

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**September 21, 2018**  
9:00 a.m.

(:01)

Vice-chair Richard Burke called the meeting to order at 9:02 a.m. The meeting was held in the 1st Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Other Commissioners present were Charles Starr, Daniel Mason, David Fiskum, Nathan Sosa, Kamala Shugar, and Sean O'Day. Chair Kean and Commissioner Edwards were excused from attendance. Staff present were OGEC Counsel Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator and Trainer Tammy Hedrick, Investigator Hayley Weedn, Investigator Susan Myers, Trainer Monica Walker, and Administrative Specialist Kathy Baier.

(1:00)

AGENDA ITEM 1, Comments from the Chair. Vice-chair Burke welcomed all. There was brief discussion among Commissioners and staff.

(1:58)

AGENDA ITEM 2, Approval of the minutes of the August 10, 2018 Commission meeting. Starr moved for approval of the minutes of the August 10, 2018 Commission meeting. Group vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

**CONSENT CALENDAR**

(2:08)

Fiskum requested that Agenda Item 3 be removed from consent calendar for comment.

AGENDA ITEM 3, Vicki L. Walker, 2018 Q2, Letter of Education. Fiskum discussed the Letter of Explanation, and offered no other recommendation. Starr moved for the approval of the recommendation of a Letter of Education. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

O'Day moved for the approval of the remaining Consent Calendar items 4-11 and the staff recommendation on each as follows:

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### Lobbyist Penalty Correspondence

AGENDA ITEM 4, Jonathan Manton, 2018 Q2, Letter of Education

AGENDA ITEM 5, Emily McLain, 2018 Q2, Letter of Education

AGENDA ITEM 6, Rebecca Carey-Smith, 2018 Q2, Letter of Education

### Lobbyist Client Penalty Correspondence

AGENDA ITEM 7, Salmon for All, 2018 Q2 Letter of Education

AGENDA ITEM 8, Presidio, 2018 Q2 Letter of Education

AGENDA ITEM 9, Oregonians for Rural Health, 2018 Q2 Letter of Education

### Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 10, Tim Parks, 2018 SEI, Letter of Education

AGENDA ITEM 11, Mark McKechnie, 2018 SEI, Letter of Education

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

### End of Consent Calendar

### Lobbyist Penalty Correspondence

(5:47)

AGENDA ITEM 12, Andrea Henderson, Q2 2018, \$1,300. Recommendation: None.

The Commission generally discussed the matter. Shugar moved to reduce the penalty to \$600 for the late filing of the Q2 2018 Lobbyist Expenditure Report. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

### Lobbyist Client Penalty Correspondence

(15:34)

AGENDA ITEM 13, Whole Foods Market Q2 2016, \$260; Q4 2017, \$40. Recommendation: Q2 2016, Letter of Education; Q4 2017, \$40. Starr moved approval of the recommendation of a Letter of Education for Q2 2016 and \$40 for Q4 2017. Roll call

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

### Statement of Economic Interest

(16:54)

AGENDA ITEM 14, Krista Peterson, 2018 SEI, Request for reconsideration. Recommendation: None. The Commission reviewed and discussed the request for reconsideration of the previous sanction. The Commission took no action to reduce or waive the penalty.

### STIPULATED FINAL ORDERS

(20:01)

AGENDA ITEM 15, 17-096XMT, Les Church, Prairie City Council. 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. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

(21:26)

Bersin introduced OGEC new employees: Susan Myers, Investigator and Moncia Walker, Trainer, and encouraged commissioners to visit with them.

(23:00)

AGENDA ITEM 16, 17-054EMT, Mario Leonetti, Vernonia City Council and Mayor. Gould 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. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

(24:18)

AGENDA ITEM 17, 17-170EDG, Randall Brown, Multnomah County Animal Services Field Services Manager. Gould summarized the case. The Commission discussed the matter. 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

(29:20)

AGENDA ITEM 18, 17-082EMT, Nicole Christy, Jackson County Developmental Disabilities Service Coordinator. Hedrick summarized the case. Shugar moved that the Commission approve the proposed stipulated final order as the final order in this matter

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and that the chairperson be authorized to sign it as such. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

#### REPORTS OF INVESTIGATION

None.

#### ADVISORY OPINIONS

None.

#### CORRESPONDENCE RECEIVED/REPONSES

The Commission reviewed the following items without comment:

##### Staff Opinions

(non-action, informational only items)

None.

##### Staff Advice

(non-action, informational only items)

(31:31)

AGENDA ITEM 19, 18-182I, Kathy Storm re public officials who may wish to participate in a tour intended to highlight innovations in mass timber construction, industry and university partnerships for commercialization of advanced wood produce, and forest collaborative work in Oregon.

##### Other Correspondence

(non-action, informational only items)

None.

#### MISCELLANEOUS ITEMS

(32:00)

AGENDA ITEM 20, Best Practices Survey. Bersin summarized the Best Practices Survey.

