August 19, 2019, the Board took a final  
14 action or made a final decision in violation of ORS 192.660(6). Respondent Dave Jacobs  
15 and Complainant Daniel Hammel were notified of the Commission actions in this matter  
16 and invited to provide any information that would assist the Commission in conducting  
17 this investigation.

18  
19 Timeline

20 The following timeline of events is relevant to the case before the Commission:

21  
22 June 10, 2019 Chief Palmer sends the Union a cease and desist letter  
23 June 17, 2019 MCFR Board holds an executive session - ORS 192.660(2)(h)  
24 August 19, 2019 MCFR Board holds an executive session - ORS 192.660(2)(h)  
25 September 4, 2019 MCFR files the lawsuit against the Union  
26 January 29, 2020 MCFR Board issues a press release regarding the litigation  
27 February 10, 2020 MCFR Board and the Union participate in mediation  
28 February 13, 2020 MCFR Board holds an executive session - ORS 192.660(2)(h)  
29 In public session, MCFR Board votes to approve the mediated  
30 settlement  
31 February 18, 2020 Court approves the stipulated general judgment

1 Complaint

2 The complaint in this matter was filed on February 3<sup>rd</sup>, just after the MCFR Board issued  
3 its press release. According to the complaint:

4  
5 It has recently been discovered, following a statement made by Board President  
6 Dave Jacobs, that a violation of [ORS] 192.660(6) was committed. In a press  
7 release from Dave Jacobs, it was stated that after a due demand was issued on  
8 June 10, 2019, the **board made a decision to bring action** upon the advice of its  
9 coun[sel]. I have reviewed the minutes of all Board Meetings and at no time when  
10 192.660(2)(h) was a subject of an executive session was there a formal [and] final  
11 decision made in an open public meeting forum. \* \* \* (#PR1, emphasis added).

12  
13 The complainant provided a copy of the January 29<sup>th</sup> MCFR press release which states  
14 the “decision to bring action to enforce the District’s right to a service mark was made by  
15 the Board upon the advice of its counsel.” (#PR3). He also provided copies of the minutes  
16 for the Board meetings held prior to the lawsuit. There were executive sessions under  
17 ORS 192.660(2)(h) at two of these meetings; the Board members did not make decisions,  
18 take action, or hold any votes when the Board returned to public session. (#PR2).

19  
20 Response

21 Respondent Dave Jacobs, along with the other Board members, is represented by  
22 attorney Mark Sandri. During Preliminary Review, Attorney Sandri submitted a response  
23 letter asserting the Board Members did not violate ORS 192.660(6) because Fire Chief  
24 Robert Palmer made the decision to send the June 10<sup>th</sup> cease and desist letter and then  
25 to file the lawsuit against the Union. According to the response letter, the Board’s position  
26 is that these decisions by Chief Palmer were not decisions requiring Board approval:

27  
28 At no time did the Board approve or decide the issue to file the lawsuit in question,  
29 either in executive or public session, and at no point was there a requirement they  
30 do so. Rather, the decision to file the lawsuit was made by the District’s chief  
31 executive, Fire Chief Robert Palmer, in conjunction with and upon the advice of

1 counsel. As described herein, in his role as executive, Chief Palmer operated  
2 within his executive authority to protect and defend the District's intellectual  
3 property rights. Throughout this entire process, Chief Palmer kept the Board  
4 informed of all material developments concerning these matters. The decision to  
5 file the lawsuit was well within Chief Palmer's executive authority, as delegated to  
6 him by the Board and under statute, and there was no need to bring the matter  
7 before a vote, either in public or executive session. (#PR8).

8  
9 Acknowledging that the press release says the Board made the decision to file suit,  
10 Attorney Sandri explains that "the press release was prepared in haste by the District  
11 counsel and was inartfully phrased." He writes: "Although the press release stated the  
12 decision to file the lawsuit was 'made by the Board upon the advice of counsel,' what was  
13 meant to be conveyed was that the decision to file the lawsuit was made by Chief Palmer  
14 on behalf of the District." (#PR8).

15  
16 Executive Session Minutes

17 The MCFR Board held three meetings with executive sessions between June 10<sup>th</sup>, the  
18 date of the cease and desist letter, and September 4<sup>th</sup>, the date the lawsuit was filed. Two  
19 of the executive sessions, June 17<sup>th</sup> and August 19<sup>th</sup>, were called under ORS  
20 192.660(2)(h), to consult with legal counsel concerning the Board's legal rights and duties  
21 with regard to current litigation or litigation likely to be filed. During Preliminary Review,  
22 we examined the public session minutes and confirmed that the Board did not return to  
23 public session to vote or make any final decisions about the pending litigation.

24  
25 After Preliminary Review, Attorney Sandri provided the executive session minutes. The  
26 June 17<sup>th</sup> executive session minutes report: "Update on Branding / Service Mark issue:  
27 An in depth investigation / fact finding resulted in a 'cease and desist' letter to the Union  
28 for the use of a service mark very similar to the new Fire District service mark." The August  
29 19<sup>th</sup> executive session minutes report that Attorney "Tom Peachey is working on drafting  
30 an injunction to get the Union to stop using their version of the service mark. Next option  
31 would be to file a lawsuit". (#INV1).

1 In addition to the Board members, Attorney Peachey attended both executive sessions,  
2 along with Fire Chief Palmer, Division Chief Wood, Division Chief Jensen, and Office  
3 Manager Dana Woods. (#INV1).

4  
5 In an e-mail, the complainant stated that the Board records its public session meetings,  
6 but he doesn't recall if executive session meetings were recorded. He also asserted that  
7 the Office Manager "did not attend the executive sessions." (#INV2). Commission staff  
8 interviewed the now-former Office Manager Dana Woods. She indicated that she did  
9 attend the executive sessions and took the minutes. She explained that audio recordings  
10 are made for regular meetings but not executive sessions. She stated that the decision  
11 not to record executive sessions predated her fourteen-year tenure at MCFR. (#INV3).

### 12 13 Declarations

14 Attorney Sandri provided declarations from the six respondents and from Attorney Tom  
15 Peachey. Board President Dave Jacobs declared that in these executive sessions, Chief  
16 Palmer updated the Board on the dispute concerning the MCFR logo, including his plan  
17 to send a cease and desist letter and Attorney Peachey's preparation of a lawsuit:

18  
19 \* \* \* Throughout each of these executive session meetings, Chief Palmer provided  
20 updates as to the status of the issue with the logo and the resulting litigation. He  
21 answered questions and concerns raised by the Board members. However, at no  
22 time did the Board vote on the issue, either formally or informally. As MCFR's chief  
23 executive, I believed the issue of whether or not to pursue the issue, including filing  
24 a lawsuit against the Union, was Chief Palmer's decision and he was permitted to  
25 make that determination in his role as the chief executive of MCFR.

26  
27 \* \* \* During all the public and executive session meetings, Mr. Peachey was  
28 present to provide legal guidance and opinions concerning the issue of the Union's  
29 misappropriation of the MCFR logo. I believe the decision to pursue the issue,  
30 including the decisions to send the cease and desist letter and to file the lawsuit,  
31 was made by Chief Palmer, on the advice of counsel. (#INV4).



1 Mr. Jacobs' declaration also states that the press release was wrong, and that the  
2 "decision to bring the lawsuit against the Union was made by Chief Palmer, on the advice  
3 of counsel, and was not brought to the Board for approval or for a formal vote, either in  
4 public or executive session." He acknowledges that in February 2020 the Board did vote  
5 to approve the mediated settlement. He states this "was the first vote taken by the Board,  
6 either in public or executive session, related to the legal action concerning the issue of  
7 the MCFR logo." He explains that the reason for voting on the settlement, but not on filing  
8 suit in the first place, was due to "intense public interest." (#INV4).

