



Oregon Government Ethics Commission

Commission Meeting Materials

June 13, 2025



OREGON GOVERNMENT ETHICS COMMISSION

Meeting Minutes

May 9, 2025

9:00 a.m.

Chair Dave Fiskum and Jonathan Thompson were present in person. Commissioners Shenoa Payne, Alicia McAuley, Ann Metler, Richard Burke, Peter Janci, and Dan Mason were present via Teams.

Executive Director Susan Myers, Compliance & Enforcement Coordinator Casey Fenstermaker, Curriculum & Education Coordinator Stephanie Heffner, Agency Programs Administrator Becky Maison, Accountability Coordinator Molly Putnam, Investigators Andrew McIntyre, Daniel Pacheco, Josh Sullivan and Lian Gallaver, and Trainer Lex Tingey were present in person. Trainer Charlie Esparza and Admin Staff David Hunter were present via Teams.

Department of Justice (DOJ) Counsel Sean Brady was present in person.

Members of the Press: Dianne Lugo (Statesman Journal), Whitney Woodworth (Statesman Journal), Jamie Goldberg (Oregonian), KOIN, Anastasia Mason (Statesman Journal), Aimee Green (Oregonian) and Mia Maldonado (Oregon Capital Chronicle) were present via Teams. Sophie Peel (Willamette Week) and Lauren Dake (OPB) were present in person.

(File 1)

Chair Dave Fiskum called the meeting to order at 9:01 a.m.

AGENDA ITEM 1, Comments from the Chair, Chair Fiskum shared the attendance and location of the Commissioners and noted the absence of Commissioner Iván Resendiz-Gutierrez. Chair Fiskum introduced the newest Commissioner, Peter Janci.

AGENDA ITEM 2, Comments from Commissioners. None.

AGENDA ITEM 3, Commissioner Payne moved that the Commission approve the Meeting Minutes for April 25, 2025. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

CONSENT CALENDAR [12]

Lobbyist Penalty Correspondence
Lobbyist Client Penalty Correspondence
SEI Correspondence
None.

End of Consent Calendar

Lobbyist Penalty Correspondence
Lobbyist Client Penalty Correspondence
SEI Penalty Correspondence
None.

STIPULATED FINAL ORDERS [12]

Consent Calendar

None.

End of Consent Calendar

STIPULATED FINAL ORDERS

Civil Penalties

AGENDA ITEM 4, 23-067ESM, Steve Marks

Former Executive Director, Oregon Liquor and Cannabis Commission

Recommended Penalty/Sanction: \$500

Respondent Marks and Attorney Bob Steringer were present via Teams. Executive Director Myers summarized the terms of the stipulated final order. Commissioner Payne asked a question regarding the penalty matrix and discretion of 1-20%. Executive Director Myers responded that all cases of similar nature were treated equally. Commissioner Mason asked a question regarding the value of the bottle of liquor. Director Myers responded, in Oregon the bottle is \$329.95, if one can find it. Only 6 states allow direct shipment, the closest of which is Nebraska. This made determining the value of the liquor difficult. Mr. Steringer addressed the Commission and sought consistency based on previous matters. He advised the practice predates Marks' employment, and Marks did pay \$329.95 for bottle, and therefore, did not get it for free. Steringer wanted it

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noted that the \$500 penalty is more than the value of the bottle. Marks announced he was present and advised he would leave the remarks to his attorney.

Sophie Peel from Willamette Week joined in person.

Commission continued the discussion. OLCC staff were not part of the lottery, rather reserve stock was made available to them before it was made available to the public. Commissioner Burke commented on OGE's mission of education and stated that Marks has suffered political embarrassment and has learned a lesson. Burke urged approval of the Stipulated Final Order. Chair Fiskum commended staff for bringing OLCC cases to completion. He stated he believes that an Agency Director has a higher responsibility to comply with Ethics Law. Commissioner Payne asked what happens if the Stipulated Final Order doesn't pass. Director Myers responded that it could go back to negotiations. Commissioner Mason thanked Myers for the clarification and asked that Commission reject the Stipulated Final Order and go back to negotiations.

Commissioner Mason moved that the Commission not approve the Stipulated Final Order. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, nay; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 7-1.

Director Myers acknowledged that the Commission can deviate from the penalty matrix and asked the Commission if they have an amount they would like her to propose. Chair Fiskum was inclined to leave it up to Director Myers. Commissioner Payne asked Director Myers not to deviate but to go higher in the 1%-20% range.

AGENDA ITEM 5, 23-128ESM, 23-145ESM, 23-222ESM, Shemia Fagan
Former Secretary of State, Office of the Secretary of State

Recommended Penalty/Sanction: \$1,600 and Letter of Education

Respondent Fagan and attorney David Elkanich were present in person. Chair Fiskum welcomed the respondent. Director Myers summarized the terms of the stipulated final order. Myers noted the cases predate current investigative staff. Commission investigators took over in December 2024

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when the investigations were reactivated. Myers summarized the cases and their focus.

23-128ESM focused on a conflict of interest and a prohibited use of office with a possible violation of ORS 244.040(1) relating to entering a contract with Veriede.

23-145ESM focused on omitting information for Question 7 from 2022 and 2023 Statements of Economic Interest.

23-222ESM focused on a possible violation of ORS 244.040 for travel reimbursements with family and pet.

Aimee Green from the Oregonian joined online.

Director Myers explained that in case No. 23-145ESM, the sanction of a letter of education was in keeping with what the Commission has done in other SEI filing cases. In case No. 23-145ESM, the penalty matrix comes out to a 4 or between 1-20% of the maximum penalty. The recommended penalty was \$1,100, which is roughly equivalent to the amount of reimbursement Fagan received. On case No. 23-128ESM, Chair Fiskum asked for clarification on page 38 of the report regarding the commission finding violation of ORS 244.040 for private employment. Director Myers clarified that in a stipulation, parties must agree to facts but can disagree as to whether those facts amount to a violation. Commissioner Payne asked for clarification of the factors that weigh both for and against finding a violation. Payne advised she would not find a violation based on the facts presented and would vote for a further reduction.

Commissioner Mason stated that he did a search on Secretary of State website and wanted to know why the investigators left donation information off their report. The owners of the cannabis company donated to the Fagan's campaign. Director Myers clarified that donations to a PAC are not a gift to an individual. Also, prior to 2/24/23, the entity (Veriede) was not a business with which she was associated and its owners were not relatives or household members. So the donations to the PAC did not result in any violation of Oregon Ethics laws.

Attorney David Elkanich introduced Shemia Fagan. Fagan addressed the Commission. She stated that she made mistakes and had poor judgment. She expressed remorse and said that she would accept any fine that the

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Commission imposed upon her. Elkanich thanked the Commission for hearing what Fagan had to say. He stated that Fagan has had time to reflect upon her actions and is ready to accept accountability for her actions.

Director Myers stated she wanted to address Commissioner Payne's comments about private employment. Director Myers stated that there may be disagreements with the issues in the case involving private employment, but was easier to resolve all the issues at one time rather than to drag the case out longer.

Commissioner Thompson stated that the respondent is more than an executive director of an agency. He is happy with the negotiations and is prepared to support the terms.

Commissioner Mason stated while he is sympathetic with what Fagan has gone through, she is the maker of what she has gone through. He said the use of office to gain employment is straightforward and if one goes back to the original issue, it shows an unwillingness to cooperate because she did not want written advice when offered originally. He disagreed with Commissioner Payne and stated the Commission should go back to the drawing board and think of the public interest and do better with the penalties.

Commissioner Metler echoed Commissioner Mason's comments. She appreciated Fagan's willingness to be accountable but thought that there should be more as her position was a top position in the State.

Commissioner Burke wanted to commend Fagan on her willingness to accept responsibility, unlike some respondents. He stated that he agrees with Commissioner Mason and that this issue is more than her willingness to be remorseful as this is a statewide elected position. The Commission needs to send a signal to the public that these violations will be taken seriously.

Chair Fiskum commended Fagan and Elkanich for their comments. Chair Fiskum noted the statutory deadlines. He stated that he had concerns about 23-128ESM and thought the penalty was too low because of her

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position, as her position should be held to a higher standard. He urged the Commission to reject the staff recommendation.

Director Myers explained that the Commission can deviate from the penalty matrix but cannot impose penalties on things that are not violations of the laws in OGE's jurisdiction. In 23-128ESM, there was the one question and possible violation – did Fagan get the job because of her position? Director Myers also stated that the Commission is short on time with the cases and that the Commission could amend the amount and if agreed to, vote on a revised stipulation today. Director Myers stated if an agreement could not be reached today, the Commission would need to hold a special meeting to meet statutory deadlines.

Commissioner Thompson moved that the Commission reject the proposed stipulated final order. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

Commission Staff, Elkanich, and Fagan exited to a smaller conference room to renegotiate terms of the stipulated final order.

DEFAULT FINAL ORDERS

None.

REPORTS OF INVESTIGATIONS

AGENDA ITEM 6, 23-071EHM, Boba Subasic

Former Chief Information Officer, Oregon Liquor and Cannabis Commission
Item 6 was pulled from the agenda and time will be waived. Item will be presented at a future meeting.

The Commission recessed for a break from 10:33 a.m. – 10:44 a.m.
(File 2)

STIPULATED FINAL ORDERS, continued

AGENDA ITEM 5, continued

Recommended Penalty/Sanction: \$3,600 and Letter of Education

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Director Myers explained the basis for the revised penalty amounts. Elkanich confirmed their interpretation of the stipulated final order and penalties. The penalties consist of:
23-128ESM now \$2,500 instead of \$500
23-145ESM Letter of Education
23-222ESM \$1,100

Commissioner Payne moved that the Commission approve the amended proposed stipulated final order with amended amount of \$3,600 as the final order in these matters and the chairperson be authorized to sign it as such. Roll call was taken as follows: Mason, nay; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 7-1.

Chair Fiskum read the executive session script providing the statutory provisions for the executive session to discuss preliminary review reports and the announcement to the media.

The Commission convened into Executive Session at 10:52 a.m.
(File 3)

EXECUTIVE SESSIONS

To consider Preliminary Reviews pursuant to ORS 192.660(2)(f), ORS 244.260(4)(d), ORS 171.778(4)(d), and ORS 192.685(1).

EXECUTIVE SESSION CONSENT CALENDAR [12]

Reports of Preliminary Review

AGENDA ITEM 11, 25-223PCF, Nicole Harden
Councilor, City of Lakeside

AGENDA ITEM 12, 25-224PCF, Alan Pointer
Councilor, City of Lakeside

AGENDA ITEM 13, 25-225PCF, Elaine Armstrong
Councilor, City of Lakeside

AGENDA ITEM 14, 25-235PCF, Tim Brown
President, Terrebonne Sanitary District

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Compliance & Enforcement Coordinator Fenstermaker recommended dismissal as complainants did not meet the grievance process and that the cases are a part of a consent calendar.

Commissioner Payne moved that the Commission approve the Executive Session Consent Calendar as presented to the Commission. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

End of Executive Session Consent Calendar (*all other items removed from the consent calendar for discussion*)

OTHER ITEMS

Reports of Preliminary Review (*removed from consent calendar*)

City of Johnson City (case 1)

AGENDA ITEM 15, 25-072PLG, Rex Trullinger

Former Mayor, City of Johnson City

AGENDA ITEM 16, 25-074PLG, Vincent Whitehead

Councilor, City of Johnson City

AGENDA ITEM 17, 25-075PLG, Randy Anderson

Councilor, City of Johnson City

AGENDA ITEM 18, 25-076PLG, Angie Long

Councilor, City of Johnson City

AGENDA ITEM 19, 25-077PLG, Margaret McCrea

Councilor, City of Johnson City

Confidentiality was waived and the cases were heard together.

Respondents McCrea, Whitehead and Long were present via Teams. All other Respondents were not present. Whitehead had technical difficulties presenting to the Commission. There were some technical difficulties for McCrea and Whitehead unmuting and connecting also via telephone.

Investigator Gallaver summarized the cases and the recommendation to move to investigation based on the alleged violation of ORS 192.670(3) as the City Councilor previously provided access to meetings via Zoom. Long addressed the Commission and stated that she was under the impression that all attendees could call in and attend their meeting via telephone.

McCrea explained that the Zoom set up was done by Judy Davis but she

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became sick and that was why they lost the ability to set up Zoom.

AGENDA ITEM 15, 25-072PLG, Rex Trullinger

Former Mayor, City of Johnson City

Commissioner Payne moved that the Commission find there is a substantial, objective basis for believing that Rex Trullinger may have violated ORS 192.670(3), and that the Commission should investigate accordingly. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 7-0. No response from Burke.

AGENDA ITEM 16, 25-074PLG, Vincent Whitehead

Councilor, City of Johnson City

Commissioner Payne moved that the Commission find there is a substantial, objective basis for believing that Vincent Whitehead may have violated ORS 192.670(3), and that the Commission should investigate accordingly. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 7-0.

AGENDA ITEM 17, 25-075PLG, Randy Anderson

Councilor, City of Johnson City

Commissioner Payne moved that the Commission find there is a substantial, objective basis for believing that Randy Anderson may have violated ORS 192.670(3), and that the Commission should investigate accordingly. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 7-0.

AGENDA ITEM 18, 25-076PLG, Angie Long

Councilor, City of Johnson City

Commissioner Payne moved that the Commission find there is a substantial, objective basis for believing that Angie Long may have violated ORS 192.670(3), and that the Commission should investigate accordingly. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 7-0.

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AGENDA ITEM 19, 25-077PLG, Margaret McCrea

Councilor, City of Johnson City

Commissioner Payne moved that the Commission find there is a substantial, objective basis for believing that Margaret McCrea may have violated ORS 192.670(3), and that the Commission should investigate accordingly. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 7-0.

City of Johnson City (Case 2)

AGENDA ITEM 20, 25-120PLG, Vincent Whitehead

Mayor, City of Johnson City

AGENDA ITEM 21, 25-121PLG, Margaret McCrea

Councilor, City of Johnson City

AGENDA ITEM 22, 25-122PLG, Angie Long

Councilor, City of Johnson City

AGENDA ITEM 23, 25-123PLG, Rex Trullinger

Former Mayor, City of Johnson City

AGENDA ITEM 24, 25-124PLG, Randy Anderson

Councilor, City of Johnson City

Confidentiality was waived and the cases were heard together.

Respondents Whitehead, McCrea and Long were present via Teams. All other Respondents were not present. Investigator Gallaver explained the cases and advised the reason for dismissal was that the complainant did not timely satisfy the grievance procedure.

AGENDA ITEM 20, 25-120PLG, Vincent Whitehead

Mayor, City of Johnson City

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 21, 25-121PLG, Margaret McCrea

Councilor, City of Johnson City

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

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AGENDA ITEM 22, 25-122PLG, Angie Long

Councilor, City of Johnson City

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 23, 25-123PLG, Rex Trullinger

Former Mayor, City of Johnson City

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 24, 25-124PLG, Randy Anderson

Councilor, City of Johnson City

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

Reports of Preliminary Review

AGENDA ITEM 25, 25-133ECF, Erich Schoegl

Councilor, City of Grants Pass

Respondent was present via telephone. Compliance & Enforcement Coordinator Fenstermaker summarized the case and recommendation to move to investigation. Fenstermaker advised that public officials are not permitted to vote on or appoint a relative to a position that public official oversees. Schoegl interviewed and appointed his spouse to the Budget Committee in which the City Council oversees as the governing body. Schoegl addressed the Commission and advised that he felt his spouse would serve the Budget Committee well and that the way he interpreted the statute his spouse could be appointed and serve on the Committee as he did not see it as a conflict of interest. He says that he feels that he did not make a willful violation and that there was no counsel available at the time. Director Myers explained that before OGE had jurisdiction over Public Meetings Law, prior advice may have incorrectly taken a narrow definition of governing body in terms of application of ORS 244.177(3). Director Myers said she may seek to correct the prior advice with an advisory opinion in the near future. Commissioner Payne inquired if Schoegl had relied on the prior advice because she had concerns if he was relying on

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old advice. DOJ Counsel Brady confirmed that advice is specific to the requestor and the details provided in that situation. Fenstermaker confirmed that in the respondent and attorney's response there was no statement that they had relied on prior advice nor had they reached out to OGE for advice.

Commissioner Payne moved that the Commission find there is a substantial, objective basis for believing that Erich Schoegl may have violated ORS 244.177(1) and ORS 244.177(3), and that the Commission should investigate accordingly. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Janci, aye; Thompson, aye; Burke, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 26, 25-134EAM, Jake Huffman
Principal, Crook County High School, Crook County School District
Respondent was present via telephone. Investigator McIntyre summarized the case and the recommendation to move to investigation as the respondent was alleged to have used his position to financially benefit his private business. Huffman addressed the Commission and stated that he didn't know he needed to declare a conflict of interest and has since rented out space for his business.

Commissioner Payne moved that the Commission find there is a substantial, objective basis for believing that Jake Huffman may have violated ORS 244.040(1) and ORS 244.120(1)(c), and that the Commission should investigate accordingly. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Janci, aye; Thompson, aye; Burke, aye; Fiskum, aye. Motion passed 8-0.

(File 4)

Oregon Public Defense Commission (case 1)

AGENDA ITEM 27, 25-005PLG, Jennifer Nash

Chair, Oregon Public Defense Commission

AGENDA ITEM 28, 25-009PLG, Susan Mandiberg

Vice-Chair, Oregon Public Defense Commission

AGENDA ITEM 29, 25-010PLG, Adrian Smith

Councilor, Oregon Public Defense Commission

AGENDA ITEM 30, 25-011PLG, Alton Harvey Jr.

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Councilor, Oregon Public Defense Commission
AGENDA ITEM 31, 25-012PLG, Brook Reinhard

Councilor, Oregon Public Defense Commission
AGENDA ITEM 32, 25-013PLG, Floyd Prozanski

Councilor, Oregon Public Defense Commission
AGENDA ITEM 33, 25-014PLG, Jasmine Wright

Councilor, Oregon Public Defense Commission
AGENDA ITEM 34, 25-015PLG, Jennifer Parrish-Taylor

Councilor, Oregon Public Defense Commission
AGENDA ITEM 35, 25-016PLG, Paul Evans

Councilor, Oregon Public Defense Commission
AGENDA ITEM 36, 25-017PLG, Peter Buckley

Councilor, Oregon Public Defense Commission
AGENDA ITEM 37, 25-018PLG, Robert Harris

Councilor, Oregon Public Defense Commission
AGENDA ITEM 38, 25-019PLG, Tom Lininger

Councilor, Oregon Public Defense Commission
Confidentiality was waived and the cases were heard together.
Respondents Nash and Mandiberg were present via Teams. All other
Respondents were not present. Investigator Gallaver summarized the
cases and recommendations to dismiss. Respondents declined to make
comments.

Oregon Public Defense Commission

AGENDA ITEM 27, 25-005PLG, Jennifer Nash
Chair, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken
as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye;
Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 28, 25-009PLG, Susan Mandiberg
Vice-Chair, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken
as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye;
Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 29, 25-010PLG, Adrian Smith
Councilor, Oregon Public Defense Commission

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Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 30, 25-011PLG, Alton Harvey Jr.

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 31, 25-012PLG, Brook Reinhard

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 32, 25-013PLG, Floyd Prozanski

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 33, 25-014PLG, Jasmine Wright

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 34, 25-015PLG, Jennifer Parrish-Taylor

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 35, 25-016PLG, Paul Evans

Councilor, Oregon Public Defense Commission

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Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 36, 25-017PLG, Peter Buckley

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 37, 25-018PLG, Robert Harris

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 38, 25-019PLG, Tom Lininger

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

Oregon Public Defense Commission (case 2)

AGENDA ITEM 39, 25-142PJS, Jennifer Nash

Chair, Oregon Public Defense Commission

AGENDA ITEM 40, 25-146PJS, Susan Mandiberg

Vice-Chair, Oregon Public Defense Commission

AGENDA ITEM 41, 25-147PJS, Adrian Smith

Councilor, Oregon Public Defense Commission

AGENDA ITEM 42, 25-148PJS, Alton Harvey Jr.

Councilor, Oregon Public Defense Commission

AGENDA ITEM 43, 25-149PJS, Floyd Prozanski

Councilor, Oregon Public Defense Commission

AGENDA ITEM 44, 25-150PJS, Jasmine Wright

Councilor, Oregon Public Defense Commission

AGENDA ITEM 45, 25-151PJS, Jennifer Parrish-Taylor

Councilor, Oregon Public Defense Commission

AGENDA ITEM 46, 25-152PJS, Paul Evans

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Councilor, Oregon Public Defense Commission

AGENDA ITEM 47, 25-153PJS, Peter Buckley

Councilor, Oregon Public Defense Commission

AGENDA ITEM 48, 25-154PJS, Robert Harris

Councilor, Oregon Public Defense Commission

AGENDA ITEM 49, 25-155PJS, Tom Lininger

Councilor, Oregon Public Defense Commission

AGENDA ITEM 50, 25-178PJS, Brook Reinhard

Councilor, Oregon Public Defense Commission

AGENDA ITEM 51, 25-182PJS, Robert Selander

Councilor, Oregon Public Defense Commission

Confidentiality was waived and the cases were heard together.

Respondents Nash and Mandiberg were present via Teams. All other Respondents were not present. Investigator Sullivan summarized the cases and recommendations to dismiss. Respondents declined to make comments.

AGENDA ITEM 39, 25-142PJS, Jennifer Nash

Chair, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 40, 25-146PJS, Susan Mandiberg

Vice-Chair, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 41, 25-147PJS, Adrian Smith

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 42, 25-148PJS, Alton Harvey Jr.

Councilor, Oregon Public Defense Commission

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Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 43, 25-149PJS, Floyd Prozanski

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 44, 25-150PJS, Jasmine Wright

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 45, 25-151PJS, Jennifer Parrish-Taylor

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 46, 25-152PJS, Paul Evans

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 47, 25-153PJS, Peter Buckley

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 48, 25-154PJS, Robert Harris

Councilor, Oregon Public Defense Commission

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Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 49, 25-155PJS, Tom Lininger

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 50, 25-178PJS, Brook Reinhard

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 51, 25-182PJS, Robert Selander

Councilor, Oregon Public Defense Commission

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

City of Gervais

AGENDA ITEM 52, 25-105PLG, Brian Wagner

Mayor, City of Gervais

AGENDA ITEM 53, 25-106PLG, Diana Bartch

City Councilor, City of Gervais

AGENDA ITEM 54, 25-107PLG, Abby Fernandez

City Councilor, City of Gervais

AGENDA ITEM 55, 25-108PLG, Audra Geddes

City Councilor, City of Gervais

AGENDA ITEM 56, 25-109PLG, Jesse Geddes

City Councilor, City of Gervais

AGENDA ITEM 57, 25-110PLG, Petra Wright

City Councilor, City of Gervais

Confidentiality was waived and the cases were heard together. Respondent Wagner was present via Teams. All other respondents were not present. Investigator Gallaver summarized the cases and the recommendations to

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dismiss. Gallaver explained the January 13th meeting does not qualify as a meeting subject to Public Meetings Law as the councilors were being sworn in, and the other meeting in question was cancelled. Wagner had no additional comments.

AGENDA ITEM 52, 25-105PLG, Brian Wagner
Mayor, City of Gervais

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 53, 25-106PLG, Diana Bartch
City Councilor, City of Gervais

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 54, 25-107PLG, Abby Fernandez
City Councilor, City of Gervais

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 55, 25-108PLG, Audra Geddes
City Councilor, City of Gervais

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 56, 25-109PLG, Jesse Geddes
City Councilor, City of Gervais

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 57, 25-110PLG, Petra Wright
City Councilor, City of Gervais

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Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 58, 24-587LJS, Mark Jackson

Executive Director, REAP, Inc.

Respondent was present via telephone. Investigator Sullivan summarized the case and recommendation to dismiss as the complaint. Sullivan stated that based on the calculations provided by Jackson, he did not meet the time or monetary thresholds required to register as a lobbyist in Oregon. Jackson declined to address the Commission.

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

AGENDA ITEM 59, 25-135EDP, Christopher Barnett

Commissioner, Josephine County Commissioners

Respondent was present via telephone. Investigator Pacheco summarized the case and recommendation to dismiss. It does not appear that Barnett violated ORS Chapter 244 as proper declarations were made and his media company did not release any confidential information. Barnett stated the investigator did a thorough job and he had no additional comments.

Commissioner Payne moved to dismiss the complaint. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

Own Motion Preliminary Reviews
None.

Other Items
None.

(File 5)

The Commission reconvened into Public Session at 12:32 p.m.

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ADVISORY OPINIONS

AGENDA ITEM 7, 25-126A, Jayme Pierce, League of Oregon Cities, re: application of Government Ethics Law to a public body's provision of meals. Jayme Pierce, attorney for League of Oregon Cities, was present via Teams, and Scott Winkels, lobbyist for League of Oregon Cities, was present in person.

Director Myers summarized the Commission Advisory Opinion, which addresses how a public body's provisions of meals to staff would be analyzed under Oregon Government Ethics Law. The Commission Advisory Opinion was requested by the League of Oregon Cities after the City of Beaverton received advice on the same topic through an informational letter. Director Myers explained that the direct payment of meals by an employer such as city or public body would fall under the definition of official compensation. The Commission has historically stated that when you get something of value from your public body, it's analyzed under ORS 244.040 as a prohibited use of office, not as a gift. Director Myers advised that if a public body wants to provide meals to their staff, the body simply needs to establish a policy that permits it. That would make it part of their official compensation package, meaning they could accept it without violating ORS 244.040(1). Director Myers referenced a Department of Administrative Services policy on food and meals as an example.

Winkels addressed the Commission and called attention to an email from Chad Jacobs from Beery, Elsner which had been sent approximately 15 minutes before the Commission Meeting began. Director Myers and Chair Fiskum acknowledged the receipt of the email and said that it would be a part of the official record. Winkels brought up the use of office language in ORS 244.040 and asserted that none of the examples that LOC sought advice for involved public official's using their office. Winkels referenced a comment made by Director Myers regarding a case heard earlier in the meeting in which she used "did you create the opportunity" to describe the analysis process. Winkels stated that the advice appears to be a departure from previous interpretations. He pointed to examples in the Manual (which is believed to be a reference to the Commission's Guide for Public Officials) which demonstrate intentionality such as firefighters using their position to use their equipment.

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Pierce addressed the Commission and stated the draft of the advice errs in its conclusion. She highlighted three applicable statutes: the use of office, gift provisions, and definition of gift. She noted that there are 15 items are excluded from the definition of gift and four of those include food and beverages. She asserts that the intent of the Ethics Law is to prohibit public officials from using their official position for person gain. One concern is not applying the gift analysis to food and beverages provided by the public official's own public body. She argues that there is no precedent, legislative history or other information to support that interpretation. LOC notes that food and beverage could be incidental to an event and not provided as "valuable consideration." The finding that receipt of food and beverage from the public body to the employee is analyzed as a violation of ORS 244.040 appears to set precedent and that the statement that the receipt is being provided in exchange for consideration of services received is invalid and not accurate and not stated in ethics law or in legislation. She asserts that the assumption that compensation is the only possible categorization is contradictory to the definition of gift. She stated the conclusion should be reconsidered and rejected. She emphasized the use language in the prohibited use of office provision. She argued that the interpretation is contrary to legislative intent. She argued that under the interpretation, a city employee would not be able to accept cookies and water being provided by the public body and how that could be considered a violation of ethics law, but that the same city employee could accept food and beverage from a contractor looking to secure business with the city.

Commissioner Mason noted that Jayme Pierce did a very thorough job.

Director Myers stated the question is how the receipt of food from one's public body employer should be analyzed, under ORS 244.040 as a use of office or under ORS 244.025 and 244.020 as a gift. Director Myers notes that the Commission isn't making a determination as to whether or not there would be a violation or a use of office; that would be dependent on each individual case presented to us. Director Myers clarifies that the purpose of the opinion is to illustrate how the Commission will analyze situations involving food and beverage.

Chair Fiskum asked whether anything said during the discussion would give

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rise to a possible decision to hold off on issuing the decision. Director Myers explained the time period had previously been extended and there was only the option of issuing the opinion or not issuing the opinion.

Director Myers stated that the statements provided today did not change the way she perceived the interpretation and application of the law in this situation. She explained that the Commission had previously addressed situations such as the question addressed in the opinion, under the ORS 244.040 analysis.

Chair Fiskum asked if Director Myers would rewrite the analysis based on the information provided. Director Myers responded no. If a complaint came to the Commission, the Commission would look at whether the item of value was part of an official compensation package (i.e., whether the public body had a policy in place) and if not, did the employee use or attempt to use their position to obtain a financial gain or avoid a financial detriment.

Commissioner Mason stated that if Director Myers and DOJ Counsel still stands by the opinion, then he supports the opinion and it should be adopted. Commissioner Payne stated that it does not seem like a large burden for public bodies to adopt a compensation policy for employees to accept meals, etc. She advised that she was inclined to adopt it. Chair Fiskum added that he was inclined to adopt it as well.

Pierce stated that she appreciates that it seems simple for public bodies such as cities to adopt policies but in the example provided (referring to the Department of Administrative services), there is a whole other agency that can adopt policies on its behalf. Cities across the state don't have the same luxury. She advised that it is not so simple for cities, as conflict of interests come up or even changes in charters are required.

Winkels stated that he wanted to respond to the comment that it is not an insignificant burden. He advised that adding anything to compensation packages is not easy as they are mandatory subjects of bargaining, they are subject to pay equity and there are tax implications. Winkels stated that city attorneys are providing different opinions than what the Commission supports, and notes that public officials acting on advice of counsel are only subject to a letter of education pursuant to the statute.

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Commissioner Payne stated she had an additional question for Director Myers. She stated that the Commission has had issues with people coming before the Commission as they had voted on their own compensation packages. Director Myers walked through a hypothetical situation of a city councilor amending a compensation package and how it would be a potential conflict of interest because there is no guarantee that the city would provide food.

Commissioner Thompson stated that he would encourage folks to lobby the legislature if there is something they would change but he would support the opinion as it is written by the Executive Director and signed off on by DOJ Counsel.

Commissioner Payne moved the Commission adopt the Commission Advisory Opinion as presented to the Commission. Roll call was taken as follows: Mason, aye; McAuley, aye; Payne, aye; Metler, aye; Burke, aye; Janci, aye; Thompson, aye; Fiskum, aye. Motion passed 8-0.

Public Meetings Law Training Approval Letters
None.

Other Correspondence (non-action, informational only items)
None.

MISCELLANEOUS ITEMS

AGENDA ITEM 10, Executive Director's Report

Director Myers advised that the Budget Bill SB5522 had a work session at Ways and Means on Tuesday and today as well. The bill was given a do pass recommendation.

Director Myers advised we have two active bills that have work sessions next week.

