

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
February 16, 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, and David Fiskum. Commissioner Kamala Shugar was excused from participation. Staff present were OGE Council Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, 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 noted that there may be a public meeting/Commission retreat after the March 30, 2018 Commission meeting.

(2:33)

AGENDA ITEM 2, Approval of the minutes of the January 5, 2018 Commission meeting. Starr called for approval of the minutes of the January 5, 2018 Commission meeting. Vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

CONSENT CALENDAR

Golden requested removal of agenda item 9 from the consent calendar and declared a professional working relationship with the client in that matter.

(3:20)

Burke moved for the approval of the balance of the consent calendar items and the staff recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Matt Friesen, Q4 2017, Letter of Education

AGENDA ITEM 4, James Paul, Q4 2017, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 5, Knife River, Q1 2017, Letter of Education

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AGENDA ITEM 6, Oregon Housing & Community Services, Q1 2017, Letter of Education

AGENDA ITEM 7, Double R Ranch, Q4 2017, Letter of Education

AGENDA ITEM 8, Community Providers Assoc of OR, Q4 2017, Letter of Education

AGENDA ITEM 10, Portland Seed Fund, Q4 2017, Letter of Education

AGENDA ITEM 11, Josephine, Inc., Q4 2017, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 12, Jeffery Yohe, 2017, Letter of Education

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

End of Consent Calendar

Lobbyist Client Penalty Correspondence

(13:15)

AGENDA ITEM 9, Oregon Youth Authority, Q4 2017, Letter of Education

Fiskum moved to accept recommendation of Letter of Education for the late filing of the Q4 2017 expenditure report. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Golden, abstained; Kean, aye. Motion passed 6 – 0 with 1 abstention.

Lobbyist Penalty Correspondence

(5:35)

AGENDA ITEM 13, Claudia Black, Q4 2017. Recommendation: \$50. Fiskum moved to adopt staff recommendation of \$50 for the late filing of the Q4 2017 expenditure report. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

Lobbyist Client Penalty Correspondence

(13:15)

AGENDA ITEM 14, Sarchi Consulting, Q4 2017. Recommendation: No Sanction. Burke moved to adopt staff recommendation of No Sanction for the late filing of the Q4 2017

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expenditure report. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

REPORTS OF INVESTIGATION

(8:13)

AGENDA ITEM 15, 14-190EDT, John A. Kitzhaber, Former Governor. Scheffers summarized the case. Kitzhaber and Counsels Janet Hoffman and Jennifer Roberts were present and addressed the Commission. Scheffers summarized the case. Burke declared a potential conflict of interest. Kitzhaber addressed the Commission. The Commission asked questions of Kitzhaber and Counsels. Alpaugh addressed the Commission. Bersin generally discussed the case.

The Commission adjourned at 10:45 a.m. and reconvened into regular session at 10:58 a.m.

Kitzhaber did not return after the break. Scheffers addressed the Commission. Mason recommended pulling the 244.040(1) violation involving pet care. The Commission generally discussed. Burke moved that the Commission find that there is sufficient evidence to find 1 violation of ORS 244.025, 3 violations of ORS 244.040(1) and 7 violations of ORS 244.120(2) by John Kitzhaber, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding.

Mason moved to amend Burke's motion to remove 1 violation of 244.040(1) for pet care. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

Kean moved to exclude 1 violation of 244.025. The Commission generally discussed the violations. Kean withdrew her motion. Burke restated the amended motion to move that the Commission find that there is sufficient evidence to find 1 violation of ORS 244.025, 2 violations of ORS 244.040(1) and 7 violations of ORS 244.120(2) by John Kitzhaber, 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; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

(2:16:25)

The Commission convened into executive session at 11:28 a.m. to consider possible own motion reviews pursuant to ORS 244.260(2)(d) and ORS 171.778(2)(d), and to consider information or records that are exempt by law from public inspection pursuant to ORS 192.660(2)(f).

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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)

None.

Own Motion Preliminary Reviews

(2:20:00)

AGENDA ITEM 19, Possible own-motion preliminary review re Vance Day Legal Expense Trust Fund. Lutz summarized the matter. Randall Adams, Trustee, and Vance Day were present and addressed the Commission. Burke moved that the Commission find that the information before the Commission does not warrant further review and that no action be taken.

Lutz summarized the similar issues for Items 20 – 24 re proposed own motion preliminary reviews for Lobbyists Riggs, Chambers, Botkin, Mehrens, and Holt.

(2:31:49)

AGENDA ITEM 20, Possible own-motion preliminary review re Doug Riggs, Lobbyist. Sosa moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Doug Riggs has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, abstained. Motion passed 6-0 with 1 abstention.

AGENDA ITEM 21, Possible own-motion preliminary review re Jessica Chambers, Lobbyist. Mason moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Jessica Chambers has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, abstained. Motion passed 6-0 with 1 abstention.

AGENDA ITEM 22, Possible own-motion preliminary review re Mary Botkin, Lobbyist. Sosa moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Mary Botkin has violated ORS Chapter 171.740. Roll call

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

AGENDA ITEM 23, Possible own-motion preliminary review re Judy Mehrens, Lobbyist. Sosa moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Mary Botkin has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 24, Possible own-motion preliminary review re Tom Holt, Lobbyist. Burke moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether Tom Holt has violated ORS Chapter 171.740. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 25, Possible own-motion preliminary review re Stacy Michaelson, Lobbyist. Starr moved that the Commission find that the information before the Commission does not indicate a violation of ORS Chapter 171.740 or warrant further review and that no action be taken. Roll call vote was taken as follows: Burke, aye; Golden, aye; Mason, aye; Sosa, aye; Starr, aye; Fiskum, aye; Kean, aye. Motion passed unanimously.

The Commission recessed for a working lunch at 12:00 p.m. and reconvened into Executive Session at 12:15 p.m.

Other Items

(non-action informational only items)

(:01) recorder timed out over lunch

AGENDA ITEM 26, Memo advice from counsel. Pursuant to ORS 192.660(2)(f), the Commission discussed an attorney-client privileged document exempt from public inspection.

The Commission reconvened into Regular Session at 12:43 p.m.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Advice

(non-action, informational only items)

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The Commission reviewed the following items without comment:

(26:22)

AGENDA ITEM 16, Ted Ferrioli re whether Oregon Government Ethics laws permits you to accept a blanket as a gift from the nine-member Board of Directors for the Confederated Tribes of Umatilla Indian Reservation. Bersin summarized the staff advice.

MISCELLANEOUS ITEMS

(28:45)

AGENDA ITEM 17, Trainers' Report. Weedn summarized the training activities for January 8, 2018 through February 16, 2018.

(35:25)

AGENDA ITEM 18, Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget status was reviewed.
- Price List: OGEC charges for agency services was discussed.
- Statement of Economic Interest: Staff is working with the Jurisdictional Contacts to prepare for annual public official filing, which begins March 15.
- Legislation: Few bills during short session affect agency. HB 4077 adds a category to the SEI requirements to include business income.
- Website redesign in final phase.
- Early discussions with DAS CFO for the 2019-21 budget, and met with the new CFO analyst.
- Project has begun to clean-up SEI filers who have not filed, and to proceed to default final orders to establish basis for collections.
- Bersin announced Scheffers' resignation from state service and thanked her for the time she devoted to the agency.

(53:54)

Kean announced plans for an offsite lunch and work session for Commission after the March 30th Commission meeting. Location to be determined.

Chair Kean adjourned the meeting at 1:10 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, March 30, 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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