9  
10 The other Board members' declarations are similar to that of Mr. Jacobs. (#INV5).  
11 Attorney Tom Peachey's declaration also supports the assertion that Fire Chief Palmer  
12 made the decision to file suit and did not "seek the Board's approval, or request a vote,  
13 either in public or executive session, other than to approve the settlement in February  
14 2020." Mr. Peachey's declaration also asserts:

15  
16 I prepared, along with other District counsel, the "MCFR Press Response" dated  
17 January 29, 2020. The document states the "decision to bring the action to enforce  
18 the District's right to a service mark was made by the Board upon the advice of  
19 counsel." This is not correct. The press release was prepared in some haste and  
20 was prompted, in large part, by the substantial attention this matter was drawing  
21 in the local newspaper. As outlined above, the decision to bring the lawsuit against  
22 the Union was made by Chief Palmer, on the advice of counsel, and was not  
23 brought to the Board for approval or for a formal vote, either in public or executive  
24 session. (#INV6).

## 25 26 Interviews

### 27 *Chief Palmer*

28 Commission staff interviewed Fire Chief Robert Palmer. Chief Palmer said that before he  
29 sent the cease and desist letter, he consulted with Dave Jacobs and Tom Peachey. At  
30 the June 17<sup>th</sup> executive session, he informed the Board: "This is what we're doing based  
31 on the advice of counsel." He said there was no response from the Board. (#INV7).

1 Chief Palmer explained that during the August 19<sup>th</sup> executive session, he “informed the  
2 Board that based on the authority they had given him we were moving forward with filing  
3 an injunction.” He states there was discussion between the Board members as to the  
4 circumstances of the lawsuit and the ramifications if they moved forward with it, and that  
5 he and Attorney Peachey explained the reasons for filing suit. Chief Palmer asserts that  
6 he did not ask the Board to make the decision, because they had already given him the  
7 authority to do so in his contract, as he is charged with preserving District property and  
8 the lawsuit was about protecting District property. He said that the Board “could have  
9 asked me to stop, but they didn’t do so.” (#INV7).

10

11 Finally, Chief Palmer explained that he was in contact with Board President Dave Jacobs  
12 throughout, keeping the Board President informed of the intent to file for an injunction.  
13 When he and Board President Dave Jacobs talked, he would inform him of the actions  
14 being taken and of Attorney Peachey’s advice. He stated, “Dave didn’t object so we  
15 moved forward. If he had objected we would have stopped.” He stated that he did not  
16 communicate with the other Board members on a continuing basis the way he did with  
17 Board President Jacobs. (#INV7).

18

19 *Board President Jacobs*

20 In his interview, Board President Jacobs acknowledged that was kept informed as Chief  
21 Palmer moved toward filing the lawsuit. He insisted that his involvement “was not in  
22 making the decision other than listening to the Chief. In both executive sessions, and in  
23 our private meetings, the Chief was keeping me and the Board informed.” According to  
24 Mr. Jacobs, in the executive sessions, the Board members had some clarity questions  
25 but no concerns or objections to the actions taken by the Chief. Mr. Jacobs’s position is  
26 that the Chief “was acting within the scope of his authority and he kept the Board  
27 informed” in order to protect the District’s property rights. Mr. Jacobs asserted that the  
28 Chief can commit the District to litigation, but he, as Board President, does not have that  
29 unilateral authority. “I’m not the CEO; the Chief is.” (#INV8).

30 //

31 //

1 According to Board President Jacobs, the press release statement about the litigation  
2 being approved by the board "slipped through the cracks." He explained that the press  
3 release was rushed and was drafted by Chief Palmer, legal counsel and himself. Finally,  
4 he stated that the Board formally voted to approve the settlement agreement in February  
5 2020 "because of the media exposure that resulted from it. We wanted to make sure that  
6 the approval for the mediation was a Board decision." (#INV8).

7  
8 *Office Manager Dana Woods*

9 Former Office Manager Dana Woods stated that she remembers there being discussion  
10 regarding the litigation in the executive sessions last summer, but they were just talking  
11 about the options; there was no vote. She stated, "They didn't make any decisions in exec  
12 session; they just discussed the options." She said the "options" were whether to move  
13 forward with litigation or not. (#INV3).

14  
15 *Union President Eric Blumenthal*

16 In his May 27<sup>th</sup> e-mail, the complainant indicated that other MCFR employees had heard  
17 the Fire Chief make statements regarding whether filing suit was the Board's decision.  
18 (#INV2). At his suggestion, we contacted Eric Blumenthal, one of MCFR's firefighters and  
19 the Union President. Throughout this period, the Union and the District were engaged in  
20 collective bargaining negotiations. They would have what Eric Blumenthal called  
21 "marriage counselor" meetings. He stated that after one or more of these meetings,  
22 Division Chief Jensen told the firefighters: "You can't be mad at the Chief. He didn't make  
23 the decision. The Board made the decision." Mr. Blumenthal asserted that Chief Jensen,  
24 who was at all of the executive sessions, made this comment to the firefighters on multiple  
25 occasions. (#INV9).

26  
27 *Division Chief David Jensen*

28 Division Chief David Jensen, who was present in the executive sessions held on June  
29 17<sup>th</sup> and August 19<sup>th</sup>, stated that the Board did not make any decisions about filing suit in  
30 the executive sessions. We asked him whether he had told the firefighters they shouldn't  
31 be mad at Fire Chief Palmer because he hadn't made the decision to file suit, the Board  
32 had. Mr. Jensen said that he did not recall ever making such a statement. (#INV10).

1 **CONCLUSIONS:** Dave Jacobs was a member and the Board President of the Board of  
2 Directors for Mid-Columbia Fire and Rescue District during the period relevant to this  
3 investigation and was, therefore, a public official. The Mid-Columbia Fire and Rescue  
4 District is a public body and the Board of Directors is its governing body. [ORS 192.610(3)  
5 and (4)]. As a member of the governing body of a public body, Dave Jacobs is required  
6 to comply with the executive session provisions of Oregon Public Meetings law. Under  
7 ORS 192.685(1), complaints concerning violations of ORS 192.660 alleged to have been  
8 committed by public officials may be made to the Oregon Government Ethics Commission  
9 for review and investigation as provided by ORS 244.260.

10  
11 The executive sessions in this case appear to have been authorized. They were  
12 convened under ORS 192.660(2)(h) to consult with legal counsel concerning current  
13 litigation or litigation likely to be filed. Legal counsel was present in the executive sessions  
14 and they were discussing litigation likely to be filed.

15  
16 At issue in this case is whether the MCFR Board took final action or made a final decision  
17 while in executive session. ORS 192.660(6) directs that “[n]o executive session may be  
18 held for the purpose of taking any final action or making any final decision.” The Attorney  
19 General’s Public Records and Meetings Manual 2019 (AG Manual) notes that the “statute  
20 does not define ‘final action’ or ‘final decision,’” but recommends that “[u]nless it is  
21 reasonably likely that the type of decision or action proposed can be made in executive  
22 session, the governing body should return to open session” before taking final action. The  
23 purpose of this requirement is to ensure that the public knows the results of the governing  
24 board’s discussion. [AG Manual § E.2].

25  
26 It is understandable why there would be confusion as to when, or if, the Board made the  
27 decision to file the lawsuit. After discussing possible litigation in executive session, the  
28 Board did not return to public session to make any final decision. The Board’s own press  
29 release states the decision to file the lawsuit “was made by the Board upon the advice of  
30 its counsel.” Also, one or more of MCFR’s firefighters reported being told they should not  
31 be mad at the Chief because the decision to file suit was made by the Board.

1 Despite these very public signals of a Board decision, according to the declarations and  
2 interviews of the people attending the executive sessions, the Board did not make the  
3 decision to file the lawsuit, in executive session or otherwise. Fire Chief Palmer states  
4 that he used the executive sessions to update the Board members as to the pending  
5 litigation, but that he made the final decision to file suit, in consultation with Attorney  
6 Peachey and Board President Jacobs.

7  
8 According to Board President Jacobs and the other Board members, they believed Fire  
9 Chief Palmer was acting within the authority granted him in his employment contract when  
10 he made the decision to file suit against the Union. It is not clear if that is the case, and  
11 generally one might expect a governing body to make such a decision. Regardless,  
12 whether Fire Chief Palmer was acting within his designated authority is not within the  
13 Commission's jurisdiction, and is irrelevant to the question of whether the MCFR Board  
14 took final action or made a final decision while in executive session.

15  
16 A preponderance of the evidence in this case indicates that the Board did not make the  
17 decision to file the lawsuit, in executive session or otherwise. Accordingly, it does not  
18 appear that Dave Jacobs violated ORS 192.660(6).