The Statement of Economic Interest filing season is almost over. Staff have done a great job getting people filed. Lobbyists and Clients are down to low numbers for Quarter 1 for those that still need to file.

Meeting Adjourned 1:10 p.m.

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HUNTER David * OGEC

From: Em Droge (she/they) <Emily.Droge@oha.oregon.gov>
Sent: Monday, May 5, 2025 8:06 AM
To: OGEC Mail * OGEC
Subject: Late Quarterly Report Explanation

You don't often get email from emily.droge@oha.oregon.gov. [Learn why this is important](#)

Hello,

My name is Emily Droge, and I'm a registered Lobbyist for Oregon Health Authority. I was unable to submit my quarterly report in April 2025 because I was on protected leave (FMLA) for the dates 3/5/2025 – 5/2/2025. Given that I was on protected leave and not working, I'm hoping that there is a way to waive some or all of the accrued penalty of \$400.

Please let me know if you have any additional questions or if additional information is needed to waive the penalty.

Thank you,
Em

Em Droge, MPH
Pronouns: She/They
Senior Policy Advisor
Government Relations
OREGON HEALTH AUTHORITY
Cell: 971-409-3449
Email: emily.droge@oha.oregon.gov

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 Q1, \$400

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: HUNTER David * OGEC
Sent: Tuesday, May 6, 2025 9:50 AM
To: HUNTER David * OGEC
Subject: FW: Request for Penalty Waiver/Reduction

-----Original Message-----

From: Judd & Linnea Everts <albanyeverts@gmail.com>
Sent: Tuesday, April 29, 2025 1:19 PM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Subject: Request for Penalty Waiver/Reduction

[You don't often get email from albanyeverts@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear OGEC Commissioners,

I am writing to request your consideration for waiving the current penalty fees on my account due to lack of access to my account's email.

On March, 31, 2025 I was notified by Linn-Benton Community College that I was being let go due to budget reductions. My access to email was immediately terminated and I was told I was to not do any further work on behalf of the college related to my previous work duties as Government Relation Manager. Any projects would be assigned to me specifically and any other remaining work or responsibilities were taken over by the college President.

Today, April 29, 2025, I was notified by my previous colleague that am liable for the late penalty incurred due to not filing the report due on April 15, 2025.

I was able to connect with the OGEC office staff who kindly submitted my report on my behalf and assisted in terminating my connection to LBCC. They suggested I write to request a waiver for the fees on my account.

I am writing to request your consideration waiving and/or reducing the current fine in light of my lack of access to the lobbyist account being tied to my email at LBCC. Please do not hesitate to reach out should you require additional information or have questions regarding this unfortunate situation. I take the responsibility of a lobbyist very seriously and want to make sure this will not negatively impact any future work with your commission.

Sincerely,

Charlotte Linnea Everts
(415) 601-9670
Sent from my iPhone

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 Q1, \$140

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: Cal Mukumoto <mukumoto@gmail.com>
Sent: Thursday, May 1, 2025 9:25 AM
To: OGEC Mail * OGEC
Cc: MAISON Becky * OGEC
Subject: penalties for late reporting

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Commissioners,

My name is Calvin Mukumoto, and I am writing to respectfully request a waiver of the late reporting penalties associated with my lobbyist registration.

As the former State Forester for the Oregon Department of Forestry, my position required me to register as a lobbyist. Following my resignation from this role in January at the request of the Governor's office, I no longer received official notifications regarding reporting requirements. Consequently, I was unaware of the impending filing deadline.

Upon being contacted by your staff at my email address, I promptly completed and submitted the required filings. This is my first instance of non-compliance with the Oregon Government Ethics Commission's (OGEC) reporting regulations.

I would also like to acknowledge the exceptional assistance provided by Becky Maison. Her consistent professionalism and helpfulness in addressing my inquiries regarding OGEC reporting requirements have been invaluable.

Thank you for your time and consideration of this request, as well as for your dedicated service to the State of Oregon.

Sincerely,

Cal Mukumoto

--

Cal Mukumoto
1224 S. Water Street
Silverton, Oregon 97381
mukumoto@gmail.com
541.217.4901
www.seemukumoto.com

Penalties/Recommendation:

Past Violation: None

Current Penalties: 2025 Q1, \$200

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: Bob Rilling-Smith <Bob.Rilling-Smith@akc.org>
Sent: Thursday, April 17, 2025 3:07 PM
To: OGEC Mail * OGEC
Subject: RE: [EXTERNAL] RE: Filing Help!

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from bob.rilling-smith@akc.org. [Learn why this is important](#)

Dear Chair Fiskum and Members of the Oregon Government Ethics Commission,

I hope this email finds you well. My name is Bob Rilling-Smith, and I represent the American Kennel Club. For our quarterly lobbying filing, apparently, I never initially completely finished submitting the report; I assumed I did, but it was listed as only “pending”. As a result, I have been subjected to a fine. Given that I attempted to file this report on time—and thought I did—I was humbly asking for this late fine to be waived.

If not, I understand, but thanks for your consideration.

Regards,

Bob Rilling-Smith
Legislative Analyst/Community Outreach Coordinator
BXRR@akc.org
O: (919) 816-3960|C: (510) 365-5031



From: HUNTER David * OGEC <David.HUNTER@ogec.oregon.gov> **On Behalf Of** OGEC Mail * OGEC
Sent: Thursday, April 17, 2025 9:12 AM
To: Bob Rilling-Smith <Bob.Rilling-Smith@akc.org>
Cc: OGEC Mail * OGEC <OGEC.Mail@ogec.oregon.gov>
Subject: [EXTERNAL] RE: Filing Help!

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Bob,
Please send an email addressed to the Commission and provide a brief explanation as to why the filing was late and specifically ask the Commission to waive the first-time late fee. After I receive that I will put you on the agenda to go to the next Commission meeting.

Best Regards.

David R Hunter
Oregon Government Ethics Commission
3218 Pringle Rd SE #220
Salem OR 97302
Direct 503-378-2170

Please complete our Survey: <https://www.oregon.gov/ogec/about-us/Pages/Customer-Satisfaction.aspx>

From: Bob Rilling-Smith <Bob.Rilling-Smith@akc.org>
Sent: Thursday, April 17, 2025 9:00 AM
To: OGECE Mail * OGECE <mail@ogec.oregon.gov>
Subject: Filing Help!

You don't often get email from bob.rilling-smith@akc.org. [Learn why this is important](#)

Hi!,

I was hoping you can help me! I thought I filed my quarterly report, but it said it was “pending”, and I thought it was something on your end that needed to happen. But I just went to amend the report and submitted it again and it went through. However, I now have a late filing fee. Can this be waived? Thank you!

Your role is currently set as *lobbyist*.

Your report status is **CURRENT**

You have outstanding penalties or sanctions! Our records indicate that you currently have a balance of **\$20.00** in penalties.

[View Penalties and Sanctions](#)

Your registration status is **ACTIVE**

Reports Registrations Penalties & Sanctions (1) Documents Communications Trainings

Current Reports and Amendments

Year	Quarter	Confirmation Number	Status	Filing Date	Documents	Estimated Expense	Edit / Amend	Delete
2025	Q1	H3H5B2B	Filed	4/17/2025	Yes	No	+	
2024	Q4	CB0XFUJ	Filed	1/3/2025	No	No	+	

Regards,

Bob Rilling-Smith
Legislative Analyst/Community Outreach Coordinator
BXK@akc.org
O: (919) 816-3960 | C: (510) 365-5031



AMERICAN
KENNEL CLUB®

Past Violations: None

Current Penalties: 2025 Q1, \$20

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: FOSTER Jessica * OGEC on behalf of OGEC Mail * OGEC
Sent: Wednesday, April 23, 2025 9:14 AM
To: HUNTER David * OGEC
Subject: FW: Zach Synder Letter of Explanation for Late Filing April Report

Penalty waiver request

Best wishes for health and happiness!

Jessica Foster

Office Specialist 2
Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, OR 97302-1544
☎ 503-378-5105
🔗 <https://www.oregon.gov/ogec>

Please take our customer service survey!

Sign up for FREE ethics training!

From: CJ Smith <legassistant@secularstrategies.com>
Sent: Wednesday, April 23, 2025 7:50 AM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Cc: Sarah Levin <sarah@secularstrategies.com>
Subject: Zach Synder Letter of Explanation for Late Filing April Report

You don't often get email from legassistant@secularstrategies.com. [Learn why this is important](#)

Oregon Government Ethics Commission
3218 Pringle Rd. SE, #220
Salem, OR 97302-1544

Dear Oregon Government Ethics Commission:

My name is Zach Synder. I am a Lobbyist for Secular Strategies. Our Director, Sarah Levin was out on leave for a death in the family. Our previous legislative assistant setup our initial individual lobbyist reporting accounts. Upon departure of the previous legislative assistant Secular Strategies was not provided our sign-in credentials.

Our new legislative assistant called to provide a resolution to the Oregon Government Ethics Commission and spoke with staff who provided our emails for our usernames, however, we incurred fees in the process of resolving the confusion. Later we were provided the accurate username, and were able to reset our passwords after further investigation by our new lobby assistant, but incurred penalty late fees in the process.

We ensure this will be resolved by Secular Strategies for future reporting, and ask for your mercy and work with Secular Strategies in this process from the Oregon Government Ethics Commission to waive our April Lobbyist reporting fees incurred through this process.

Therefore, I request consideration for a request for a full waiver of April reporting fees for my individual Lobbyist reporting account.

Most Sincerely,

Zach Snyder
Policy Consultant
Secular Strategies
4329 30TH AVE W
Seattle, WA 98199
zach@secularstrategies.com
206-427-3895

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 Q1, \$140

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: HUNTER David * OGEC
Sent: Thursday, May 15, 2025 9:43 AM
To: HUNTER David * OGEC
Subject: FW: Lobbyist account

Importance: High

Sent: Friday, May 9, 2025 5:01 PM
To: OGEC Mail * OGEC <mail@ogec.oregon.gov>
Cc: MAISON Becky * OGEC <Becky.MAISON@ogec.oregon.gov>
Subject: Lobbyist account
Importance: High

You don't often get email from terrence.j.saunders@oha.oregon.gov. [Learn why this is important](#)

Good afternoon,

I hope you are doing well. I have submitted my lobbyist report for Q1, 2025. This report was not filed on time as I was out on leave during the time the report was due and also experienced a job change with another agency and I am no longer a registered lobbyist. The expenses indicated in the Q1 report are due to estimating agency staff's time to support the work of the agency in working with the legislature on behalf of the work within OACO. I apologize for the delayed submission of the report.

Best,

Terrence Saunders, MPA
Program Manager, HR Center of Excellence
OREGON HEALTH AUTHORITY
Health Systems Division
(503) 856-2770

<https://dhsoha.sharepoint.com/teams/Hub-OHA-HR/SitePages/HR-Center-Excellence.aspx>

Past Violations: None

Current Penalties: 2025 Q1, \$600

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: HUNTER David * OGEC
Sent: Thursday, May 15, 2025 9:51 AM
To: HUNTER David * OGEC
Subject: FW: [EXTERNAL] Receipt of Late Quarterly Report

From: Zakir Khan <Zakir_Khan@washingtoncountyor.gov>
Sent: Wednesday, May 14, 2025 10:02 AM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Subject: RE: [EXTERNAL] Receipt of Late Quarterly Report

[You don't often get email from zakir_khan@washingtoncountyor.gov. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear OGEC,

I am writing today to ask you to waive the late filing fee amount of \$850 for my OGEC report for Q1 2025. My OGEC account is linked to my work email at Washington County which I did not have access to between March 8, 2025, to May 14, 2025. During this time, I was away on family leave in a foreign country with no ability to access my work email to review your notices.

I believe this is the first time that I have received a late notice, as I have a history of repeatedly filing these reports on time if not early.

I restarted work today on May 14, 2025, and have already submitted the report in question see confirmation number: CTRUF58. Should you have any questions or need any additional information including from my supervisor or the County, please let me know.

I would also note that this appeal is being made in advance of your June 13th meeting as your May meeting has already passed, which per the email I just received from your office is also the day the late fee is due. I would like to be able to review your decision before making a payment, if necessary, without accruing any additional penalties. Please let me know if I should do otherwise and make the payment in advance of the hearing.

Thank you for your consideration,

Warmly,

M. Zakir Khan, JD, MA (he/him) | Government Relations Manager Pronunciation Guide Government Relations Office |
County Administrative Office
155 N First Ave. Suite 300, Hillsboro, 97124 Zakir_Khan@washingtoncountyor.gov | 503-840-0635 (cell)

Past Violations: None

Current Penalties: 2025 Q1, \$850

Recommendation: 1st violation, Letter of Education 

HUNTER David * OGEC

From: Mike McCarthy <comicepear@aol.com>
Sent: Monday, April 21, 2025 8:30 AM
To: OGEC Mail * OGEC
Subject: Late filing of Client report

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from comicepear@aol.com. [Learn why this is important](#)

Commission

I have spent time off and on over the last week trying to figure out how to file the client report. I have called in twice and still can not access my client account even though I filled out the Client Registration Form. Through the phone call they did fill out the Client form for me, so I am now in compliance.

I have tried this link which does not work by the way to get information.

So I would like a waiver on the fines at this time.

However, I still can not access my Client forms. I am not stupid. There must not be an intuitive flow to the process or I might be able to get there. I do work 60 hours per week farming and managing my forests and find it very inefficient to have to spend this much time on a process that is not user friendly.

Michael S. McCarthy
Ag for Oregon Lobbyist and client

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 Q1, \$70

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: Aaron Cubic <acubic@grantspassoregon.gov>
Sent: Friday, April 18, 2025 2:29 PM
To: OGEC Mail * OGEC
Subject: Subject: Request for Waiver of \$30 Penalty Fee

You don't often get email from acubic@grantspassoregon.gov. [Learn why this is important](#)

Dear Members of the Oregon Government Ethics Commission,

I am writing to respectfully request that the \$30 penalty fee assessed to me be waived due to a misunderstanding related to duplicate user accounts in the Commission's electronic filing system.

Throughout the filing period, I believed I was in full compliance with reporting requirements. Whenever I received a link to access my filings, it directed me to an account under the username *acubic*, which consistently indicated that I was in compliance.

Unbeknownst to me, there was a second account under *AaronCubic* that I was never aware of and had not accessed. I sent multiple emails and made phone calls to Commission representatives in an effort to confirm and clarify my compliance status. Each time, it appeared that my filings were complete and no further action was needed.

Only today, after another attempt to resolve the issue, was it discovered by a Commission staff member that the assessed penalty was associated with the secondary *AaronCubic* account—an account I had not knowingly used or maintained.

Given the circumstances and my repeated good-faith efforts to comply and communicate, I respectfully request that the penalty fee be waived. I appreciate your time and consideration, and thank you for the important work your Commission provides in supporting transparency and accountability in public service.

Sincerely,

Aaron Cubic
City Manager
541.450.6000



City of Grants Pass
101 NW A Street
Grants Pass, OR 97526
www.grantspassoregon.gov

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 Q1, \$30

Recommendation: 1st violation - Letter of Education *SM*

*** DISCLOSURE: Messages to and from this E-mail address may be subject to Oregon Public Records Law. ***

HUNTER David * OGEC

From: Katie Anderson <kanderson@aperionmgmt.com>
Sent: Tuesday, April 22, 2025 3:50 PM
To: OGEC Mail * OGEC
Subject: Penalty

You don't often get email from kanderson@aperionmgmt.com. [Learn why this is important](#)

Dear Commision,

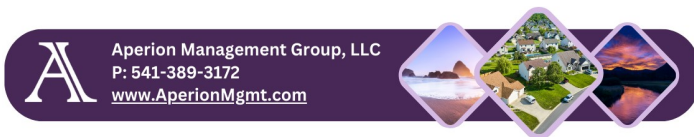
I am writing to ask for leniency on this \$70 penalty for a late quarterly report, I am the current chair for Community Associations Institute.

This is my first time completing this process and I had a challenge accessing my account. This has been remedied, thank you to your helpful staff and the report has been submitted.

I will ensure all future reports are submitted on time.

Thank you,

Katie Anderson PCAM, AMS, CMCA
She/Her
CEO



Did we meet your needs today?

Nope Yeah



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Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 Q1, \$70

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: FOSTER Jessica * OGEC on behalf of OGEC Mail * OGEC
Sent: Friday, April 18, 2025 11:35 AM
To: HUNTER David * OGEC
Subject: FW: Receipt of Late Quarterly Report

From: Steele Shippy <steele.shippy@knowink.com>
Sent: Wednesday, April 16, 2025 9:39 AM
To: OGEC Mail * OGEC <mail@ogec.oregon.gov>
Subject: FW: Receipt of Late Quarterly Report

You don't often get email from steele.shippy@knowink.com. [Learn why this is important](#)

Commission –

Please accept this request to waive the accrued late submission penalty of \$10.

Upon attempting to complete the Q1 submission filing on 4/15/25, I inadvertently clicked “save and file later” instead of “submit.” After receiving email notice on 4/16/25 of a late penalty being accrued, I called the OGEC and spoke with David – who advised that I submit in writing the situation and request a waiver for a first time penalty on the account.

Additionally, we are only submitting one additional report for Q2 and then will proceed with account termination.

Thank you for your time and consideration.

Regards,

Steele Shippy
KNOWiNK

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 Q1, \$10

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: Cody McKinley <mckinleyc@nppc.org>
Sent: Friday, May 16, 2025 10:26 AM
To: HUNTER David * OGEC
Subject: National Pork Producers Council 1st Quarter Filing

You don't often get email from mckinleyc@nppc.org. [Learn why this is important](#)

Dear Oregon Government Ethics Commission,

I hope this message finds you well.

I'm writing to sincerely apologize for the delay in submitting the first quarter lobbying filings. The delay was due to a key staff member who previously managed this responsibility left the organization, and unfortunately, there was a lapse in transferring the necessary account access and login credentials.

We understand the importance of timely submissions and deeply regret any inconvenience this may have caused. We have now resolved the access issues and are putting measures in place to ensure this does not happen again, including updating our internal documentation and access management protocols.

We appreciate your understanding and patience, and we are committed to ensure this doesn't happen again. Considering the circumstances, we kindly request that any associated late penalties be waived, if possible. We appreciate your understanding and consideration in this matter.

Please feel free to reach out if you need any further information or clarification.

Warm regards,

Cody McKinley
National Pork Producers Council
10676 Justin Drive
Urbandale, Iowa 50322
Cell: 319-721-5473
Office: 515-864-7991
Email: mckinleyc@nppc.org

Past Violations: None

Current Penalties: 2025 Q1, \$950

Recommendation: 1st violation, Letter of Education

SM

This message contains confidential information belonging to The National Pork Producers Council and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by email if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses and The National Pork Producers Council does not accept liability for any errors or omissions in the contents of this message which arise as a result of e-mail transmission. If verification is required please request a hard-copy from: The National Pork Producers Council, 10676 Justin Dr., Urbandale, IA 50322. Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of The National Pork Producers Council.

HUNTER David * OGEC

From: Kile Halliday <Kile.Halliday@WasteConnections.com>
Sent: Thursday, May 8, 2025 3:36 PM
To: OGEC Mail * OGEC
Subject: Rogue Waste Inc. Waiver Request

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from kile.halliday@wasteconnections.com. [Learn why this is important](#)

Hello OGEC team,

My company filed our quarterly expenditure report quite a bit late due to some issues with our email system. Garry Penning who usually fills these out retired earlier this year, and his replacement (me) was not receiving the emails letting us know that this was due.

I got a call today and was able to file without issue, and I was told that I should reach out to see if our late fees could be waived. I appreciate your patience with us during this transition period, and look forward to working with you in the future.

Best,



Kile Halliday | Municipal Marketing Manager

Email: kile.halliday@wasteconnections.com

Phone: 541-494-5486

Address: 1 W Main St Ste 401

Past Violations: None

Current Penalties: 2025 Q1, \$550

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: Eli Ashley <eliashley@aol.com>
Sent: Friday, May 9, 2025 9:34 AM
To: HUNTER David * OGEC
Subject: Oregon Ethics Commission - Penalty Fee Waiver Request

Follow Up Flag: Follow up
Flag Status: Flagged

Dear David Hunter and the Oregon Ethics Commission:

I request a waiver of the late fee of \$10.00, or any other penalties, assessed for my late filing of the SEI form.

My service on the Deschutes County Historic Landmarks Commission began in early 2024. At that time, and since, I was not provided with instructions or guidance from Deschutes County staff regarding filing an SEI and therefor had no knowledge of the State of Oregon requirement for those serving in the public interest. I have since filed my SEI forms with Mr. Hunter and explained the above as well as my difficulties using the website, passwords and user names.

At no time have I had any intention of violating or avoiding responsibility under Oregon ethics rules.

Thank you in advance for your consideration.

Eli D. Ashley
64505 Old Bend Redmond Hwy
Bend, OR 97703
541-480-8336
eliashley@aol.com

Past Violations: None

Current Penalties: 2025 SEI, \$10

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: Luke Bauer <lukebauer33@gmail.com>
Sent: Monday, May 19, 2025 9:33 AM
To: OGEC Mail * OGEC
Subject: SEI filing

You don't often get email from lukebauer33@gmail.com. [Learn why this is important](#)

Hello my name is Lucas Bauer stayton city council, I have occurred a large fee for late filing, I had a difficult time with the website and was hoping for some kind of a break on these fees.

Thanks for the consideration!

-Luke

Past Violations: None

Current Penalties: 2025 SEI, \$140

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: jackie brown <mariembrown348@gmail.com>
Sent: Monday, May 19, 2025 10:42 AM
To: HUNTER David * OGEC
Subject: Report

Dear Commission:

I writing requesting a waiver for my first time penalty in reporting. . The reason the filing was late is because of miscommunication on my resignation date from the planning committee.

I have filed the report and sent a resignation letter to the City of Fossil

Thank you. Please let me know if you need any additional information.

Respectfully,

Jacquelyn Brown

Past Violations: None

Current Penalties: 2025 SEI, \$110

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: HUNTER David * OGEC
Sent: Thursday, May 15, 2025 9:56 AM
To: HUNTER David * OGEC
Subject: FW: Late Filing

From: Cindy Burlingame <tomandcindyb95@hotmail.com>
Sent: Monday, May 12, 2025 11:39 PM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Subject: Late Filing

You don't often get email from tomandcindyb95@hotmail.com. [Learn why this is important](#)

To whomever it concerns:

I would like to apologize for my late Filing, and request waiver of my \$10 penalty.

On March 14th I lost my six month old granddaughter to SIDS. The aftermath of this event left me a little bit disconnected from my normal activities and I was not as careful about checking my email as I typically am.

This is the first and only time I've ever been late in filing, and I am hoping that this one day delay can be forgiven.

Sincerely,
Cindy Burlingame, City of Fossil Council position #4 and Council President

Past Violations: None

Current Penalties: 2025 SEI, \$10

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: Jason Carson <jasoncarson681@gmail.com>
Sent: Wednesday, May 7, 2025 7:58 PM
To: OGEC Mail * OGEC

You don't often get email from jasoncarson681@gmail.com. [Learn why this is important](#)

Good evening. I jason carson a councilor for my town of lone in morrow county acured a penalty of 20 dollars for failure to report in time. I ask to have the penalty waved if at all possible. I had issues with getting logged in and getting my password reset. If this is not possible I understand. If needing to pay can you please let me know who and how I can pay thank you for your time

Past Violations: None

Current Penalties: 2025 SEI, \$20

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: Handsome Dom Conti <dominicconti2017@gmail.com>
Sent: Tuesday, May 6, 2025 8:36 AM
To: HUNTER David * OGEC
Subject: Fee waiver?

You don't often get email from dominicconti2017@gmail.com. [Learn why this is important](#)

Good morning commission. I apologize as I'm new to all of this and thought I had filled out the paperwork and registration for the ogec and I didn't! I am asking for a 1 time waiver of fees/penalties if possible. If there are any other issues I promise to be on top of them. Thank you. Dominic.

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 SEI, \$10

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: Katy Cvitanovich <kpritchard@planning.clatsopcounty.gov>
Sent: Tuesday, May 6, 2025 10:38 AM
To: OGEC Mail * OGEC
Subject: Request for waiver of fee for late filing

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from kpritchard@planning.clatsopcounty.gov. [Learn why this is important](#)

Good morning,

I am requesting a waiver for the \$10 late fee for my SEI report filing. I had filled out the electronic form some time ago and just now realized my submission had not gone through.

If a waiver is not possible, please direct me on how to make the payment so we can get it cleared up.

Thank you for your consideration,

Katy Cvitanovich
503.440.0010

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2025 SEI, \$10

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: Trisha Eri <trisha.eri@ortrail.k12.or.us>
Sent: Monday, April 14, 2025 11:12 AM
To: HUNTER David * OGEC
Subject: Re: Jeffery Grandi Late fees from last year

Follow Up Flag: Follow up
Flag Status: Flagged

Yes, the request was in the subject line. It's for Jeffery Grandi. I am sorry he was on the phone with you as we wrote it. I thought he had spoken to you about it. Do I need to have him write it from his email?

Trisha Eri
Executive Assistant to the Superintendent/Board Secretary
Oregon Trail School District
(503)668-5541 ext. 4101
trisha.eri@ortrail.k12.or.us

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On Mon, Apr 14, 2025 at 11:08 AM HUNTER David * OGEC <david.hunter@ogec.oregon.gov> wrote:

Hi Trisha,

You are the JC and Board Secretary and do not have a filing requirement.

Do you have the name of the person to which this waiver request is for? The request should be for the person that is requesting it even if you are writing it in their behalf.

Best Regards,

David R Hunter
Oregon Government Ethics Commission
3218 Pringle Rd SE #220
Salem OR 97302

From: Trisha Eri <trisha.eri@ortrail.k12.or.us>
Sent: Friday, April 11, 2025 1:46 PM
To: HUNTER David * OGE <david.hunter@ogec.oregon.gov>
Subject: Jeffery Grandi Late fees from last year

To Commissions, please waive fees from being five days late last year. The reason was newly appointed never have done the filing and computer difficulties.

Trisha Eri

Executive Assistant to the Superintendent/Board Secretary

Oregon Trail School District

(503)668-5541 ext. 4101

trisha.eri@ortrail.k12.or.us

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Penalties/Recommendation:

Past Violations: None

Current Penalties: 2024 SEI, \$50

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: debbie gregg <ddeangregg@yahoo.com>
Sent: Thursday, May 15, 2025 9:34 AM
To: HUNTER David * OGEC
Subject: Debra D Gregg

You don't often get email from ddeangregg@yahoo.com. [Learn why this is important](#)

Hi Mr. Hunter,

I did not receive my notice to file because the email on file was to my work address which I have since retired in July 2024.

Please waive the first time penalty fees for the reason stated.

My current email is now in the system.

Thank you,

Debbie Gregg

[Yahoo Mail: Search, Organize, Conquer](#)

Past Violations: None

Current Penalties: 2025 SEI, \$100

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: HUNTER David * OGEC on behalf of OGEC Mail * OGEC
Sent: Tuesday, May 6, 2025 2:03 PM
To: HUNTER David * OGEC
Subject: FW: Filing fee from 2024-Cathey Grimes

From: Laurie Simleness <laurie.simleness@yoncalla.k12.or.us>
Sent: Tuesday, May 6, 2025 11:53 AM
To: OGEC Mail * OGEC <mail@ogec.oregon.gov>
Cc: Brian Berry <Brian.Berry@yoncalla.k12.or.us>
Subject: Filing fee from 2024-Cathey Grimes

■ You don't often get email from laurie.simleness@yoncalla.k12.or.us. [Learn why this is important](#)

■ To the Commission,

I am asking if you might waive the 1st time penalty for Cathey Grimes from 2024. She mistakenly believed that the law around school board members filing the Statement of Economic Interest had changed. She understands now that it did not. She will be filing in a much prompter fashion moving forward.

Thank you for taking the time to help me with this yesterday, and Cathey asked me to express her

Please let me know if there is any additional information you might need from me.

Regards,

Laurie Simleness
Yoncalla School District 32
Administrative Assistant
541-849-2782

Penalties/Reccomendation:

Past Violations: None

Current Penalties: 2024 SEI, \$50

Recommendation: 1st violation - Letter of Education *SM*

HUNTER David * OGEC

From: Rebecca Jordan <rebeccajordan739@yahoo.com>
Sent: Monday, May 19, 2025 5:18 PM
To: HUNTER David * OGEC

You don't often get email from rebeccajordan739@yahoo.com. [Learn why this is important](#)

I Rebecca Jordan am requesting a waiver and penalties reduction for my late fees. I was not aware that this was a yearly obligation and the office did not have my personal Email in their file so they weren't able to notify before my available time ran out. TIA

[Yahoo Mail: Search, Organize, Conquer](#)

Past Violations: None

Current Penalties: 2024 SEI, \$10; 2025 SEI, \$140

Recommendation: 2024 and 2025 SEIs, combined - SM
1st violation - Letter of Education

HUNTER David * OGEC

From: HUNTER David * OGEC
Sent: Thursday, May 15, 2025 9:46 AM
To: HUNTER David * OGEC
Subject: FW: Penalty waiver

From: Abbie Kimble <abbiekimble95@gmail.com>
Sent: Wednesday, May 14, 2025 8:20 AM
To: OGEC Mail * OGEC <mail@ogec.oregon.gov>
Subject: Penalty waiver

[You don't often get email from abbiekimble95@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi,
I was hoping to be able to get my penalty waived for my late filing. I really have no excuse for it other than I kept meaning to do it and then the days would get away from me. I will be sure to do this on time next year.

Thank you for your consideration.
Penalty for Abbie Kimble

Abbie Kimble
Sent from my iPhone

Past Violations: None

Current Penalties: 2025 SEI, \$90

Recommendation: 1st violation - Letter of Education

SM

From: Mike Magyar <mike.magyar@gmail.com>
Sent: Wednesday, May 7, 2025 10:16 AM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Subject: \$20 late filing fee

You don't often get email from mike.magyar@gmail.com. [Learn why this is important](#)

Greetings, Ethics Gurus

The reasons I was late, in order of importance:

1. I forgot
2. I was out of town working in Grants Pass the last 10 days of April and I was distracted
3. I was catching up with emails and business the first five days of May and I was distracted
4. My wife and infant were hospitalized in Tacoma during Spring Break and I spent much of Early April taking care of them so I was distracted
5. My toddler has been written at daycare up for being overly physically interactive with others so I've been busy encouraging alternative ways to communicate frustration so I was distracted
6. I am a sole proprietor land surveyor and I do the work of, probably, 4 people; I am in demand in my community because I provide value and clients like my dog so I've been distracted
7. My wife is a 3rd grade teacher who does not want to deal with our screaming kids when She comes home after work. So I am on them until bedtime so I've been distracted

In short, I am seriously busy-WTF are you charging me a \$20 fine for? I am a fucking volunteer planning commissioner for a rural county with a population of less than 50k. All we do is talk about code and planning and sometimes vote on giving the USACE permission to dump dredging material in places that are not approved.

