

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
March 30, 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 and Administrative Specialist Kathy Daniel.

(:30)

AGENDA ITEM 1, Comments from the Chair. Kean noted that there will be a public meeting/Commission retreat after the May 11, 2018 Commission meeting.

(1:30)

AGENDA ITEM 2, Approval of the minutes of the February 16, 2018 Commission meeting. Starr called for approval of the minutes of the February 16, 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)

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

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Brittany Duffy-Goche, Q4 2017, Letter of Education

AGENDA ITEM 4, John Strother, Q4 2017, Letter of Education

AGENDA ITEM 5, Chelsea Brossard, Q3 2017, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 6, M. Maletis Company, Q4 2017, Letter of Education

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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

STIPULATED FINAL ORDERS

(2:10)

AGENDA ITEM 9, 14-190EDT, John A. Kitzhaber, Former Governor of Oregon. Bersin summarized the violations and the penalty matrix. Kitzhaber and Counsel Janet Hoffman were present. Kitzhaber addressed the Commission. The Commission generally discussed the matter and asked questions of Kitzhaber. 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. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, abstained; Kean, aye. Motion passed 7–0 with 1 abstention.

(25:31)

AGENDA ITEM 10, 15-114EDG, 15-283EDG, Theodore Ross, Former Fire Chief and Executive Administrative Officer of Lakeside Rural Fire Protection District. Gould summarized the cases. Ross did not address the Commission. The Commission generally discussed the matter. Bersin explained how they arrived at the penalty amount. Roll call vote to approve the proposed stipulated final order as the final order in this matter was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(30:00)

AGENDA ITEM 11, 17-107SMS, Bill Quier, Burns Planning Commission. Bersin summarized the case and his recommendation of Letter of Education. Quier did not address the Commission. The Commission generally discussed the matter. Fiskum 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. 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.

(35:55)

AGENDA ITEM 12, 17-124SDG, Dean Walker, Talent Planning Commission. Gould summarized the case. Walker did not address the Commission. Fiskum 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. 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.

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(37:20)

AGENDA ITEM 13, 17-082MT, Ted Hughes, Lobbyist. Thornicroft summarized the case. Hughes did not address the Commission. 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. 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.

(39:15)

AGENDA ITEM 14, 17-109SMS, Bobby Walker, Cascade Locks Council. Thornicroft summarized the case. Walker did not address the Commission. Starr 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. 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.

(40:17)

AGENDA ITEM 15, 15-145XDT, 15-151XDT, 15-16XDT, Fred Clauson, Chairman of the board of directors, Lakeside Fire District. Thornicroft summarized the case. Clauson did not address the Commission. The Commission briefly discussed the cases. Fiskum 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. 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.

(43:29)

AGENDA ITEM 16, 16-149EMT, Anne Graham, City Councilor, City of Redmond. Thornicroft summarized the case. Graham did not address the Commission. 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. 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.

Lobbyist/Client Penalty Correspondence

(46:32)

AGENDA ITEM 7, AHIP, Q4, 2017. Recommendation: \$320 for 3rd violation. Bersin summarized the matter and recommended 20% of the total penalty amount. The Commission briefly discussed the matter. Fiskum moved to accept recommendation of \$320 for the late filing of the 4th quarter 2017 expenditure report. 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.

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(48:47)

AGENDA ITEM 8, Request for reconsideration. Community Providers Association of Oregon. Lutz summarized the matter. The Commission briefly discussed. Fiskum moved to deny the request for reconsideration and leave the previous sanction of a Letter of Education in place. 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.

REPORTS OF INVESTIGATIONS

None.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Advice

(non-action, informational only items)

The Commission reviewed the following items without comment:

(52:40)

AGENDA ITEM 17, 18-055I, Tim Ramis, Milwaukie City Attorney re whether city can provide tuition vouchers to employees as official compensation under city's training and development policy; vouchers given to city by community college. Bersin summarized the advice.

(55:05)

AGENDA ITEM 18, 18-059I, Court Street Consulting re whether lobbyist gifting public official framed photo and pen from bill signing meets a gift exception as a token or award of appreciation. Bersin summarized the advice.

(56:06)

AGENDA ITEM 18-A, 18-090I, Leslie Cummings, Deputy Secretary of State, re application of ORS Chapter 244 provision to the addition of security services/driver to Secretary of State's official compensation package. Bersin summarized the advice and the Commission generally discussed the matter. Alpaugh clarified the jurisdiction of Oregon Government Ethics Commission as it relates to this advice.

Other Correspondence (non-action, informational only items)

None.