19  
20 **RECOMMENDATIONS:** The Commission should move to dismiss the complaint.  
21 [Motion 7]

22  
23  
24 **ASSOCIATED DOCUMENTS:**

- 25 #PR1 Complaint submitted by Daniel Hammel, dated 2/3/2020.  
26 #PR2 MCFR Board Meeting Minutes, June to September, 2019.  
27 #PR3 MCFR Press Release, dated 1/29/2020.  
28 #PR4 Complaint in Wasco County Circuit Court Case No. 19CV38663, filed  
29 9/4/2019.  
30 #PR5 Cease and Desist Letter, Exhibit 8 to complaint in Case No. 19CV38663,  
31 dated 6/10/2019.

- 1 #PR6 MCFR Board Meeting Agenda, February 13, 2020.
- 2 #PR7 Stipulated General Judgment Granting Permanent Injunction in Case No.
- 3 19CV38663, dated 2/18/2020.
- 4 #PR8 Response letter from attorney Mark Sandri, dated 2/21/2020.
- 5 #INV1 MCFR Board Executive Session Minutes, 6/17/2019 and 8/19/2019.
- 6 #INV2 E-mail from Daniel Hammel, received 5/27/2020.
- 7 #INV3 Memorandum re interview with Dana Woods, 9/9/2020.
- 8 #INV4 Declaration of David Jacobs, dated 5/6/2020.
- 9 #INV5 Declarations of Bob Delaney, David Peters, Dick Schaffeld, Diana Bailey
- 10 and Tom Ashmore.
- 11 #INV6 Declaration of Thomas C. Peachey, dated 5/13/2020.
- 12 #INV7 Memorandum re interview with Fire Chief Robert Palmer, 8/13/2020.
- 13 #INV8 Memorandum re interview with Board President Dave Jacobs, 8/19/2020.
- 14 #INV9 Memorandum re interview with Union President Eric Blumenthal,
- 15 9/21/2020.
- 16 #INV10 Memorandum re interview with Division Chief David Jensen, 9/25/2020.

PREPARED BY *Susan C. Myers* 10/28/2020  
 Susan Myers Date  
 Investigator

APPROVED BY *[Signature]* 10/29/2020  
 Ronald A. Bersin Date  
 Executive Director

REVIEWED BY *approved via email* 10/28/2020  
 Joshua Nasbe Date  
 Assistant Attorney General

**OREGON GOVERNMENT ETHICS COMMISSION**  
**INVESTIGATION**

**CASE NO:** 20-023XSM  
**DATE:** October 28, 2020  
**RESPONDENT:** DELANEY, Bob, Member, Board of Directors, Mid-Columbia Fire & Rescue  
**COMPLAINANT:** HAMMEL, Daniel, Retired Division Chief, Mid-Columbia Fire & Rescue  
**RECOMMENDED ACTION:** Move to Dismiss

1 **SYNOPSIS:** As a member of the Board of Directors (Board) for Mid-Columbia Fire &  
2 Rescue District (MCFR or the District), Bob Delaney participated in the two executive  
3 sessions relevant to this investigation. The focus of the investigation was to determine if  
4 the Board took final action or reached a final decision while in executive session on June  
5 17, 2019 and August 19, 2019. Based on the information available during this  
6 investigation, there is not a preponderance of evidence to support a finding that the Board  
7 took final action or made a final decision in these executive sessions.

8

9 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the  
10 issues addressed herein:

11

12 **192.610 Definitions for ORS 192.610 to 192.690.** As used in ORS 192.610 to 192.690:

13 \* \* \* \* \*

14 (2) "Executive session" means any meeting or part of a meeting of a governing body  
15 which is closed to certain persons for deliberation on certain matters.

16 \* \* \* \* \*

17 ///

18 ///

1 Despite these very public signals of a Board decision, according to the declarations and  
2 interviews of the people attending the executive sessions, the Board did not make the  
3 decision to file the lawsuit, in executive session or otherwise. Fire Chief Palmer states  
4 that he used the executive sessions to update the Board members as to the pending  
5 litigation, but that he made the final decision to file suit, in consultation with Attorney  
6 Peachey and Board President Jacobs.

7  
8 According to Bob Delaney and the other Board members, they believed Fire Chief Palmer  
9 was acting within the authority granted him in his employment contract when he made the  
10 decision to file suit against the Union. It is not clear if that is the case, and generally one  
11 might expect a governing body to make such a decision. Regardless, whether Fire Chief  
12 Palmer was acting within his designated authority is not within the Commission's  
13 jurisdiction, and is irrelevant to the question of whether the MCFR Board took final action  
14 or made a final decision while in executive session.

15  
16 A preponderance of the evidence in this case indicates that the Board did not make the  
17 decision to file the lawsuit, in executive session or otherwise. Accordingly, it does not  
18 appear that Bob Delaney violated ORS 192.660(6).

19  
20 **RECOMMENDATIONS:** The Commission should move to dismiss the complaint.  
21 [Motion 7]

22  
23  
24 **ASSOCIATED DOCUMENTS:**

- 25 #PR1 Complaint submitted by Daniel Hammel, dated 2/3/2020.  
26 #PR2 MCFR Board Meeting Minutes, June to September, 2019.  
27 #PR3 MCFR Press Release, dated 1/29/2020.  
28 #PR4 Complaint in Wasco County Circuit Court Case No. 19CV38663, filed  
29 9/4/2019.  
30 #PR5 Cease and Desist Letter, Exhibit 8 to complaint in Case No. 19CV38663,  
31 dated 6/10/2019.



- 1 #PR6 MCFR Board Meeting Agenda, February 13, 2020.
- 2 #PR7 Stipulated General Judgment Granting Permanent Injunction in Case No.
- 3 19CV38663, dated 2/18/2020.
- 4 #PR8 Response letter from attorney Mark Sandri, dated 2/21/2020.
- 5 #INV1 MCFR Board Executive Session Minutes, 6/17/2019 and 8/19/2019.
- 6 #INV2 E-mail from Daniel Hammel, received 5/27/2020.
- 7 #INV3 Memorandum re interview with Dana Woods, 9/9/2020.
- 8 #INV4 Declaration of Bob Delaney, dated 5/7/2020.
- 9 #INV5 Declarations of Dave Jacobs, David Peters, Dick Schaffeld, Diana Bailey
- 10 and Tom Ashmore.
- 11 #INV6 Declaration of Thomas C. Peachey, dated 5/13/2020.
- 12 #INV7 Memorandum re interview with Fire Chief Robert Palmer, 8/13/2020.
- 13 #INV8 Memorandum re interview with Board President Dave Jacobs, 8/19/2020.
- 14 #INV9 Memorandum re interview with Union President Eric Blumenthal,
- 15 9/21/2020.
- 16 #INV10 Memorandum re interview with Division Chief David Jensen, 9/25/2020.

PREPARED BY *Susan C. Myers* 10/28/2020  
 Susan Myers Date  
 Investigator

APPROVED BY *[Signature]* 10/29/2020  
 Ronald A. Bersin Date  
 Executive Director

REVIEWED BY *approved via email* 10-28-2020  
 Joshua Nasbe Date  
 Assistant Attorney General



# OREGON GOVERNMENT ETHICS COMMISSION

## INVESTIGATION

**CASE NO:** 20-024XSM

**DATE:** October 28, 2020

**RESPONDENT:** SCHAFFELD, Dick, Member, Board of Directors, Mid-Columbia Fire & Rescue

**COMPLAINANT:** HAMMEL, Daniel, Retired Division Chief, Mid-Columbia Fire & Rescue

**RECOMMENDED ACTION:** Move to Dismiss

1 **SYNOPSIS:** As a member of the Board of Directors (Board) for Mid-Columbia Fire &  
2 Rescue District (MCFR or the District), Dick Schaffeld participated in one of the two  
3 executive sessions relevant to this investigation. The focus of the investigation was to  
4 determine if the Board took final action or reached a final decision while in executive  
5 session on June 17, 2019 and August 19, 2019. Based on the information available during  
6 this investigation, there is not a preponderance of evidence to support a finding that the  
7 Board took final action or made a final decision in these executive sessions.