I work my ass off to make money. I don't swindle and I'm not on the dole and I do not use my "powerful" position as a planning commissioner to do anything other than what they ask me to do at monthly hearings.

I'm one of the good guys, I missed a deadline. Sorry.

I am telling you I will resign before I pay a \$20 fine.

Best regards,
Mike

Past Violations: None

Current Penalties: 2024 SEI, \$10; 2025 SEI, \$10

Recommendation: 1st violation(s), Letter of Education *SM*

HUNTER David * OGEC

From: Ryan Martin <martinrj678@gmail.com>
Sent: Monday, May 19, 2025 10:21 AM
To: HUNTER David * OGEC
Subject: Ryan Martin SEI filing

You don't often get email from martinrj678@gmail.com. [Learn why this is important](#)

Dear commissioners please forgive my first time tardiness in filing my SEI filing. I apologize
Ryan P. Martin

Past Violations: None

Current Penalties: 2025 SEI, \$140

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGE

From: Jorge Meza <mezaj@umatillasd.org>
Sent: Thursday, May 8, 2025 12:55 PM
To: OGE Mail * OGE
Subject: Request for Waiver

You don't often get email from mezaj@umatillasd.org. [Learn why this is important](#)

Dear Ms. Meyers and Ethics Commissioners,

I am writing to request a waiver for the \$30 in late fees for my SEI report. I had multiple issues logging and and getting my user name and password reset. I'm not sure which things were due to trying to file on an ipad and which things were password reset challenges, but I have finally worked through it all and am filed. This is the first time to my knowledge that I've been late.

Thank you for your consideration,
Jorge Meza

Past Violations: None

Current Penalties: 2025 SEI, \$30

Recommendation: 1st violation, Letter of Education *SM*

Marta Mikkalo
69698 Barnett Road
Arlington, OR 97812
martamikkalo50@gmail.com

May 19, 2025

Memo to: Oregon Government Ethics Commission
3218 Pringle Rd. SE, #220
Salem, OR 97302-1544

From: Marta Mikkalo

Subject: Late Filing of Annual Statement of Economic Interest

Please excuse my late filing of the Annual Statement of Economic Interest (SEI). When I retired my email changed and I did not get it updated with the OGEC. I did not receive any notices of the need to file because of this. I've served my County for many years in many capacities and have never failed to file my SEI in a timely manner. I appreciate your staff reaching out to me and filed the SEI the same day I received the phone call.

My email is now current with the OGEC and this will not happen again.

Thank you for your understanding.

Marta Mikkalo
Gilliam County Planning Commission

Past Violations: None

Current Penalties: 2025 SEI, \$140

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: Britany Randall <britanyrandall87@gmail.com>
Sent: Thursday, May 8, 2025 7:08 AM
To: OGEC Mail * OGEC
Subject: Penalty Waiver

[You don't often get email from britanyrandall87@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello,

I am asking for a penalty waiver. I have held my volunteer position for 8 years and have never been late. This year I had extenuating personal circumstances such as illness and helping my aging parents with surgeries. These issues were compounded by email issues which buried the email notifies with the filing link.

Because I have never filed late and will not make late filing a habit, I am asking for grace.

Thank you,
Britany Randall
503-680-0949
Sent from my iPhone

Past Violations: None

Current Penalties: 2025 SEI, \$30

Recommendation: 1st violation, Letter of Education *SM*

From: Shayla Stidham <dsstidham@charter.net>

Sent: Wednesday, May 7, 2025 1:10 PM

To: OGEC Mail * OGEC <ogec.mail@oregon.gov>

Subject: Late fees

[You don't often get email from dsstidham@charter.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern:

Hello, I am a new planning commission member, asked to volunteer by another commissioner in September 2024 in our small town of Myrtle point Oregon population 2300.

I have received 2 emails about filing out a questionnaire of economic interest that I thought was junk email as I frequently have had emails that are false trying to get information and money from me. I was surprised to find today the emails are not false and I have. \$20 late fee for not filing.

I was not informed of the need of this from our city manager who is new to the position or I would have completed this. I am asking and am hopeful that you will forgive my late fee for this volunteer position as planning commission member.

Sincerely,

Shayla Stidham

541-290-7284

Sent from my iPhone

Past Violations: None

Current Penalties: 2025 SEI, \$20

Recommendation: 1st violation, Letter of Education 

HUNTER David * OGEC

From: FOSTER Jessica * OGEC on behalf of OGEC Mail * OGEC
Sent: Wednesday, May 14, 2025 2:57 PM
To: HUNTER David * OGEC
Subject: FW: Penalty Forgiveness

Follow Up Flag: Follow up
Flag Status: Flagged

From: Louis Taylor <taylor.louis@comcast.net>
Sent: Wednesday, May 14, 2025 2:30 PM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Subject: Penalty Forgiveness

You don't often get email from taylor.louis@comcast.net. [Learn why this is important](#)

OGEC,

I am asking that you please waive the \$20.00 fee. I completed my report long in advance of the deadline and it was simply stuck in pending. You can look in the system and see that. I have never been late in all my years of filing. I was advised to write to you by a member of your team who could see that I had tried to submit it several times and could not figure the pending status until we were able to get on a call and they walked me through how to fix it. I appreciate your forgiveness on this issue.

Best Regards,

Louis

Smile, it could change someone's life!!!

Past Violations: None

Current Penalties: 2025 SEI, \$20

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: FOSTER Jessica * OGEC on behalf of OGEC Mail * OGEC
Sent: Wednesday, May 7, 2025 10:30 AM
To: HUNTER David * OGEC
Subject: FW: \$20 Late Fee

From: Michael Widmer <MWidmer@roguecu.org>
Sent: Wednesday, May 7, 2025 8:15 AM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Subject: \$20 Late Fee

You don't often get email from mwidmer@roguecu.org. [Learn why this is important](#)

I would request waiver of my \$20 Late Fee. I am new to a volunteer commission that requires the SEI reporting. I was unaware of the fact that I need to fill out the form on an annual basis. I have already put in my calendar to update my information the first week of April 2026. Thanks for your attention.

Michael

Michael Widmer
Senior Business Relationship Manager
541-637-2839 | 541-326-0605 (fax)
www.roguecu.org



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Past Violations: None

Current Penalties: 2025 SEI, \$20

Recommendation: 1st violation, Letter of Education *SM*

HUNTER David * OGEC

From: FOSTER Jessica * OGEC on behalf of OGEC Mail * OGEC
Sent: Friday, April 18, 2025 2:11 PM
To: HUNTER David * OGEC
Subject: FW: Request to dismiss fine

Follow Up Flag: Follow up
Flag Status: Flagged

From: FOSTER Jessica * OGEC <Jessica.FOSTER@ogec.oregon.gov> **On Behalf Of** OGEC Mail * OGEC
Sent: Friday, April 18, 2025 9:58 AM
To: Aaron Hunt <AMHUNT@up.com>; OGEC Mail * OGEC <OGEC.Mail@ogec.oregon.gov>
Cc: ROBERT Cindy <cindy@rainmakersgovernmentstrategies.com>
Subject: RE: Request to dismiss fine

Good morning,

Thank you for submitting your request for penalty reduction or waiver. We will present this to the commission and notify you of their decision.

Best wishes for health and happiness!

Jessica Foster

Office Specialist 2
Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, OR 97302-1544
☎ 503-378-5105
📧 <https://www.oregon.gov/ogec>

Please take our customer service survey!

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From: Aaron Hunt <AMHUNT@up.com>
Sent: Thursday, April 17, 2025 2:53 PM
To: OGEC Mail * OGEC <mail@ogec.oregon.gov>
Cc: ROBERT Cindy <cindy@rainmakersgovernmentstrategies.com>
Subject: Request to dismiss fine

You don't often get email from amhunt@up.com. [Learn why this is important](#)

To whom it may concern:

My name is Aaron Hunt. I represent Union Pacific. I was suffering with kidney stones April 13-15 and missed the filing deadline for my quarterly report. I write today to ask if the fine for this issue can be dismissed due to my sudden illness?

I attach below emails from Union Pacific's contract lobbyist who reached out to OGEC while I was ill.

I apologize for any administrative inconvenience this causes.

Thank you for your time and consideration.



BUILDING AMERICA®

Aaron Hunt

Senior Director, Public Affairs – Pacific Northwest
301 NE 2nd Ave. Portland, OR 97232

Phone: 503-249-3079

Email: amhunt@up.com

From: Cindy Robert <cindy@rainmakersgovernmentstrategies.com>

Sent: Thursday, April 17, 2025 9:56 AM

To: Aaron Hunt <AMHUNT@up.com>

Subject: Two Emails I sent to OGEC

*** PROCEED WITH CAUTION - This email was sent from outside the company. ***

----- Forwarded Message -----

From: Cindy Robert <zrgroup@aol.com>

To: amhunt@up.com <amhunt@up.com>; ogec.notification@egov.com <ogec.notification@egov.com>; ogec.mail@oregon.gov <ogec.mail@oregon.gov>

Sent: Wednesday, April 16, 2025 at 07:36:58 AM PDT

Subject: Re: Failure to File Quarterly Report

OGEC

I wrote to you yesterday to let you know Aaron was in the hospital and asked for some grace! I receive notices for him but cannot access the account. Thank you for understanding!

Cindy Robert

On Wednesday, April 16, 2025 at 01:30:10 AM PDT, <ogec.notification@egov.com> wrote:

Dear Aaron Hunt,

You were registered with the Oregon Government Ethics Commission in the role of Client. You were notified on 4/1/2025 that the reporting window for the 2025 Q1 reporting period was open and you were reminded again on 4/10/2025 and 4/15/2025.

You must file a report even if you have no activity to report during the reporting period, and you must file a report for any portion of a reporting period prior to a termination or expiration. There is no grace period or allowance for extensions.

We have not yet received your filing, and as such, a civil penalty is now accruing at the rate of \$10 per day for the first 14 days and \$50 per day thereafter until the filing is made or the maximum of \$5000 is reached. Your civil penalty accrual as of today is .

Please access the Electronic Filing System now by visiting: <https://apps.oregon.gov/OGEC/EFS/Home/SignIn>

Please remember to update your profile if you have changes to your email address or other personal information. If you have any questions regarding this process, please contact the Oregon Government Ethics Commission office at 503-378-5105 or by email at ogec.mail@oregon.gov.

Please do not reply to this email as replies will not be delivered to the Commission.

Thank you,

Oregon Government Ethics Commission
3218 Pringle Rd. SE, #220
Salem, OR 97302-1544

----- Forwarded Message -----

From: Cindy Robert <zrgroup@aol.com>
To: ogec.mail@oregon.gov <ogec.mail@oregon.gov>
Sent: Tuesday, April 15, 2025 at 11:04:55 AM PDT
Subject: Fw: Final Quarterly Report Reminder

Hello OGEC - I receive these reminders for my client, Aaron Hunt, but do not actually have access to his account. Aaron was taken to the hospital this morning and I just need to get info from him for sign on and figures OR find out if he can do himself.

I will continue to work on this but am hoping for some grace!
Cindy Robert
503-260-3431

----- Forwarded Message -----

From: ogec.notification@egov.com <ogec.notification@egov.com>
To: "amhunt@up.com" <amhunt@up.com>
Cc: "zrgroup@aol.com" <zrgroup@aol.com>
Sent: Tuesday, April 15, 2025 at 01:30:12 AM PDT
Subject: Final Quarterly Report Reminder

Dear Aaron Hunt at Union Pacific Railroad,

You were registered with the Oregon Government Ethics Commission in the role of lobbyist client/employer. You were notified on 4/1/2025 that the reporting window for the 2025 Q1 reporting period was open, and reminded again on 4/10/2025 that your filing had not been received. We have still not received your report.

You are required to submit a quarterly report by 4/15/2025. You must file a report even if you have no activity to report during the reporting period, and you must file a report for any portion of a reporting period prior to a termination or expiration. There is no grace period or allowance for extensions, so please be sure to file by the due date.

Please do not disregard this notice. Failure to submit your quarterly report by the end of today will result in the accrual of penalties at the rate of \$10 per day for the first 14 days and \$50 per day thereafter until the filing is made or the maximum of \$5000 is reached.

Please access the Electronic Filing System now by visiting: <https://apps.oregon.gov/OGEC/EFS/Home/SignIn>

Please remember to update your profile if you have changes to your email address or other personal information. If you have any questions regarding this process, please contact the Oregon Government Ethics Commission office at 503-378-5105 or by email at ogec.mail@oregon.gov.

Please do not reply to this email as replies will not be delivered to the Commission.

Thank you,

Oregon Government Ethics Commission
3218 Pringle Rd. SE, #220
Salem, OR 97302-1544

Cindy Robert

[Oregon Capitol Club - Contact Info & Client List](#)

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Penalties/Recommendation:

Past Violations: 2022 Q4, \$10 pd

Current Penalties: 2025 Q1, \$20

Recommendation: 2nd violation - no reduction - \$20 *SM*

HUNTER David * OGEC

From: Paula Leslie <fitnesswpaula@gmail.com>
Sent: Friday, May 16, 2025 3:42 PM
To: HUNTER David * OGEC
Subject: Reduce fine?

Hello David,

Thank you for your help today.

As we discussed, there was a disconnect with some of my emails not being forwarded.

I have remedied the issue, and am requesting a reduction in my fine, as I am experiencing a financial hardship.

Respectfully,

Paula Leslie

Past Violations: 2020 Q1, Letter of Education; 2021 Q3, Letter of Education; 2023 Q2, \$50, pd; 2023 Q3, \$30, pd

Current Penalties: 2024 Q4, \$10; 2025 Q1, \$950.

Recommendation: 2024 Q4, no reduction, \$10
2025 Q1, 5th violation, reduction to \$425 *SM*

HUNTER David * OGEC

From: FOSTER Jessica * OGEC on behalf of OGEC Mail * OGEC
Sent: Wednesday, April 23, 2025 9:17 AM
To: HUNTER David * OGEC
Subject: FW: Sarah Levin Letter of Explanation for Late Filing April Report

Penalty Waiver request

Best wishes for health and happiness!

Jessica Foster

Office Specialist 2
Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, OR 97302-1544
☎ 503-378-5105
🔗 <https://www.oregon.gov/ogec>

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From: CJ Smith <legassistant@secularstrategies.com>
Sent: Wednesday, April 23, 2025 8:06 AM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Cc: Sarah Levin <sarah@secularstrategies.com>
Subject: Sarah Levin Letter of Explanation for Late Filing April Report

You don't often get email from legassistant@secularstrategies.com. [Learn why this is important](#)

Oregon Government Ethics Commission
3218 Pringle Rd. SE, #220
Salem, OR 97302-1544

Dear Oregon Government Ethics Commission:

My name is Sarah Levin. I am Founder/Principal for Secular Strategies. I was out on leave for a death in the family during the time of our reporting process. Our previous legislative assistant setup our initial individual lobbyist reporting accounts. Upon departure of the previous legislative assistant we were not provided proper sign-in credentials.

Our new legislative assistant investigated the issue regarding notice of late filings. Our new legislative assistant was provided a resolution to the Oregon Government Ethics Commission and spoke with staff who provided our emails for our usernames. However, Secular Strategies incurred fees in the process of resolving the issue. Later our new legislative assistant was provided our accurate usernames, and requested password resets to access our accounts. After further investigation our new lobby assistant

was able to retrieve our accurate usernames by contacting Commission staff though we incurred late fees in the process.

Secular Strategies will ensure to resolve this issue for future reports. I ask for your consideration and mercy from the Oregon Government Ethics Commission to waive our April Lobbyist reporting fees incurred through this process.

Therefore, I request consideration for a full waiver of April reporting fees for my individual Lobbyist reporting account.

Most Sincerely,

Sarah M. Levin
Founder/Principal
Secular Strategies
3755 BUTLER AVE Apt. B
Los Angeles, CA 90066
Pronouns: She/her/hers
www.secularstrategies.com

Penalties/Recommendation:

Past Violations: 2016 Q4, \$30 pd

Current Penalties: 2025 Q1, \$70

Recommendation: 2nd violation - reduction to \$20

SM

HUNTER David * OGEC

From: Quinn Read <qr@oregonwild.org>
Sent: Monday, May 19, 2025 8:24 AM
To: OGEC Mail * OGEC
Subject: Letter of Explanation Regarding Late Filing
Attachments: OGEC Letter_Quinn Read_Late Filing_051925.pdf

You don't often get email from qr@oregonwild.org. [Learn why this is important](#)

Dear Members of the Oregon Government Ethics Commission:

My name is Quinn Read and I am writing to provide an explanation regarding my late filing for the 2025 Q1 reporting period and to request that my penalty of \$970.00 be reconsidered.

I was previously registered as a lobbyist with Bird Alliance of Oregon. However, I left that job on January 3, 2025. I began a new role as Executive Director of Oregon Wild on January 13, 2025. I immediately ended my association with Bird Alliance of Oregon on the OGEC lobbyist registration website.

I am aware that a report is required for the first few days of January during which I was still registered as a lobbyist. Unfortunately, the notice and reminders to file the 2025 Q1 lobbying report went to my former email address at Bird Alliance of Oregon (gread@birdallianceoregon.org). I lost access to that email account on my final day of employment. I only received notice that I had missed the deadline and had accrued penalties when I received a call directly from OGEC staff on May 16, 2025. I filed my report immediately upon receiving that call.

I sincerely apologize for this lapse. Under the circumstances, I respectfully request that the Commission reconsider the penalties. I greatly appreciate your time and consideration.

Respectfully,



Quinn Read
206-979-3074
qr@oregonwild.org

--

Past Violations: 2021 Q2, \$10, pd; 2021 Q4, \$20, pd

Current Penalties: 2023 Q4, \$10; 2024 Q1, \$10; 2025, Q1, \$950

Recommendations: 2023 Q4 and 2024 Q1, no reduction, \$20
2025 Q1, 4th violation, reduction to \$425 *SM*

HUNTER David * OGEC

From: Amanda Sullivan-Astor <aastor@oregonloggers.org>
Sent: Wednesday, April 16, 2025 7:13 AM
To: OGEC Mail * OGEC
Subject: Late fee

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from aastor@oregonloggers.org. [Learn why this is important](#)

Good morning. I just filed my lobbyist report so, it was one day late (although filed before the start of the next work day). I was on a trip with my 2.5 year old daughter and chose to take a mental break from work without my work phone.

Please excuse my tardiness and relieve my \$10 late fee.

Thank you for your understanding, time, and attention.

Sincerely,
Amanda Sullivan-Astor
Associated Oregon Loggers

Get [Outlook for iOS](#)

Penalties/Recommendation:

Past violations: 2022 Q4, \$10 pd

Current Penalties: 2025 Q1, \$10

Recommendation: 2025 Q1 - \$10 - No Reduction *SM*

HUNTER David * OGEC

From: FOSTER Jessica * OGEC on behalf of OGEC Mail * OGEC
Sent: Tuesday, April 29, 2025 9:58 AM
To: HUNTER David * OGEC
Subject: FW: Penalty for failing to file quarterly expenditure report

Follow Up Flag: Follow up
Flag Status: Flagged

Penalty Waiver Request

Best wishes for health and happiness!

Jessica Foster

Office Specialist 2
Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, OR 97302-1544
☎ 503-378-5105
📧 <https://www.oregon.gov/ogec>

Please take our customer service survey!

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From: David Van't Hof <vanthofd30@gmail.com>
Sent: Wednesday, April 16, 2025 10:50 AM
To: OGEC Mail * OGEC <ogec.mail@oregon.gov>
Subject: Penalty for failing to file quarterly expenditure report

You don't often get email from vanthofd30@gmail.com. [Learn why this is important](#)

Dear Oregon Government Ethics Commission;

I am submitting this letter via email requesting the \$10 fine I received today be waived. I have regularly filed these quarterly reports for many years. I missed the two notices sent to my email this month on 4/10 and 4/15. I did see the notice of penalty on 4/16 (today) and immediately filed my quarterly report. Given my long history of filing compliance, I am requesting a one time waiver of the late fee penalty. Thanks for your consideration.

Penalties/Recommendation:

Dave Vant Hof
503 467-9518

Past Violations: 2020 Q3, \$10, Letter of Education

Current Penalties: 2025 Q1, \$10

Recommendation: 2nd violation - no reduction - \$10

HUNTER David * OGEC

From: Kemble Yates <kembleyates@gmail.com>
Sent: Monday, May 5, 2025 2:10 PM
To: OGEC Mail * OGEC
Cc: Chris Parta; Yates, Kemble
Subject: Request for waiver of reduction of late fee for Q1 Lobbying Report

You don't often get email from kembleyates@gmail.com. [Learn why this is important](#)

Dear Commission:

My name is Kemble Yates, and I am the Secretary-Treasurer of the Association of Oregon Faculties. Our organization is in the process of disbanding, but we have historically had a lobbying relationship with Chris Parta. We have not paid any money to Mr. Parta since Q2 of 2024.

Our recent Q1 report for 2025 was quite late, due to the above factors, plus: I no longer work for the employer with whom the email reminders were being sent (so I don't regularly see this email), and I have been traveling since mid-April.

I submitted the Q1 report today, but we are currently being assessed a \$400 fine. I am hoping you will be willing to waive or reduce this fine given our somewhat unusual circumstances.

I have now changed the email address to my personal one so that I will more readily see future communications.

Thank you for considering our request.

Sincerely,
Kemble Yates
Secretary-Treasurer for
Association of Oregon Faculties

Penalties/Recommendation:

Past Violations: 2023 Q3, \$10 pd; 2024 Q2, \$40 pd

Current Penalties: 2025 Q1, \$400

Recommendation: 2025 Q1 - 3rd violation - \$100 *SM*

HUNTER David * OGEC

From: ACC@cmspan.net
Sent: Thursday, May 8, 2025 2:36 PM
To: OGEC Mail * OGEC
Subject: Penalties

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from acc@cmspan.net. [Learn why this is important](#)

Hi:

I would like to see if the penalties for BikePAC can be reduced. I completely forgot to file the quarterlies and for some reason, the reminder emails did not come through. Also, I'm recovering from hip surgery and have been distracted.

Thank you for your consideration!

Larry Lee Hassett
BikePAC Treas

Past Violations: 2021 Q1, \$80, pd; 2023 Q3, \$50, pd; 2024 Q1 \$30, pd

Current Penalties: 2025 Q1, \$550

Recommendation: 2025 Q1, 4th violation, reduction to \$150 *SM*



May 13, 2025

Oregon Gouvernement Ethics Commission,

I am a member of the Board of Directors for Oregon Recovery High School Initiative (ORHSI), and I have held ORHSI's responsibility for reporting to the Oregon Government Ethics Commission (OGEC).

I failed to contact the IT office managing our email systems when the email I once used for the purpose of filing the required reports (tony@oregonrecoveryhighschools.org) stopped functioning. Not receiving the notification reminders, I did not file for two quarters, and I take full responsibility for my failure to report in a timely fashion.

If there is a pathway for lowering or waiving the fines, I would like to humbly make such a request.

Regardless of whether fines can be waived, ORHSI will take responsibility for any late submission fines that cannot be waived. ORSHI is committed to timely submission of all required reports. We have added a second contact to our OGEC account and updated email addresses to prevent this from happening again.

Sincerely,

A handwritten signature in black ink that reads "Tony Mann".

Tony Mann
ORSHI Board Member

Past Violations: 2021 Q4, Letter of Education; 2022 Q2, Reduction to \$50; 2022 Q4, \$30 pd.

Current Penalties: 2023 Q2, \$10; 2023 Q4, \$10, 2024 Q4, \$5,000; 2025 Q1, \$800

**Recommendation: 2023 Q2 and 2023 Q4, no reduction, \$20
2024 Q4, 5th violation, reduction to \$3,750
2025 Q1, 6th violation, no reduction, \$800**

SM

May 16th, 2025

To: Oregon Government Ethics Commission

To Whom It May Concern,

I would like to formally request a waiver or reduction in penalty fees for the 2024 filing of my statement of economic interest. My family and I were evacuated from our home due to the flood event that affected Harney County this year. The flooding started at the end of March, and we received our level 3 evacuation notice on March 30th, 2025. During that time, we were living in a camper with our two small children and doing our best under these circumstances. We could not move back into our home until the week of April 27th.

I was able to complete my filing today, 5/16/2025, with the help of staff, and I am so grateful for the kindness and professionalism I was shown. Thank you for your time and consideration. If you have further questions, please do not hesitate to contact me.

Very Respectfully,


Jami Attleberger
Planning and Zoning Commission
City of Burns
406-239-9339

Past Violations: None

Current Penalties: 2023 SEI, \$70, 2024 SEI, \$10. 2025 SEI \$110

Recommendation: 2023 SEI, 1st violation, Letter of Education

2024 SEI, 2nd violation, no reduction, \$10

2025 SEI, 3rd violation, reduction to \$30 *SM*

From: Michele Parry <mparry@shadycove.org>
Sent: Wednesday, May 7, 2025 2:22 PM
To: OGEC Mail * OGEC <mail@ogec.oregon.gov>
Subject: Request to Waive 2025 SEI Penalty Balance

You don't often get email from mparry@shadycove.org. [Learn why this is important](#)

Hello,

I completed the 2025 SEI filing today and noticed a \$20.00 penalty balance. I am reaching out to kindly request if this penalty could be waived.

This year was an exception due to significant staffing challenges that demanded much of my time, leading to the late submission. I have consistently filed on time in previous years and aim to maintain that record moving forward.

Thank you for considering my request. I greatly appreciate your time and understanding.

Sincerely,

Michele Parry
City Administrator

541-878-2225



PUBLIC RECORDS LAW DISCLOSURE: This is a public document, subject to the Oregon Public Records Law. Messages to and from this email may be available to the public.

Past Violations: 2021 SEI, \$50, pd

Current Penalties: 2025 SEI, \$20

Recommendation: 2nd violation, reduction to \$10 *SM*

HUNTER David * OGEC

From: Maureen Woodley <maureenlwoodley@gmail.com>
Sent: Tuesday, May 6, 2025 9:38 AM
To: OGEC Mail * OGEC
Subject: Fee Waiver Please :)

You don't often get email from maureenlwoodley@gmail.com. [Learn why this is important](#)

Hi,

I just filed my SEI over the phone and apparently have some late charges that I would like to have waived. I have been on the City of Malin Planning Committee for a couple of years and must have missed the deadline by a day or two. Please let me know if you have any questions.

Maureen Woodley
541-892-2760

Penalties/Recommendation:

Past Violations: None

Current Penalties: 2023 SEI, \$10; 2024 SEI, \$20; 2025 SEI, \$10

**Recommendation: 2023 SEI - 1st violation - Letter of Education
2024 and 2025 SEIs - 2nd & 3rd violations - reduction to \$20 *SM***

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Kris Howatt

)
)
)
)
)

STIPULATED FINAL ORDER

CASE NO. 24-626XJS

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 Kris Howatt.
2. JURISDICTION: At all material times, Kris Howatt was the elected Board Chair of the Multnomah County School District 10J, also known as the Gresham-Barlow School District (GBSD), and is, therefore, a public official as defined by ORS 244.020(15). GBSD is a public body and the Board is its governing body. [ORS 192.610(5) and (6)]. As a member of the governing body of a public body, Kris Howatt is required to comply with the provisions of Oregon Public Meetings Law, in ORS 192.610 to ORS 192.705.
3. STIPULATED FACTS:
 - A. The GBSD Board held a work session meeting on November 6, 2024. As part of the November 6th meeting, the Board held an executive session under ORS 192.660(2)(e) and ORS 192.660(2)(f).
 - B. ORS 192.660(2)(e) authorizes holding an executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - C. ORS 192.660(2)(f) authorizes holding an executive session to consider information or records that are exempt by law from public inspection.

- D. ORS 192.685(4) states that “[i]nformation related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.”
- E. In order for to determine whether the discussion in the executive session was permitted under Oregon Public Meetings Law, Commission staff requested minutes or recordings of the November 6, 2024 executive session. Initially, the Board refused to provide the minutes or recording of its November 6th executive session, in violation of ORS 192.685(4).
- F. ORS 192.650(1) states that [t]he governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings” and “[a]ll minutes or recordings shall be available to the public within a reasonable time after the meeting.”
- G. ORS 192.650(2) provides that “[m]inutes of executive sessions shall be kept in accordance with subsection (1) of this section...Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law.”
- H. After the preliminary review period for this case was completed, the Board provided a recording and minutes of the Board’s November 6th executive session, satisfying the requirements in ORS 192.685(4), ORS 192.650(1), and ORS 192.650(2).
- I. The recording of the November 6, 2024 executive session does not indicate that the Board exceeded the scope of the cited executive session statutory provisions, ORS 192.660(2)(e) and ORS 192.660(2)(f); thus, it does not appear that the Board violated ORS 192.660(2).

- J. ORS 192.660(6) directs that “[n]o executive session may be held for the purpose of taking any final action or making any final decision.” OAR 199-040-0060 clarifies that “[u]nless otherwise authorized by statute, a governing body shall not make a decision, including a vote, in executive session. A governing body may reach an informal consensus in executive session, but any decision may only be made in open session.”
- K. ORS 192.610(2) states that a ““Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.”
- L. During the November 6, 2024 executive session, the Board made a final determination on a motion that would be made in the public session of the meeting. At the end of the executive session, Kris Howatt stated, “that’s the plan, that’s what we’ll do.” Upon reconvening into public session, School Board Member Blake Petersen made a motion “to authorize the [B]oard vice-chair to respond to the complainant regarding the three complaints we received against the board chair through Policy KL.” The motion was passed unanimously and without discussion.
- M. When the Board made a final decision in executive session on a motion to be made in the public session of the meeting held on November 6, 2024, they violated ORS 192.660(6).
- N. 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 one violation of ORS 192.660(6).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On March 7, 2025, the Commission considered information in the preliminary review phase of Case No. 24-626XJS and acted to find cause to initiate an investigation of this matter. Kris Howatt 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. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.610 to 192.705 set forth in paragraph 3(M).
- C. In lieu of a civil penalty, Kris Howatt will receive a letter of education, as authorized by ORS 244.350(5), 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 Kris Howatt within the scope of the above-referenced proceedings.
- E. Kris Howatt 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 reviewing and entering 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, Kris Howatt 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, Kris Howatt 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.