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(1:06:10)

The Commission recessed at 10:08 a.m. then convened into executive session at 10:15 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d).

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(All items removed from consent calendar for discussion.)

End of Executive Session Consent Calendar.

OTHER ITEMS

Reports of Preliminary Review (removed from consent calendar)

(1:06:51)

AGENDA ITEM 23, 18-004EMT, Laura O'Bryan, Director, Senior and Disability Service of the Rogue Valley Council of Governments, Ashland Senior Advisory Committee Member. Thornicroft summarized the case. O'Bryan did not address the Commission. Starr moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:15:25)

AGENDA ITEM 24, 18-006EDG, Katy Wilson, Aloha High School Teacher and Coach, Washington County School District 48J. Gould summarized the case. Wilson addressed the Commission by telephone. Golden moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:25:42)

AGENDA ITEM 25, 18-010EDG, Jenna Morrison, Captain, Clackamas County Sheriff's Office and Director of Clackamas County's Community Corrections Department. Gould summarized the case. Morrison did not address the Commission. Starr 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

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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.

(1:28:00)

AGENDA ITEM 26, 18-011EDG, Janelle Brandt, Westview High School Teacher and Coach, Washington County School District 48J. Gould summarized the case. Brandt addressed the Commission by telephone. Golden moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:31:41)

AGENDA ITEM 27, 18-027EMT, Nancy Brewer, Finance Director, City of Corvallis. Thornicroft summarized the case. Brewer did not address the Commission. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:35:39)

AGENDA ITEM 28, 18-029EDG, Lad Salness, PE Teacher and Volleyball Coach, Sunset High School, Washington County School District 48J. Gould summarized the case. Salness addressed the Commission. Mason moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Burke, aye; Mason, aye; Sosa, aye; Starr, aye; Golden, aye; Fiskum, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

(1:47:35)

AGENDA ITEM 29, 18-056EDG, Curtis Blakeman, Former President
AGENDA ITEM 30, 18-057EDG, Znette Blakeman, Former Secretary/Treasurer
Board of Commissioners, Valley Acres Special Road District. Gould summarized the cases. Blakemans did not address the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Curtis Blakeman and Znette Blakeman may have violated ORS 244.040, ORS 244.047 and ORS 244.120(2) 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.

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(1:57:31)

AGENDA ITEM 31, 18-065EMT, Marc Hellman, Former staff member and Administrator, Public Utility Commission of Oregon. Thornicroft summarized the case. Hellman addressed the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Marc Hellman may have violated ORS 244.040 and ORS 244.120 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.

Own Motion Preliminary Reviews

None.

Other Items

(non-action informational only items)

None.

The Commission reconvened into Regular Session at 11:28 p.m.

MISCELLANEOUS ITEMS

(2:20:20)

AGENDA ITEM 19, Capitol Club re lobby-to-lobby advice. Bersin summarized the advice. Tom Barrows, President of the Capitol Club, was present and addressed the Commission. Discussion re HB 2530 re definition of “others” referenced in the bill. Bill Cross, Lobbyist, was present and addressed the Commission. Alpaugh reviewed the statute applicable to this law. Weedn shared her research from the 1970s records. The Commission and guests generally discussed the issue.

(3:19:45)

The Commission recessed for a working lunch at 12:20 pm and reconvened into regular session at 12:35 pm.

(3:19:57)

AGENDA ITEM 21, Trainers’ Report. Weedn summarized the training activities for February 19, 2018 through March 30, 2018.

(3:25:25)

AGENDA ITEM 22, Director’s Report. Bersin discussed the following:

- 2017-2019 biennial budget status.
- Legislative Concepts due by April 10.
- Statement of Economic Interest: Electronic filing began March 15.

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- Strategic Plan has been submitted for review.
- Website redesign is undergoing User Acceptance Testing.
- 2019-21 budget kickoff meeting was held March 20.
- Project to bring all non-filers and non-payers current.
- The agency received the Gold Star Award for fiscal reporting.
- Complaint Management System has been nominated for the 2018 StateScoop 50 Award for Innovation of the Year.
- Recruitment underway to fill the vacant Compliance and Training Coordinator position.
- OGEC met with Mongolian delegation of World Affairs Council.
- Discussion on collecting non-paid assessments from Jurisdictions.

(3:41:20)

AGENDA ITEM 20, Weapons in the workplace policy review. A DAS/Risk Management video was viewed.

(3:56:45)

Kean announced plans for a lunch and work session retreat for the Commission after the May 11th Commission meeting.

Chair Kean adjourned the meeting at 1:15 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, May 11, 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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