8

9 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the  
10 issues addressed herein:

11

12 **192.610 Definitions for ORS 192.610 to 192.690.** As used in ORS 192.610 to 192.690:

13

\* \* \* \* \*

14 (2) "Executive session" means any meeting or part of a meeting of a governing body  
15 which is closed to certain persons for deliberation on certain matters.

16

\* \* \* \* \*

17 ///

18 ///

1 Despite these very public signals of a Board decision, according to the declarations and  
2 interviews of the people attending the executive sessions, the Board did not make the  
3 decision to file the lawsuit, in executive session or otherwise. Fire Chief Palmer states  
4 that he used the executive sessions to update the Board members as to the pending  
5 litigation, but that he made the final decision to file suit, in consultation with Attorney  
6 Peachey and Board President Jacobs.

7  
8 According to Dick Schaffeld and the other Board members, they believed Fire Chief  
9 Palmer was acting within the authority granted him in his employment contract when he  
10 made the decision to file suit against the Union. It is not clear if that is the case, and  
11 generally one might expect a governing body to make such a decision. Regardless,  
12 whether Fire Chief Palmer was acting within his designated authority is not within the  
13 Commission's jurisdiction, and is irrelevant to the question of whether the MCFR Board  
14 took final action or made a final decision while in executive session.

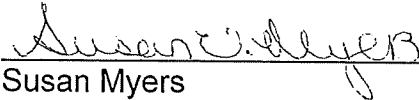
15  
16 A preponderance of the evidence in this case indicates that the Board did not make the  
17 decision to file the lawsuit, in executive session or otherwise. Accordingly, it does not  
18 appear that Dick Schaffeld violated ORS 192.660(6).

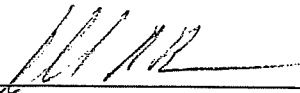
19  
20 **RECOMMENDATIONS:** The Commission should move to dismiss the complaint.  
21 [Motion 7]

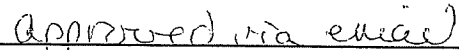
22  
23  
24 **ASSOCIATED DOCUMENTS:**

- 25 #PR1 Complaint submitted by Daniel Hammel, dated 2/3/2020.  
26 #PR2 MCFR Board Meeting Minutes, June to September, 2019.  
27 #PR3 MCFR Press Release, dated 1/29/2020.  
28 #PR4 Complaint in Wasco County Circuit Court Case No. 19CV38663, filed  
29 9/4/2019.  
30 #PR5 Cease and Desist Letter, Exhibit 8 to complaint in Case No. 19CV38663,  
31 dated 6/10/2019.

- 1 #PR6 MCFR Board Meeting Agenda, February 13, 2020.
- 2 #PR7 Stipulated General Judgment Granting Permanent Injunction in Case No.
- 3 19CV38663, dated 2/18/2020.
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- 5 #INV1 MCFR Board Executive Session Minutes, 6/17/2019 and 8/19/2019.
- 6 #INV2 E-mail from Daniel Hammel, received 5/27/2020.
- 7 #INV3 Memorandum re interview with Dana Woods, 9/9/2020.
- 8 #INV4 Declaration of Dick Schaffeld, dated 5/7/2020.
- 9 #INV5 Declarations of Dave Jacobs, David Peters, Bob Delaney, Diana Bailey
- 10 and Tom Ashmore.
- 11 #INV6 Declaration of Thomas C. Peachey, dated 5/12/2020.
- 12 #INV7 Memorandum re interview with Fire Chief Robert Palmer, 8/13/2020.
- 13 #INV8 Memorandum re interview with Board President Dave Jacobs, 8/19/2020.
- 14 #INV9 Memorandum re interview with Union President Eric Blumenthal,
- 15 9/21/2020.
- 16 #INV10 Memorandum re interview with Division Chief David Jensen, 9/25/2020.

PREPARED BY  10/28/2020  
 Susan Myers Date  
 Investigator

APPROVED BY  10/29/2020  
 Ronald A. Bersin Date  
 Executive Director

REVIEWED BY  10-28-2020  
 Joshua Nasbe Date  
 Assistant Attorney General



# OREGON GOVERNMENT ETHICS COMMISSION

## INVESTIGATION

**CASE NO:** 20-025XSM

**DATE:** October 28, 2020

**RESPONDENT:** PETERS, David, Member, Board of Directors, Mid-Columbia Fire & Rescue

**COMPLAINANT:** HAMMEL, Daniel, Retired Division Chief, Mid-Columbia Fire & Rescue

**RECOMMENDED ACTION:** Move to Dismiss

1 **SYNOPSIS:** As a member of the Board of Directors (Board) for Mid-Columbia Fire &  
2 Rescue District (MCFR or the District), David Peters participated in the two executive  
3 sessions relevant to this investigation. The focus of the investigation was to determine if  
4 the Board took final action or reached a final decision while in executive session on June  
5 17, 2019 and August 19, 2019. Based on the information available during this  
6 investigation, there is not a preponderance of evidence to support a finding that the Board  
7 took final action or made a final decision in these executive sessions.

8

9 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the  
10 issues addressed herein:

11

12 **192.610 Definitions for ORS 192.610 to 192.690.** As used in ORS 192.610 to 192.690:

13 \* \* \* \* \*

14 (2) "Executive session" means any meeting or part of a meeting of a governing body  
15 which is closed to certain persons for deliberation on certain matters.

16 \* \* \* \* \*

17 ///

18 ///

1 Despite these very public signals of a Board decision, according to the declarations and  
2 interviews of the people attending the executive sessions, the Board did not make the  
3 decision to file the lawsuit, in executive session or otherwise. Fire Chief Palmer states  
4 that he used the executive sessions to update the Board members as to the pending  
5 litigation, but that he made the final decision to file suit, in consultation with Attorney  
6 Peachey and Board President Jacobs.

7  
8 According to David Peters and the other Board members, they believed Fire Chief Palmer  
9 was acting within the authority granted him in his employment contract when he made the  
10 decision to file suit against the Union. It is not clear if that is the case, and generally one  
11 might expect a governing body to make such a decision. Regardless, whether Fire Chief  
12 Palmer was acting within his designated authority is not within the Commission's  
13 jurisdiction, and is irrelevant to the question of whether the MCFR Board took final action  
14 or made a final decision while in executive session.

15  
16 A preponderance of the evidence in this case indicates that the Board did not make the  
17 decision to file the lawsuit, in executive session or otherwise. Accordingly, it does not  
18 appear that David Peters violated ORS 192.660(6).

19  
20 **RECOMMENDATIONS:** The Commission should move to dismiss the complaint.  
21 [Motion 7]

22  
23

24 **ASSOCIATED DOCUMENTS:**

- 25 #PR1 Complaint submitted by Daniel Hammel, dated 2/3/2020.
- 26 #PR2 MCFR Board Meeting Minutes, June to September, 2019.
- 27 #PR3 MCFR Press Release, dated 1/29/2020.
- 28 #PR4 Complaint in Wasco County Circuit Court Case No. 19CV38663, filed  
29 9/4/2019.
- 30 #PR5 Cease and Desist Letter, Exhibit 8 to complaint in Case No. 19CV38663,  
31 dated 6/10/2019.



- 1 #PR6 MCFR Board Meeting Agenda, February 13, 2020.
- 2 #PR7 Stipulated General Judgment Granting Permanent Injunction in Case No.
- 3 19CV38663, dated 2/18/2020.
- 4 #PR8 Response letter from attorney Mark Sandri, dated 2/21/2020.
- 5 #INV1 MCFR Board Executive Session Minutes, 6/17/2019 and 8/19/2019.
- 6 #INV2 E-mail from Daniel Hammel, received 5/27/2020.
- 7 #INV3 Memorandum re interview with Dana Woods, 9/9/2020.
- 8 #INV4 Declaration of David Peters, dated 5/5/2020.
- 9 #INV5 Declarations of Dave Jacobs, Bob Delaney, Dick Schaffeld, Diana Bailey
- 10 and Tom Ashmore.
- 11 #INV6 Declaration of Thomas C. Peachey, dated 5/13/2020.
- 12 #INV7 Memorandum re interview with Fire Chief Robert Palmer, 8/13/2020.
- 13 #INV8 Memorandum re interview with Board President Dave Jacobs, 8/19/2020.
- 14 #INV9 Memorandum re interview with Union President Eric Blumenthal,
- 15 9/21/2020.
- 16 #INV10 Memorandum re interview with Division Chief David Jensen, 9/25/2020.