Kristine Howatt

Kris Howatt

May 14, 2025

Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Cathy Keathley

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STIPULATED FINAL ORDER

CASE NO. 24-630XJS

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 Cathy Keathley.
2. **JURISDICTION:** At all material times, Cathy Keathley was the elected Board Vice Chair of the Multnomah County School District 10J, also known as the Gresham-Barlow School District (GBSD), and was, therefore, a public official as defined by ORS 244.020(15). GBSD is a public body and the Board is its governing body. [ORS 192.610(5) and (6)]. As a member of the governing body of a public body, Cathy Keathley is required to comply with the provisions of Oregon Public Meetings Law, in ORS 192.610 to ORS 192.705.
3. **STIPULATED FACTS:**
 - A. The GBSD Board held a work session meeting on November 6, 2024. As part of the November 6th meeting, the Board held an executive session under ORS 192.660(2)(e) and ORS 192.660(2)(f).
 - B. ORS 192.660(2)(e) authorizes holding an executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - C. ORS 192.660(2)(f) authorizes holding an executive session to consider information or records that are exempt by law from public inspection.

- D. ORS 192.685(4) states that “[i]nformation related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.”
- E. In order for to determine whether the discussion in the executive session was permitted under Oregon Public Meetings Law, Commission staff requested minutes or recordings of the November 6, 2024 executive session. Initially, the Board refused to provide the minutes or recording of its November 6th executive session, in violation of ORS 192.685(4).
- F. ORS 192.650(1) states that [t]he governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings” and “[a]ll minutes or recordings shall be available to the public within a reasonable time after the meeting.”
- G. ORS 192.650(2) provides that “[m]inutes of executive sessions shall be kept in accordance with subsection (1) of this section...Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law.”
- H. After the preliminary review period for this case was completed, the Board provided a recording and minutes of the Board’s November 6th executive session, satisfying the requirements in ORS 192.685(4), ORS 192.650(1), and ORS 192.650(2).
- I. The recording of the November 6, 2024 executive session does not indicate that the Board exceeded the scope of the cited executive session statutory provisions, ORS 192.660(2)(e) and ORS 192.660(2)(f); thus, it does not appear that the Board violated ORS 192.660(2).

- J. ORS 192.660(6) directs that “[n]o executive session may be held for the purpose of taking any final action or making any final decision.” OAR 199-040-0060 clarifies that “[u]nless otherwise authorized by statute, a governing body shall not make a decision, including a vote, in executive session. A governing body may reach an informal consensus in executive session, but any decision may only be made in open session.”
- K. ORS 192.610(2) states that a ““Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.”
- L. During the November 6, 2024 executive session, the Board made a final determination on a motion that would be made in the public session of the meeting. At the end of the executive session, Kris Howatt stated, “that’s the plan, that’s what we’ll do.” Upon reconvening into public session, School Board Member Blake Petersen made a motion “to authorize the [B]oard vice-chair to respond to the complainant regarding the three complaints we received against the board chair through Policy KL.” The motion was passed unanimously and without discussion.
- M. When the Board made a final decision in executive session on a motion to be made in the public session of the meeting held on November 6, 2024, they violated ORS 192.660(6).
- N. 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 one violation of ORS 192.660(6).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On March 7, 2025, the Commission considered information in the preliminary review phase of Case No. 24-630XJS and acted to find cause to initiate an investigation of this matter. Cathy Keathley has indicated that they wish to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.610 to 192.705 set forth in paragraph 3(M).
- C. In lieu of a civil penalty, Cathy Keathley will receive a letter of education, as authorized by ORS 244.350(5), 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 Cathy Keathley within the scope of the above-referenced proceedings.
- E. Cathy Keathley 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 reviewing and entering this agreement.

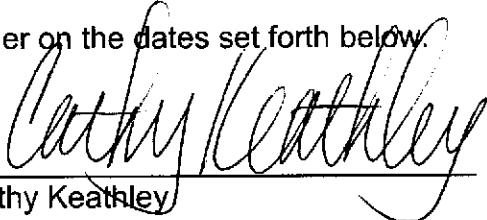
6. EFFECT:

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, Cathy Keathley 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, Cathy Keathley 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.


Cathy Keathley

5/21/2025

Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Mayra Gomez

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STIPULATED FINAL ORDER

CASE NO. 24-633XJS

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 Mayra Gomez.
2. JURISDICTION: At all material times, Mayra Gomez was a Board member of the Multnomah County School District 10J, also known as the Gresham-Barlow School District (GBSD), and is, therefore, a public official as defined by ORS 244.020(15). GBSD is a public body and the Board is its governing body. [ORS 192.610(5) and (6)]. As a member of the governing body of a public body, Mayra Gomez is required to comply with the provisions of Oregon Public Meetings Law, in ORS 192.610 to ORS 192.705.
3. STIPULATED FACTS:
 - A. The GBSD Board held a work session meeting on November 6, 2024. As part of the November 6th meeting, the Board held an executive session under ORS 192.660(2)(e) and ORS 192.660(2)(f).
 - B. ORS 192.660(2)(e) authorizes holding an executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - C. ORS 192.660(2)(f) authorizes holding an executive session to consider information or records that are exempt by law from public inspection.

- D. ORS 192.685(4) states that “[i]nformation related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.”
- E. In order for to determine whether the discussion in the executive session was permitted under Oregon Public Meetings Law, Commission staff requested minutes or recordings of the November 6, 2024 executive session. Initially, the Board refused to provide the minutes or recording of its November 6th executive session, in violation of ORS 192.685(4).
- F. ORS 192.650(1) states that [t]he governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings” and “[a]ll minutes or recordings shall be available to the public within a reasonable time after the meeting.”
- G. ORS 192.650(2) provides that “[m]inutes of executive sessions shall be kept in accordance with subsection (1) of this section...Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law.”
- H. After the preliminary review period for this case was completed, the Board provided a recording and minutes of the Board’s November 6th executive session, satisfying the requirements in ORS 192.685(4), ORS 192.650(1), and ORS 192.650(2).
- I. The recording of the November 6, 2024 executive session does not indicate that the Board exceeded the scope of the cited executive session statutory provisions, ORS 192.660(2)(e) and ORS 192.660(2)(f); thus, it does not appear that the Board violated ORS 192.660(2).

- J. ORS 192.660(6) directs that “[n]o executive session may be held for the purpose of taking any final action or making any final decision.” OAR 199-040-0060 clarifies that “[u]nless otherwise authorized by statute, a governing body shall not make a decision, including a vote, in executive session. A governing body may reach an informal consensus in executive session, but any decision may only be made in open session.”
- K. ORS 192.610(2) states that a ““Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.”
- L. During the November 6, 2024 executive session, the Board made a final determination on a motion that would be made in the public session of the meeting. At the end of the executive session, Kris Howatt stated, “that’s the plan, that’s what we’ll do.” Upon reconvening into public session, School Board Member Blake Petersen made a motion “to authorize the [B]oard vice-chair to respond to the complainant regarding the three complaints we received against the board chair through Policy KL.” The motion was passed unanimously and without discussion.
- M. When the Board made a final decision in executive session on a motion to be made in the public session of the meeting held on November 6, 2024, they violated ORS 192.660(6).
- N. 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 one violation of ORS 192.660(6).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On March 7, 2025, the Commission considered information in the preliminary review phase of Case No. 24-633XJS and acted to find cause to initiate an investigation of this matter. Mayra Gomez has indicated that they wish to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.610 to 192.705 set forth in paragraph 3(M).
- C. In lieu of a civil penalty, Mayra Gomez will receive a letter of education, as authorized by ORS 244.350(5), 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 Mayra Gomez within the scope of the above-referenced proceedings.
- E. Mayra Gomez 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 reviewing and entering this agreement.

6. EFFECT:

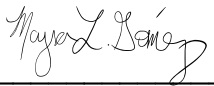
This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Mayra Gomez 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, Mayra Gomez 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.



Mayra Gomez

05/20/25

Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

David Ligatich

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STIPULATED FINAL ORDER

CASE NO. 24-634XJS

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 David Ligatich.
2. JURISDICTION: At all material times, David Ligatich was a Board member of the Multnomah County School District 10J, also known as the Gresham-Barlow School District (GBSD), and is, therefore, a public official as defined by ORS 244.020(15). GBSD is a public body and the Board is its governing body. [ORS 192.610(5) and (6)]. As a member of the governing body of a public body, David Ligatich is required to comply with the provisions of Oregon Public Meetings Law, in ORS 192.610 to ORS 192.705.
3. STIPULATED FACTS:
 - A. The GBSD Board held a work session meeting on November 6, 2024. As part of the November 6th meeting, the Board held an executive session under ORS 192.660(2)(e) and ORS 192.660(2)(f).
 - B. ORS 192.660(2)(e) authorizes holding an executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - C. ORS 192.660(2)(f) authorizes holding an executive session to consider information or records that are exempt by law from public inspection.

- D. ORS 192.685(4) states that “[i]nformation related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.”
- E. In order for to determine whether the discussion in the executive session was permitted under Oregon Public Meetings Law, Commission staff requested minutes or recordings of the November 6, 2024 executive session. Initially, the Board refused to provide the minutes or recording of its November 6th executive session, in violation of ORS 192.685(4).
- F. ORS 192.650(1) states that [t]he governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings” and “[a]ll minutes or recordings shall be available to the public within a reasonable time after the meeting.”
- G. ORS 192.650(2) provides that “[m]inutes of executive sessions shall be kept in accordance with subsection (1) of this section...Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law.”
- H. After the preliminary review period for this case was completed, the Board provided a recording and minutes of the Board’s November 6th executive session, satisfying the requirements in ORS 192.685(4), ORS 192.650(1), and ORS 192.650(2).
- I. The recording of the November 6, 2024 executive session does not indicate that the Board exceeded the scope of the cited executive session statutory provisions, ORS 192.660(2)(e) and ORS 192.660(2)(f); thus, it does not appear that the Board violated ORS 192.660(2).

- J. ORS 192.660(6) directs that “[n]o executive session may be held for the purpose of taking any final action or making any final decision.” OAR 199-040-0060 clarifies that “[u]nless otherwise authorized by statute, a governing body shall not make a decision, including a vote, in executive session. A governing body may reach an informal consensus in executive session, but any decision may only be made in open session.”
- K. ORS 192.610(2) states that a ““Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.”
- L. During the November 6, 2024 executive session, the Board made a final determination on a motion that would be made in the public session of the meeting. At the end of the executive session, Kris Howatt stated, “that’s the plan, that’s what we’ll do.” Upon reconvening into public session, School Board Member Blake Petersen made a motion “to authorize the [B]oard vice-chair to respond to the complainant regarding the three complaints we received against the board chair through Policy KL.” The motion was passed unanimously and without discussion.
- M. When the Board made a final decision in executive session on a motion to be made in the public session of the meeting held on November 6, 2024, they violated ORS 192.660(6).
- N. 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 one violation of ORS 192.660(6).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On March 7, 2025, the Commission considered information in the preliminary review phase of Case No. 24-634XJS and acted to find cause to initiate an investigation of this matter. David Ligatich has indicated that they wish to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.
- B. ORS 244.350(2)(a) authorizes the Commission to assess civil penalties of up to \$1,000 for each violation of ORS 192.610 to 192.705 set forth in paragraph 3(M).
- C. In lieu of a civil penalty, David Ligatich will receive a letter of education, as authorized by ORS 244.350(5), 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 David Ligatich within the scope of the above-referenced proceedings.
- E. David Ligatich 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 reviewing and entering 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, David Ligatich 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, David Ligatich 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.



David Ligatich

5/6/2025

Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Family and Community Together
Oregon

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STIPULATED FINAL ORDER

CASE NO. 25-036LDP

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 the Family and Community Together Oregon (FACT Oregon).
2. JURISDICTION: At all material times, FACT Oregon was a lobbyist client/employer registered in the Commission's Electronic Filing System (EFS). As such, FACT Oregon is subject to the jurisdiction of the Commission pursuant to the lobbying regulations in ORS Chapter 171.
3. STIPULATED FACTS:
 - A. Christy Reese, as the Executive Director of FACT Oregon, files its client/employer quarterly expenditure reports, as required by ORS 171.750. These reports identify FACT Oregon's total lobbying expenses, any itemized expenditures, and the FACT Oregon employee(s) who lobby on its behalf.
 - B. In Q3 through Q4 of 2023, Christy Reese was registered as a lobbyist for FACT Oregon in EFS. The EFS registrations for Ms. Reese and FACT Oregon expired by law on December 31, 2023, per ORS 171.740(5). Ms. Reese did not renew the registration and therefore, she was not registered in EFS to lobby in Q1 of 2024.
 - C. ORS 171.740(1) provides that "[w]ithin three business days after exceeding the limit of time or expenditure specified in ORS 171.735(4), * * * a [representative] lobbyist shall register with the Oregon Government Ethics

Commission * * *.” ORS 171.740(1) and 171.735(4) provide that registration in EFS is required for a representative or public official lobbyist who spends more than \$100 on lobbying or more than 24 hours lobbying during a calendar quarter.

- D. Because the EFS registration of Christy Reese was not renewed, she was not registered in EFS to lobby on behalf of FACT Oregon in Q1 of 2024. The information available indicates that during Q1 2024, Christy Reese did not engage in over 24 hours of lobbying or spend over \$100 on lobbying activities. As Christy Reese did not meet the threshold requiring registration as a lobbyist, she was not required to register, per ORS 171.740(1).
- E. ORS 171.750(1) states that “[a]ny person on whose behalf a lobbyist was registered, or was required to register, with the Oregon Government Ethics Commission at any time during the calendar year shall file with the commission * * * a statement showing for the applicable reporting period: (a) The total amount of all moneys expended for lobbying activities on the person’s behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services.”
- F. Both Christy Reese as the lobbyist and FACT Oregon as the lobbyist client/employer filed quarterly expenditure reports for Q3 and Q4 of 2023. FACT Oregon’s quarterly expenditure reports for these quarters reported zero for total expenses.
- G. The available information does not indicate that Christy Reese engaged in lobbying on behalf of FACT Oregon in Q3 of 2023, meaning that FACT Oregon’s Q3 2023 quarterly expenditure report appears to be correct.
- H. For Q4 of 2023, FACT Oregon also reported \$0 in total expenses on its quarterly expenditure report. During Q4 of 2023, however, Christy Reese did engage in a small amount of lobbying on behalf of FACT Oregon. Therefore,

on its Q4 2023 quarterly expenditure report, FACT Oregon was required to report its total expenses spent on lobbying activities, which would include the labor and overhead costs associated with the lobbying activities of Christy Reese. It failed to do so.

- I. By failing to report the total expenses spent for the purpose of lobbying activities during Q4 of 2023, FACT Oregon violated ORS 171.750(1).
- 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 finding one violation of ORS 171.750(1).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On January 13, 2025, Jeff Myers filed a complaint against FACT Oregon, initiating a case in preliminary review. Christy Reese has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the preliminary review phase.
- B. On May 25, 2025, Christy Reese, on behalf of FACT Oregon, submitted an amended quarterly expenditure report for Q4 of 2023 in EFS, correcting the total expenses paid by FACT Oregon for lobbying activities.
- C. ORS 171.992(1) authorizes the Commission to assess civil penalties of up to \$5,000 per violation of ORS 171.750. In lieu of civil penalty, FACT Oregon will receive a letter of education, as authorized by ORS 171.992(4).
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against FACT Oregon within the scope of the above-referenced proceedings.

E. FACT Oregon 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.

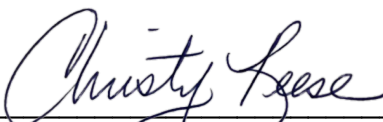
6. EFFECT:

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, Christy Reese on behalf of FACT Oregon agrees to waive their right to a contested case hearing as provided in ORS Chapter 183 and ORS 171.778. 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, Christy Reese on behalf of FACT Oregon 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.



Christy Reese on behalf of
Family and Community Together Oregon (FACT Oregon)

May 27, 2025

Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

25-036LDP FACT Oregon STIPULATED FINAL ORDER

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of

Urban League of Portland

)
)
)
)
)
)

STIPULATED FINAL ORDER

CASE NO. 25-042LJS

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 the Urban League of Portland (ULPDX).
2. JURISDICTION: At all material times, ULPDX was a lobbyist client/employer registered in the Commission's Electronic Filing System (EFS). As such, ULPDX is subject to the jurisdiction of the Commission pursuant to ORS Chapter 171.
3. STIPULATED FACTS:
 - A. Nkenge Harmon Johnson, as the President and CEO of ULPDX, files its client/employer quarterly expenditure reports, as required by ORS 171.750. These reports identify ULPDX's total lobbying expenses, any itemized expenditures, and the ULPDX employees who lobby on its behalf.
 - B. From Q1 of 2023 through Q1 of 2024, Jennifer Parrish Taylor and Stephanie Phillips Bridges were registered as lobbyists for ULPDX in EFS. In July of 2023, Miles Larson registered as a lobbyist for ULPDX in EFS; however, his EFS registration was never confirmed by ULPDX. Because Miles Larson's registration was not confirmed, he was not registered to lobby on behalf of ULPDX. The information provided indicates that Miles Larson did not meet the registration threshold requiring registration as a lobbyist; thus, he was not required to register, per ORS 171.740(1).

- C. ORS 171.740(1) provides that “[w]ithin three business days after exceeding the limit of time or expenditure specified in ORS 171.735(4), * * * a lobbyist shall register with the Oregon Government Ethics Commission * * *.” ORS 171.740(1) and 171.735(4) provide that registration in EFS is required for a representative or public official lobbyist who spends more than \$100 on lobbying or more than 24 hours lobbying during a calendar quarter.
- D. ORS 171.750(1) states that “[a]ny person on whose behalf a lobbyist was registered, or was required to register, with the Oregon Government Ethics Commission at any time during the calendar year shall file with the commission * * * a statement showing for the applicable reporting period: (a) The total amount of all moneys expended for lobbying activities on the person’s behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services.”
- E. ULPDX filed quarterly expenditure reports for Q1 of 2023 through Q1 of 2024; however, ULPDX inaccurately reported \$0 in lobbying expenditures, failing to account for the labor and overhead costs associated with lobbying activities of Jennifer Parrish Taylor, Stephanie Phillips Bridges, and Miles Larson.
- F. By failing to report the total amount of all money expended for lobbying activities from Q1 of 2023 through Q1 of 2024, ULPDX violated ORS 171.750(1).
- G. ORS 171.740(2)(a) provides that “[n]ot later than 10 calendar days after a lobbyist files a registration statement under this section, the designation of official authorization to lobby shall be signed by an official of each person that employs the lobbyist or in whose interest the lobbyist appears or works.”
- 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 one violation of ORS 171.750(1) and ORS 171.740(2)(a).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On January 13, 2025, Jeff Myers filed a complaint against ULPDX, initiating a case in preliminary review. Nkenge Harmon Johnson has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the preliminary review phase.
- B. On February 24, 2025, Mike Schmidt, on behalf of ULPDX, submitted amended quarterly expenditure reports for Q1 of 2023 through Q1 of 2024 in EFS, correcting the total amount of money ULPDX spent on lobbying activity.
- C. ORS 171.992(1) authorizes the Commission to assess civil penalties of up to \$5,000.00 for each violation of ORS 171.740. In lieu of civil penalty, Nkenge Harmon Johnson will receive a letter of education, as authorized by ORS 171.992(4).
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Nkenge Harmon Johnson within the scope of the above-referenced proceedings.
- E. Nkenge Harmon Johnson 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, Nkenge Harmon Johnson agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 171.778. 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, Nkenge Harmon Johnson 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.

Nkenge Harmon Johnson
Nkenge Harmon Johnson on behalf of
Urban League of Portland (ULPDX)

May 22, 2025
Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of	)	
	)	
Steve Marks	)	STIPULATED FINAL ORDER
	)	
	)	CASE NO. 23-067ESM
	)	

1. PURPOSE: The purpose of this stipulated final order is to release, settle and compromise any and all claims, allegations and charges that have been asserted by the Oregon Government Ethics Commission (Commission) in the above-referenced case against Steve Marks.
2. JURISDICTION: The period of the Commission's jurisdiction in this case extends from March 10, 2019 through March 10, 2023 (relevant period). At all material times during the relevant period, through February 15, 2023, Steve Marks was the Executive Director for the Oregon Liquor and Cannabis Commission. In that position, Steve Marks was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
3. FACTUAL ASSERTIONS:
 - A. The Oregon Liquor and Cannabis Commission (OLCC) regulates the distribution and sale of distilled spirits in the state. Oregon is a "control" state, meaning that distilled spirits may only be purchased through retail liquor stores operated by agents contracted with OLCC. There is no option in Oregon to purchase distilled spirits from an individual or business other than a licensed liquor store, nor can distilled spirits be shipped or mailed directly to Oregon residents.

- B. In Oregon, distilled spirits are owned by the suppliers when shipped to and inventoried in the OLCC warehouses. The State pays the suppliers when the inventory is transported from the OLCC warehouses to retail stores, at which point the inventory becomes the property of the State. The distilled spirits remain State property at the retail stores until they are sold to a customer, at the price set by OLCC.
- C. Buffalo Trace Distillery (Buffalo Trace) in Kentucky produces several brands of bourbon, including Pappy Van Winkle and Elmer T. Lee bourbons. The Pappy Van Winkle bourbons come in 10 year, 12 year, 13 year, 15 year, 20 year, and 23 year. Buffalo Trace distributes a limited amount of Pappy Van Winkle to OLCC, most of which is vendor-allocated to specific bars, restaurants, and liquor stores.
- D. Beginning in 2018, OLCC began holding a public drawing or lottery, called the Chance to Purchase Program, where Oregon residents could win the opportunity to purchase rare and limited edition bottles of liquor, including Buffalo Trace bourbons. OLCC employees and their relatives are not eligible to participate in the Chance to Purchase drawings.
- E. During the relevant period, OLCC held some bottles of the rare bourbons, including bottles of Pappy Van Winkle, in its reserve stock. After distribution of the bottles allocated in the Chance to Purchase drawings, certain OLCC employees were able to request and did obtain bottles from the reserve stock before those bottles were added to the regular list of stock available for distribution to liquor stores.
- F. The practice at OLCC of maintaining a reserve stock and of OLCC employees requesting and purchasing bottles from the reserve stock predated the establishment of the Chance to Purchase Program and Steve Marks' employment.

- G. During the relevant period, OLCC had no written policy for how to handle or distribute the bottles in the reserve stock. Nor was there a written policy authorizing OLCC employees to purchase bottles from the reserve stock.
- H. Steve Marks participated in a recorded interview with OLCC Investigator Travis Hampton on August 30, 2022. In that interview, Steve Marks acknowledged acquiring a bottle of Pappy VanWinkle 23 year from the reserve stock within the last three years, or sometime between August 30, 2019 and August 30, 2022. Mr. Marks paid the OLCC listed price, \$329.99 for this bottle.

4. LEGAL ASSERTIONS:

- A. ORS 244.040(1) prohibits a public official from using or attempting to use their official position or office to obtain a financial gain or avoid a financial detriment for the public official, their relatives or household members, or any businesses with which they, their relatives or household members are associated if that financial gain or avoidance of detriment would not otherwise be available to them but for them holding their office or position.
- B. ORS 244.040(2)(a) provides that ORS 244.040(1) does not apply to “[a]ny part of an official compensation package as determined by the public body that the public official serves.” OAR 199-008-0005(3) defines an “official compensation package” to include the wages and other benefits provided to the public official. “To be 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.”

- C. Because there was no written policy at OLCC authorizing employees to purchase the rare bottles held in the reserve stock before they were made available to the public, the opportunity to purchase reserve stock bottles was not part of the OLCC employees' official compensation packages.
- D. ORS 244.040(4) provides that a public official "may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official."
- E. "Confidential information" is defined in OAR 199-008-0005(5) to include any record that is exempt from public disclosure or inspection under state law, or any information obtained in the course of or by reason of holding position as a public official that is not publicly disclosed.
- F. The Commission contends that information on the availability of the bottles in the reserve stock was not publicly disclosed, that this information was only available to Steve Marks because of his position at OLCC, and that Steve Marks was able to obtain a bottle of Pappy Van Winkle 23 year, from the OLCC reserve stock, because he held his position at OLCC.
- G. The Commission further contends that by obtaining the bottle of Pappy Van Winkle 23 Year from the OLCC's reserve stock, Steve Marks avoided the financial detriment of paying the costs that would otherwise be necessary to obtain a bottle of Pappy Van Winkle 23 Year at the time he obtained his bottle.
- H. A conflict of interest occurs when a public official makes a decision or recommendation, or takes action, that would (actual conflict of interest) or could (potential conflict of interest) result in a financial benefit or detriment for the public official, their relatives, or any business with which they or their relatives are associated. [ORS 244.020(1) and (13)].

- J. ORS 244.120(1)(c) requires appointed public officials to disclose their conflicts of interest prior to making a decision or recommendation or taking official action. Appointed officials must submit a written disclosure of their conflict of interest to their appointing authority and request that authority dispose of the conflict of interest. The appointing authority may do so by appointing another employee to handle the matter or by directing the conflicted employee to handle the matter in the manner designated by the appointing authority.
- K. The Commission contends that when Steve Marks requested and obtained his bottle of Pappy Van Winkle 23 Year from the OLCC reserve stock, he took an action, in his official capacity, that resulted in a personal financial benefit. Steve Marks did not submit a written conflict of interest disclosure to his appointing authority prior to taking this action.
- L. The Commission contends that 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 one violation each of ORS 244.040(1), ORS 244.040(4), and ORS 244.120(1)(c).
- M. Steve Marks contends that the facts asserted in Section (3) of this Order are insufficient to establish a violation of ORS 244.040(1), ORS 244.040(4) and ORS 244.120(1)(c), and 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 finding such violations. He further asserts that he did not knowingly or intentionally violate these statutes and that he has legal and factual bases to argue against any and all of the facts asserted and the alleged violations, but he agrees to entry of this stipulated final order in order to resolve this matter.

5. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On June 2, 2023, the Commission considered information in the preliminary review phase of Case No. 23-067ESM and acted to find cause to initiate an investigation of this matter. On July 14, 2023, the Commission moved to suspend the investigation pending completion of a pending criminal investigation by the Oregon Department of Justice. The suspension was lifted and the investigation was reactivated on May 14, 2024. Mr. Marks, through his counsel, requested and received a time waiver so that the parties could negotiate a potential resolution of this matter through a stipulated final order.
- B. Steve Marks 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. ORS 244.350 authorizes the Commission to impose civil penalties of up to \$5,000 for each violation of the laws in ORS Chapter 244.
- D. Steve Marks will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$1,500 in order to settle and compromise this matter.
- E. The Commission releases, settles and compromises any and all claims, allegations and charges that have been asserted by the Commission in the above-referenced case against Steve Marks.
- F. Steve Marks will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

6. 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 reviewing and entering into this agreement.

7. 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, Steve Marks 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, Steve Marks 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.



Steve Marks



Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

In the Matter of)
)
)
 Adina Ferguson)
)
)

STIPULATED FINAL ORDER

CASE NO. 24-424EDP

- 113

- C. As the Dental Clinic Manager (District Manager), Ms. Ferguson's appointing authority is the District Board. To disclose a conflict of interest, Ms. Ferguson would need to submit a written notice of the nature of her conflict of interest to the District Board and then follow the Board's directives on how to proceed.
- D. From May 2023 through April 2024, Ms. Ferguson participated in meetings, engaged in discussions, and issued payments relating to the District's purchase of property owned by her parents (Clark Property). As her parents, Debbie Clark and Roger Clark are relatives of Ms. Ferguson as defined in ORS 244.020(16)(a).
- E. Ms. Ferguson, acting in her official capacity, participated in decisions, recommendations and actions regarding the Clark Property. Ms. Ferguson's participation included the following:
 - a. In 2023, the District was awarded a feasibility grant to conduct a study (Feasibility Study) to consider new property for their Dental Clinic. Between May 2023 and August 2023, Ms. Ferguson collaborated and discussed matters related to the Feasibility Study which included the Clark Property.
 - b. In 2023 and 2024, Ms. Ferguson took actions concerning the Clark Property, including having an engineering study conducted; creating and providing a presentation on suitable properties for the District Board; making a presentation to the District Board in which she read the recommendations of the employed professional staff relating to the Clark Property; and providing information to a grant consultant to apply for funds to remodel the Clark Property.
 - c. In 2024, Ms. Ferguson issued District payments relating to the Clark Property. These payments included payments to vendors for work involving the Clark Property and signing a check payable to a Title Company for the District's purchase of the Clark Property.

- F. The decisions, recommendations, and actions described in paragraphs 3(D) and 3(E) would or could financially impact Ms. Ferguson's relatives. Therefore, she was met with conflicts of interest requiring disclosure.
- G. Prior to participating in the decisions, recommendations, and actions described in paragraphs 3(D) and 3(E), Adina Ferguson failed to provide written notice to her appointing authority of the nature of her conflicts of interest. By failing to do so, Ms. Ferguson violated ORS 244.120(1)(c).
- H. The actions described in paragraphs 3(D), 3(E), and 3(G) constitute one violation of ORS 244.120(1)(c) with ten equivalent actions.
- I. ORS 244.040(1) prohibits a public official from using or attempting to use their 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 the official's 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.
- J. In each of the instances described in paragraphs 3(D) and 3(E), Ms. Ferguson used her position to obtain a financial gain or avoidance of detriment for her relatives that would not otherwise be available but for her holding her official position. By so doing, she violated ORS 244.040(1).
- K. The actions described in paragraphs 3(D), 3(E), and 3(J) constitute one violation of ORS 244.040(1) with ten equivalent actions.
- L. The Commission contends 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 finding one violation of ORS 244.120(1)(c) and one violation of ORS 244.040(1), with ten equivalent actions each.

- M. Adina Ferguson contends that she did not willfully or intentionally violate Oregon Government Ethics Law. She asserts that she sought advice from the District's legal counsel and acted under the direction of the Board. Ms. Ferguson further acknowledges that although she communicated her conflict of interest to the District Board, she failed to submit a written notice of the nature of her conflict of interest.

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On December 13, 2024, the Commission considered information in the preliminary review phase of Case No. 24-424EDP and acted to find cause to initiate an investigation of this matter. Adina Ferguson 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. ORS 244.350 authorizes the Commission to assess civil penalties of up to \$5,000 per violation for each of the violations described in paragraphs 3(H) and 3(K).
- C. Adina Ferguson will pay a civil penalty, as authorized by ORS 244.350, in the amount of \$750 in order to settle and compromise this matter. Payment in full will be made payable to the Commission no later than June 30, 2025.
- D. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Adina Ferguson within the scope of the above-referenced proceedings.
- E. Adina Ferguson 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 reviewing and entering 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 this matter and shall be binding upon all parties.

By signing this agreement, Adina Ferguson 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, Adina Ferguson 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.

