

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES

May 11, 2018

9:00 a.m.

(:01)

Chair Alison Kean called the meeting to order at 9:00 a.m. The meeting was held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Other Commissioners present were Richard Burke, Nathan Sosa, Charles Starr, Dan Golden, Daniel Mason, David Fiskum, and Kamala Shugar. Staff present were OGEC Counsel Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, Investigator Diane Gould, Investigator Michael Thornicroft, Trainer Tammy Hedrick and Administrative Specialist Kathy Daniel.

(:30)

AGENDA ITEM 1, Comments from the Chair. Kean announced that it would be Dan Golden's last Commission meeting as his term expires at the end of May. She also noted that there would be a public meeting/Commission retreat at the end of the Commission meeting.

(1:35)

AGENDA ITEM 2, Approval of the minutes of the March 30, 2018 Commission meeting. Fiskum moved for approval of the minutes of the March 30, 2018 Commission meeting. Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

CONSENT CALENDAR

(2:00)

Fiskum declared a past personal relationship with Sieng, item #5. Burke moved for the approval of the Consent Calendar items 3-4, and 6-22 and the staff recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Rayleen McMillan, Q4 2017, Letter of Education

AGENDA ITEM 4, Kyle Williams, Q1 2018, Letter of Education

AGENDA ITEM 5, Patrick Sieng, Q4 2017, Letter of Education

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Lobbyist Client Penalty Correspondence

AGENDA ITEM 6, Oregon State Police, Q1 2018, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 7, Alan Hanley, 2017 SEI, Letter of Education

AGENDA ITEM 8, Kenneth DeGrange, 2017 SEI, Letter of Education

AGENDA ITEM 9, Robert Weikum, 2017 SEI, Letter of Education

SEI Stipulated Final Orders

AGENDA ITEM 10, 17-106SMS, Jake Pieper, Councilor, City of Brookings

AGENDA ITEM 11, 17-113SMS, Frank Segarra, Municipal Judge, City of Lowell

AGENDA ITEM 12, 17-120SDG, Viola Rose, Councilor, City of Prairie City

AGENDA ITEM 13, 17-125SMT, Michael Dennis, Councilor, City of Turner

AGENDA ITEM 14, 17-129SMT, Matt Allen, Councilor, City of Yoncalla

AGENDA ITEM 15, 17-130SMT, David Lee, Planning Commissioner, Umatilla County

AGENDA ITEM 16, 18-016SMT, Melissa Aurand, Planning Commissioner, City of Banks

AGENDA ITEM 17, 18-017SMT, Ed Brockman, Councilor, City of Lake Oswego

AGENDA ITEM 18, 18-036SMT, Samuel Hopkins-Hubbard, Councilor, City of Milton-Freewater

AGENDA ITEM 19, 18-039SMT, Robert Keyser, Commissioner, Port of St. Helens

AGENDA ITEM 20, 18-046SMT, Ann Rakosi, Planning Commissioner, City of Myrtle Point

AGENDA ITEM 21, 18-048SMT, Andrea Rogers, Mayor, City of Mosier

AGENDA ITEM 22, 18-087SMT, Brenden King, Candidate State Representative

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Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

End of Consent Calendar

Lobbyist Penalty Correspondence

(3:48)

AGENDA ITEM 5, Patrick Sieng, Q4, 2017. Bersin reviewed the matter. Fiskum and Golden stated that they have had a working relationship with Sieng. Shugar moved to accept staff recommendation of a Letter of Education for the late filing of the Q4, 2017 Lobbyist Expenditure Report. Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(5:24)

AGENDA ITEM 23, Lydia Muniz, Q4 2017. Staff recommendation of \$260 for 2nd violation. Burke moved to accept staff recommendation of \$260 for the late filing of the Q4, 2017 Lobbyist Expenditure Report. Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

REPORTS OF INVESTIGATIONS

(6:15)

AGENDA ITEM 24, 17-060EDG, Dewayne Forrest, Training Officer, Lakeside Rural Fire Protection District. Gould summarized the case. Forrest did not address the Commission. Starr moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(7:55)

AGENDA ITEM 25, 17-068EMT, Barbara Castillo, Former City Administrator and Recorder, City of Millersburg. Thornicroft summarized the case. Castillo addressed the Commission. The Commission generally discussed the investigation with Thornicroft. Complainant Steven Hasson addressed the Commission. Commissioners directed questions to Castillo and Hasson. Bersin and Alpaugh commented on the investigation and the Commissioners discussed the matter. Burke moved that the Commission find that there is sufficient evidence to find three violations of ORS Chapter 244.120 by Barbara Castillo, if this evidence is not rebutted by contrary evidence and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Burke, aye;

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Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:26:25)

The Commission recessed at 10:15 a.m. and reconvened into regular session at 10:23 a.m.