PREPARED BY *Susan W. Myers* 10-28-2020  
 Susan Myers Date  
 Investigator

APPROVED BY *[Signature]* 10/29/2020  
 Ronald A. Bersin Date  
 Executive Director

REVIEWED BY *Approved via email* 10-28-2020  
 Joshua Nasbe Date  
 Assistant Attorney General



**OREGON GOVERNMENT ETHICS COMMISSION**  
**INVESTIGATION**

**CASE NO:** 20-026XSM  
**DATE:** October 28, 2020  
**RESPONDENT:** BAILEY, Diana, Member, Board of Directors, Mid-Columbia Fire & Rescue  
**COMPLAINANT:** HAMMEL, Daniel, Retired Division Chief, Mid-Columbia Fire & Rescue  
**RECOMMENDED ACTION:** Move to Dismiss

1 **SYNOPSIS:** As a member of the Board of Directors (Board) for Mid-Columbia Fire &  
2 Rescue District (MCFR or the District), Diana Bailey participated in one of the two  
3 executive sessions relevant to this investigation. The focus of the investigation was to  
4 determine if the Board took final action or reached a final decision while in executive  
5 session on June 17, 2019 and August 19, 2019. Based on the information available during  
6 this investigation, there is not a preponderance of evidence to support a finding that the  
7 Board took final action or made a final decision in these executive sessions.

8

9 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the  
10 issues addressed herein:

11

12 **192.610 Definitions for ORS 192.610 to 192.690.** As used in ORS 192.610 to 192.690:

13 \* \* \* \* \*

14 (2) "Executive session" means any meeting or part of a meeting of a governing body  
15 which is closed to certain persons for deliberation on certain matters.

16 \* \* \* \* \*

17 ///

18 ///

1 Despite these very public signals of a Board decision, according to the declarations and  
2 interviews of the people attending the executive sessions, the Board did not make the  
3 decision to file the lawsuit, in executive session or otherwise. Fire Chief Palmer states  
4 that he used the executive sessions to update the Board members as to the pending  
5 litigation, but that he made the final decision to file suit, in consultation with Attorney  
6 Peachey and Board President Jacobs.

7  
8 According to Diana Bailey and the other Board members, they believed Fire Chief Palmer  
9 was acting within the authority granted him in his employment contract when he made the  
10 decision to file suit against the Union. It is not clear if that is the case, and generally one  
11 might expect a governing body to make such a decision. Regardless, whether Fire Chief  
12 Palmer was acting within his designated authority is not within the Commission's  
13 jurisdiction, and is irrelevant to the question of whether the MCFR Board took final action  
14 or made a final decision while in executive session.

15  
16 A preponderance of the evidence in this case indicates that the Board did not make the  
17 decision to file the lawsuit, in executive session or otherwise. Accordingly, it does not  
18 appear that Diana Bailey violated ORS 192.660(6).

19  
20 **RECOMMENDATIONS:** The Commission should move to dismiss the complaint.  
21 [Motion 7]

22  
23  
24 **ASSOCIATED DOCUMENTS:**

- 25 #PR1 Complaint submitted by Daniel Hammel, dated 2/3/2020.  
26 #PR2 MCFR Board Meeting Minutes, June to September, 2019.  
27 #PR3 MCFR Press Release, dated 1/29/2020.  
28 #PR4 Complaint in Wasco County Circuit Court Case No. 19CV38663, filed  
29 9/4/2019.  
30 #PR5 Cease and Desist Letter, Exhibit 8 to complaint in Case No. 19CV38663,  
31 dated 6/10/2019.

- 1 #PR6 MCFR Board Meeting Agenda, February 13, 2020.
- 2 #PR7 Stipulated General Judgment Granting Permanent Injunction in Case No.
- 3 19CV38663, dated 2/18/2020.
- 4 #PR8 Response letter from attorney Mark Sandri, dated 2/21/2020.
- 5 #INV1 MCFR Board Executive Session Minutes, 6/17/2019 and 8/19/2019.
- 6 #INV2 E-mail from Daniel Hammel, received 5/27/2020.
- 7 #INV3 Memorandum re interview with Dana Woods, 9/9/2020.
- 8 #INV4 Declaration of Diana Bailey, dated 5/4/2020.
- 9 #INV5 Declarations of Dave Jacobs, David Peters, Bob Delaney, Dick Schaffeld,
- 10 and Tom Ashmore.
- 11 #INV6 Declaration of Thomas C. Peachey, dated 5/12/2020.
- 12 #INV7 Memorandum re interview with Fire Chief Robert Palmer, 8/13/2020.
- 13 #INV8 Memorandum re interview with Board President Dave Jacobs, 8/19/2020.
- 14 #INV9 Memorandum re interview with Union President Eric Blumenthal,
- 15 9/21/2020.
- 16 #INV10 Memorandum re interview with Division Chief David Jensen, 9/25/2020.

PREPARED BY *Susan V. Myers* 10/28/2020  
 Susan Myers Date  
 Investigator

APPROVED BY *[Signature]* 10/29/2020  
 Ronald A. Bersin Date  
 Executive Director

REVIEWED BY *approved via email* 10-28-2020  
 Joshua Nasbe Date  
 Assistant Attorney General



# OREGON GOVERNMENT ETHICS COMMISSION

## INVESTIGATION

**CASE NO:** 20-027XSM

**DATE:** October 28, 2020

**RESPONDENT:** ASHMORE, Tom, Former Member, Board of Directors, Mid-Columbia Fire & Rescue

**COMPLAINANT:** HAMMEL, Daniel, Retired Division Chief, Mid-Columbia Fire & Rescue

**RECOMMENDED ACTION:** Move to Dismiss

1 **SYNOPSIS:** As a member of the Board of Directors (Board) for Mid-Columbia Fire &  
2 Rescue District (MCFR or the District), Tom Ashmore participated in one of the two  
3 executive sessions relevant to this investigation. The focus of the investigation was to  
4 determine if the Board took final action or reached a final decision while in executive  
5 session on June 17, 2019 and August 19, 2019. Based on the information available during  
6 this investigation, there is not a preponderance of evidence to support a finding that the  
7 Board took final action or made a final decision in these executive sessions.

8

9 **RELEVANT STATUTES:** The following Oregon Revised Statutes are applicable to the  
10 issues addressed herein:

11

12 **192.610 Definitions for ORS 192.610 to 192.690.** As used in ORS 192.610 to 192.690:

13 \* \* \* \* \*

14 (2) "Executive session" means any meeting or part of a meeting of a governing body  
15 which is closed to certain persons for deliberation on certain matters.

16 \* \* \* \* \*

17 ///

18 ///

1 It is understandable why there would be confusion as to when, or if, the Board made the  
2 decision to file the lawsuit. After discussing possible litigation in executive session, the  
3 Board did not return to public session to make any final decision. The Board's own press  
4 release states the decision to file the lawsuit "was made by the Board upon the advice of  
5 its counsel." Also, one or more of MCFR's firefighters reported being told they should not  
6 be mad at the Chief because the decision to file suit was made by the Board.

7  
8 Despite these very public signals of a Board decision, according to the declarations and  
9 interviews of the people attending the executive sessions, the Board did not make the  
10 decision to file the lawsuit, in executive session or otherwise. Fire Chief Palmer states  
11 that he used the executive sessions to update the Board members as to the pending  
12 litigation, but that he made the final decision to file suit, in consultation with Attorney  
13 Peachey and Board President Jacobs.

14  
15 According to the Board members, they believed Fire Chief Palmer was acting within the  
16 authority granted him in his employment contract when he made the decision to file suit  
17 against the Union. It is not clear if that is the case, and generally one might expect a  
18 governing body to make such a decision. Regardless, whether Fire Chief Palmer was  
19 acting within his designated authority is not within the Commission's jurisdiction, and is  
20 irrelevant to the question of whether the MCFR Board took final action or made a final  
21 decision while in executive session.

22  
23 A preponderance of the evidence in this case indicates that the Board did not make the  
24 decision to file the lawsuit, in executive session or otherwise. Accordingly, it does not  
25 appear that Tom Ashmore violated ORS 192.660(6).