(33:19)

AGENDA ITEM 21, Trainers' Report. Hedrick summarized the training activities from August 10 thru September 21, 2018.

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(36:25)

**AGENDA ITEM 22**, Executive Director's Report. Bersin discussed the following:

- Bersin commented on the City Recorder training that was presented by Trainer Hedrick.
- 2017-2019 biennial budget: Bersin reviewed the status of the 2017-2019 budget and commented that OGEC is doing very well with savings that will transfer into the next biennium.
- 2019-2021 biennial budget: Agency Request Budget is being reviewed by Governor's office. The Governor's Recommended Budget will be presented at a future meeting.
- Legislative Concepts: A meeting has been scheduled with the Governor's office to discuss concepts.
- Bersin summarized OGEC's current contested case and will report progress at November's meeting.
- SEI 2018 filing: Only 3 non-filed.
- Two OGEC recruitments and hiring are now complete for the vacant Trainer and Investigator positions.
- A delegation from China will be meeting with OGEC staff re transparency to help prevent Government corruption.
- Update on Rules and Policy: Discussion of on-going review.
- Update and discussion regarding the Cylvia Hayes matter.
- Bersin announced that he will not be available for the November 2<sup>nd</sup> Commission meeting and will try to attend via telephone.

**The Commission recessed at 10:14 a.m. and resumed at 10:25 a.m.**

(:01) (recorder timed out during break)

**The Commission convened into executive session at 10:25 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d), and ORS 192.685(1).**

**Media present: Claire Withycombe, Portland Tribune.**

### **EXECUTIVE SESSION CONSENT CALENDAR**

#### **Reports of Preliminary Review**

(All items removed from consent calendar for discussion.)

**End of Executive Session Consent Calendar.**

### **OTHER ITEMS**

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Reports of Preliminary Review  
(removed from consent calendar)

(1:12)

AGENDA ITEM 32, 18-179EHW, James Bernard. Clackamas County Commissioner. Weedn summarized the case. Bernard and Council Steve Berman were present and addressed the Commission. The Commission discussed the matter. Starr moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244.040(1), 244.120, and 244.179 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, nay; Mason, aye; O'Day, aye; Sosa, nay; Shugar, nay; Starr, aye; Burke, nay. Motion failed 3 to 4.

Sugar moved that the Commission find that there is a substantial, objective basis for believing that James Bernard may have violated ORS Chapter 244.040(1), 244.120 and 244.179 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Mason, nay; O'Day, aye; Sosa, aye; Shugar, aye; Starr, nay; Burke, aye. Motion passed 5 to 2.

(48:59)

AGENDA ITEM 24, 18-163SHW, Marshall Wilde, House of Representatives Candidate. Shugar announced a personal acquaintance but not a conflict. O'Day announced a personal relationship and recused himself from participation. Weedn summarized the case. Wilde addressed the Commission via telephone. Sosa moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 244.060 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, abstain; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed 6 – 0 with 1 abstention.

(1:00:19)

AGENDA ITEM 25, 18-135XDG, Tiffany Mitchell, House of Representatives Candidate. Weedn summarized the case. Fiskum 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. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

(1:36:50)

AGENDA ITEM 23, 18-161EHW, Carla Urbigkeit, Oregon State Police Trooper. Weedn summarized the case. The Commission generally discussed the matter. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Carla Urbigkeit may have violated ORS Chapter 244.025 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

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**The Commission reconvened into regular session at 11:35 a.m. then recessed to receive lunch, and reconvened into executive session at 11:45 a.m. to consider...**

(:01) (recorder timed out during lunch)

AGENDA ITEMS 26 – 29, Gold Hill City Counselors.

18-170XDG, Ron Palmer

18-171XDG, Zachariah Dell

18-172XDG, Thom Canon

18-173XMT, Shannon Tolman

Gould summarized the cases. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Palmer, Dell, Canon and Tolman may have violated ORS Chapter 192.660 and that the Commission should investigate accordingly.

Roll call vote was taken for Ron Palmer as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

Roll call vote was taken for Zachariah Dell as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

Roll call vote was taken for Thom Canon as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

Roll call vote was taken for Shannon Tolman as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

(3:57)

AGENDA ITEM 30, 18-176EHW, Jim Brown, Haines Mayor. Weedn summarized the case. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Jim Brown may have violated ORS Chapter 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

(15:50)

AGENDA ITEM 31, 18-178ETH, Christina Stanley, Gold Hill Mayor. Hedrick summarized the case. Stanley addressed the Commission via telephone. Shugar moved that the Commission find that there is a substantial, objective basis for believing that Christina Stanley may have violated ORS Chapter 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye. Motion passed unanimously.

**Vice-chair Burke reconvened into regular session and adjourned the meeting at 12:15 p.m.**

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

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