Adina Ferguson
Adina Ferguson

05/26/2025
Date

David Fiskum, Chairperson
Oregon Government Ethics Commission

Date

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 24-381EJS

DATE: May 29, 2025

RESPONDENT: WEST, John, former Josephine County Commissioner

COMPLAINANT: SCOFIELD, JJ

RECOMMENDED ACTION: Make preliminary findings of violations of ORS 244.040(1) and ORS 244.120(2)(a)

SYNOPSIS: John West is a former Josephine County Commissioner. The complaint in this case was submitted by JJ Scofield on August 8, 2024, and alleged that John West failed to disclose a conflict of interest and used his official position to obtain a financial gain by requesting a restructuring of the Community Development fee at a Josephine County Board of Commissioners regular meeting on July 30, 2024. JJ Scofield alleges that pausing or reducing the Community Development fee would result in the direct avoidance of a financial detriment for John West and his property development businesses by saving him roughly \$50,000.

The information available establishes a preponderance of the evidence to believe that John West attempted to avoid a financial detriment when he used his position as a County Commissioner to request a restructuring of the Community Development fee. By doing so, John West engaged in a prohibited use of office, violating ORS 244.040(1), and, unless the Commission determines that the class exception applies, failed to disclose a potential conflict of interest, violating ORS 244.120(2)(a).

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

ORS 244.020 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (13) of this section.

* * * * *

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

* * * * *

(3)(a) "Business with which the person is associated" means any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year; * * *.

* * * * *

(3)(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060(3).

* * * * *

(13) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the

1 pecuniary benefit or detriment arises out of the following:

2 * * * * *

3 (b) Any action in the person's official capacity which would affect to the same degree a
4 class consisting of all inhabitants of the state, or a smaller class consisting of an industry,
5 occupation or other group including one of which or in which the person, or the person's
6 relative or business with which the person or the person's relative is associated, is a
7 member or is engaged.

8 * * * * *

9
10 **ORS 244.040 Prohibited use of official position or office; exceptions; other**

11 **prohibited actions.** (1) Except as provided in subsection (2) of this section, a public
12 official may not use or attempt to use official position or office to obtain financial gain or
13 avoidance of financial detriment for the public official, a relative or member of the
14 household of the public official, or any business with which the public official or a relative
15 or member of the household of the public official is associated, if the financial gain or
16 avoidance of financial detriment would not otherwise be available but for the public
17 official's holding of the official position or office. * * *

18
19 **ORS 244.120 Methods of handling conflicts.** * * * (2) An elected public official, other
20 than a member of the Legislative Assembly, or an appointed public official serving on a
21 board or commission, shall:

22 (a) When met with a potential conflict of interest, announce publicly the nature of the
23 potential conflict prior to taking any action thereon in the capacity of a public official; or

24 (b) When met with an actual conflict of interest, announce publicly the nature of the
25 actual conflict and:

26 (A) Except as provided in subparagraph (B) of this paragraph, refrain from participating
27 as a public official in any discussion or debate on the issue out of which the actual
28 conflict arises or from voting on the issue.

29 (B) If any public official's vote is necessary to meet a requirement of a minimum number
30 of votes to take official action, be eligible to vote, but not to participate as a public official
31 in any discussion or debate on the issue out of which the actual conflict arises.

1 (3) Nothing in subsection (1) or (2) of this section requires any public official to announce
2 a conflict of interest more than once on the occasion which the matter out of which the
3 conflict arises is discussed or debated.

4 (4) Nothing in this section authorizes a public official to vote if the official is otherwise
5 prohibited from doing so.

6 * * * * *

7
8 **INVESTIGATION:** On August 8, 2024, the Oregon Government Ethics Commission
9 (Commission) initiated a preliminary review based on information provided in a signed
10 complaint from JJ Scofield. (#PR1). According to the complaint, the Josephine County
11 Board of Commissioners held a regular meeting on July 30, 2024, and one of the items
12 on the meeting agenda was to consider a pause of the 1% Community Development
13 fees. Community Development Director Mark Stevenson was present at the meeting to
14 discuss the effects that a pause in fees would have on his department. JJ Scofield
15 states that John West owns numerous properties that would be affected by this change
16 and that pausing the fee would save him approximately \$50,000. Despite this, JJ
17 Scofield alleges that John West failed to declare a conflict of interest at the July 30th
18 meeting. (#PR1).

19
20 At the Commission's November 1, 2024 meeting, the Commission considered the
21 information presented in the preliminary review report and found cause to open an
22 investigation. The focus of the investigation was to determine whether there was
23 sufficient evidence to indicate that John West violated ORS 244.040(1) or ORS
24 244.120(2)(a). Specifically, the investigation focused on whether John West attempted
25 to use his official position to avoid a financial detriment and whether he was faced with a
26 potential conflict of interest that required disclosure. The investigation also looked at
27 whether the class exception in ORS 244.020(13)(b) would apply to negate any
28 requirement for John West to disclose a conflict of interest.

29
30 **Community Development Fee**

31 The agenda for the Board meeting on July 30, 2024 included a discussion about the

1 Community Development fee, a type of residential building permit fee required in
2 Josephine County and established by OAR 918-050-0100.

3
4 OAR 918-050-0100 states that residential construction permit fees shall be calculated
5 using the following methodology:

6
7 * * * A structural permit fee for new construction and additions shall be calculated
8 using the ICC Building Valuation Data Table current as of April 1 of each year,
9 multiplied by the square footage of the dwelling to determine the valuation. The
10 valuation shall then be applied to the municipality's fee schedule to determine the
11 permit fee. The plan review fee shall be based on a predetermined percentage of
12 the permit fee set by the municipality. * * * (#PR8).

13
14 July 30th Board Meeting Minutes

15 The meeting minutes for the July 30th Board meeting, Agenda Item #5, state that the
16 Commissioners discussed a proposal to "Pause Community Development Fees of 1%":

17
18 Commissioner West spoke about his concerns with the Community Development
19 fees. Mark Stevenson, Community Development Director, explained building
20 evaluations for every permit that is issued in the State of Oregon is based on an
21 OAR methodology, OAR 918-050-0100, Statewide Fee Methodologies for
22 Residential and Commercial Permits. The 2/10th of a percent goes into a fund
23 which helps cover the cost of Community Development. Mark Stevenson said
24 this fee has been in effect since 2016 and was approved by the commissioners.
25 Commissioner West asked how Community Development can determine the
26 price of a 3,000 square foot house? Mark Stevenson said OAR methodology
27 gives you an opportunity to submit an evaluation on your home. If our evaluation
28 reads \$600,000 but their loan is lower, we can accept that as an assessment.
29 Evaluation tables come down from the state. Commissioner West asked why
30 Mark Stevenson is taking money and moving it to Code Enforcement, citizens
31 are not supposed to be charged for a service that was not given to them,

1 Commissioner West believes the citizens are being charged incorrectly. Mark
2 Stevenson said this fee was done nine years ago which provides assistance to
3 the umbrella of the Community Development program, the money goes into
4 Community Development as a whole. Mark Stevenson said he does not mind
5 cutting fees or adding fees, he wants to make sure his department can cover
6 services for the citizens of Josephine County. (#PR2).

7
8 July 30th Board Meeting

9 Commission staff reviewed the video recording of the July 30th Josephine County
10 Board of Commissioners meeting. In order to allow Community Development Director
11 Mark Stevenson to participate in the discussion before he had to leave for a family
12 member's medical appointment, the Board began the meeting with Agenda Item #5,
13 Community Development fees. Board Chair John West begins a discussion about the
14 County's Community Development fees, and he does not declare a conflict of interest.
15 John West discusses the fees associated with new and existing homes and the
16 calculation rate for those fees. Mark Stevenson explains the compounding impact of
17 Community Development fees:

18
19 * * * Let's just talk about the development. At 31 lots, there's about \$22,000 in
20 fees in Community Development. So, in future lots that you own, there's 20...
21 what... 35 lots, you're going to average about \$1000 probably per lot for the
22 construction of each of those dwelling units. And it's across the board throughout
23 the County." * * * (#PR3, Transcribed).

24
25 John West states that money from the Community Development fee is being improperly
26 used for code enforcement purposes. John West asks Mark Stevenson:

27
28 * * * "Why should I pay for code enforcement, when I'm building a house, I paid
29 my fees. * * * That's not what I'm supposed to be paying for. * * * I'm not
30 supposed to pay for code enforcement because I haven't done anything wrong."
31 * * * (#PR3, Transcribed).

1 John West then states, "I'm being charged for code enforcement," and suggests
2 restructuring the Community Development fee rate. Mark Stevenson states he is willing
3 to consider fee changes. John West says that the County is encouraging people to stop
4 applying for permits by imposing this fee. Mark Stevenson replies:

5
6 "It's been nine years and people get their permits; you get your permits. You
7 have 60 plus, you know, dwelling units coming to this County. You've already
8 done 30, you've paid Community Development fees on those." (#PR3,
9 Transcribed).

10 11 Additional Information

12 John West is listed as the registered business owner and president of two property
13 development/contracting companies according to the Oregon Secretary of State
14 business records: Axxis Development, Inc., and West Lands Contracting, Inc., both of
15 which are based out of Grants Pass, Oregon. Axxis Development, Inc. appears to be a
16 property development company, and West Lands Contracting, Inc. appears to
17 specialize in land clearing. John West's 2024 Statement of Economic Interest (SEI) lists
18 seven properties owned by John West within Josephine County, along with the above
19 businesses. (#PR4, #PR5, #PR6, #PR7).

20 21 Response

22 On August 22, 2024, Commission staff spoke to John West and his attorney Connor
23 King to gain additional clarification.

24
25 John West stated that he decided to bring up the issue of the Community Development
26 fee to the Board of Commissioners after community members approached him and had
27 questions about where the money was going. John West explained that he invited
28 Community Development Director Mark Stevenson to the July 30th Board meeting to
29 discuss the fee structure. John West stated that the County cannot charge this type of
30 fee unless it is a cost of service. John West said that the Board wanted to determine
31 what the Community Development fee was being used for and to ensure that they were

1 following State statutes. (#PR9).

2
3 John West stated that Community Development Director Mark Stevenson told him that
4 the County moved \$160,000 in revenue received from Community Development fees
5 into Code Enforcement. John West told Mark Stevenson that the County cannot charge
6 a fee if they are not providing a service to the individuals who were charged. John West
7 explained that the Board never made any decisions and did not vote on any change to
8 the fee during the meeting. John West stated, "All it was, was a discussion." John West
9 reiterated that he made no recommendation to the Board, he was only gathering
10 information to determine what the fee was being used for. (#PR9).

11
12 John West explained that he owns 8 properties, not 43 as stated in the complaint. John
13 West said that Mark Stevenson explained the cost of Community Development fees for
14 35 properties because if he were to develop the property he owns and break the lots
15 into smaller parcels to build on them, that is how much he would ultimately be charged
16 in fees. John West stated that Community Development fees are not paid when
17 property is developed; rather they are paid when certain building permits are filed.
18 (#PR9).

19
20 John West explained that he is a fifty percent owner of Axxis Development Inc. and
21 owns West Lands Contracting, Inc., John West explained that his businesses do not
22 apply for residential or commercial permits, which would include Community
23 Development fees, because they do not build structures. John West stated, "I have
24 never filed for a commercial permit." John West explained that when he developed
25 Russell Road Estates, the land was separated into 38 parcels, and each one was sold
26 as a bare piece of land. John West stated, "We only sell dirt." John West also stated
27 that he might have paid the Community Development fee in the past, but he did not
28 realize what it was. (#PR9).

29
30 John West explained that during the July 30th Board meeting, when he was speaking to
31 Mark Stevenson about the cost of the Community Development fees, he used

1 hypothetical examples, such as “Person A” and “Person B.” John West stated he was
2 not discussing money that he personally spent on fees. John West explained that Mark
3 Stevenson was also discussing hypothetical future scenarios when he was talking about
4 the fees collected from 35 lots, not specifically talking about John West or his
5 businesses. (#PR9).

6
7 John West emphasized that nothing changed as a result of the Board meeting
8 discussion and the fee is still being charged. He stated that he did not believe any
9 change in the Community Development fees would affect him or his businesses.
10 (#PR9).

11
12 John West and his attorney, Connor King, were adamant that John West is part of a
13 recognized class of landowners and developers, and he would not be affected by a
14 change in Community Development fees differently than any other member of that
15 group. (#PR9).

16
17 Phone Call with Mark Stevenson

18 On August 26, 2024, Commission staff spoke with Community Development Director
19 Mark Stevenson. Mark Stevenson recalled the July 30th Josephine County Board of
20 Commissioners meeting, and he stated he thought it was “suspicious” that John West
21 put the matter of a Community Development fee pause on the agenda for that day.
22 Mark Stevenson stated he was not scheduled to attend the Board meeting because his
23 wife had a medical appointment, but he went to the meeting last minute to argue for the
24 Community Development fees, which have been in effect since 2016. (#PR10).

25
26 Commission staff asked Mark Stevenson if he had a conversation with John West about
27 the personal financial impact that pausing the Community Development fee could have
28 on John West or his businesses. Mark Stevenson stated, “Yes, I mentioned the sale of
29 the lots that he already owns.” Mark Stevenson stated that he spoke with John West
30 about the amount of money that the Community Development fee would ultimately
31 collect on John West’s properties. Mark Stevenson stated that, as a result of pausing

1 the Community Development fee, "We're talking about thousands of dollars of savings
2 to him personally." (#PR10).

3
4 Mark Stevenson explained that the Community Development fee applies to permits for
5 single family dwellings. He stated that John West may not always pay the fee directly,
6 because his businesses do not typically purchase permits; however, the fee reduction
7 "is an easier sale for him. The client goes to him and gets the permit, and he basically
8 works as consultant." Mark Stevenson stated that John West owns a 35 lot subdivision
9 in Josephine County, and that subdivision is ultimately going to incur a significant
10 amount of Community Development fees. (#PR10).

11
12 Additionally, Mark Stevenson stated that in 2022, John West built a house for his
13 daughter, which would have incurred Community Development Fees when he paid the
14 permits. (#PR10).

15
16 Additional information provided to Commission staff from Mark Stevenson states that
17 John West approached him on June 21, 2023 to discuss possible Board action. Mark
18 Stevenson states that John West was unhappy with a recent increase in Community
19 Development fees and requested that he "not implement it." He states that John West
20 also discussed the process to end Community Development fee increases with
21 Josephine County Finance Director Sandy Novak. Mark Stevenson states that John
22 West did not support the fees because "he is in the business" and the changes could
23 increase his costs. (#IR1).

24 25 Assessor's Office Records

26 Commission staff received records from the Josephine County Tax Assessor's Office
27 which lists the properties owned by John West and his businesses. John and Patricia
28 West are listed as the owners of one property, West Lands Contracting Inc. is listed as
29 the owner of two properties, Axxis Development Inc. is listed as the owner of five
30 properties, and Brimstone Natural Resource Co. is listed as the owner of seven
31 properties, for a total of 15 properties within Josephine County. (#PR11).

1 Building Permit Records

2 Commission staff requested records of building permits filed with Josephine County by
3 John West and his businesses. Commission staff received copies of five permits filed by
4 John West and Axxis Development Inc. Two of the permits were filed by John West in
5 early 2017 and the fees were paid. Because this was before the period of the
6 Commission's jurisdiction, we did not examine these permits any further. (#PR12).

7
8 On July 9, 2020, a single family dwelling permit was granted to John West for 128
9 Cambridge Drive, Grants Pass which included a listed \$522.00 in paid Community
10 Development fees. (#PR12).

11
12 On October 28, 2022, a single family dwelling permit was granted to Axxis Development
13 Inc. for 1398 Ellison Loop, Merlin which included a listed \$646.00 in paid Community
14 Development fees. (#PR12).

15
16 Commission staff received additional records from the Josephine County Planning
17 Division on May 22, 2025. The information states that John West and his businesses
18 did not file any applications or receive any permits which included Community
19 Development fees after October, 2022. (#IR3).

20
21 The Josephine County Planning Division explained that, in order to partition a property
22 for development, the developer would have to pay \$309 for a "development permit"
23 issued by the Planning Division and a separate \$400 fee for Public Works; however,
24 these charges do not include Community Development fees. They explained that
25 additional permits and fees would be charged if an applicant is building a home or a
26 livable space on the property. (#IR3).

27
28 November 1st Commission Meeting

29 At the Commission's meeting on November 1, 2024, John West's attorney, Connor
30 King, stated that the purpose of the Josephine County Board meeting was not to take a
31 position on changing the Community Development fee, but to discuss whether there

1 was any legal liability to the County in the way the fee was structured. Connor King
2 stated that, of the properties owned by John West, only two of those properties have the
3 potential to be developed. He explained that one of the properties was listed for sale in
4 an undeveloped state, and the other property had not been subdivided yet. He clarified
5 that John West does not have a contractor's license and his property development
6 businesses do not build structures that would require permits. (#PR13).

7
8 **CONCLUSIONS:** During the relevant period, John West was a Josephine County
9 Commissioner. As such, he was a public official, as defined in ORS 244.020(15), and
10 required to comply with Oregon Government Ethics laws.

11
12 **Business with which the Person is Associated**

13 Per the definition in ORS 244.020(3)(a), any business of which a person is a director,
14 officer, owner, or agent is a "business with which the person is associated." ORS
15 244.020(3)(d) states that, for public officials required to file a statement of economic
16 interest, any business listed as a source of income is a "business with which the person
17 is associated." Based on the information reviewed, John West was the registered
18 business owner and president of Axxis Development Inc., Brimstone Natural Resources
19 Co., and West Lands Contracting, Inc. all of which are listed as sources of income on
20 John West's 2024 SEI. Therefore, they are all businesses with which John West is
21 associated.

22
23 **Conflict of Interest**

24 John West began the Josephine County Board meeting on July 30, 2024 with a
25 discussion about whether to continue, suspend, or reduce the Josephine County
26 Community Development Fees. John West discussed the necessity of the fee with the
27 Community Development Director and suggested the possibility of restructuring or
28 pausing it. John West's initiation of the Board's discussion of the Community
29 Development Fees at the July 30th meeting appears to be for the purpose of having the
30 Board consider future action. Thus, even though the Board may not have made a
31 decision or voted at this meeting, it appears that the Board was deliberating on a matter

1 upon which the Board may take action in the future. Therefore, by deliberating it
2 appears John West was taking an "action," which, under ORS 244.020(1) and (13),
3 necessitated him making a conflict of interest disclosure.

4
5 John West stated that he does not apply for residential building permits as a property
6 developer and he does not pay Community Development fees; however, he and his
7 business Axxis Development Inc. have applied for five residential building permits since
8 2017, accruing a total of \$3035.26 in Community Development fees. As a property
9 developer who has a history of applying for building permits which include payments for
10 Community Development fees, and the owner of 15 properties within Josephine County,
11 John West could reasonably expect a change or pause to the Community Development
12 fee to directly affect him or his businesses. Additionally, John West's business West
13 Lands Contracting, Inc. appears to primarily engage in land clearing. Land clearing is a
14 precursor to the sale and development of the property. While it is not certain that John
15 West would continue to apply for residential building permits and thus be directly
16 affected by the modified Community Development fee, any change to the fee could still
17 affect him or his businesses. For individuals considering whether to purchase a parcel
18 upon which to build a residential or commercial building, the reduced Community
19 Development fees could make parcels in Josephine County, such as those owned by
20 John West or his businesses, more appealing, which could lead to greater demand and
21 higher sales prices. Thus, John West was met with a potential conflict of interest at the
22 Board's July 30th meeting. By failing to publicly announce his potential conflict of
23 interest, John West violated ORS 244.120(2)(a).

24 25 Class Exception

26 There are some exceptions to conflicts of interest, including the class exception set forth
27 in ORS 244.020(13)(b). The class exception provides that there is no conflict of interest
28 if the financial benefit or detriment arises out of "[a]ny action in the person's official
29 capacity which would affect to the same degree a class consisting of all inhabitants of
30 the state, or a smaller class consisting of an industry, occupation or other group
31 including one of which or in which the person, or the person's relative or business with

1 which the person or the person's relative is associated, is a member or is engaged." If
2 the class exception applies, then Mr. West would not have had a conflict of interest and
3 would not have been required to make any conflict disclosure.

4
5 Only the Commission may establish criteria for or identify the classes that qualify under
6 the class exception. [ORS 244.020(13)(b); ORS 244.290(3)(a)]. In order to determine
7 whether the class exception applies in specific circumstances, the Commission must
8 identify a class, examine the membership of the class, and determine whether the
9 specific members at issue would be affected to the same degree as all of the other
10 members of the class. The phrase "to the same degree" has previously been interpreted
11 to mean that all members of the class would have to be affected equally, or at least
12 proportionately, in order for the class exception to apply.

13
14 In A Guide for Public Officials (Guide), the Commission states,

15
16 * * * A written request must be made to the Commission to make that
17 determination in advance. If a public official determines that a "class" exception
18 applies in their situation, without benefit of Commission advice, the Commission
19 may later determine that a "class" exception does not apply to the situation, and
20 could find a violation. * * * (Guide, p. 14).

21
22 As Mr. West did not request a class determination from the Commission in advance of
23 the July 30th meeting, the Commission can only make a class determination and
24 establish whether the class exception applies based on the findings of this investigation.

25
26 Membership of a class could include homeowners, property developers, contractors,
27 businesses, or another subset of these groups, if the members would be affected "to the
28 same degree" or proportionately to all other members of the class. Other classes which
29 have not been explored here may also exist. In order for a class exception to apply in
30 this case, the Commission would need to determine who would be included in the class
31 and whether all members of the class would be affected to the same degree by the

1 proposed action.

2
3 Connor King, attorney for John West, states that John West is part of a class of
4 homeowners and developers within Josephine County who would be equally affected by
5 changes to Community Development fee rates when they apply for building permits. He
6 asserts that anyone applying for a building permit in Josephine County would be
7 affected, to the same degree, by a change or pause in the Community Development
8 fee.

9
10 In this case, it appears that there may be a class of Josephine County homeowners who
11 would proportionately be affected by changes to the Community Development fee
12 charged for building permits. In this scenario, the class could apply to Josephine County
13 homeowners who apply for private building permits on behalf of themselves, their
14 relatives, or their household members. It is unclear whether there is a class which would
15 include businesses or property developers who might apply for building permits. Not
16 only could a business be affected to a larger degree than a residential homeowner, but
17 each business or property developer could be affected differently, depending on the
18 work done by that business. Commission staff spoke with several property development
19 businesses which operate in the Josephine County area. These businesses all develop
20 multi-lot subdivisions and sell individual lots; however, each of these property
21 development companies also construct homes on some of those lots and pay for the
22 required building permits, which include Community Development fees. (#IR2). It
23 appears that each property development business could be uniquely affected by a
24 change to Community Development fees depending on the scope of their property
25 development projects; however, it also appears that Community Development fees are
26 uniformly charged as a 1% fee, in accordance with the statewide fee methodology in
27 OAR 918-050-0100.

28 29 Prohibited Use of Office

30 In the Guide, the Commission advises that public officials who engage in outside
31 employment or private business “must keep a separation between their public positions

1 and their outside employment or private business interests.” Among the guidelines the
2 Guide provides is that “[p]ublic officials must not use their public position to create the
3 opportunity for additional personal income.” (Guide, p. 22).

4
5 In this case, John West was present and participated in the July 30, 2024 Josephine
6 County Board meeting in his official capacity when he discussed the option of pausing
7 or changing the County Community Development fee. John West initiated this
8 discussion at the beginning of the meeting, and he engaged in deliberations about the
9 options of suspending or reducing the Community Development fees at the same
10 meeting where Community Development Director Mark Stevenson was not scheduled
11 to attend. Mark Stevenson identified several lots owned by John West at the July 30th
12 meeting and explained how Community Development fees would be calculated for
13 those properties when construction began. He also stated that John West’s property
14 subdivisions would ultimately incur a large cost in Community Development fees and, if
15 buyers could get building permits at a lower cost, that John West would personally
16 benefit when he sells the lots. Mark Stevenson stated that John West has raised the
17 topic of reducing Community Development fees on prior occasions, indicating that it was
18 a priority issue for John West.

19
20 John West is a property developer and president of two property development and
21 construction businesses which operate within Josephine County. Additionally, John
22 West and his businesses own 15 properties within Josephine County, which are subject
23 to local regulatory taxes and fees. During the July 30th Board meeting, Mark Stevenson
24 told John West that the cost of the Community Development fee is approximately \$1000
25 per lot, across the County. John West’s business, Axxis Development, Inc., has
26 developed Russell Road Estates, a 38 lot residential subdivision, and Merlin Heights, a
27 35 lot residential subdivision. John West has a history of applying for residential building
28 permits and has paid the included Community Development fee payments in the past.

29
30 John West has been previously approved for multiple subdivisions by Josephine
31 County. Therefore, the payment of development fees directly impacts John West’s

1 business. Mark Stevenson, the County Community Development Direct, mentioned that
2 John West has "60 plus" dwellings coming into the County. John West's discussions at
3 the Board meeting with Mark Stevenson included discussion of John West's own
4 development. John West also asked first-person questions regarding why he is paying
5 for code enforcement when he has paid fees. John West argued that the code
6 enforcement fees should be charged to the violators and "not to me." The information in
7 this investigation indicates that John West raised his own private development concerns
8 while he was participating in a Board meeting as the Chair of the Commission. As such,
9 John West engaged in a prohibited use of office. The class exception set forth in ORS
10 244.020(13)(b) does not apply to violations of ORS 244.040(1).

11
12 **RECOMMENDATIONS:** The Oregon Government Ethics Commission should make a
13 preliminary finding that John West violated the prohibited use of office provisions in
14 Oregon Government Ethics Law, resulting in one violation of ORS 244.040(1). Unless
15 the Commission determines that the class exception applies, the Commission should
16 also make a preliminary finding that John West violated the conflict of interest provisions
17 in Oregon Government Ethics Law, resulting in one violation of ORS 244.120(2)(a). The
18 Commission should further order that the case be moved to a contested case
19 proceeding or that a negotiated settlement be entered. [Motion 10].

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

29 ///

30 ///

31 ///

ASSOCIATED DOCUMENTS:

- #PR1 Original Complaint Submitted 8/8/2024
- #PR2 Josephine County Commissioners Minutes for Regular Meeting on 7/30/2024
- #PR3 OAR 918-050-0100 accessed on 8/16/2024
- #PR4 Commissioners Meeting Link Submitted 8/8/2024
- #PR5 Axxis Development Secretary of State Business Records accessed on 8/14/2024
- #PR6 Brimstone Natural Resource Co SOS Business Records accessed on 8/16/2024
- #PR7 West Lands SOS Business Records accessed on 8/14/2024
- #PR8 John West 2024 SEI accessed on 8/14/2024
- #PR9 Memo of Interview with John West and Connor King on 8/22/2024
- #PR10 Memo of Interview with Mark Stevenson on 8/26/2024
- #PR11 Assessors Office Properties of John West 8/26/2024
- #PR12 Building Permits Records received 8/30/2024
- #PR13 Oregon Government Ethics Commission Meetings accessed 5/5/2025
- #IR1 Communication from Mark Stevenson received 2/1/2024
- #IR2 Memo of Phone Calls with Property Development Businesses on 5/22/2025
- #IR3 Public Records Request email on 5/22/2025

PREPARED BY *Joshua J. Sullivan*, Investigator  5/29/2025

APPROVED BY *Susan V. Myers*, Executive Director  5/29/2025

REVIEWED BY *Daniel R. Gilbert*, Senior Assistant Attorney General Authorized on 5/29/2025



Oregon

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**** DRAFT ****

June 3, 2025

Liani Reeves, Esq.
Miller Nash
1140 SW Washington St., Ste. 700
Portland, OR 97205

Delivered via Email: Liani.reeves@millernash.com

Dear Attorney Reeves:

At its June 13, 2025 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion response to your request to the Commission, dated March 5, 2025. The Commission extended the period for this advisory opinion by an additional 60 days, as authorized by ORS 244.280(2).

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 25-137A

SYNOPSIS OF FACTS AS PRESENTED TO THE COMMISSION:

You submitted a request for a Commission Advisory Opinion, on behalf of Oregon State University, regarding whether Oregon Public Meetings Law applies to the Associated Students of Oregon State University (ASOSU) Judicial Council (JC). In your request you provided the following facts:

ASOSU is the official institution of student democracy at OSU's Corvallis campus. ASOSU is organized into three branches: the Executive Branch, which carries out the everyday tasks of student government; the Senate, which serves as the legislative and deliberative body of student government; and the Judicial Council, which interprets the ASOSU Constitution and Statutes.

Pursuant to the ASOSU Constitution, the Judicial Council is required to resolve "[a]mbiguities on matters relating to the interpretation of applicable rules and procedures under the purview of the ASOSU Student Government." Further, the Judicial Council may consider "any case or controversy brought before it by any member of the ASOSU Student Body pertaining to any parties or institutions, or the actions thereof, under the jurisdiction of the ASOSU Constitution."

The Judicial Council "may provide a decision on the interpretation of the Constitution or other acts of the ASOSU Student Government, upon request by a member of the student body. The JC may decide whether or not to accept such cases on the basis of relevance... The Judicial Council shall be the final authority on questions of interpretation of the ASOSU Constitution and Statutes."

The ASOSU Constitution also provides that the Judicial Council “may conduct a non-binding review of the Constitutionality [under the ASOSU Constitution] of any legislation following passage by the Senate.”

The Judicial Council is also subject to ASOSU Senate Bill 84.09 which requires all bodies within ASOSU to hold public meetings in accordance with Public Meetings Law.

As the recognized student government of OSU, ASOSU is responsible for the management of incidental fees paid by OSU students. Those incidental fees fund ASOSU itself, recreational sports, performing arts and other programs.

The Student Fee Committee is an independent committee within the Executive Branch of ASOSU and is responsible for recommending the incidental fee and the allocations of that fee. The proposed allocations recommended by the Student Fee Committee are presented to the Senate. Once the incidental fees are approved by the Senate and signed by the President, are presented to the OSU Board of Trustees. The Board of Trustees is not required to accept the fee.

All aspects of the incidental fee process are subject to Public Meetings Law.

LEGAL BACKGROUND:

ORS 192.610(5) defines “governing body” as “the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.”

ORS 192.610(6) defines a “public body” as “the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.”

ORS 192.610(7)(a) defines a “meeting” as “the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.”

ORS 192.610(7)(b) excludes any on-site inspection of any project or program or the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

ORS 192.630(1) requires that “all meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.705.”

ORS 192.630(2) prohibits a quorum of a governing body from meeting in private “for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.705.”

ORS 192.690(1) provides exceptions to the Public Meetings Law for certain governing bodies and certain types of meetings. It specifies that ORS 192.610 to 192.705 does not apply to “any judicial proceeding.” [ORS 192.690(1)(j)].