26  
27 **RECOMMENDATIONS:** The Commission should move to dismiss the complaint.

28 [Motion 7]

29  
30 **ASSOCIATED DOCUMENTS:**

31 #PR1 Complaint submitted by Daniel Hammel, dated 2/3/2020.



- 1 #PR2 MCFR Board Meeting Minutes, June to September, 2019.  
 2 #PR3 MCFR Press Release, dated 1/29/2020.  
 3 #PR4 Complaint in Wasco County Circuit Court Case No. 19CV38663, filed  
 4 9/4/2019.  
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 6 dated 6/10/2019.  
 7 #PR6 MCFR Board Meeting Agenda, February 13, 2020.  
 8 #PR7 Stipulated General Judgment Granting Permanent Injunction in Case No.  
 9 19CV38663, dated 2/18/2020.  
 10 #PR8 Response letter from attorney Mark Sandri, dated 2/21/2020.  
 11 #INV1 MCFR Board Executive Session Minutes, 6/17/2019 and 8/19/2019.  
 12 #INV2 E-mail from Daniel Hammel, received 5/27/2020.  
 13 #INV3 Memorandum re interview with Dana Woods, 9/9/2020.  
 14 #INV4 Declaration of Tom Ashmore, dated 5/5/2020.  
 15 #INV5 Declarations of Dave Jacobs, David Peters, Bob Delaney, Dick Schaffeld,  
 16 and Diana Bailey.  
 17 #INV6 Declaration of Thomas C. Peachey, dated 5/12/2020.  
 18 #INV7 Memorandum re interview with Fire Chief Robert Palmer, 8/13/2020.  
 19 #INV8 Memorandum re interview with Board President Dave Jacobs, 8/19/2020.  
 20 #INV9 Memorandum re interview with Union President Eric Blumenthal,  
 21 9/21/2020.  
 22 #INV10 Memorandum re interview with Division Chief David Jensen, 9/25/2020.

PREPARED BY *Susan V. Myers* 10-28-2020  
 Susan Myers Date  
 Investigator

APPROVED BY *[Signature]* 10/29/2020  
 Ronald A. Bersin Date  
 Executive Director

REVIEWED BY *approved via email* 10-28-2020  
 Joshua Nasbe Date  
 Assistant Attorney General





# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

September 10, 2020

Sent via email and USPS

John Van Winkle, HR Director  
City of Roseburg  
900 SE Douglas  
Roseburg, OR 97470

Staff Advice No. 20-2031

Dear Mr. Van Winkle:

This letter of advice is provided in response to your request received on September 9, 2020 which presented a question regarding the receipt by City employees of donations for personal losses due to the wildfire. This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

A City Police Officer, as a result of recent wildfires, suffered personal property losses and members of the public may want to donate items (food, clothing, housing support, cash, etc.) to show support and assist the officer and his family.

You ask how Government Ethics law may apply to the Officer's receipt of these donations and whether the City may participate in publicizing the Officer's need or in handling the donations. As to the City's sponsorship of a donation collection effort, the Commission has no jurisdiction over how the City spends its funds or allocates its resources. Many public agencies have policies that address events or programs sponsored by the agency, so there may be considerations internally.

An individual public official, including any City employee, is limited to receiving certain gifts. In relevant part, a gift is something of economic value offered to public officials (and relatives/household members) which is not offered to others who aren't public officials on the same terms and conditions. [ORS 244.020(7)(a)]

A public official is allowed to receive some gifts without limit but other gifts may be limited by amount. The determinative factors in applying the gift limit are: the source of the gift and whether the source has a financial interest distinct from that of the general public in matters subject to the official's decisions or votes. [ORS 244.020(10) and 244.025]



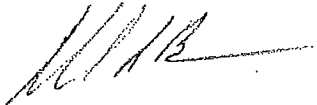
John Van Winkle  
September 10, 2020  
Page 2

A public official would be limited to accepting no more than \$50 per calendar year in gifts if the source of the gift had a financial interest distinct from that of the general public in matters subject to the official's decisions or votes. For example, if a Police Officer had supervisory responsibilities over other employees, the Officer would be prohibited from accepting any gift over \$50 from a subordinate because the subordinate would have an economic interest in matters subject to the Officer's decisions on employment reviews, salaries, promotions, overtime assignments, etc. In addition, the parties to court cases in which the Police Officer was involved would have an economic interest distinct from that of the general public in the Officer's official decisions, and thus any gifts from such sources would be limited to \$50 per calendar year as well. [ORS 244.025]

On the other hand, if the source of a gift has no economic interest distinct from the general public in the Police Officer's official decisions, then the Officer and their relatives and household members would not be subject to the \$50 gift limit from those sources. As you can see, it is vital that the donations not be anonymous and that the fair market value of the donations be known so the receiving public official can assess whether they are able to accept the gift with or without limit.

If you have any additional questions regarding the application of Oregon Government Ethics law please feel free to contact me directly.

Sincerely,



Ronald A. Bersin  
Executive Director

RAB/dg

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

**From:** [HUNTER David \\* OGEC on behalf of OGEC Mail \\* OGEC](#)  
**To:** [GOULD Diane \\* OGEC](#)  
**Subject:** FW: Request for informal advice  
**Date:** Thursday, September 10, 2020 1:50:28 PM  
**Attachments:** [image001.png](#)

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David R Hunter  
Oregon Government Ethics Commission  
3218 Pringle Rd SE STE 220  
Salem OR 97302-1680  
Direct 503-378-5105  
Fax 503-373-1456

---

**From:** John D. Van Winkle <[JVanWinkle@cityofroseburg.org](mailto:JVanWinkle@cityofroseburg.org)>  
**Sent:** Wednesday, September 09, 2020 3:35 PM  
**To:** OGEC Mail \* OGEC <[OGEC.Mail@oregon.gov](mailto:OGEC.Mail@oregon.gov)>  
**Subject:** Request for informal advice

Good Afternoon Ethics Commission Staff,

I would like to request informal advice regarding donations to City employees impacted by current wildfires.

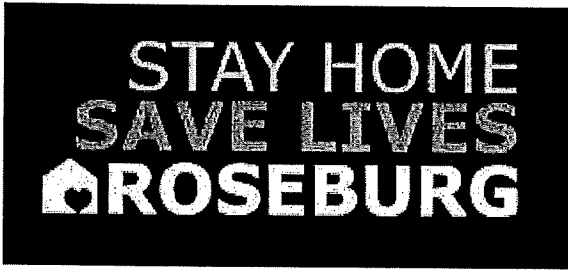
We have a City Police Officer that may have lost his home in a wildfire currently ongoing in the area. There is the potential that members of the community would want to donate items (food, clothing, housing support, cash, etc.) to show support and assist the officer and his family. Questions:

- What are the ethics implications of the Officer accepting that kind of aid?
- What are the ethics implications of the City participating in or publicizing that kind of donation collection?
- Would a determination need to be made whether each individual donor has a legislative or administrative interest in the employee's decisions?
- If so, would the "gift" limit of \$50 value apply for each donation?
- Any other items we need to consider?

Thank you,

John VanWinkle  
Human Resources Director  
City of Roseburg  
900 SE Douglas  
Roseburg, OR 97470  
541 492 6866  
[jvanwinkle@cityofroseburg.org](mailto:jvanwinkle@cityofroseburg.org)

[www.cityofroseburg.org](http://www.cityofroseburg.org)



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# Oregon

Kate Brown, Governor

## Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

Email: [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov)

Website: [www.oregon.gov/ogec](http://www.oregon.gov/ogec)

October 21, 2020

Rebecca Hillyer, JD  
General Counsel  
Chemeketa Community College  
4000 Lancaster Dr. NE  
Salem, OR 97309-7070

RE: Advice Number 20-2201

Dear Ms. Hillyer:

This letter of advice is provided in response to your request received on October 21st, 2020, which presented a question regarding the application of the Oregon Government Ethics law to Chemeketa Community College (Chemeketa) offering employees reduced tuition with colleges and/or universities. This analysis and advice is being offered under the authority provided in Oregon Revised Statute (ORS) 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

Chemeketa wants to promote and encourage employees to be lifetime learners and seek professional development. Chemeketa is looking into ways to provide education opportunities for its employees at a reduced tuition.

