

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
August 10, 2018
9:00 a.m.

(:01)

Chair Alison Kean called the meeting to order at 9:05 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, Charles Starr, Daniel Mason, David Fiskum, Nathan Sosa, Kamala Shugar, Karly Edwards, and Sean O'Day by telephone. Staff present were OGE Council Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Tammy Hedrick, and Investigator Hayley Weedn.

(1:20)

AGENDA ITEM 1, Comments from the Chair. Kean stated she will not be present at the next Commission meeting in September. Vice-chair Burke will preside. General discussion among Commissioners and staff.

(3:14)

AGENDA ITEM 2, Approval of the minutes of the June 29, 2018 Commission meeting. Fiskum moved for approval of the minutes of the June 29, 2018 Commission meeting. Group vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

CONSENT CALENDAR

(3:35)

Burke moved for the approval of the Consent Calendar items 3-9 and the staff recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Jeff Allen, 2018 Q2, Letter of Education

AGENDA ITEM 4, Elizabeth Craig, 2018 Q2, Letter of Education

AGENDA ITEM 5, Mark Lewis, 2018 Q2, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 6, Dennis Haener, 2018 SEI, Letter of Education

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AGENDA ITEM 7, John Gray, 2018 SEI, Letter of Education

AGENDA ITEM 8, Catherine Monteith, 2018 SEI, Letter of Education

AGENDA ITEM 9, Lee Anne Landenberger, 2018 SEI, Letter of Education

Group vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

End of Consent Calendar

Lobbyist Penalty Correspondence

(6:16)

AGENDA ITEM 10, Serena Stoudamire Wesley, 2016 Q4, paid by check; 2018: Q1 \$10, Q2 \$100. Recommendation: 2018: Q1, Letter of Education; Q2 \$10. Bersin summarized the matter. The Commission generally discussed the recommendation. Burke moved a Letter of Education for the late filing of the Q1 2018; and reduce to \$50 for the late filing of the Q2 2018 Lobbyist Client Expenditure Report. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

Lobbyist Client Penalty Correspondence

(11:30)

AGENDA ITEM 11, American Coatings Association, 2016 Q4, \$20; 2017: Q1 \$50, Q4 \$40; 2018: Q1, \$70, Q2 \$10 (\$190). Bersin summarized the matter. Burke moved that the Commission not reduce the late filing penalties. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

Statement of Economic Interest

(14:20)

AGENDA ITEM 12, Tom Neff, 2018 SEI, No recommendation. Bersin summarized the matter. The Commission generally discussed. Mason moved that the Commission not reduce the late filing penalty of \$50. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(16:20)

AGENDA ITEM 13, Roy Davis, 2018 SEI. Recommendation: \$300 for third violation. Starr moved to accept staff recommendation to reduce late filing penalty to \$300. Roll call vote

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was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(18:40)

AGENDA ITEM 14, Buddy Mendive, 2018 SEI. Recommendation: \$50 for second violation. Bersin summarized the matter. The Commission generally discussed. Burke moved to accept staff recommendation to reduce late filing penalty to \$50. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

SEI Stipulated Final Orders

(20:17)

The Commission generally discussed stipulated final orders and the processes.

(31:03)

AGENDA ITEM 15, 15-282EDT, John Miller, Board of Directors, Lakeside Rural Fire Protection District. Hedrick summarized the case. 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. The Commission generally discussed the procedures. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(46:17)

AGENDA ITEM 16, 17-068EMT, Barbara Castillo, City Administrator, City of Millersburg. Gould summarized the case. The Commission generally discussed procedures. 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; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(59:08)

AGENDA ITEM 17, 17-070EDG, Joseph VonDoloski, Executive Director, Logos Public Charter School. Gould summarized the case. The Commission discussed the matter. 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; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:05:20)

AGENDA ITEM 18, 17-094XMT, Carole Garrison, City Council member, City of Prairie City. Hedrick summarized the case. The Commission discussed the matter. Fiskum

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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; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 19, 17-095XMT, Georgia Patterson, City Council member, City of Prairie City. 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; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 20, 17-098XMT, Joe Phippen, City Council member, City of Prairie City. 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; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:11:29)

The Commission convened into executive session at 10:10 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d), and ORS 192.685(1).

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)

(1:12:22)

AGENDA ITEM 27, 18-134XDG, Steve Dyer, Portland Village School Board of Directors. Gould summarized the case. Dyer was present and addressed the Commission. The Commission discussed the matter. Burke moved that the Commission find that there is a substantial, objective basis for believing that Steve Dyer may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

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(1:31:35)

AGENDA ITEM 26, 18-133XHW, Medessa Cheney, Portland Village School Board of Directors. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Medessa Cheney may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:36:10)

AGENDA ITEM 28, 18-135XDG, Lauren Rook, Portland Village School Board of Directors. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Lauren Rook may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:36:50)

AGENDA ITEM 30, 18-137XDG, Dennis Terzian, Portland Village School Board of Directors. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Dennis Terzian may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:37:27)

AGENDA ITEM 31, 18-138XDG, Dre Davey, Portland Village School Board of Directors. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Dre Davey may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:37:60)

AGENDA ITEM 32, 18-139XDG, Dorine Nafziger, Portland Village School Board of Directors. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Dorine Nafziger may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

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(1:38:30)

AGENDA ITEM 33, 18-140XDG, Zapoura Newton-Calvert, Portland Village School Board of Directors. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Zapoura Newton-Calvert may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:39:15)

AGENDA ITEM 29, 18-136XDG, Sean McCormick, Portland Village School Board of Directors. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Sean McCormick may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:40:25)

AGENDA ITEM 34, 18-139XDG, Ann Marie Vitti, Portland Village School Board of Directors. The Commission discussed the matter. Mason moved that the Commission find that there is a substantial, objective basis for believing that Ann Marie Vitti may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, nay; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, nay; Starr, aye; Kean, aye. Motion passed 7-2.