OAR 199-050-0010(1) identifies two types of governing bodies: (a) decision-making bodies which are defined as “a body with the authority to make decisions for the public body on policy or administration. A body meets this standard if its decision-making authority includes the power to exercise governmental power and act on behalf of the public body”; and (b) advisory bodies which are defined as a body with authority to make recommendations to a public body on policy or administration.”

OAR 199-050-0015(2) clarifies that Public Meetings Law applies to: regular meetings; special meetings; emergency meetings; executive sessions; meetings held for the purpose of either presenting information to the governing body to prepare the governing body for a regular or special meeting, or to allow the governing body to engage in preliminary discussions or deliberations.

OAR 199-050-0015(3) clarifies that Public Meetings Law does not apply to:

- (a) On-site inspections of projects or programs, provided the members of the governing body do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.
- (b) The attendance of members of a governing body at any national, regional or state association to which the public body or the members belong, provided the members of the governing body do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.
- (c) Communications between or among members of a governing body, including communications of a quorum of members, that are:
 - (A) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the governing body;
 - (B) Not related to any matter that, at any time, could reasonably be foreseen to come before the governing body for deliberation and decision; or
 - (C) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.
- (d) Any matters listed in ORS 192.690.

QUESTIONS:

Your request for a Commission Advisory Opinion seeks a response to the following questions:

- (1) Is the ASOSU Judicial Council a governing body of a public body whose meetings are subject to Public Meetings Law?

- (2) If the ASOSU Judicial Council is a governing body of a public body, are all meetings of the Judicial Council subject to Public Meetings Law or just the meetings where the Judicial Council is making decisions involving the setting of student fees? Does it include meetings regarding reviews of student government resolutions on world affairs or student legislation advisory to a single administrator's decision-making authority?
- (3) Are any of the ASOSU's Judicial Council's proceedings "judicial proceedings" which are exempt from Public Meetings Law under ORS 192.690(1)(j)?

ANALYSIS AND ANSWERS:

Question (1)

The public meetings law applies to all meetings of a "governing body" of a "public body." [ORS 192.610; ORS 192.630]. Under ORS 192.610(5) the term "governing body" means "the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration." ORS 192.610(6) defines "public body" as "the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof."

ASOSU is a "public body."

Student governments at Oregon public universities perform various governmental functions. Pursuant to ORS 352.076, student government representatives serve on a governing board where, "the undergraduate student members of the governing board shall be nominated through an internal governance process held by the official student government, or similar official student governance structure, with the candidates nominated provided to the Governor for consideration." [ORS 352.076(2)(b)(C)]. As stated in the request for the opinion and as set forth in statute, student governments also participate in the establishment of student fees. Under ORS 352.102(3), the president of the university must transmit to the governing board "the joint recommendation of the president and the recognized student government" before the board authorizes, establishes, or eliminates any incidental fees for programs under the supervision or control of the board. Similarly, ORS 352.105 requires that the governing board for each public university listed in ORS 352.002 "shall collect mandatory incidental fees upon the request of the recognized student government under a process established by the recognized student government of a university."

OSU's Requirements for Recognition of a Student Government, adopted in 2024, provides that the recognized student government is responsible "to represent its entire constituent student body" and "has a significant and meaningful role in the institutional governance of

the university, including the opportunity for active, formal student involvement in commissions, committees, councils, workgroups, and other activities related to their sphere of university governance.” The student governments’ powers include the authority to “Manage, budget, and allocate fees toward the full costs of the services, facilities, supplies, and personnel related to the operation and activities of the Recognized Student Government, including its programs and activities.” One of the requirements for recognition is that the Recognized Student Government “[o]rganize and operate in compliance with federal and state law, including Oregon Government Ethics Laws.” Another is to “[r]equire appropriate leadership of the Recognized Student Government to maintain familiarity with Oregon public records and public meetings laws, University policies and these Recognition Requirements.”

The student government is part of a shared governance structure with OSU with shared responsibility for the governance of OSU students, as set forth in OSU University Policy 02-300, OSU Recognized Student Government Commitment on Student Engagement in Shared Governance.

ASOSU, as a recognized student government, is part of OSU and is required to comply with both public meetings and Oregon Government Ethics Laws, among other legal requirements. It is clear that ASOSU is a public body. This conclusion is further supported by past AG opinions, Oregon Court of Appeals cases, and other laws.¹

ASOSU is a “governing body.”

A governing body may be a decision-making body or an advisory body. [OAR 199-050-0010(1)]. ASOSU appears to be both.

OSU’s “Requirements for Recognized Student Government” provides, “The overall purpose of a Recognized Student Government is to (a) provide a voice to University students with respect to matters of shared governance, (b) promote the academic, developmental, and activity-related interests of its student members, and (c) provide a *means to decide matters expressly delegated by law to recognized student governments*.” (emphasis added). In this sense, ASOSU is a “governing body” as a decision-making body for those matters delegated to it.

¹ See 48 Op Atty Gen 40 (1996)(finding “recognized student government was a “state entity” for purposes of Attorney General representation under former law);¹ ORS 260.432 (creates a “recognized student government exception” to state law prohibiting the promotion or opposition of initiative or referendum petitions that otherwise apply to public employees); ORS 243.778 allows a recognized student government to be involved in university-faculty bargaining process, including “meet and confer” requirements); *Associated Students of Oregon State Univ. v. Oregon State Univ.*, 157 Or App 687, 692 (1998) (ASOSU funds are controlled by the University); OAR 166-475-0110(40) (university must archive recognized student government records).

Additionally, ORS 352.102 provides that the recognized student government – ASOSU – is to make recommendations to the Board on student fees. ORS 352.103 also provides that the advisory body on tuition and mandatory enrollment fees shall allow “members of the recognized student government * * * to participate in the process and deliberations of the advisory body.” And ORS 352.105 provides that “[t]he board for each public university listed in ORS 352.002 shall collect mandatory incidental fees upon the request of the recognized student government under a process established by the recognized student government of a university.” The statute describes the duties of the recognized student government in making its request for the fees and its process for establishing the fees. The statute further authorizes the recognized student government to “allocate the fees” collected. And, if the university board and student government cannot agree on the fee, there is a dispute resolution and appeal process

The Attorney General previously recognized the governmental functions of student governments and opined:

The legislative body of a recognized student government, which consists of members of the college or university, has authority under [state law] to make recommendations to the board. The meetings of that legislative body are, therefore, meetings of a ‘government body’ subject to the Public Meetings Law. Moreover, because the recognized student government is an ‘advisory group’ to the board, it is also a ‘public body’ whose meetings are subject to Public Meetings Law. * * * insofar as ‘optional’ fees are concerned, the board cannot act without the recommendation of the recognized student government. That instance, the student government recommendation is a necessary predicate for exercise of board discretion and not mere advice.” [44 Op atty Gen 69 (1984)].

ASOSU, as the recognized student government is making decisions for or recommendations to a public body on policy and administration. ASOSU is therefore a governing body.

Judicial Council is Part of ASOSU

The Judicial Council is part of ASOSU. [ASOSU Constitution, Article III]. When the Judicial Council exercises its authority, it is not acting separate from the recognized student government, but as the recognized student government. The fact that the recognized student government consists of different portions with authority to decide or make recommendations on different matters does not change that each part is exercising the authority and power of the recognized student government as a whole. Whenever a portion of the recognized student government consists of two or more members with the

authority to make decisions for or recommendations to a public body on policy or administration, it is a “governing body” under ORS 192.610(5).

The Judicial Council consist of two or more members and is a body with the power to make decisions for ASOSU on: the interpretation of applicable rules and procedures under the purview of ASOSU; any case or controversy pertaining to parties or institutions, or the actions under ASOSU’s constitution; the interpretation of the ASOSU Constitution; the interpretation of ASOSU statutes; issues and disputes arising between the individual officers, employees and elected officials of ASOSU; issues and disputes arising between the branches of ASOSU; and the constitutionality of all legislation passed by ASOSU’s Senate. [ASOSU Constitution, Article III; ASOSU Statutes, Title III].

Additionally, the Judicial Council consults on drafting the student government code of conduct for officers, employees, and elected officials and members of the Judicial Council have budgetary responsibility. [ASOSU Constitution; ASOSU Statutes]. Finally, members receive some compensation for their services. [ASOSU Statutes].

Based on its structure as well as its responsibilities to make decisions and recommendations on policy and administration for ASOSU, a public body, the Judicial Council is a governing body subject to Public Meetings Law.

Question (2)

As a governing body of a public body, the Judicial Council is subject to the requirements of Public Meetings Law. ORS 192.630(1) requires that “*all meetings* of a governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.705.” There are various exceptions in the law, including ORS 192.690. Generally, if a quorum of the Judicial Council is convening to decide, deliberate, or make a recommendation on a matter within its jurisdiction, the Public Meetings Law would apply. To more specifically answer the questions presented, Public Meetings Law would apply to all meetings of the Judicial Council, not just those meetings where the Judicial Council is making decisions on matters involving the setting of student fees.

As the AG previously opined, “It may be argued that an advisory body making recommendations to another body which also has only advisory powers is too far removed from the decision-making power to be subject to the Public Meetings Law. The statutory language contains nothing to justify such a limiting construction, and as we have said before, the policy of ORS 192.620 ordinarily requires that any doubt about the application of the law be resolved in favor of open proceedings.” [44 Or. Op. Atty. Gen. 69 (1984)]. We agree.

Question (3)

You ask whether any of the Judicial Council’s proceedings qualify as judicial proceedings under ORS 192.690(1)(j), which establishes that Public Meetings Law does not apply to “any judicial proceeding.”

The Attorney General, in Opinion OP-2014-2, dated December 10, 2014, addressed to David White, Chair of the Oregon State Bar's Board of Bar Examiners, found that for something to qualify as a judicial proceeding for purposes of ORS 192.690(1)(j), it must: (1) be initiated in the judicial branch; (2) be part of an adjudicative process; and (3) potentially culminate in a judicial decision."

Oregon State University and ASOSU are not part of the judicial branch of government. [ORS Chapter 352]. As such, the Judicial Council's proceeding are not judicial proceedings under ORS 192.690(1)(j).

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280 and House Bill 4117 (2024). EXCEPT AS OTHERWISE PROVIDED IN ORS CHAPTER 244, THE COMMISSION MAY NOT IMPOSE A PENALTY UNDER ORS 244.350 OR 244.360 FOR ANY GOOD FAITH ACTION OR TRANSACTION TAKEN IN RELIANCE ON THIS ADVISORY OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 13th day of June, 2025.

David Fiskum, Chair
Oregon Government Ethics Commission

Sean T. Brady, Senior Assistant Attorney General

March 5, 2025

VIA EMAIL
MAIL@OGE.C.OREGON.GOV

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

Subject: Request for Opinion

Dear Executive Director Myers and Commissioners of the Oregon Government Ethics Commission:

Pursuant to ORS 244.280, Oregon State University (“OSU” or “University”) requests a Commission advisory opinion on the application of the Oregon Public Meetings Law (“OPML”), ORS Chapter 192, to the Associated Students of Oregon State University (“ASOSU”) Judicial Council. Specifically, OSU seeks an advisory opinion on the following questions:

1. Is the ASOSU Judicial Council a governing body of a public body whose meetings are subject to the OPML?
2. If the ASOSU Judicial Council is a governing body of a public body, are all meetings of the Judicial Council subject to the OPML or just meetings where the Judicial Council is making decisions involving a delegated exercise of governmental power, specifically matters involving the setting of student fees? What of matters, like review of student government resolutions on world affairs or student legislation advisory to a single administrator’s decision-making authority?
3. Are any of the ASOSU’s proceedings “judicial proceedings” which are exempt from the OPML under ORS 192.690(1)(j)?

I. Background Information Relevant to the Request

This letter provides relevant information relevant to this request, including the background and functions of the ASOSU and the Judicial Council.

Role of the Associated Students of Oregon State University (“ASOSU”)

ASOSU is the official institution of student democracy at OSU’s Corvallis campus. Its mission is “to promote academic excellence, encourage the intellectual, social, cultural, and physical development of the student body, and enable the student body to assert its varied interests as citizens and members of the academic community through democratic representation.”¹

Although there are some discrete tasks that have been delegated to ASOSU which amount to the exercise of governmental power (discussed below), the primary role of ASOSU is to serve as an educational activity to help students learn how to work together and act according to consensus.

Modeled after the federal government, ASOSU is organized into three branches. The ASOSU Executive Branch, comprised of a President, Vice-President, and Executive Officers, carries out the mandate and every-day tasks of the student government. The ASOSU Senate is the legislative and deliberative body of the student government. The Judicial Council (sometimes referred to as “the JC”) represents the Judicial Branch with the primary duty to interpret the ASOSU Constitution and Statutes.

The foundational basis for the ASOSU’s operations is found in its Constitution, voted upon by the students directly.² The Constitution also permits lower-level organization-wide rules and procedures (above which the Constitution takes precedence) to be established through the Senate, assembled and codified as the ASOSU Statutes.³

Role of the ASOSU Judicial Council

Under the ASOSU Constitution, the Judicial Council has two main purposes. First, the Judicial Council shall resolve “[a]mbiguities on matters relating to the interpretation of applicable rules and procedures under the purview of the ASOSU Student Government.” Second, the Judicial Council may consider “any case or controversy brought before it by any member of the ASOSU

¹ Information about ASOSU can be found at: <https://asosu.oregonstate.edu/about-us>.

² The ASOSU Constitution can be found at: https://asosu.oregonstate.edu/sites/asosu.oregonstate.edu/files/2023-10/asosu_constitution_0.pdf

³ The ASOSU Statutes (updated May 30, 2024) can be found at: <https://asosu.oregonstate.edu/sites/asosu.oregonstate.edu/files/2024-06/ASOSU%20Statutes%20as%20of%20May%2030th%202024.pdf>

Student Body pertaining to any parties or institutions, or the actions thereof, under the jurisdiction of [the ASOSU] Constitution.” ASOSU Constitution, Article III, Sec. A.

Per the ASOSU Constitution, in its interpretive role, the Judicial Council “may provide a decision on the interpretation of the Constitution or other acts of the ASOSU Student Government, upon request by a member of the student body. The JC may decide whether or not to accept such cases on the basis of relevance... The Judicial Council shall be the final authority on questions of interpretation of the ASOSU Constitution and Statutes.” ASOSU Constitution, Article III, Sec. A(b)(2).

The ASOSU Constitution also provides that the Judicial Council “may conduct a non-binding review of the Constitutionality [under the ASOSU Constitution] of any legislation following passage by the Senate.” ASOSU Constitution, Article III, Sec. A.3.

The ASOSU Statutes provide:

- a. The Judicial Council shall review and adjudicate issues and disputes arising:
 - i. Between the individual Officers, Employees and Elected Officials of ASOSU. In these cases, a “Writ of Judicial Inquiry” shall be submitted by the individual who is charging another individual within ASOSU.
 - ii. Between the branches of the ASOSU. In these cases, a “Writ of Judicial Inquiry” shall be submitted by the branch which is charging another branch of the ASOSU.
 1. In cases involving the Executive Branch, the President, or a delegate thereof from within the branch, shall act as advocate for the branch;
 2. In cases involving the Legislative Branch, the President pro tempore of the Senate, or a delegate thereof from within the branch, shall act as an advocate for the branch.

- iii. The Judicial Council as a whole, or at least one of its members, shall review all legislation passed by the Senate for areas of judicial interest and constitutionality.
- iv. As otherwise provided by the Constitution.

ASOSU Statutes, Title III, Section 3(A).

The Judicial Council and ASOSU Senate have adopted ASOSU Judicial Council Policies (Last Amended Fall 2017) which proscribe things like the composition of the court, the establishment of subsidiary courts, and Judicial Council procedures.⁴

The ASOSU Senate recently passed Senate Bill (“SB”) 84.09 which requires all bodies within ASOSU, including the Judicial Council, to hold public meetings and to meet the requirements applied to public bodies and governing bodies under Oregon Law.⁵

Student Incidental Fees and the Student Fee Committee

Every student pays a mandatory incidental fee each term to fund the University’s fee-funded units and programs. These types of units and programs include funding for the ASOSU itself, Recreational Sports, Student Experiences & Engagement (“SEE”) programs (this includes a broad range of opportunities for student engagement such as participation in student clubs and organizations and student media), and Performing Arts.⁶

By Oregon Revised Statute, ASOSU, as the recognized student government of OSU, is responsible for the management of the incidental fees paid by OSU. ORS 352.105, recently amended by HB 3012 (2021), provides that:

The board for each public university listed in ORS 352.002 shall collect mandatory incidental fees upon the request of the recognized student government

⁴ The Judicial Council policies are available at:

https://asosu.oregonstate.edu/sites/asosu.oregonstate.edu/files/2023-10/jc_policies_amended_fall_2017.pdf

⁵ Judicial Council meeting notices are published at <https://asosu.oregonstate.edu/student-gov/judicial> and meetings of the Judicial Council are conducted via Microsoft Teams with public access.

⁶ Additional information about what units are supported by the incidental fee can be found at: <https://asosu.oregonstate.edu/student-gov/sfc/units>.

under a process established by the recognized student government of a university. The recognized student government shall:

- A. Make a good faith effort to collaborate with the board and president of the university under the board's control prior to finalizing any process to collect mandatory incidental fees; and
- B. Notify the board and president of each process, and any subsequent change to a process, to collect mandatory incidental fees that is established by the recognized student government.

The Student Fee Committee ("SFC") is an independent committee within the Executive Branch of the ASOSU Student Government, tasked with recommending the termly incidental fee and allocations of that fee to each of the fee-funded units through an annual fee setting cycle. Fee proposals originate with student advisory boards ("SABs") associated with the various fee-funded units. The SFC recommends the amount and allocation of the incidental fees through fee bills presented to the ASOSU Senate and, if passed, are signed by the ASOSU President. Ultimately, the incidental fees are presented to the OSU Board of Trustees upon the request of the ASOSU and the statute provides that the Board may refuse the fee on specified grounds.

ASOSU's role in the incidental fee and establishment of an incidental fee committee can be found in the ASOSU Constitution, Article I, Sec. D. ASOSU Statutes describe the SFC's role and process for developing and collecting the incidental fee. See ASOSU Statutes, Title IV.

Because the SFC and the ASOSU Senate which votes on the incidental fee are engaging in statutorily delegated duties, all aspects of the incidental fee process have been subject to the OPML.

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II. Questions for the Commission

OSU requests an opinion on the following questions:

1. Is the Judicial Council a governing body of a public body whose meetings are subject to the OPML?

Under the OPML, “[a]ll meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.705.” ORS 192.630(1).

A “public body” is defined as “the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.” ORS 192.610(6).

A “governing body” means “the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.” ORS 192.610(5).

The Attorney General’s Public Records and Meeting Manual (“AG Manual”) provides:

A body that has authority to make decisions for a public body on “policy or administration” is a governing body. A body meets this standard if its decision-making authority is equivalent to the authority to exercise governmental power, that is, is integral to the movement of the government in an area where it has the power and authority to act. Thus, a three-member subcommittee that has authority only to gather information for the full committee is not a governing body. Even though the subcommittee decides when to meet and determines what procedures it will use to gather and report information, it is not vested with the authority to decide the direction in which the government will move on an issue of policy or administration. In contrast, if the subcommittee possesses the authority to make policy or hiring decisions for a public body, then it is a governing body.

AG Manual, at p. 137.

Further, a body that has authority to make recommendations to a public body on policy or administration is a governing body.

As noted above, OSU has always recognized that there are parts of ASOSU that have the authority to exercise governmental power. Specifically, because the SFC and the ASOSU Senate have the authority to make certain decisions for or recommendations to a public body [OSU] on policy or administration, particularly when exercising its delegated authority to set the incidental fee, their meetings about such matters must be public under the OPML and have always operated consistent with those requirements.⁷

The ASOSU Constitution provides: “All meetings of the Senate shall be public, except as provided by state law.” ASOSU Constitution, Article I, Sec. G(c). ASOSU has historically treated this provision as requiring the Senate to conduct itself consistent with the OPML procedures for all matters (except those which may fall under an executive session exception), including providing notice of agenda, publication of time and place of meetings, and openness of meetings. Their meeting dates and times are published on the ASOSU website and are accessible to the public both in-person and over Zoom.⁸

However, although the Senate has chosen to conduct itself consistent with the OPML for all matters, not all decisions of the ASOSU are of the type that amount to an exercise of governmental power. For example, in May 2024, Senators of the ASOSU passed a resolution calling for OSU administrators to divest from companies “complicit in the genocide of the Palestinian people[.]” (Senate Resolution 83.09). ASOSU has no authority to decide or recommend to OSU about whether it should or should not divest from certain companies; it is simply student government using the democratic process to express its views on a particular issue. It has been OSU’s position that the OPML would not require the ASOSU Senate to vote on

⁷ The Oregon Attorney General found that the legislative body of the recognized student government that prepares and makes recommendations on the incidental fee assessments and allocations to the former Oregon State Board of Higher Education are subject to the OPML. In re the Honorable Margie Hendricksen, 44 Or Ap Atty Gen. 69 (1984), 1984 WL 192199. Although there have been changes to the structure of Oregon’s public universities and the Oregon State Board of Higher Education is no longer in existence, the role of the SFC and ASOSU Senate in setting the incidental fees continue to be legislative functions subject to the OPML.

⁸ Notice of the ASOSU Senate meetings are published at: <https://asosu.oregonstate.edu/student-gov/senate/meetings>.

such a resolution in a public meeting. However, the Senate has chosen to conduct all of its business consistent with the OPML.

In contrast, the Judicial Council has not been treated as a governing body with the authority to make decisions for or recommendations to a public body on policy or administration. The Judicial Council's decisions are not of the same character as the SFC and some decisions of the ASOSU Senate. It "is not vested with the authority to decide the direction in which the government will move on an issue of policy or administration." Attorney General's Public Records and Meeting Manual (2004), at p. 120.

The Attorney General reviewed whether the Management Board and the Advisory Policy Committee of the Tri Agency Dog Control Authority ("Authority") were governing bodies of a public body "with the authority to make decisions for or recommendations to a public body on policy or administration." The Authority was created by an agreement entered into between Lane County, the City of Eugene, and the City of Springfield to create a "'consolidated department . . . vested with all the authority to perform the functions of dog control that each respective unit of local government has authority to perform.'" The Management Board was "'responsible for the administrative policy decision and for the management and conduct of the authority.'" The Attorney General found these characteristics made the Management Board a governing body of a public body and subject to the OPML.

The Advisory Policy Committee of the Authority acted "'in an advisory capacity regarding matters of policy to the legislative bodies of the member parties" and "review[ed] all aspects of the authority's operation and ma[de] recommendations to the legislative bodies of the member parties." The Attorney General found that these functions brought the Advisory Committee within the definition of a governing body and subject to the OPML. 38 Or. Op. Att'y Gen. 1584, 1977 WL 31340 (1977).

The Judicial Council performs no similar functions. Their functions are not governing functions. It does not make any administrative policy decisions on behalf of ASOSU or the University, nor is it responsible for the management and conduct of the University. It also does not advise or make recommendations on matters of policy or administration. Rather, as outlined above, the role of the Judicial Council is to interpret the ASOSU Constitution, statutes, and other procedures and to provide guidance on how the ASOSU should conduct its business. Certainly,

the Judicial Council could issue an opinion that may *impact* a policy decision by the SFC or Senate, such as the opinion referenced above interpreting the authority of SFC, but it does not make the policy or set the fee; it simply interprets the process ASOSU should use under the ASOSU governing documents. As such, its meetings have not been subject to the OPML.

Therefore, OSU is seeking an opinion about whether ASOSU's Judicial Branch, when it performs its interpretive role with respect to ASOSU's Constitutions, statutes, and procedures, is considered a governing body of a public body subject to the OPML.

- 2. If the ASOSU Judicial Council is a governing body of a public body, are all meetings of the Judicial Council subject to the OPML or just meetings where the Judicial Council is making decisions involving a delegated exercise of governmental power, specifically matters involving the setting of student fees? What of matters, like review of student government resolutions on world affairs or student legislation advisory to a single administrator's decision-making authority?**

OSU recognizes that some members of the OGEC have expressed their belief that the Judicial Council meeting that occurred on July 31, 2024 was subject to the OPML. That meeting involved the Judicial Council's interpretation of whether the SFC could exercise binding authority over the ASOSU Senate, ASOSU President, or the ASOSU Judicial Council. OSU understands that when the Judicial Council is issuing opinions that impact the allocation of student incidental fees, a governmental power which has been specifically delegated to the ASOSU, that it could reasonably be interpreted as making recommendations to a public body on policy or administration. This is because the Oregon Legislature has specifically vested the student government with coming up with a process, in consultation with the Board of Trustees, to request the student fee from the University's Board of Trustees. However, like the ASOSU, not everything the Judicial Council opines on involves the student fees, the fee process, or any similar exercise of governmental power.

The Attorney General noted in 48 Or Op Atty Gen 40 (1996), 1996 WL 475229, at fn. 15, that its prior opinions and orders "establish that the Public Records and Meetings Laws apply to student governments, but neither those decisions nor this opinion determine which records must be kept and disclosed as required by the Public Records Law *or which meetings are subject to the Public Meetings Law.*" (Emphasis added.) This indicates that there could and should be

distinctions made about when the Judicial Council is performing functions that are subject to the OPML versus when it is performing functions that involve no decision or recommendations on policy or administration.

Students use the student government process to express their opinions on topics over which they have no authority or decision-making responsibility, but they want to make their opinion known generally or to an administrator with the actual authority to make such decisions. For example, the Senate recently passed student government legislation creating a task force that would ultimately make recommendations to the Senate related to ethical procurement and investments. The Senate has no authority to decide University procurement or investment rules or decisions; it has not been delegated authority to make a recommendation on such a decision; and their opinion on the matter was not solicited. The Senate has simply decided to opine on an issue, presumably with the intent of making its unsolicited opinion known generally to the world and/or to the administrator who has authority to make the decision. The Judicial Council was then asked to opine on an issue related to the composition of the task force under ASOSU rules. The legislation creating that task force represents an educational opportunity for members of student government to share their voices and process for their voices to be heard. But it is not a decision over which the Senate makes decisions for a public body on a matter of “policy or administration.” The University has a hard time understanding why, in this scenario, the meeting of the Judicial Council interpreting the composition of the task force (or the Senate’s meeting about such legislation for that matter) would or should be subject to the public meetings laws where the student government is attempting to express an unsolicited opinion on a matter over which it has no authority or delegated role.⁹ Indeed, outside the area of setting the student fees, much of the activities of the Senate and Judicial Council would fall into this advisory category.

Therefore, OSU is seeking an opinion on whether all meetings of the Judicial Council are subject to the OPML or just meetings where the Judicial Council is making decisions involving the delegated exercise of governmental power such as decisions involving student fees. In addition, the University seeks confirmation that there would be no public meeting requirement where students are expressing their opinion on matters over which they have no decision-making

⁹ It would seem that even if ASOSU was *asked* to advise the individual administrator on his or her decision in this scenario, the public meetings law would still not apply because an advisory body that makes recommendations to an individual official (as opposed to a public body) is not subject to the public meetings law.

authority, but rather are simply making their opinion known generally or to the individual administrator charged with making the decision.

3. Are any of the ASOSU's proceedings "judicial proceedings" which are exempt from the OPML under ORS 192.690(1)(j)?

OSU recognizes that the Attorney General's Public Records and Meeting Manual states that the "judicial proceedings" exemption applies to proceedings initiated in the judicial branch, are part of an adjudicative process, and potentially culminate in a judicial decision.¹⁰ However, the decision relied upon in the Manual, *Letter of Advice to David F. White*, at 5, 2014 WL 7150430 (OP-2014-2) (Dec 10, 2014) ("White Letter of Advice"), acknowledged that "[t]he PML does not define 'judicial proceeding' and no Oregon appellate case addresses the meaning of the phrase for purposes of ORS 192.690(1)."¹¹ The White Letter of Advice then goes on to analyze the various ways in which the "judicial proceeding" has been applied in prior opinions:

- The "county court" of the board of county commissioners deliberating on appeal of land use decision was quasi-judicial in nature, not judicial, and exemption does not apply to quasi-judicial proceedings (40 Op A Gen 388 (1980));
- Meetings of committee formed by circuit and district courts to establish panels of court-appointed attorneys were not "judicial proceedings" and exemption does not extend to other meetings within the judicial branch dealing with administrative or non-adjudicative matters (41 Op Atty Gen 417 (1981)); and
- State Professional Responsibility Review Board (SPRB), created by Oregon State Bar Board of Governors to review conduct of attorneys and initiate disciplinary proceedings, were judicial proceedings because SPRB is within judicial branch and has a role in adjudicatory process of attorney discipline, and decisions potentially culminate in a judicial decision by Oregon Supreme Court (Letter of Advice dated August 13, 1997, to Patrick Hearn, Executive Director, Oregon Government Standards and Practices Commission (OP-1997-4)).

¹⁰ Attorney General's Public Records and Meeting Manual at p. 129, fn. 676.

¹¹ OSU still has not found any Oregon appellate case that addresses the meaning of the phrase "judicial proceedings" for purposes of ORS 192.690(1).

The White Letter of Advice then summarized that to qualify as a “judicial proceeding” for purposes of ORS 192.690(1), it must:

- Be initiated by the judicial branch;
- Be part of an adjudicative process; and,
- Potentially culminate in a judicial decision.

While the ASOSU Judicial Council is not part of the Oregon state judicial branch, it is *the* judicial branch of the ASOSU, and operates in the same way as the judicial branch (much like a local government that may set up a municipal court which operates as the City’s judicial branch, but not the Oregon state judicial branch). Unlike the public bodies at issue in the prior opinions involved quasi-judicial proceedings or administrative meetings, not adjudicative proceedings, the Judicial Council’s functions include adjudicative functions which potentially culminate in a judicial decision.

Under the ASOSU Constitution, the Judicial Council “may consider any case or controversy brought before it by any member of the ASOSU Student Body pertaining to any parties or institutions, or the actions thereof, under the jurisdiction of this Constitution.” The ASOSU statutes further outline the types of cases the Judicial Council “shall review and adjudicate issues and disputes,” including describing the Judicial Council’s opinions and rulings.

Given that the ASOSU Judicial Council is ASOSU’s judicial branch and that its functions include an adjudicative process which potentially culminates in a judicial decision, OSU is requesting an opinion on whether the ASOSU Judicial Council, when it is performing these adjudicative functions, would be exempt from the OPML as a “judicial proceedings.”

III. Conclusion

In conclusion, the University requests that the Commission provide OSU with an opinion on these issues so that it can best advice the Judicial Council on its obligations with respect to the OPML.

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Oregon Government Ethics Commission
March 5, 2025
Page 13



We are available to provide additional information and look forward to working with the OGEC staff and the Commission in any way we can assist in this process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Liani J. Reeves'.