Your question to us: "Is it an ethical violation for Chemeketa Community College; a public two-year college, to negotiate a reduced tuition rate for all Chemeketa employees at one or more colleges and/or universities to encourage college employees to pursue professional development and potentially degrees at all levels, which in turn will benefit the college's labor force as well as the employee?" There is no provision in Oregon Government laws that limits or restricts a public body such as Chemeketa from offering their employees a financial benefit. The statutes in ORS Chapter 244, however, do apply to a public official's receipt of a financial benefit from their employer.

ORS 244.040(1) states that public officials may not use, or attempt to use, their official position or office to obtain financial gain or avoid a financial detriment if the financial gain or avoidance of detriment would not be available **but for** the public official's holding of the official position or office. An exception allows public officials to accept any part of their official compensation. [ORS 244.040(2)(a)]



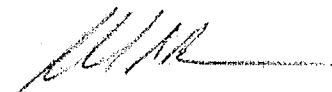
Rebecca Hillyer, JD  
October 21, 2020  
Advice Number 20-2201  
Page 2

In order for a public official to accept a benefit from the public body they serve, it must be formally adopted as an element of their official compensation package, otherwise it may be prohibited under ORS 244.040. An "official compensation package" means the wages and other benefits provided to the public official. To be a part of the public official's "official compensation package", the wages and benefits must have been specifically approved by the public body, in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. "Official compensation package" also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies. [OAR 199-005-0035(3)]

In summary, Chemeketa is able to offer discounted tuition to colleges and/or universities to their employees and the employees are able to accept it as long as it is a part of their official compensation package. If this new benefit is made part of an official compensation package, there could be conflict of interest issues for any Chemeketa employee who would be involved in the formal adoption process if they are also recipients of the benefit. If so, we are available to provide guidance and advice on how to comply with the conflict of interest disclosure and disposition requirements of ORS 244.120.

Please feel free to contact me directly if you need help in the future with this or any other application of Oregon Government Ethics law.

Sincerely,



Ronald A. Bersin  
Executive Director

RAB/BM

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.



**From:** [HUNTER David \\* OGEC](#) on behalf of [OGEC Mail \\* OGEC](#)  
**To:** [MATSON Becky \\* OGEC](#)  
**Subject:** FW: Request a Staff Opinion  
**Date:** Wednesday, October 21, 2020 8:16:17 AM

---

Hard Copy on your desk.

Thanks

David R Hunter  
Oregon Government Ethics Commission  
3218 Pringle Rd SE STE 220  
Salem OR 97302-1680  
Direct 503-378-5105  
Fax 503-373-1456

**From:** Rebecca Hillyer <[rebecca.hillyer@chemeketa.edu](mailto:rebecca.hillyer@chemeketa.edu)>  
**Sent:** Tuesday, October 20, 2020 5:03 PM  
**To:** OGEC Mail \* OGEC <[OGEC.Mail@oregon.gov](mailto:OGEC.Mail@oregon.gov)>  
**Subject:** Request a Staff Opinion

**Greetings:**

By way of introduction, I am Rebecca Hillyer, general counsel for Chemeketa Community College in Salem, Oregon.

I have an ethics question I would like to get a Staff Opinion on. The question is set forth below:

**BACKGROUND:** Chemeketa Community College values education and wants to promote and encourages its employees to be lifetime learners and seek professional development. To that goal, Chemeketa would like to explore opportunities with colleges and or universities to provide educational opportunities for Chemeketa employees at a reduced tuition. The individual employee would be responsible to pay their discounted tuition. It is the sincere hope that many employees, both faculty and staff, would take advantage of the reduced tuition to pursue bachelor and graduate degrees, which would in turn advance the education level of the labor force at Chemeketa.

**ISSUE:** Is it an ethics violation for Chemeketa Community College, a public two-year college, to negotiate a reduced tuition rate for all Chemeketa employees at one or more colleges and/or universities to encourage college employees to pursue professional development and potentially degrees at all levels, which in turn will benefit the college's labor force as well as the employee?

Thank you in advance for your time and attention to this request.

Rebecca L. Hillyer, JD  
General Counsel  
Chemeketa Community College  
4000 Lancaster Dr. NE  
Salem, Oregon 97309-7070  
503.399.8677

*(pronouns: she, her, hers)*

*Warning!* Do not read, copy or disseminate this communication unless you are the intended addressee. This e-mail contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call me immediately at 503.399.8677 and identify yourself as a misdirected e-mail caller. Thank you.

## Trainers' Report Friday, November 6, 2020

This report covers the time period of September 19, 2020, through November 6, 2020.

### Completion of training:

- Lane County Fair Board – ORS 244 (On-line)
- Johanna Dillard – Conflicts of Interest – ORS 244 (On-line)
- Ken Dragoon – Lobby Law – Monthly Webinar – ORS 171 (On-line)
- Jackson County (two sessions) – ORS 244 (On-line)
- Portland Metro – ORS 244 & ORS 192 (On-line)
- Gilliam County – ORS 244 (On-line)
- Oregon Association of School Business Officials Conference – ORS 244 (On-line)
- Oregon Liquor Control Commission – 1<sup>st</sup> of 4 Sessions – ORS 244 (On-Line)

### Upcoming Trainings:

<u>Date</u>	<u>Time</u>	<u>Public Body (Topic)</u>	<u>Address</u>
11/12/20: 2 <sup>nd</sup> Session 11/18/20 3 <sup>rd</sup> Session: 11/19/20: 4 <sup>th</sup> Session	2:00 – 3:30 p.m.	OR Liquor Control Commission (ORS 244)	On-line Webinar - Adobe Connect
11/23/20	TBD	Silver Falls School District (TBD - ORS 244 & 192)	On-line Webinar - Adobe Connect
12/17/20	9:00 – 11:00 a.m.	Portland Metro (ORS 244)	On-line Webinar - Adobe Connect
TBD <i>Reschedule</i>	TBD	Amity Fire District (ORS 244)	Amity Fire District 700 Trade Street Amity, Oregon 97101
TBD <i>Reschedule</i>	TBD	Hood River County HOSTED (ORS 244)	TBD
TBD <i>Reschedule</i> (5 Sessions)	TBD	City of Medford (ORS 244)	TBD

**Upcoming Conferences:**

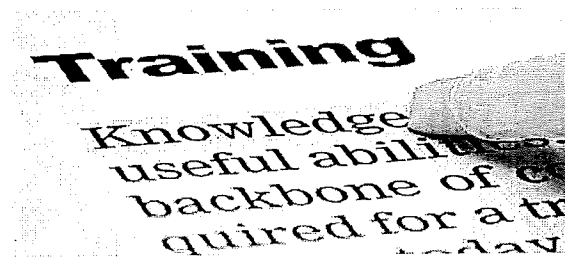
5/19/2021: 1 <sup>st</sup> Session 5/26/2021: 2 <sup>nd</sup> Session (Two Sessions)	TBD	DAS – Enterprise Goods & Services Dept. Convention (ORS 244)	Winema Place 4001 Winema Place NE Salem, Oregon 97301
TBD <i>Reschedule</i>	TBD	Oregon Public Purchasing Association (OPPA) Fall Conference	TBD

Training Staff:

Monica Walker  
 Becky Maison

503-378-2011  
 503-378-6802

[monica.walker@oregon.gov](mailto:monica.walker@oregon.gov)  
[becky.maison@oregon.gov](mailto:becky.maison@oregon.gov)



# NOVEMBER 2020

## Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
2	3	4 New Employees: you're a public official, now what! 10:00 - 11:00 AM	5	6 COMMISSION MEETING
9	10 Gifts 2:00 – 3:00 PM	11 HOLIDAY	12	13
16	17	18 Lobby Law 10:00 – 11:00 AM	19	20
23	24 U/O & Conflicts of Interest 10:00 – 11:00 AM	25 Executive Session 2:00 – 3:00 PM	26 HOLIDAY	27 HOLIDAY
30	Dec. 1	Dec. 2	Dec. 3	Dec. 4
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">                     Email <a href="mailto:ogec.training@oregon.gov">ogec.training@oregon.gov</a> to register for a webinar.                 </div>				

# DECEMBER 2020

## Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
	1 New Employees: you're a public official, now what! 2:00 – 3:00 PM	2	3 Gifts 10:00 – 11:00 AM	4
7	8	9	10 Executive Session 10:00 – 11:00 AM	11
14	15 Lobby Law 2:00 – 3:00 PM	16	17	18 COMMISSION MEETING
21	22 U/O & Conflicts of Interest 2:00 – 3:00 PM	23	24	25 HOLIDAY
28	29	30	31	Jan. 1 HOLIDAY

Email [ogec.training@oregon.gov](mailto:ogec.training@oregon.gov) to register for a webinar.

