

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
January 5, 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. Lee was excused from participation. Staff present were OGE Council Amy Alpaugh, Executive Director Ron Bersin, Compliance and Training Coordinator Marie Scheffers, Investigator Diane Gould, Investigator Michael Thornicroft and Administrative Specialist Kathy Daniel.

(1:00)

AGENDA ITEM 1, Comments from the Chair. Kean outlined changes to the Agenda process and procedures.

(2:33)

AGENDA ITEM 2, Approval of the minutes of the November 17, 2017 Commission meeting. Chair Kean called for approval of the minutes of the November 17, 2017 Commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

(3:40)

Golden moved for the approval of the Consent Calendar items and the staff recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Kristine Kautz, Q3 2017, Letter of Education

AGENDA ITEM 4, Kaylan Dorsch for Richard Sanders, Q1 2016, Letter of Education

AGENDA ITEM 5, Jana Gastellum, Q2 2017, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 6, Access2Care, Q2 2016, Letter of Education

AGENDA ITEM 7, NAMI Oregon, Q2 2016, Letter of Education

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AGENDA ITEM 8, Agricultural Cooperative Council of Oregon, Q4 2016, Letter of Education

AGENDA ITEM 9, Southern Oregon University, Q1 2017, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 10, Philip Darrah, 2016 & 2017, Letter of Education

AGENDA ITEM 11, Beth Niquette, 2017, Letter of Education

AGENDA ITEM 12, Jeff Bachrach, 2017, Letter of Education

AGENDA ITEM 13, Sherilyn Aasen, 2017, Letter of Education

AGENDA ITEM 14, Cathi Forsythe, 2017, Letter of Education

AGENDA ITEM 15, Sharon Kintrea, 2016, Letter of Education

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

End of Consent Calendar

Lobbyist Penalty Correspondence

(5:35)

AGENDA ITEM 16, Christopher Friend, Q1, Q2, Q3 2017. No recommendation. The Commission generally discussed the matter. Burke moved to issue a Letter of Education only. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, nay; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed 7 - 1.

Lobbyist Client Penalty Correspondence

(13:15)

AGENDA ITEM 17, Living Opportunities, Q2 & Q4 2016, and Q1 2017, Letter of Education and \$50 penalty. Starr moved to accept recommendation of Letter of Education for Q2 2016 and \$50 total penalty for late filing of Q4 2016 and Q1 2017 expenditure reports. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously

(15:10)

AGENDA ITEM 18, American Cancer Society Cancer Action Network, Q4 2016, and Q1, Q2, Q3 2017. No recommendation. Starr moved for a Letter of Education for late filing of

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Q4 2016, and a \$40 total penalty for Q1, Q2, & Q3 2017 expenditure reports. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, nay; Kean, aye. Motion passed 7 - 1.

STIPULATED FINAL ORDERS

(16:15)

AGENDA ITEM 19, 17-153EDG, Roger Thompson, Port of Brookings Harbor Commissioner. Gould summarized the case. Thompson did not address the Commission. The Commission generally discussed the case. Burke moved that the Commission approve the proposed stipulated final order as the final order in this matter and that the Chairperson be authorized to sign it as such. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

CONTESTED CASE PROPOSED FINAL ORDERS

None.

REPORTS OF INVESTIGATION

(22:17)

AGENDA ITEM 20, 14-191EDT, Cylvia Hayes, Former Policy Advisor and First Lady, Office of the Governor. Scheffers summarized the case and presented a Power Point presentation. Hayes did not address the Commission. The Commission asked questions of the investigator for clarification on the presentation. Alpaugh explained the process of Contested Case proceedings. The Commission discussed the 23 presented potential violations. Mason moved to remove the presented violation #16, DPU, from consideration. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

Burke moved to remove the presented violation #18, Rural Development Initiative, then withdrew his motion.

The Commission further discussed the Use of Office violations. Burke moved that the Commission find that there is sufficient evidence to find 16 violations of ORS Chapter 244.040(1); 5 violations of ORS Chapter 244.120(1)(c) and 1 violation of ORS Chapter 244.025 by Cylvia Hayes and if the evidence is not rebutted by contrary evidence, that this official be offered a contested case proceeding. Vote was taken as follows: Burke,

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aye; Golden, aye; Shugar, abstained; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed 7 – 0 with one abstention.

The Commission adjourned at 10:53 a.m. for a 10 minute break and reconvened into regular session at 11:02 a.m.

(1:52:49)

AGENDA ITEM 20, 14-191EDT, Cylvia Hayes, continued
Alpaugh discussed the penalty grid with the Commission.