Liani J. Reeves



Oregon

Tina Kotek, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

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**** D R A F T ****

June 13, 2025

Delivered via email

Tommy A. Brooks
Cable Huston LLP
1455 SW Broadway, Suite 1500
Portland, OR 97201

Dear Mr. Brooks:

At its June 13, 2025 meeting, the Oregon Government Ethics Commission (Commission) adopted the following advisory opinion in response to your request to the Commission, dated May 9, 2025.

OREGON GOVERNMENT ETHICS COMMISSION ADVISORY OPINION NO. 25-291A

SYNOPSIS OF FACTS PRESENTED

The following factual information is derived from your request letter and additional background information provided by you.

The Northern Wasco People's Utility District (District) is a people's utility district organized under ORS Chapter 261. The District is governed by a Board of Directors (Board), which has authority to determine questions of policy and to adopt written resolutions or ordinances. [ORS 261.460]. The District Board operates pursuant to the terms of a Governance Policy that the Board approves by resolution and that has been in place since 2019. The Governance Policy applies to all current and future members (Directors) of the District Board.

The District is expressly authorized "to set salaries and provide compensation for services rendered by employees *and by directors*." [ORS 261.305(10), emphasis added]. Per this authorization and as implemented by the Governance Policy, the District pays each Director a stipend of \$1,000 per month as compensation for the services the Director renders to the District.

On November 5, 2024, the District Board adopted Resolution #35-2024 (Resolution). This Resolution amended the Governance Policy by incorporating an annual Consumer Price Index adjustment (CPI Adjustment) for the Directors' stipends. In adopting the Resolution, the District sought advice from Commission staff and each Director disclosed a potential or actual conflict of interest, in accordance with ORS 244.120(2), depending on whether the Director's term expired before or after the effective date of the CPI Adjustments.

**** DRAFT ****

The Resolution provides that beginning in January 2025, the Directors' stipends will be adjusted for inflation based on the changes in the identified consumer price index. Specifically, the Resolution amends section 10 of the Governance Policy as follows:

10.1 Each Director shall receive annual compensation ("stipend") in amount established from time to time by Board Resolution.

10.1.1 On or about January 17, 2025, the annual stipend shall be adjusted for inflation based upon changes in the consumer price index during the period of January 1, 2018 through December 31, 2024.

10.1.2 Beginning on January 1, 2026, the annual stipend shall be adjusted for inflation annually based upon changes in the consumer price index during the preceding 12 months.

10.1.3 For purposes of Sections 10.1.1 and 10.1.2, "consumer price index" means, for any calendar year, that year's annual average consumer price index percentage published by the United States Bureau of Labor Statistics' *Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for West-Size Class BIG*. If the consumer price index becomes unavailable for the Bureau of Labor Statistics develops more than one consumer price index for areas within the state, then the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for adjusting the annual stipend for inflation in Section 10.1.

You state that the CPI Adjustment is designed "to serve as a pre-defined, rules-based compensation adjustment mechanism." The Resolution also directs the District to implement the Resolution "in a manner that is consistent with the Oregon Government Ethics Law." The District is waiting to fully implement the adjustment in the Directors' stipends, as authorized by the Resolution and the Governance Policy, pending confirmation that it can do so in a manner consistent with ORS Chapter 244.

LEGAL BACKGROUND

Directors on the District Board are public officials, as defined in ORS 244.020(15), and are subject to the Government Ethics Laws in ORS Chapter 244.

ORS 244.040(1) provides that "[e]xcept as provided in subsection (2) of this section, a public official may not use or attempt to use [their] official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain

**** D R A F T ****

or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.”

ORS 244.040(2)(a) provides an exception, directing that a public official may accept any part of an official compensation package without violating ORS 244.040(1).

An “official compensation package” is defined in OAR 199-008-0005(3) as the “wages and other benefits provided to the public official.” The Rule goes on to explain: “To be 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.”

QUESTIONS ASKED

The question presented in your request is whether the current and future Directors can accept their stipends, based on the CPI Adjustment, without violating ORS 244.040(1).

ANSWERS AND ANALYSIS

When a public official receives something of value from their own public body, it is analyzed under ORS 244.040. ORS 244.040(1) generally prohibits a public official from using their position to obtain a personal financial gain or avoidance of financial detriment that would not otherwise be available but for the fact they hold their position. The exception in ORS 244.040(2)(a), however, allows public officials to accept certain financial gains (wages or benefits) that are part of their official compensation packages. To be included in an official compensation package, the wages or benefits must have been specifically approved by the public body in a formal manner, such as through an employment agreement, union contract, or personnel policy.

Based on the facts and law as set forth above, the District has the statutory authority to provide stipends to the Directors. The Directors' stipends are benefits that were specifically approved by the District in a formal manner, first when the District Board approved the Governance Policy in 2019 and then when the District Board adopted the Resolution that amended that Governance Policy to authorize the CPI Adjustment in November 2024. Therefore, the stipends, with the CPI Adjustment, qualify as part of the Directors' official compensation packages, and the Directors would not be violating ORS 244.040(1) by accepting the CPI adjusted stipends.

The official compensation package exception in ORS 244.040(2)(a) applies to both current and future Directors. Your request noted a prior Staff Advisory Opinion, No. 14S-001, which

drew a distinction between current and future board members based on the board members' status at the time the governing body in that prior opinion adopted the stipends. In this case, that distinction was addressed when the Resolution was adopted. Three of the Directors had terms that expired prior to the effective date of the CPI adjusted stipends. Because of the intervening election, these were the future Directors. These three Directors announced potential conflicts of interest prior to participating in the discussion and voting on the Resolution. The remaining two Directors' terms did not expire until after the effective date of the CPI adjusted stipends. These two Directors were the current Directors. These two Directors announced actual conflicts of interest and did not participate in the discussion or vote on the Resolution. As noted above, the Directors sought and followed Commission staff advice in handling their conflicts of interest when adopting the Resolution.

In summary, under ORS 244.040(2)(a), the current and future Directors on the District Board may accept the CPI adjusted stipends without violating ORS 244.040(1).

THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO ORS 244.280. EXCEPT AS OTHERWISE PROVIDED IN ORS CHAPTER 244, THE COMMISSION MAY NOT IMPOSE A PENALTY UNDER ORS 244.350 OR 244.360 FOR ANY GOOD FAITH ACTION OR TRANSACTION TAKEN IN RELIANCE ON THIS ADVISORY OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN. OTHER LAWS OR REGULATIONS NOT WITHIN THE JURISDICTION OF THE COMMISSION MAY ALSO APPLY.

Issued by Order of the Oregon Government Ethics Commission at Salem, Oregon on the 13th day of June, 2025.

David Fiskum, Chairperson
Oregon Government Ethics Commission

Sean T. Brady, Senior Assistant Attorney General



TOMMY A. BROOKS

tbrooks@cablehuston.com
cablehuston.com

May 13, 2025

Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, Oregon 97302-1680
mail@ogec.oregon.gov

RE: Request for Commission Advisory Opinion

Dear Commissioners:

Pursuant to ORS 244.280, I am requesting that you provide a Commission Advisory Opinion addressing the factual situation presented in this request. Pursuant to ORS 244.284, I recently requested and received an Informational Letter of Advice from the Executive Director of the Oregon Government Ethics Commission (“Commission”) based on the factual situation presented in this Request. Given the difference in the level of protection afforded public officials relying on an Informational Letter of Advice and a Commission Advisory Opinion, I now respectfully request that the Commission review and opine on the same set of circumstances.

Oregon People’s Utility District Law and Background

The Northern Wasco People’s Utility District (“District”) is a people’s utility district authorized by Article XI, Section 12 of the Oregon Constitution, and organized under ORS Chapter 261. ORS 261.305(10) expressly provides the District with the authority “to set salaries and provide compensation for services rendered by employees and by directors.”

ORS 261.405 vests the management of the District in the District’s Board of Directors (“District Board”), which serves as the District’s governing body. ORS 261.460 then requires the District Board, as the legislative body of the District, to determine all questions of policy and to express all those legislative acts through written resolutions or ordinances.

The District Board operates pursuant to the terms of the District’s Governance Policy (“Governance Policy”) that has been in place since 2019. The District Board approves the Governance Policy in a formal manner through a resolution, and it applies to all current and future members of the District Board.

Pursuant to ORS 261.305(10), as implemented by the Governance Policy, the District pays each director on the District Board a stipend of \$1,000 per month as compensation for services rendered by the director (“Stipend”). On November 5, 2024, the District Board adopted Resolution #35-2024 (“Resolution”), amending the Governance Policy. The Resolution and the most recent version of the Governance Policy are attached as Exhibit 1 to this Request.

The Resolution amends Section 10 of the Governance Policy by modifying the official compensation package for District directors (“Director Compensation Policy”) to incorporate a Consumer Price Index adjustment (“CPI Adjustment”) to the Stipend paid to directors. In other words, pursuant to the authority granted by ORS 261.305(10), the Resolution makes the CPI Adjustment part of the official compensation package for District directors. The CPI Adjustment mirrors other similar compensation frameworks and is designed to serve as a pre-defined, rules-based compensation adjustment mechanism. The Resolution also expressly directs the District to implement the Resolution “in a manner that is consistent with the Oregon Government Ethics Law” (i.e. ORS Chapter 244 and its implementing rules). The District is waiting to fully implement the change in the official compensation of directors the District Board authorized through the Resolution, pending confirmation that it can do so in a manner that is consistent with ORS Chapter 244, which is the basis for this Request.

As explained below, the sole question presented in this Request is whether the directors who voted to adopt the Resolution can accept the CPI Adjustment without violating ORS 244.040(1).

Government Ethics Law

ORS Chapter 244 and its implementing rules in OAR Chapter 199 – the “Government Ethics Law” – govern the conduct of a “public official” as that term is defined in ORS 244.020(15). The directors on the District Board are public officials under the Government Ethics Law.

Pursuant to ORS 244.040(1), “a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official . . . if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official’s holding of the official position or office.”

Importantly, ORS 244.040(2) provides an exception to ORS 244.040(1), declaring that ORS 244.040(1) does not apply to “[a]ny part of an official compensation package as determined by the public body that the public official serves.”

OAR 199-008-0005(3) provides that for purposes of ORS Chapter 244, the term “official compensation package” means the wages and other benefits provided to the public official. OAR 199-008-0005(3) further provides that “[t]o be 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.”¹

Applicability of the Government Ethics Law to the Resolution

This Request seeks confirmation from the Commission that the Board’s adoption of the CPI Adjustment to the Stipend is consistent with the Oregon Ethics Law such that current and future directors on the District Board may accept the increased Stipend amount as part of their official compensation. The Commission can provide that confirmation based on the following points and authorities, which are grounded in two recent Informational Letters of Advice provided by Commission staff.

The CPI Adjustment to the Stipend is part of the official compensation of the directors on the District Board and therefore falls squarely within the exemption of ORS 244.040(2)(a). Consistent with OAR 199-008-0005(3), the Stipend, both in its original form and as modified by the Resolution: (1) is a benefit; (2) was approved by the District’s governing body in a formal manner; and (3) is part of a policy that applies generally to the District’s public officials. The restriction in ORS 244.040(1), limiting a public official from using their official position to obtain a financial gain, therefore does not apply to the adoption or receipt of the Stipend by any director on the District Board.

On September 20, 2023, the Commission’s Executive Director issued Advice No. 23-342I (“Maguire Advice Letter,” attached as Exhibit 2 to this Request). There, the Executive Director addressed a nearly identical factual situation - a stipend to be provided to members of a school board under ORS 332.018. The Maguire Advice Letter concluded that as long as the stipend was formally adopted as part of the official compensation of the school board directors (assuming the governing body’s members complied with certain conflicts of interest rules), the school board directors “would not violate ORS 244.040(1) in adopting or accepting these stipends.” The Maguire Advice Letter expressly addressed the statutory authority of a school board to set the compensation of school board members pursuant to Enrolled House Bill 2753 from the 2023 Regular Session of the Oregon Legislative Assembly. With respect to ORS 244.040(1) and ORS 244.040(2), the Maguire Advice Letter drew no distinction between current and future school board members.

As noted above, the Commission’s Executive Director issued Advice No. 25-240I on April 29, 2025 (“Brooks Advice Letter”, attached as Exhibit 3 to this Request). In my request that led to the Brooks Advice Letter, I explained that the District’s Resolution at issue in this Request is similar to the school board’s action described in the Maguire Advice Letter. In both situations: (1) the public entity had express statutory authority to establish the compensation for its governing body; (2) the governing body established that compensation in the form of a stipend adopted in a formal manner; and (3) the members of the governing body complied with

¹ The Government Ethics Law also contains provisions relating to conflicts of interest. ORS 244.120. As illustrated in the Resolution, the directors on the District Board disclosed potential and actual conflicts relating to the Resolution, and only those directors without an actual conflict of interest participated in the adoption of the Resolution. This Request does not seek any guidance on the applicability of ORS 244.120 to the adoption of the Resolution.

conflicts of interest rules when adopting the policy. The Brooks Advice Letter relies on the same legal analysis as the Maguire Advice Letter for the application of ORS 244.040(1) and ORS 244.040(2), and concludes that, under the exception provided in ORS 244.040(2)(a), “the current and future Directors on the District Board could accept the stipends adopted per the Governance Policy as amended by the Resolution without engaging in a prohibited use of office or violating ORS 244.040(1).”

In my request that led to the Brooks Advice Letter, I highlighted a prior Commission Staff Advisory Opinion that addressed a similar set of circumstances as presented in this Request. Specifically, Advisory Opinion 14S-001 considered a stipend proposed for the board members of a people’s utility district intended to serve as a reimbursement for health insurance. In that Advisory Opinion, the Commission’s Executive Director concluded that the stipend could satisfy the official compensation exception under ORS 244.040(2)(a), but only for future directors. In arriving at that conclusion, however, the Advisory Opinion relied only on the application of the Oregon Ethics Law, and it did not review or acknowledge the statutory authority in ORS 261.305(10) for a people’s utility district to provide compensation to its directors. The Brooks Advice Letter, in contrast, recognizes that statutory authority in its analysis, just as Commission staff recognized the school board’s statutory authority to establish board compensation in the Maguire Advice Letter.

In light of the unique statutory authority vesting the District’s governing body with the authority to establish official compensation packages for services rendered by District employees and by District directors, the Commission should apply the Oregon Ethics Law to the Resolution just as the Commission’s Executive Director did in the Brooks Advice Letter and in the Maguire Advice Letter.

Conclusion

Based on the foregoing, please confirm that District directors who voted to adopt the Resolution can accept the CPI Adjustment without violating ORS 244.040(1) because of the exemption in ORS 244.040(2)(a). Thank you for your consideration.

Sincerely,



Tommy A. Brooks



Oregon

Tina Kotek, Governor

Government Ethics Commission

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April 28, 2025

Sent via email

Honorable Representative Alek Skarlatos
Oregon Legislative Assembly
900 Court St. NE, H-380
Salem, Oregon 97301
Rep.AlekSkarlatos@oregonlegislature.gov

Re: Advice Number 25-2551

Dear Honorable Representative Skarlatos:

Thank you for reaching out to the Oregon Government Ethics Commission (Commission) with your inquiry regarding how the ethics laws in ORS Chapter 244 would apply to legislators participating in a fact-finding mission or trip in Greece. The following 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 presented.

We understand from the information provided that you have been invited to participate in the 15th General Assembly of the World Hellenic Inter-Parliamentary Association (W.H.I.A.) which will take place in Greece from July 20th through July 27, 2025. The W.H.I.A. is a non-profit organization established in Greece. Based on information you provided, W.H.I.A. operates as a union of members who are legislators of Hellenic descent from around the world, united in their mission to promote Hellenism and strengthen international cooperation. W.H.I.A. will provide compensation for an economy-class roundtrip airfare to Athens, Greece. W.H.I.A. will also provide accommodation and full breakfast. You have asked for confirmation that this fact-finding mission would qualify for the gift exception in ORS 244.020(7)(b)(H).

Under most circumstances when a public official is offered food, lodging and travel expenses at no cost to the public official, it would be a gift as defined in ORS 244.020(7)(a), and therefore subject to the gift limitations set forth in ORS 244.025. There are exceptions, however, when a public official may accept certain items, such as paid expenses for food, lodging and travel. In pertinent part, ORS 244.020(7)(b)(H) allows acceptance of the payment of reasonable expenses for food, travel or lodging expenses provided to a public official, and a relative, household member, or staff member accompanying that public official, when the public official is representing state government on an officially sanctioned trade-promotion or fact-finding mission or in officially designated negotiations or economic development activities.

In order for such paid expenses to qualify for this gift exception, the following criteria must be met. First, the public official must be representing state government, a local government or a special government body. In this situation, you are being invited as an elected legislator of Hellenic decent and would be attending in your official capacity as a representative in the Oregon Legislative Assembly; therefore, you would be representing state government.

Second, the purpose of the activity or trip must be for trade-promotion or a fact-finding mission, or for negotiations or economic development activities, where receipt of expenses is approved in advance. The Commission has adopted Administrative Rules that clarify these terms. A “fact finding mission or trip” is “any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or sharing best practices, or developing intergovernmental relationships directly related to the public official’s duties. The sponsor of a fact-finding mission should be directly and immediately associated with the event, or the location being visited.” [OAR 199-005-0001(2)]. “Trade promotion” means “an activity for the purpose of encouraging or developing commerce or the buying and selling of goods and services.” [OAR 199-005-0020(3)(c)]. “Economic Development Activities” are “activities undertaken for the purpose of strengthening, expanding, or enhancing the economy, or activities that provide community development or cultural enhancement. [OAR 199-005-0020(3)(d)].

Based on the information available through their website, W.H.I.A. aims to foster communication and promote relations between legislators of Greek descent in non-Greek speaking countries and the Hellenic Parliament, strengthen relations of friendship and co-operation with Greece and develop a common strategy in relation to issues of Greek interest, and bring forth and promote the Hellenic Culture and the Greek language.

Third, the activities must be “officially sanctioned or officially designated,” which requires written approval by a state or local public body or by a person authorized by the public body to provide that approval. When the activity is officially designated as negotiations or economic activity, the written notice will include approval for the public official to accept the payment of reasonable expenses. [OAR 199-005-0020(3)(b)]. The Administrative Rule goes on to clarify that for members of the legislative assembly, the written approval must be provided by the President of the Senate, Speaker of the House, the designated majority or minority leaders of either chamber or appointed committees of the Legislative Assembly, unless the public body determines otherwise. [OAR 199-005-0020(3)(b)(C)]. In this situation, they would need to follow the procedure(s) required by their leadership in the Legislative Assembly to ensure the activities are officially sanctioned or designated.

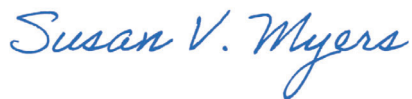
Based on the information that was provided, the trip to Greece sponsored by W.H.I.A. would appear to qualify as a fact-finding mission, as it appears to have an educational purpose and to be aimed at developing intergovernmental relationships or sharing best

practices and you will be representing state government. Based on the description, it may also fall into the categories of trade promotion or economic development activity. Thus, so long as the activity is officially sanctioned or officially designated, in accordance with the procedures adopted by the Legislative Assembly, acceptance of the payment of your travel expenses would meet the criteria for the gift exception in ORS 244.020(7)(b)(H).

Finally, as public officials required to file Annual Verified Statements of Economic Interest (SEI), you will be required to report the aggregate value of these paid expenses on his 2026 SEI. ORS 244.060(6) requires public officials to identify all expenses with an aggregate value exceeding \$50 when participating in an event described in ORS 244.020(7)(b)(H). Per this requirement, World Hellenic Inter-Parliamentary Association, the source of the paid expenses, should provide the you with a written statement of the expenses they provide.

If you have any additional questions or need further clarification, please feel free to contact me directly.

Sincerely,



Susan V. Myers
Executive Director

SVM/ce

*****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.



Oregon

Tina Kotek, Governor

Government Ethics Commission

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April 30, 2025

Sent via USPS and email

Honorable Representative Ben Bowman
Oregon Legislative Assembly
900 Court St. NE, S-484
Salem, Oregon 97301

Re: 25-2571

Dear Representative Bowman:

Thank you for reaching out to the Oregon Government Ethics Commission (Commission) with your inquiry regarding payment of travel expenses by LGBTQ+ Victory Institute (Victory) to attend the Harvard Kennedy School's Senior Executives in State and Local Government (HKS Program) three-week program.

You have been selected as a David Bohnett Fellow to participate in the HKS three-week program in Cambridge, Massachusetts from June 2nd, 2025, to June 20th, 2025, or from July 7th, 2025, to July 25th, 2025. The HKS Program will focus on developing skills in senior executives in state and local government that aid in developing creative solutions under tight constraints and increased public scrutiny. You indicate that through the David Bohnett Fellowship, the LGBTQ+ Victory Institute, a 501(c)(3), would cover the cost of room and board which is equal to \$10,900. You have asked whether you can accept these paid expenses under the gift exception in ORS 244.020(7)(b)(F).

Under most circumstances when a public official is offered food, lodging and travel expenses at no or reduced cost to the public official, it would be a gift as defined in ORS 244.020(7)(a), and therefore subject to the gift limitations set forth in ORS 244.025. There are exceptions, however, when a public official may accept certain items, such as paid expenses for food, lodging and travel.

ORS 24.020(7)(b)(F) provides a gift exception for reasonable expenses paid for a public official to attend a convention, fact-finding mission or trip, conference, or other meeting if the public official is there to deliver a speech, make a presentation, participate on a panel, or represent state or local government, or a special government district. For this exception to apply, the expenses must be paid by the Federal government, a state or local government, a Native American tribe, a membership organization to which a public body pays dues, or a non-profit 501(c)(3) corporation.

This exception applies to travel expenses for fact-finding missions or trips, defined as "...any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or

sharing best practices, or developing intergovernmental relationships directly related to the public official's duties. The sponsor of a fact-finding mission should be directly and immediately associated with the event or location being visited." [OAR 199-005-0001(2)].

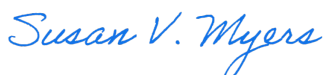
The three-week HKS Program is an activity with an educational purpose and would allow for the sharing of best practices among state and local government officials. According to the information you provided to the Commission, Victory has coordinated fellowships with HKS for more than 20 years. As part of the fellowship, Victory hosts three in-person events during the three-week course to supplement the Program. Victory's events include an orientation session, an affinity group meeting, and a final graduation capstone event. You've stated that the fellowship extends beyond the academic component provided by HKS, as it requires attendance at Victory's LGBTQ+ Leaders Conference in Washington D.C. in December. You added that there are annual alumni gatherings for previous fellowship recipients. Based on the information you provided, the sponsor, Victory, has a direct and immediate association with the event. Therefore, this would appear to meet the requirements of a "fact-finding mission" as defined in OAR 199-005-0001(2).

You've indicated that you will be representing state government while participating in the HKS Program. A review of the IRS's Tax-Exempt Organization website indicates that the LGBTQ Victory Institute Inc. is a 501(c)(3). Therefore, based on the information provided, it appears that the HKS Program would qualify as a fact-finding mission or trip, paid for by a 501(c)(3) exempt organization, and you would be participating in your official capacity, representing the State government. The paid travel expenses could therefore qualify under the ORS 244.020(7)(b)(F) exception.

There is one additional requirement to note. Legislators are required to file an Annual Verified Statement of Economic Interest (SEI). ORS 24.060(5) requires SEI Filers to identify all expenses with an aggregate value exceeding \$50 received during the preceding calendar year when participating in a convention, mission, trip or other meeting described in ORS 244.020(7)(b)(F). The source paying the expense for this fact-finding mission will need to provide you with a written notice of the expenditures within 10 days of the event. [ORS 244.100].

If you have any additional questions or need further clarification, please let me know.

Sincerely,



Susan V. Myers
Executive Director

SVM/CB

*****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.



Oregon

Tina Kotek, Governor

Government Ethics Commission

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May 28, 2025

Sent via email

Honorable Senator Lisa Reynolds
Oregon Legislative Assembly
900 Court St NE, S-409
Salem, OR 97301

Re: Advice No. 25-2711

Dear Senator Reynolds,

This letter of advice is provided in response to a request to the Oregon Government Ethics Commission (Commission) received on May 6, 2025, which asks whether you would have a potential or actual conflict of interest when introducing, sponsoring, and supporting Senate Bill 28 (SB28). You also ask if the class exception would apply to this situation. This letter supersedes the initial staff advice previously issued on May 12, 2025. 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 described.

The information provided indicates that SB28 would mandate commercial insurers reimburse independent primary care clinics at the same rate as primary care clinics owned by a hospital system. You are a practicing pediatrician and a partner at The Children's Clinic, which is an independent primary care clinic in the Portland Metro region. Your request states that SB28 would likely result in a financial gain for The Children's Clinic, along with all other independent primary care clinics in the state.

You have asked for guidance from the Commission as to whether the act of introducing, sponsoring, and supporting SB28 qualifies as a conflict of interest or if you would be considered a member of a class and thereby exempt from the conflict of interest laws.

Conflicts of Interest

A public official is met with a conflict of interest, actual or potential, whenever they participate, in their official capacity, in making a decision or recommendation, or taking action, the result of which would be (actual conflict of interest) or could be (potential conflict of interest) to the financial benefit or detriment of the public official, their relative, or any business with which they or their relative is associated. [ORS 244.020(1) and (13)]. The difference between an actual and a potential conflict of interest rests on the certainty that a financial impact will result from the decision, recommendation, or action being taken.

“Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity. [ORS 244.020(2)]

A “business with which the person is associated” includes a private business or closely held corporation where they or their relatives are directors, officers, owners, employees or agents or in which they held \$1,000 in stock, equity interest, stock options, or debt instruments in the prior calendar year. [ORS 244.020(3)]. For public officials required to file Statements of Economic Interest (SEI), any business listed as a source of income on the person’s SEI is a business with which they are associated. [ORS 244.020(3)(d)].

Because you are a partner at The Children’s Clinic, and The Children’s Clinic is listed as a source of income on your 2025 SEI, The Children’s Clinic qualifies as a business with which you are associated, for purpose of the Government Ethics Laws.

When met with a conflict of interest, ORS 244.120(1)(a) provides that members of the Legislative Assembly must announce their conflicts of interest pursuant to the rules of the house of which they are a member, stating the nature of the conflict of interest before taking any action on the matter. Thus, as a member of the Legislative Assembly, you must publicly announce your conflicts of interest in accordance with the rules of your house.

Oregon Attorney General Opinion No. 8265, dated February 24, 1999, indicated that the authority to investigate and sanction members of the Legislative Assembly for alleged violations of ORS 244.120 was not delegated to any other body, including the Commission. Specifically, this Opinion advised that the “Commission is constitutionally precluded from adjudicating matters involving the performance of legislative functions protected by the Speech and Debate Clause” of the Oregon Constitution. Thus, only the Legislative Assembly may investigate and sanction its members for violations of the conflict of interest disclosure rules in ORS 244.120, and this advice can only define for you what a conflict of interest is and what the law says regarding disclosure.

Class Exception

Your request indicates that SB28 would likely have a financial impact on The Children’s Clinic, which means that you would be met with a conflict of interest, unless the class exception in ORS 244.020(13)(b) applies.

The class exception provides that there is no conflict of interest if the financial benefit or detriment arises out of “[a]ny action in the person’s official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the

Senator Lisa Reynolds
Advice No. 25-2711
May 28, 2025
Page 3

person's relative or business with which the person or the person's relative is associated, is a member or is engaged." If the class exception applies, then you would not have a conflict of interest and would not be required to make any conflict disclosure.

Ordinarily, the Commission will determine whether a class exists and whether the class exception applies, either as part of an investigation or through a Commission Advisory Opinion. In doing so, the Commission identifies the parameters of the proposed class and then determines whether all members of the proposed class would be affected to the same degree by the action being considered. The phrase "to the same degree" has previously been interpreted to mean that all members of the class would have to be affected equally, or at least proportionately, in order for the class exception to apply.

As noted above, jurisdiction to investigate and sanction members of the Legislative Assembly for violations of the conflict of interest disclosure rules rests with the Legislative Assembly, not with the Commission. Given that the class exception analysis only arises in situations involving a determination of whether a public official is required to disclose a conflict of interest, it necessarily follows that such a class exception analysis, to the extent that it relates to the performance of legislative functions, would need to be made by the Legislative Assembly, not the Commission.

Prohibited Use of Office

Finally, please keep in mind that even if a conflict of interest is disclosed, or even if the class exception applies, the prohibition in ORS 244.040(1) would still apply. A prohibited use of office occurs when a public official uses or attempts to use their official position or office to obtain a financial gain or avoid a financial detriment for themselves, their relatives or household members, or for any business with which they are associated if the financial gain or avoidance of financial detriment would not be available but for the public official's holding of the official position or office. [ORS 244.040(1)].

The Commission has previously opined that the mere act of voting on a matter, without something more, would not constitute the use or attempted use of office in a manner prohibited by ORS 244.040(1). In your case, as a member of the Legislative Assembly, the Speech and Debate Clause in Article IV §9 of the Oregon Constitution would also apply, such that actions you take in the performance of legislative functions, including "words uttered in debate in either house," would not give rise to a violation of ORS 244.040(1).

I hope that you find this information helpful. If you have additional questions or need further clarification, please feel free to give me a call.

Sincerely,


Susan V. Myers
Executive Director



Oregon

Tina Kotek, Governor

Government Ethics Commission

3218 Pringle Rd SE, Ste 220

Salem, OR 97302-1680

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: mail@ogec.oregon.gov

Website: www.oregon.gov/ogec

May 30, 2025

Sent via email

Chris Warner, Chief of Staff
Office of the Governor
254 State Capitol
Salem, OR 97301

Re: Advice No. 25-278I

Dear Chris Warner:

This letter is being provided at the request of the Oregon Government Ethics Commission (Commission) to address its review of information presented in the January 2, 2025 letter (SOS Letter) sent to your office from the Secretary of State, Audit Division. The Commission asked its staff to review the matters presented in the SOS Letter in light of the Ethics Laws in ORS Chapter 244. The results of that review were presented to the Commission at its April 25, 2025 meeting. Based on our review, the Commission will take no further action in this matter.

Initially, we must clarify that the Commission has no authority over how public bodies allocate their resources. Thus, our review in this matter focused on application of the Government Ethics Laws to any financial benefits provided to individual public officials.

The SOS Letter identified three specific issues: the use of two parking spaces, one in Salem and another in Washington D.C.; a number of tickets to local events; and a reception at Mahonia Hall. Commission staff reviewed the information provided with the SOS Letter, and additional information provided by your office and by the Department of Administrative Services. Our review indicates that one or more of the exceptions in ORS 244.040(2), including ORS 244.040(2)(a), would apply in these situations.