## Executive Director's Report

November 6, 2020

- Budget
  - 2019-21 biennial budget
    - DAS collecting on past due assessment invoices.
    - Currently \$194,265.76 surplus projected.
    - Currently, no reduction in funds from COVID-19. Only expenses other than computer hardware is PPE.
    - Agency bought one additional hardware (Laptop) for teleworking.
    - Agency 2021-23 Agency Request Budget was submitted to Chief Budget Office. Total requested budget \$3,329,862 using savings of \$279,174, requesting only \$3,050,688 in revenues.
    - DAS informed agencies that there may be fund sweeps that will take place for 2021-23 biennial budget.
- SEI
  - Currently calling non-filers to reduce penalty accruals.
  - Only 2 current filers have not filed. Staff continues to attempt to contact them.
- Audit
  - Performance Audit continues for the agency.
  - Field work completed on Audit.
  - Projected completion of Audit is January 2021.
- Other
  - Agency continues to use all resources to prevent the spread of COVID-19 to its employees.
  - Court of Appeals Affirmed without Opinion (AWOP) Raussen.
  - 1 Lobbyist and 2 Clients have not filed for 3rd quarter 2020.
  - By December meeting, the agency should have Governor's Recommended Budget, and all LCs.

IN THE COURT OF APPEALS OF THE STATE OF OREGON

JAMES RAUSSEN,  
Petitioner,

v.

GOVERNMENT ETHICS COMMISSION,  
Respondent.

Oregon Government Ethics Commission  
16152EMS

A169815

Argued and submitted on September 02, 2020.

Before Ortega, Presiding Judge, and Shorr, Judge, and Powers, Judge.

Attorney for Petitioner: Vin Eden.

Attorney for Respondent: Denise G. Fjordbeck.

**AFFIRMED WITHOUT OPINION**

---

**DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS**

Prevailing party: Respondent

No costs allowed.  
 Costs allowed, payable by

---



OREGON GOVERNMENT ETHICS COMMISSION  
 AY21 CASH FLOW  
 AS OF 09/30/20 September

Appn 30000 - Admin - PCA 41501						Appn 70000 - GF - PCA 00501				
	Beginning Cash Balance	Actuals To Date	Actuals + Projected	2019-2021 LAB	Variance	Actuals To Date	Actuals + Projected	2019-2021 LAB	Variance	
<b>REVENUE</b>										
0415 ADMINISTRATIVE AND SERVICES CHARGES		2,708,717.66	3,095,717.66	2,958,949.00	(136,768.66)	56,348.87	74,738.87	50,000.00	(44,738.87)	
0505 FINES AND FOREFEITS		293.50	293.50		(293.50)				0.00	
0975 OTHER REVENUE										
<b>Total Revenue</b>		<b>2,709,011.16</b>	<b>3,096,011.16</b>	<b>2,958,949.00</b>	<b>(137,062.16)</b>	<b>56,348.87</b>	<b>74,738.87</b>	<b>50,000.00</b>	<b>(44,738.87)</b>	
<b>TRANSFERS</b>										
2010 TRANSFER OUT TO OTHER FUNDS					0.00				0.00	
1107 TRANSFER IN FROM DEPT OF ADMIN SVCS					0.00				0.00	
<b>Total Transfers</b>					<b>0.00</b>				<b>0.00</b>	
<b>PERSONAL SERVICES</b>										
3110 CLASS/UNCLASS SALARY & PER DIEM		748,701.25	1,230,792.96	1,205,832.00	(24,960.96)				0.00	
3160 TEMPORARY APPOINTMENTS				484.00	484.00				0.00	
3170 OVERTIME PAYMENTS				0.00	0.00				0.00	
3190 ALL OTHER DIFFERENTIAL				(13,988.00)	(13,988.00)				0.00	
3210 ERB ASSESSMENT		266.76	435.24	488.00	52.76				0.00	
3220 PUBLIC EMPLOYEES' RETIREMENT SYSTEM		138,248.14	229,379.41	201,575.00	(27,804.41)				0.00	
3221 PENSION BOND CONTRIBUTION		42,104.34	69,130.45	67,960.00	(1,170.45)				0.00	
3230 SOCIAL SECURITY TAX		57,142.19	94,237.42	92,282.00	(1,955.42)				0.00	
3250 WORKERS' COMPENSATION ASSESSMENT		223.80	351.78	522.00	170.22				0.00	
3260 MASS TRANSIT		4,512.88	7,405.43	7,238.00	(167.43)				0.00	
3270 FLEXIBLE BENEFITS		168,402.92	277,132.79	316,656.00	39,523.21				0.00	
3465 RECON ADJUSTMENT				(6,994.00)	(6,994.00)				0.00	
<b>Total Personal Services</b>		<b>1,159,602.28</b>	<b>1,908,865.49</b>	<b>1,886,043.00</b>	<b>(36,810.49)</b>				<b>0.00</b>	
<b>SERVICES AND SUPPLIES</b>										
4100 INSTAITE TRAVEL		3,813.33	10,113.33	19,627.00	9,513.67				0.00	
4125 OUT-OF-STATE TRAVEL				7,349.00	4,572.76				0.00	
4150 EMPLOYEE TRAINING		1,876.24	2,776.24	20,826.00	8,220.05				0.00	
4175 OFFICE EXPENSES		6,755.95	12,605.95	19,434.00	5,722.76				0.00	
4200 TELECOMM/TECH SVC AND SUPPLIES		11,635.24	13,711.24	57,866.00	19,868.00				0.00	
4225 STATE GOVERNMENT SERVICE CHARGES		34,978.84	38,018.00	97,706.00	56,906.19				0.00	
4250 DATA PROCESSING		40,799.81	40,799.81	1,062.00	576.79				0.00	
4275 PUBLICITY & PUBLICATIONS		86.96	485.21	9,867.00	2,840.81				0.00	
4300 PROFESSIONAL SERVICES		3,326.02	7,026.19	323,595.00	20,195.00				0.00	
4315 IT PROFESSIONAL SERVICES		237,250.00	303,400.00	248,450.00	(31,160.10)				0.00	
4325 ATTORNEY GENERAL LEGAL FEES		186,287.96	279,310.10	2,578.00	2,578.00				0.00	
4375 EMPLOYEE RECRUITMENT & DEVELOPMENT				467.00	101.85				0.00	
4400 DUES AND SUBSCRIPTIONS		190.00	365.14	98,085.00	6,674.28				0.00	
4425 FACILITIES RENT & TAXES		56,533.74	91,410.72	794.90	(794.90)				0.00	
4575 AGENCY PROGRAM RELATED SVCS & SUPP		794.90	794.90	164,119.00	112,201.67				0.00	
4650 OTHER SERVICES AND SUPPLIES		45,964.97	51,917.33	7,896.00	6,803.23				0.00	
4700 EXPENDABLE PROPERTY \$250-\$5000		1,092.77	1,092.77						0.00	
4715 IT EXPENDABLE PROPERTY		7,731.82	7,731.82		(7,731.82)				0.00	
<b>Total Services and Supplies</b>		<b>639,118.55</b>	<b>861,558.75</b>	<b>1,078,642.00</b>	<b>217,088.25</b>				<b>0.00</b>	
5900 OTHER CAPITAL OUTLAY										
<b>TOTAL EXPENDITURES</b>		<b>1,798,720.83</b>	<b>2,770,424.24</b>	<b>2,964,690.00</b>	<b>194,265.76</b>				<b>0.00</b>	
<b>Ending Cash Balance*</b>		<b>1,620,627.01</b>	<b>1,035,923.60</b>			<b>56,348.87</b>	<b>74,738.87</b>			

\*Outstanding Revenue Invoices not taken into consideration, See Appn Tabs