(1:57:12)

AGENDA ITEM 35, 18-142XDG, Ellen Harris, Portland Village School Board of Directors. The Commission discussed the matter. Mason moved that the Commission find that there is a substantial, objective basis for believing that Ellen Harris may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Roll call vote was taken as follows: Burke, nay; Edwards, aye; Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, nay; Starr, aye; Kean, aye. Motion passed 7-2.

(1:57:46)

The Commission recessed at 10:55 a.m. and resumed Executive Session at 11:10 a.m.

(:10) Recorder timed out during the break.

Mason was excused from the balance of the meeting.

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(2:50)

AGENDA ITEM 37, 18-147XMT, Don Williams, Lincoln City Mayor. Gould summarized the case. Counsel Micah Farge was present and addressed the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Don Williams may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(22:20)

AGENDA ITEMS 36, 38 – 41

18-146XMT, Dick Anderson
18-148XMT, Susan Wahlke
18-149XMT, Judy Casper
18-150XMT, Diana Hinton
18-151XMT, Riley Hoagland

Lincoln City Counselors. Gould summarized the cases. Andrea Coit, counsel for each individual, was present and addressed the Commission. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Anderson, Wahlke, Casper, Hinton, and Hoagland may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly.

(1:13:22)

Roll call vote was taken for Dick Anderson as follows: Burke, aye; Edwards, aye; Fiskum, nay; O'Day, nay; Sosa, aye; Shugar, aye; Starr, nay; Kean, aye. Motion passed 5 – 3.

Roll call vote was taken for Susan Wahlke as follows: Burke, aye; Edwards, aye; Fiskum, nay; O'Day, nay; Sosa, aye; Shugar, aye; Starr, nay; Kean, aye. Motion passed 5 – 3.

Roll call vote was taken for Judy Casper as follows: Burke, aye; Edwards, aye; Fiskum, nay; O'Day, nay; Sosa, aye; Shugar, aye; Starr, nay; Kean, aye. Motion passed 5 – 3.

Roll call vote was taken for Diana Hinton as follows: Burke, aye; Edwards, aye; Fiskum, nay; O'Day, nay; Sosa, aye; Shugar, aye; Starr, nay; Kean, aye. Motion passed 5 – 3.

Roll call vote was taken for Riley Hoagland as follows: Burke, aye; Edwards, aye; Fiskum, nay; O'Day, nay; Sosa, aye; Shugar, aye; Starr, nay; Kean, aye. Motion passed 5 – 3.

(1:25:01)

AGENDA ITEM 42, 18-155EHW, John Lindsey, Linn County Commissioner. Weed summarized the case. Lindsey addressed the Commission and provided additional documents. Burke moved that the Commission find that there is a substantial, objective basis for believing that John Linsey may have violated ORS Chapter 244.040(1),

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244.040(4) and 244.120(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(1:56:56)

AGENDA ITEM 44, 18-157EHW, Lila Bradley, Lincoln City Director of Public Works. Weedn summarized the case. Bradley and counsel, Andrea Coit, addressed the Commission. Shugar 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; Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

(2:02:55)

AGENDA ITEM 43, 18-156SHW, Anna Williams, Oregon House of Representatives Candidate. Weedn summarized the case. Williams addressed the Commission by telephone. Edwards declared she works with the Oregon Nurses Association. Fiskum declared his firm is a lobbyist for the client. Burke moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244.090 or warrant further review and that this complaint be dismissed. The Commission generally discussed the case. Roll call vote was taken as follows: Burke, aye; Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye. Motion passed unanimously.

Own Motion Preliminary Reviews

None.

The Commission reconvened into regular session for a working lunch at 1:30 p.m.

Reports of Investigation

None.

Advisory Opinions

None.

CORRESPONDENCE RECEIVED/REPONSES

Staff Opinions

(non-action, informational only items)

None.

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Staff Advice
(non-action, informational only items)

(4:40) (recorder timed out during lunch)

AGENDA ITEM 21, 18-162I, Senator Arnie Roblan re public officials receiving paid expenses for meals to attend the 7th Annual Oregon Coastal Caucus Economic Summer (OCCES) event scheduled for August 22 – 23, 2018.

AGENDA ITEM 22, 18-168I, Chane Griggs, Salem Planning Commission, re application of conflict of interest provisions to official actions of planning commissioner.

The Commission generally discussed the advice.

Other Correspondence
(non-action, informational only items)

None.

Miscellaneous Items

(5:50)

AGENDA ITEM 23, Preventing Sexual Harassment, and Discrimination and Harassment Free Workplace training videos. A link will be sent to each Commissioner to view presentation individually.

(7:12)

AGENDA ITEM 24, Trainers' Report. Hedrick summarized the training activities.

(9:43)

AGENDA ITEM 25, Executive Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget status
- Legislative Concepts
- SEI 2018 filing with 3 non-filed.
- Website redesign continues.
- Interviews are beginning for the Program Analyst 1 (Trainer) and Investigator 3 positions.
- Email accounts have been set up for Commissioners.
- Best Practices Survey.
- Building closure issue.
- Update and discussion regarding the Cylvia Hayes matter.

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(31:40)

Chair Kean adjourned the meeting at 1:58 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, September 21, 2018, at 9:00 a.m. The meeting will be held in the 1st Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE, in Salem, Oregon.

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