Benefits a public official receives from their own public body employer are generally analyzed under ORS 244.040(1). This statute prohibits a public official from using their position to obtain a financial gain or avoid a financial detriment if that financial gain/avoidance of detriment would not otherwise be available but for holding their position. There are a number of exceptions. In pertinent part, ORS 244.040(2)(a) allows a public official to accept anything that is part of their official compensation package. An official compensation package includes the wages and other benefits provided to the public official. Such wages and benefits must be specifically approved by the public body and may be set forth in an employment agreement, union contract, or in adopted personnel policies. An official compensation package also includes the direct payment of a public official's expenses, in accordance with the public body's policies. [OAR 199-008-0005(3)].

Chris Warner
Advice No. 25-2781
May 30, 2025
pg. 2

The SOS Letter noted that any potential violations of the Government Ethics Laws were minor and appeared to be unintentional; it further recommended updating policies and documentation. The Commission joins in that recommendation.

If you have any additional questions or need further clarification, please feel free to contact me directly.

Sincerely,



Susan V. Myers
Executive Director



Oregon

Tina Kotek, Governor

Government Ethics Commission

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Website: www.oregon.gov/ogec

May 13, 2025

Honorable Representative Paul Evans
Oregon Legislative Assembly
900 Court St. NE, H-471
Salem, OR 97301

Sent via email

Re: Advice No. 25-279I

Dear Representative Evans:

Thank you for reaching out to the Oregon Government Ethics Commission (Commission) with your inquiry regarding how the Government Ethics Laws might apply to your efforts to raise funds in support of bringing the [Wall that Heals](#) to your district.

The Wall that Heals is a replica of the Vietnam Veterans Memorial in Washington, D.C., designed to travel to communities throughout the United States. Since its dedication, *The Wall That Heals* has been displayed at nearly 800 communities throughout the nation. The traveling exhibit includes The Wall replica and a mobile Education Center. We understand you are working with the American Legion and the Vietnam Veterans Memorial Fund (VVMF) to bring *The Wall that Heals* to Independence this September. Your office is in the process of helping them raise funds to make this happen. You would like to donate and then issue a challenge to your fellow veterans in the Veterans Caucus to match or beat your donation amount. You have asked if this would be permitted under the Government Ethics Laws.

You would not be violating any of the Government Ethics Laws in ORS Chapter 244 when making a donation, soliciting donations, or issuing the donation challenge to the members of the Veterans Caucus. The donations go to the American Legion and the VVMF to offset the costs of bringing *The Wall that Heals* to Independence; they do not provide any private financial gain for you. Thus, there would not be an ethics violation. Other regulations or policies could apply, including policies on fundraising within the legislative assembly. You may want to check with the clerk of the House or legislative counsel regarding whether there are any internal policies prohibiting such activities.

If you have any additional questions or need further clarification, please feel free to contact me directly.

Sincerely,

Susan V. Myers,
Executive Director

*****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.



Oregon

Tina Kotek, Governor

Government Ethics Commission

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Website: www.oregon.gov/ogec

May 27, 2025

Sent via Email

Shannon Ryan
DAS, Enterprise Asset Management
155 Cottage Street NE
Salem, OR 97301-3972

Re: Advice No. 25-292I

Dear Shannon Ryan,

This letter of advice is provided in response to your request received on May 9, 2025. You have explained that you are requesting advice on behalf of the Department of Administrative Services (DAS) and the Governor's Office regarding application of the Government Ethics Laws to the provision of temporary housing for the Governor and the First Lady (collectively, First Family).

The First Family resides in the Executive Residence (Mahonia Hall). Governor Kotek and the First Lady sold their home in Portland and live in Mahonia Hall as their primary, and only, residence. DAS is responsible for maintaining the Executive Residence. This summer, DAS needs to complete various capital improvement and maintenance projects at Mahonia Hall. The First Family will not be able to stay at Mahonia Hall while the work is being completed. DAS needs to provide the First Family with temporary alternative housing for approximately three months. You state that you are exploring short term rental homes in the Portland area, with the cost ranging from approximately \$3,000 - \$5,000 per month. You ask if it would be a violation of the gift clause or other provisions of Oregon Government Ethics Law if the Governor were to accept the paid temporary housing.

In this instance, DAS, on behalf of the State of Oregon, would be offering the temporary housing benefit to the Governor. When a public body offers its elected officials and employees something of value, the financial gain or avoidance of detriment is being made available to the officials and employees because they hold their positions with the public body. Therefore it is analyzed under the use of office provisions in ORS 244.040, rather than as a gift.

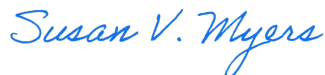
ORS 244.040(1) provides that public officials may not use, or attempt to use, their official position or office to obtain a financial gain or avoid a financial detriment if the financial gain or avoidance of detriment would not otherwise be available but for the public official's holding of the official position or office. ORS 244.040(2)(a) through (h) provide several exceptions to the general prohibition in ORS 244.040(1).

The relevant exception in this instance would be ORS 244.020(2)(a) which allows a public official to accept any part of their official compensation package. 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 199-008-0005(3)].

It appears that DAS is responsible for "constructing, remodeling, decorating, landscaping, furnishing, equipping and maintaining a state executive residence," and is authorized to house the First Family in that Executive Residence. [ORS 276.004; ORS 276.102]. This summer, while Mahonia Hall undergoes maintenance and construction, DAS proposes to pay for the costs of short-term rental housing for the First Family. By so doing, DAS would be making direct payment of the First Family's housing expenses. Per OAR 199-008-0005(3), such direct payment of expenses would be part of the Governor's official compensation package so long as it is provided in accordance with DAS policy. You have indicated that DAS is in the process of adopting a written policy regarding its authority to relocate the First Family when necessary to allow for maintenance or construction at Mahonia Hall.

The provision of housing at Mahonia Hall to the First Family is authorized by statute, and therefore is already part of the Governor's official compensation package. Assuming that DAS adopts the policy described above, that policy would also become part of the Governor's official compensation package, per OAR 199-008-0005(3). That would mean the Governor and First Family could accept the offer of paid short-term rental housing from DAS, as authorized by the DAS policy, without violating ORS 244.040(1).

Sincerely,



Susan V. Myers
Executive Director

SVM/JJS

*****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.



Oregon

Tina Kotek, Governor

Government Ethics Commission

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Website: www.oregon.gov/ogec

June 2, 2025

Sent via email

Patty Mulvihill
League of Oregon Cities
1201 Court St. NE Suite 200
Salem, OR 97301

Dear Patty:

Thank you, and your staff, for meeting with me and with our Commission Chair, Dave Fiskum, and Vice-Chair, Shenoa Payne, on May 15th. We found the meeting to be productive and anticipate that our two organizations will continue meeting to jointly explore solutions to the issues identified in your April 9th letter and any other issues that might arise.

With respect to the issues regarding Public Meetings Law trainings, it appears from your letter and our discussion during the May 15th meeting that the following two issues are of immediate concern:

- **Training Assessment Process:** We agree with you that the training assessment process is cumbersome. OGEC staff are exploring ways to improve and streamline the process and welcome any suggestions that LOC and others may have in that regard. In upcoming meetings we can discuss alternatives and possible solutions.
- **Serial communications and intermediaries:** In our meeting you explained the basis for your suggestion that OGEC was misconstruing the law and misinforming your members in our trainings. After taking OGEC's training, your members will ask LOC questions and say things like, "So I'm being told I can no longer speak with the media, or speak to constituents." LOC concluded that the impetus for these questions/statements must be coming from OGEC's training since your members were not asking these questions or making these statements previously, when only LOC was training on Public Meetings Law.

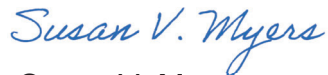
In the meeting, I explained that we hear the same sort of questions/statements from members after they have taken LOC's Public Meetings Law training. It seems to me that the questions/concerns result not from any misinformation that OGEC or LOC trainers are giving, but from the fact that the trainings (both OGEC's and LOC's) now spend more time explaining prohibited serial communications (what is in the statutes and the rules). And as a result, the members attending these trainings are now really thinking about these prohibitions and sometimes drawing incorrect conclusions.

Patty Mulvihill
June 2, 2025
pg. 2

As we discussed in our meeting, one possible solution here is to develop additional guidance that could be provided to those attending the trainings. We would welcome LOC's input on such guidance. Quick-reference sheets or handouts will probably be more effective than a Commission Advisory Opinion.

Again, we appreciate your efforts to bring these matters to the Commission's attention and to improve communications between our two organizations. We look forward to working collaboratively with LOC on solutions to these issues.

Sincerely,



Susan V. Myers
Executive Director



April 9, 2025

David Fiskum, Chair
Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, Oregon 97302-1680

Re: OGE Staff's Inefficient & Unequal Application of ORS 192.700 (Annual PML Training)

Chair Fiskum,

As Chair of the Oregon Government Ethics Commission (Commission), I believe it is prudent you be aware that your staff's enforcement and interpretation of ORS 192.700, and its supporting administrative rules, has been both inefficient and inequitable. The manner in which Commission staff reviews and certifies submitted Public Meetings Law trainings from entities such as the League of Oregon Cities (LOC) has resulted in a lack of confidence in your organization and hindered local government officials' ability to timely comply with Oregon law.

The LOC is a member services organization created to support and assist Oregon's 241 cities through advocacy and professional development services. We regularly partner with state agencies to ensure that city officials understand and comply with laws passed by the Oregon Legislature. At the conclusion of each even-numbered year, the LOC trains 400+ newly elected mayors and councilors, as well as veteran city officials, on how to comply with the Oregon Public Meetings Law, Oregon Public Records Law, and Oregon Government Ethics Laws.

With the enactment of ORS 192.700 in 2023, the LOC proactively reached out to Commission staff to inquire about how it might have its Public Meetings Law training certified in accordance with the recently enacted statute given its ready access to officials subject to the law. LOC was particularly focused on receiving approval of its training given that it would be training 400+ city officials in November and December 2024. Despite LOC's repeated efforts (virtual meetings, phone calls, and numerous emails) to collaborate with the Commission on achieving the objectives of ORS 192.700, Commission staff were indifferent at worst and uncooperative at best.

The enactment of a new statute, one that requires administrative rules for implementation, is no small deal for a state agency. LOC understands that the Commission, and its staff, needed time to understand ORS 192.700, and additional time to craft administrative rules to ensure its reasonable enforcement. However, given that the statute became operative on January 1, 2024, completing rulemaking nine months later on October 1, 2024 is problematic. What is even more concerning is that the Commission's staff was not prepared to review or certify Public Meetings Law trainings from outside entities until November 27, 2024 – almost sixty days after the rulemaking was completed and 331 days after local government officials in Oregon were expected to comply with ORS 192.700.

With LOC's main training portal window for newly elected officials open, and quickly closing, it submitted its Public Meetings Law training to Commission staff on December 3, 2024.

Commission staff were aware that the LOC was in the middle of training countless newly elected city officials who were subject to the law, and that timely certification was in everyone's best interest. While the Commission's website advises 30 days may be required for a review and approval of any submitted training, Commission staff did not respond to LOC's submitted training for 72 days, finally submitting its response to the LOC on February 14, 2025. By the time the Commission's staff reviewed the LOC's Public Meetings Law training, the LOC had completed its training program – requiring hundreds of city officials to attend a second training on the same subject matter.

The inefficiency of the Commission's review and certification of Public Meetings Law trainings from entities like the LOC is disappointing, but what is harmful is the staff's inequitable treatment of entities seeking certification.

- The Oregon School Board Association's submitted training was reviewed within 20 days of submission, the law firm of Beery Elsner & Hammond's (BEH) submitted training was reviewed within 45 days, and yet the LOC's submitted training took 72 days for a first review.
- LOC's submitted training was initially denied, in part, because its Power Point slides failed to include statutory references; however, BEH's Power Point was approved without having the supposedly required statutory references.
- BEH was approved to record its training, for use by government officials at a later date. The LOC, however, was told any recorded training it provided could only maintain its certification if the training included a full transcript, something not required of BEH.

LOC is a longstanding partner of State institutions, recognizing that when local government and state government come together, all of Oregon is stronger. The experience with Commission staff regarding Public Meetings Law certification over the last 18 months has been confusing at best. LOC staff and city officials from more cities than I can reasonably name in this letter have serious concerns about what being a partner with the Commission means. We challenge the Commission to meet a standard of equal treatment among partners, because our experience demonstrates anything but equal treatment. We are disheartened, disillusioned, and frustrated.

Finally, as Commission staff have begun training public officials themselves on Oregon's Public Meetings Law, city officials from across the state began calling the LOC with grave concerns over the content of the training. For example, Commission staff have asserted in trainings that a mayor's quote in a newspaper about city business could result in a serial meeting violation, that a councilor's conversation with a city manager about city business could result in a serial meeting violation, and that an elected official's conversation with a constituent about one of their concerns could result in a serial meeting violation. In response to these complaints, two LOC attorneys attended the Commission's training in Oregon City and were shocked and dismayed by what they were being told by Commission staff.

The advice being given by the Commission's staff is a profound and disturbing misreading of ORS 192.700. It is also patently unrealistic in its application and so far outside the bounds of what any member of the Legislature would have intended upon the enactment of the statute. LOC will be filing a formal request for a Commission Advisory Opinion on the above interpretation of ORS 192.700, along with other related interpretations being made by Commission staff. Additionally, the LOC will consider all other avenues of legal recourse available to it in its effort to ensure the statutes enacted by the Legislature are being reasonably interpreted and enforced. Lastly, given the

gross misinterpretation of ORS 192.700 by Commission staff, LOC will be advising its members to forego attending any Commission providing training on Public Meetings Law until a formal opinion from the Commission can be obtained.

Given the severity of the harm done by this process, I will be sharing my concerns with the Governor, Senate President, Speaker of the House, and the leaders of the minority party.

As the Chair of the Commission, I respectfully request a meeting between our two entities to bridge the divide created by Commission staff and find a reasonable path forward where trust can be restored.

Sincerely,



Patricia M. Mulvihill
Executive Director
League of Oregon Cities
pmulvihill@orcities.org
(971) 428-7271 – Cell Phone



MEMORANDUM

DATE: June 2, 2025

TO: Oregon Government Ethics Commission

FROM: Susan Myers, Executive Director *SM*

SUBJECT: Own Motion Commission Advisory Opinion – ORS 192.660(2)(f)

ORS 244.280(1) grants the Commission authority to issue a Commission Advisory Opinion on its own motion. This memorandum presents information for the Commission to consider whether it would like to do so in order to clarify how the Commission will construe ORS 192.660(2)(f) in cases involving privileged attorney-client advice.

The provisions in ORS 192.345 and ORS 192.355 identify categories of records that are exempt from public inspection. In pertinent part, ORS 192.355(9)(a) makes “[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law” into records exempt from public inspection.

ORS 192.660(2)(f) allows a governing body to hold an executive session to consider information or records that are exempt by law from public inspection. The Attorney General’s Public Records and Meetings Manual (2024) (AG Manual) interprets this provision to mean that a governing body has the authority to meet in executive session to obtain confidential professional legal services from its legal counsel. The AG Manual uses confidential written legal advice from counsel as an example of a privileged record typically exempt under Public Records Law. The AG Manual further recommends that governing bodies not utilize ORS 192.660(2)(f) as the basis for holding an executive session unless there is a written record of a privileged attorney-client communication.

Historically, the Commission has generally taken the position -- in cases, advice, and trainings -- that a written record, such as a legal memo from the counsel, is required. More recently, however, concerns have been raised as to whether this construction is too restrictive, given that the statute applies to “records or *information*.” (ORS 192.660(2)(f), emphasis added). The Commission could construe the provision to apply not only to written legal advice but also to verbal legal advice from the governing body’s counsel.

The question is whether a written legal memo or other record is required in order for a governing body to hold an executive session under ORS 192.660(2)(f) in order to obtain confidential privileged legal advice from its legal counsel.



MEMORANDUM

DATE: May 16, 2025

FROM: Susan Myers, Executive Director

SUBJECT: 2026 Commission Meeting Schedule

The following is a list of proposed meeting dates for 2026. The proposed dates have been scheduled to accommodate the investigation timelines, holidays, and the Commission's 2025 decision to hold monthly meetings.

Friday, January 9, 2026
Friday, February 6, 2026
Friday, March 6, 2026
Friday, April 10, 2026
Friday, May 8, 2026
Friday, June 12, 2026
Friday, July 10, 2026
Friday, August 14, 2026
Friday, September 11, 2026
Friday, October 9, 2026
Friday, November 13, 2026
Friday, December 11, 2026

We understand that you all have very busy lives, and it is our hope that you all can be at every meeting, but it may be difficult to accommodate everyone's schedules.

The schedule will be an agenda item at the June 13, 2025 meeting.

Thank you.

OGEC Training Report

April 26, 2025 – May 30, 2025

June Commission Meeting Facilitators

- **Room/Online Facilitator: Chris**
- **Participation Facilitator: Charlie**
- **Facilitation Lead/Media Contact: Stephanie**

Trainings Completed

These trainings are hosted by public bodies across the state both online and in-person. Some hosted training sessions are open to public officials from other governing bodies to attend. The public body who hosts the training is listed first, followed by the public bodies represented by other attendees.

Area of Law	Public Body	Location
ORS 244	Oregon Psilocybin Advisory Board	Online
ORS 244	Clatskanie Library District (City of Clatskanie, Clatskanie Public Utilities District, Westport-Wauna RFPD, Columbia Soil & Water Conservation District, City of Rainier, Mist-Birkenfield Fire Department, Clatskanie Fire Board, Clatskanie School District, Clatskanie Parks & Rec)	Clatskanie
ORS 192	Clatskanie Library District (City of Clatskanie, Clatskanie Public Utilities District, Westport-Wauna RFPD, Columbia Soil & Water Conservation District, City of Rainier, Mist-Birkenfield Fire Department, Clatskanie Fire Board)	Clatskanie
ORS 192	Klamath County Fire District 3	Online
ORS 192	Hamlet Fire District	Online
ORS 192	Tillamook Bay Community College (Tillamook County, Tillamook Public Utilities District)	Tillamook
ORS 192	Oregon Board of Physical Therapy	Online
ORS 192	State Boards & Commissions	Online
ORS 192	City of Umatilla (City of Hermiston, Umatilla Rural Fire Protection District, City of Irrigon, City of Echo, Boardman Park & Rec District, Oregon Trail Library District, Morrow County, City of Boardman, Boardman Cemetery District, Umatilla Hospital District)	Umatilla
ORS 192	City of Milton-Freewater	Milton-Freewater

ORS 192	City of Pendleton (Nixyawaii School Board, Library District, City of Pilot Rock)	Pendleton
ORS 192	City of Heppner (City of Stanfield, Morrow County, City of Lone, City of Echo, City of Pilot Rock, Black Mountain Water District, Heppner Rural Fire Protection District)	Heppner
ORS 244	Oregon Society of CPAs	Eugene
ORS 192	City of West Linn	Online
ORS 192	Lincoln City Parks & Recreation Board	Online
ORS 192	Southwest Hills Residential League	Online
ORS 192	Higher Education Coordinating Commission	Online
ORS 244	Linn Benton Lincoln Health Equity Alliance	Online
ORS 244	Oregon Racial Justice Council	Online

OGEC Webinars

These online trainings are open to anyone to sign-up for through our website. Most of the topics are offered once a month. Public Meetings Law webinars are currently offered at least once a week.

Area of Law	Webinar Topic	April	May
ORS 244	New Employee	0	1 Session
ORS 244	New Councilor or Commissioner	0	1 Session
ORS 244	Use of Office/Conflicts of Interest	1 Session	1 Session
ORS 244	Gifts	1 Session	1 Session
ORS 244	Jurisdictional Contact	0	1 Session
ORS 192	Public Meetings Law	0	6 Sessions
ORS 192	Executive Sessions	0	1 Session
ORS 171	Lobby Law	0	1 Session

Training Highlights

Public Meetings Law Trainings

- Klamath County Fire District 3 completed their Public Meetings Law training
- State Boards & Commissions Training: Nearly 100 attendees on May 14th, with another 99 registered for June 6th

Government Ethics Law Trainings

- Oregon Society of CPAs – Provided ORS 244 Ethics Overview training for CPAs from around the state at their annual conference on May 20th

Training Outreach & Collaboration

- Eastern Oregon Trip: Cities of Umatilla, Milton-Freewater, Pendleton, & Heppner
- Ontario Trip: City of Ontario, Ontario Library District, & City of Burns
- Future South Coast trip planned for June
- Stephanie & Lex presented a training on accessibility for COGEL on June 10th

Training Staff

Trainers

Charlie Esparza	503-378-8066	charles.esparza@ogec.oregon.gov
Chris Brubaker	503-378-2059	chris.brubaker@ogec.oregon.gov
Lex Tingey	503-378-2245	lex.tingey@ogec.oregon.gov
Ruth Sylvester	503-378-2060	ruth.sylvester@ogec.oregon.gov

Curriculum and Training Coordinator

Stephanie Heffner	503-378-6802	stephanie.heffner@ogec.oregon.gov
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EXECUTIVE DIRECTOR'S REPORT
6/2/2025

BUDGET:

2023-25: Surplus as of March 2025 is approximately \$495,898.64.

2025-27: Budget bill (SB5522) passed the Senate and is currently awaiting a Third Reading in the House.

LEGISLATIVE SESSION:

- Our two bills, HB 2930 and HB 2932, passed the house and are currently awaiting Third Reading in the Senate.
- We are continuing to monitor other bills through BillTracker

FILERS:

- Non-filers:
 - SEI: 15
 - Lobbyist Q1: 6
 - Client/Employers Q1: 5
- Commission staff are continuing to reach out to filers to assist them with getting their reports filed.

OTHER:

- Received the attached letter and report from the Governor's Office regarding progress on meeting Governor's Expectations



TINA KOTEK
GOVERNOR

May 19, 2025

Oregon Government Ethics Commission

Dear Director Myers,

It has been over two years since I established eleven expectations for state agency operations, with the overall goals of improving customer service and optimizing performance for the people of Oregon. I want to thank you for the considerable attention and effort you have given to these expectations. I recognize that the collective work to meet these expectations has required upfront investments that do not always have benefits that are immediately perceptible. Just as any discipline may at first seem burdensome only to yield great benefits later, the work that employees are contributing to meet these expectations is building mutually reinforcing practices that will have a lasting impact on state operations.

Our work is already having a tangible, statewide impact:

- Hiring on average is over two weeks faster.
- Vacancy rates have fallen by a third.
- Agency planning of all forms is more complete and consistent.
- Employees more regularly complete key trainings and receive feedback from managers.
- Measures of employee engagement have increased.

These meaningful successes have only been possible through partnership with you and other agency leaders. I thank you for that continued partnership.

Enclosed with this letter you will find a report that summarizes the performance of your agency in meeting my stated expectations. I commend the hard work represented, particularly in audit response. I also want to bring to your attention a few areas where my expectations are not being met:

- Employee Feedback
- Employee Orientation

I urge you to evaluate agency operations and identify ways to improve in these specific areas, and I expect you to send your policy advisor a plan of action by June 30, 2025.

Thank you for cultivating a culture of improvement in service to all Oregonians.

Sincerely,

Governor Tina Kotek

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**Agency 19900 – Oregon Government Ethics Commission (OGE)**

Agency Director: Susan Myers

Policy Advisor: Richard Lane

Expectation 1. Strategic Planning

Agencies will develop and follow a strategic plan that also aligns with priorities set forth by the Governor's Office. This practice is important because strategic planning defines the planned actions of an agency. It helps organizations to define priorities, identify opportunities, mitigate risks and align resources and activities efficiently.

06/01/23:

- Strategic plan not completed in last 36 months



09/30/24:

- Updated plan submitted

**Agency 19900 – Oregon Government Ethics Commission (OGE)**

Agency Director: Susan Myers

Policy Advisor: Richard Lane

Expectation 2. Audit Response

Agencies will implement recommendations from internal audits and from Secretary of State audits, reporting to DAS on status by May 31 and Nov. 30 of each year. This practice is important because agencies implement audit recommendations to manage identified risks. Recommendations not implemented represent risks not yet managed. Tracking the implementation of audit recommendations ensures that identified risks are managed while increasing the efficiency and effectiveness of operations.

Secretary of State

<i>Report Date</i>	<i>Rate</i>	<i>Recs. closed</i>	<i>Recommendations due</i>
06/01/23	100%	6	6

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Expectation 3. Continuity of Operations Planning

Agencies will maintain and annually update a Continuity of Operations Plan (COOP). This practice is important because COOPs help agencies prepare for disruptions such as disasters, accidents and technological threats.

06/01/23:

- COOP plan not updated in last 12 mos.



12/31/23:

- COOP plan updated in last 12 mos.
- Plan Submitted On Time



12/31/24:

- COOP plan updated in last 12 mos.
- Plan Submitted On Time
- Complete plan submitted on time
- Plan complete

**Agency 19900 – Oregon Government Ethics Commission (OGE)**

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Policy Advisor: Richard Lane

Expectation 4. DEI Planning

Agencies will maintain a biennial Diversity, Equity and Inclusion plan (DEI plan) and will report Affirmative Action progress every even-numbered year. This practice is important because diversity, equity and inclusion plans help organizations by creating cultures that allow all employees to feel a sense of belonging. A culture of belonging fosters innovation, health, wellness and has many benefits that contribute to sustaining an inclusive workforce.

06/01/23:

- No Plan



09/30/23:

- Plan for Plan



09/30/24:

- Plan



Agency 19900 – Oregon Government Ethics Commission (OGE)

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Policy Advisor: Richard Lane

Expectation 5. Technology Planning

The Oregon Government Ethics Commission is exempt due to its size.

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Expectation 6. Succession Planning

All agencies will develop and submit an annual succession plan. This practice is important because succession planning helps identify and develop future leaders, ensuring that an organization has a plan for leadership transitions, business continuity and talent retention.

03/31/24:

- Assessment component included ✓
- Development component included ✓
- Evaluation component included ✓
- Identification component included ✓



03/31/25:

- Assessment component included ✓
- Development component included ✓
- Evaluation component included ✓
- Identification component included ✓
- Review component included ✓

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Expectation 7. Leadership

Each agency director will receive a 360 review every two years. This practice is important because 360 reviews allows agency leaders to identify and develop strengths as well as improve upon gaps in their talents and skillsets.

06/01/23:

- Agency directors reviewed in the last 24 months



03/31/25:

- Agency directors reviewed in the last 24 months

**Agency 19900 – Oregon Government Ethics Commission (OGE)**

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Expectation 8. Employee Feedback

Each agency will complete 90+% of its required manager and employee performance feedback check-ins each quarter. This practice is important because employees feel more supported and encouraged when they receive feedback from their managers. These meetings promote professional development and can help employees identify opportunities for growth and align their career paths with the organization's needs, increase employee engagement and strengthen relationships.

<i>Report Date</i>	<i>Rate</i>	<i>Employee Check-Ins Complete</i>	<i>Applicable Total</i>
06/01/23	100%	6	6
09/30/23	100%	8	8
12/31/23	100%	7	7
03/31/24		0	0
06/30/24		0	0
09/30/24		0	0
12/31/24	73%	11	15
03/31/25	0%	0	13

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Expectation 9. Recruitment

Each agency will maintain an average of 50 or fewer days to complete open competitive recruitments and will actively manage vacancies, reporting quarterly the reasons for each. This practice is important because a quick hiring process demonstrates professionalism and respect for candidates, increasing their interest in the organization and likelihood of accepting an offer. It can also enable Oregon state government to compete with other employers hiring top talent faster. Reducing vacancy rates supports workforce planning by providing insights into the availability and use of positions.

Days to fill vacant positions

<i>Report Date</i>	<i>Days to fill vacant positions</i>
12/31/23	46
03/31/24	55
09/30/24	66

Total Vacancies

<i>Report Date</i>	<i>Rate</i>	<i>Total Vacancies</i>	<i>Total Positions</i>
12/31/23	33%	5	15
03/31/24	13%	2	15
06/30/24	14%	2	14
09/30/24	0%	0	14
12/31/24	0%	0	19
03/31/25	0%	0	18

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Expectation 10. Employee Engagement

All agencies with more than four full-time equivalent employees will annually administer the Gallup Q12 survey to measure employee engagement and satisfaction. This practice is important because engaged employees tend to perform with higher productivity and report greater well-being, which can shape the quality of customer service. Increased engagement results in reduced turnover; according to Gallup, low engagement teams have turnover rates that are 18% to 43% higher than highly engaged teams.

*Report Date**Gallup Q12 Mean***03/31/25****3.80**

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Expectation 11. Workforce Development

All agencies will have all new employees complete an agency orientation and DAS Customer Service Fundamentals training within 60 days of hire and attend an Uplift Your Benefits session within two weeks of hire. All agencies will have all new managers complete the DAS Foundational Training Program within four months of hire and all modules of the DAS employee review training within 30 days of assignment. This practice is important because training helps employees understand their responsibilities, agency culture, policies and procedures, which gives employees information to be confident and prepared for their jobs. It also shows employees that they are valued, which can lead to higher job satisfaction and morale. Training can make employees more effective, improve customer service and increase productivity and retention.

All training expectations

<i>Report Date</i>	<i>Rate</i>	<i>Met expectation and timeframe</i>	<i>Total required</i>
03/31/24	100%	8	8
06/30/24	100%	4	4
09/30/24	100%	4	4
03/31/25	100%	2	2

Customer Service Training

<i>Report Date</i>	<i>Rate</i>	<i>Completed - Within 60 Days of Assignment</i>	<i>Total # required not incomplete still within period</i>
03/31/24	100%	4	4
06/30/24	100%	1	1
09/30/24	100%	2	2
03/31/25	100%	1	1

Foundational Training Enrollment

<i>Report Date</i>	<i>Rate</i>	<i>Enrolled - Within 5 Days of Assignment</i>	<i>Total # of new managers not</i>
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				<i>incomplete still within period</i>
06/30/24	100%	1		1

Orientation

<i>Report Date</i>	<i>Rate</i>	<i>Completed - Within 60 Days of Assignment</i>	<i>Total # of New Workers not incomplete still within period</i>
06/30/24	0%	0	3
09/30/24	0%	0	2

Performance Accountability & Feedback Training

<i>Report Date</i>	<i>Rate</i>	<i>Completed - Within 30 Days of Assignment</i>	<i>Total # of new managers not incomplete still within period</i>
06/30/24	100%	1	1

Uplift Your Benefits Training

<i>Report Date</i>	<i>Rate</i>	<i>Completed - Within 30 Days of Assignment</i>	<i>Total # of New Workers not incomplete still within period</i>
03/31/24	100%	4	4
06/30/24	100%	1	1
09/30/24	100%	2	2
03/31/25	100%	1	1