ADVISORY OPINIONS

(2:29:24)

AGENDA ITEM 21, 17-089A, Daniel Gilbert, Legislative Counsel re use of public time resources to solicit donations. Bersin summarized the opinion. The Commission generally discussed the matter. Kean moved to adopt the advisory opinion as presented. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Advice

(non-action, informational only items)

The Commission reviewed the following items without comment:

(2:31:50)

AGENDA ITEM 22, 17-166I, Matthew D. Lowe re candidate for public office compliance with Statement of Economic Interest filing requirements.

MISCELLANEOUS ITEMS

(2:32:58)

AGENDA ITEM 23. Capitol Club re lobby-to-lobby advice. Consideration of the matter has been moved to future agenda because the Capitol Club representative was unable to appear.

(2:35:49)

The Commission convened into executive session at 11:45 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and 192.685(1), and ORS 171.778(4)(d).

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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)

(2:35:00)

AGENDA ITEM 28, 17-082MT, Ted Hughes, Lobbyist. Thornicroft summarized the case. Hughes did not address the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Ted Hughes may have violated ORS Chapter 171.740 and that the Commission should investigate accordingly. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

(2:41:00)

AGENDA ITEM 29, 17-086DG, Ken DeGrange, City of Wasco Councilor. Gould summarized the case. DeGrange joined by telephone. Mason moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

(3:02:05)

AGENDA ITEMS 30 – 35, City of Prairie City

- 17-093MT, Jim Hamsher, Mayor
- 17-094MT, Carole Garrison, City Councilor
- 17-095MT, Georgia Patterson, City Councilor
- 17-096MT, Les Church, City Councilor
- 17-097MT, Frank Primoizic, City Councilor
- 17-098MT, Joe Phippen, City Councilor

Thornicroft summarized the cases. Hamsher, Garrison, Patterson, Church, Primoizic, Phippen did not address the Commission. Golden moved that the Commission find that there is a substantial, objective basis for believing that Hamsher, Garrison, Patterson, Church, Primoizic, and Phippen may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, nay; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed 7 – 1.

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(3:17:00)

AGENDA ITEM 36, 17-157DG, Daily Holman, Barlow Water Improvement District Board of Directors. Gould summarized the case. Holman joined by telephone. Burke moved that the Commission find that there is a substantial, objective basis for believing that Daily Holman may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

(3:24:10)

AGENDA ITEMS 37-44, Barlow Water Improvement District Board of Directors.

- 17-158DG, Gary Hackett, Former District Board of Directors
- 17-159DG, Gary Olin, District Board of Directors
- 17-160DG, Frank Veenker, District Board of Directors
- 17-161DG, John McElheran, District Board of Directors
- 17-162DG, Sandi Chamberlain, Former District Board of Directors
- 17-163DG, Steve Gordon, District Board of Directors
- 17-164DG, Larry Warren, District Board of Directors
- 17-165DG, Davon Hodgen, District Board of Directors

Gould summarized the cases. Hackett, Olin, Veenker, McElheran, Chamberlain, Gordon, Warren, and Hodgen did not address the Commission. Golden moved that the Commission find that there is a substantial, objective basis for believing that Hackett, Olin, Veenker, McElheran, Chamberlain, Gordon, Warren, and Hodgen may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

(3:25:40)

AGENDA ITEM 45, 17-170DG, Randall Brown, Former Multnomah County Animal Services Field Program Services Manager. Gould summarized the case. Brown did not address the Commission. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Brown may have violated ORS Chapter 244.040 and that the Commission should investigate accordingly. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

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

None.

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Own Motion Preliminary Reviews

None.

The Commission recessed for a working lunch at 12:34 p.m. and reconvened into Regular Session at 12:43 p.m.

MISCELLANEOUS ITEMS

(3:27:51)

AGENDA ITEM 24, 17-170DG, Randall Brown, Former Multnomah County Animal Services Field Program Services Manager. Golden moves to suspend investigation pending conclusion of criminal matters. Vote was taken as follows: Burke, aye; Golden, aye; Shugar, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

(3:30:00)

AGENDA ITEM 25, Trainers' Report. Weedn summarized the training activities.

(3:38:00)

AGENDA ITEM 26, Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget was reviewed.
- Case Management System final phase has launched successfully.
- Continued work with Agency IT Strategic Plan.
- Lobbyists and Clients are renewing registrations for 2018-2019 period.
- Website redesign in final phase.
- Met with Capitol Club to discuss lobby-to-lobby.
- Scheffers graduated from Leadership Oregon program in December.
- Early discussions with DAS CFO for the 2019-21 budget, and met with the new CFO analyst.

(3:45:00)

AGENDA ITEM 27, Commission Workshop. The Commission generally discussed Commission Policy.

Chair Kean adjourned the meeting at 1:45 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, February 16, 2018, at 9:00 a.m. The meeting will be held in the large 1st Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, in Salem, Oregon.

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