(1:26:28)

AGENDA ITEM 26, 17-070EDG, Joseph VonDoloski, Former Executive Director, Logos Public Charter School. Gould summarized the case. VonDoloski addressed the Commission by telephone. Alpaugh reviewed the rule that relates to the violations in this case. The Commission generally discussed the matter. Mason moved that the Commission find that there is sufficient evidence to find 11 violations of ORS Chapter 244.040 and 11 violations of 244.120(1)(c) by Joseph VonDoloski, if this evidence is not rebutted by contrary evidence and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

None.

Staff Advice

(non-action, informational only items)

The Commission reviewed the following items without comment:

AGENDA ITEM 27, 18-094I, Senator Rob Wagner, Legislator re accepting overseas travel and related expenses paid for by 501(c)(3) non-profit organizations.

AGENDA ITEM 28, 18-109I, Dave Dillon, AG-PAC re educational tour July 19, 2018 sponsored by AG-PAC Educational Services, Inc.

AGENDA ITEM 29, 18-110I, Paul Rosenbaum, Chairperson OLCC re the extent of participation in matters that could financially affect a business association.

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Other Correspondence (non-action, informational only items)

(2:09:56)

AGENDA ITEM 30, Linda Nezbeda, comments re dismissed cases. Bersin summarized the matter. The Commission generally discussed.

(2:12:45)

The Commission convened into executive session at 11:25 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and 192.660(2)(f) re records exempt from public inspection.

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar.

OTHER ITEMS

Reports of Preliminary Review
(removed from consent calendar)

(2:12:45)

AGENDA ITEM 37, 18-092EMT, Tom Corrigan, Former City Manager, City of Talent. Thornicroft summarized the case. Corrigan was present and addressed the Commission. Attorney Charles Bolen addressed the Commission by telephone. Shugar moved that the Commission find that the complaint and information before the Commission do not indicate violations of ORS Chapter 244.040 and 244.120 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, nay; Starr, aye; Golden, nay; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed 6 - 2.

(2:38:16)

AGENDA ITEM 35, 18-083EDG, Bruce S. Conner, Cruise Industry Marketing Director, Port of Astoria. Gould summarized the case. Conner was present and addressed the Commission. Mason moved that the Commission find that the complaint and information before the Commission do not indicate violations of ORS Chapter 244.040 and 244.120(1)(c) or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, nay; Starr, aye; Golden, nay; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed 6 – 2.

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(3:11:00)

Counsel Alpaugh addressed the Commission re matters that are exempt from public record.

(3:20:38)

AGENDA ITEM 34, 18-082EMT, Nicole Christy, Former Developmental Disabilities Service Coordinator, Jackson County. Thornicroft summarized the case. Christy addressed the Commission by telephone. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Nicole Christy may have violated ORS 244.040 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(3:29:41)

AGENDA ITEM 36, 18-091EMT, Travis Ward, Former Network Administrator, Yamhill County. Thornicroft summarized the case. Ward did not address the Commission. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Travis Ward may have violated ORS 244.040 and 244.120 that the Commission should investigate accordingly. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

The Commission reconvened into open session at 12:47 p.m.

(3:33:54)

AGENDA ITEM 32, Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget status.
- Surplus funds were used to purchase new computers to replace aged hardware.
- Legislative Concepts, working with the Governor's office.
- Statement of Economic Interest filing period closed, 4,771 filed to-date.
- Strategic Plan has been submitted for review.
- Website redesign continues.
- 2019-2021 budget kickoff meeting was held March 20, facing fiscal challenges.
- Project to bring all non-filers and non-payers current.
- Diane Gould was selected as Ambassador of Public Service for outstanding service to State government.
- Recruitment second interviews to fill the vacant Compliance and Training Coordinator position are complete with one more round next week.
- Complaint Management System won the 2018 StateScoop 50 Award for Innovation of the Year.

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- Jurisdictions with un-paid annual assessments will be sent letters advising that if payment is not received by June 15, 2018, they will be sent to Collections.
- Settlement in the Hayes contested case is being finalized.
- OGEC will welcome two new Commissioners, Sean O'Day and Karly Edwards at the June 29th meeting.

(3:45:14)

AGENDA ITEM 21, Trainers' Report. Weedn summarized the training activities for April 2nd through May 11th, 2018.

Kean thanked Dan Golden for his four years on the Commission and presented him with a plaque commemorating his service. Dan expressed his appreciation for the fond farewell.

(3:53:22)

The Commission recessed for a working lunch at 1:07 p.m. and reconvened into regular session at 1:15 p.m.

(.01) Recorder timed out.

AGENDA ITEM 33, Commission Retreat. The Commission generally discussed the following:

- Shugar led discussion re meeting recordings.
- Fiskum led discussion re Lobby-to-Lobby issues.
- Bersin led discussion re 30-day preliminary review period.
- Mason and Shugar were excused at 2 p.m.
- Fiskum led discussion re review of the current OGEC Mission Statement.
- Burke led discussion re Commissioners speaking to media.
- Alpaugh led discussion re dealing with ex parte contacts.
- Burke led discussion re amending the penalty matrix.
- Discussion re rule making process.

Chair Kean adjourned the meeting at 2:58 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, June 29, 2018, at 9:00 a.m. The meeting will be held in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, in Salem, Oregon.

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