

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**November 2, 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 2<sup>nd</sup> 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, Sean O'Day, and Karly Edwards. Staff present were OGEC Counsel Amy Alpaugh, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Hayley Weedn, Trainer Monica Walker, and Administrative Specialist Kathy Baier. Executive Director Ron Bersin joined by telephone.

(1:00)

AGENDA ITEM 1, Comments from the Chair. Chair Kean welcomed all and introduced new staff members, Investigator Susan Myers and Trainer Monica Walker.

(2:48)

**The Commission convened into executive session at 9:04 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d), and ORS 192.685(1).**

**Media present: Paris Achen with the 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

Reports of Preliminary Review  
(removed from consent calendar)

(4:07)

AGENDA ITEM 33, 18-185EHW, Tammy Stempel, Mayor and Budget Committee member, City of Gladstone. Weedn summarized the case. Stempel addressed the Commission. Ms. Stempel's husband was present. The Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis

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for believing that Tammy Stempel may have violated ORS 244.120 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; Edwards, aye; Kean, aye. Motion passed unanimously.

(12:00)

AGENDA ITEM 51, 18-213EDG, Tammy Stempel, Mayor, City of Gladstone. Myers summarized the case. Stempel addressed the Commission. Ms. Stempel's husband was present. The Commission discussed the matter. Mason moved that the Commission find that there is a substantial, objective basis for believing that Tammy Stempel may have violated ORS 244.040(1) and 244.120(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, nay; Starr, nay; Burke, nay; Edwards, nay; Kean, aye. Motion passed 5 – 4.

The Commission further discussed the matter. Kean moved that the Commission reconsider the motion to investigate. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Burke moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244.040(1) and 244.120(2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

(48:21)

AGENDA ITEM 32, 18-181ETH, Alan Ruden, City Councilor, City of McMinnville. O'Day announced a conflict of interest and removed himself from the room. Myers summarized the case. Ruden addressed the Commission. Burke moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244.040 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, abstained; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 8-0 with 1 abstention.

**The Commission recessed at 10:12 a.m. and resumed in Executive Session at 10:25 a.m.**

(1:11:13)

AGENDA ITEM 34, 18-191EDG, William Taylor, City Councilor, City of Antelope. Gould summarized the case. Taylor did not address the Commission. Burke moved that the Commission find that the complaint and information before the Commission do not

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indicate a violation of ORS 244.040 and 244.120(2) or warrant further review and that this complaint be dismissed, and a Letter of Education issued in lieu of finding of violation. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(1:19:15)

AGENDA ITEMS 35 – 39; 41 – 43 Board Members, Idanha-Detroit Rural Fire Protection District. Weedn summarized the cases. Respondents did not address the Commission.

AGENDA ITEM 35, 18-193XHW, Walt Collier. Burke moved that the Commission find that there is a substantial, objective basis for believing that Walt Collier may have violated ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 36, 18-194XHW, Lyn Schultz. Burke moved that the Commission find that there is a substantial, objective basis for believing that Lyn Schultz may have violated ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 37, 18-195XHW, Linda Stice. Burke moved that the Commission find that there is a substantial, objective basis for believing that Linda Stice may have violated ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 38, 18-196XHW, Laura Harris. Starr moved that the Commission find that there is a substantial, objective basis for believing that Laura Harris may have violated ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 39, 18-197XHW, Kurt Hagerman. Burke moved that the Commission find that there is a substantial, objective basis for believing that Kurt Hagerman may have violated ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 41, 18-202XHW, Walt Collier. Burke moved that the Commission find that there is a substantial, objective basis for believing that Walt Collier may have violated

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ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 42, 18-203XHW, Lyn Schultz. Starr moved that the Commission find that there is a substantial, objective basis for believing that Lyn Schultz may have violated ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 43, 18-204XHW, Linda Stice. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Linda Stice may have violated ORS 192.660(1) – (2) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

(1:37:00)

AGENDA ITEM 40, 18-199EDG, Linda Stice. Director of the Board, Idanha-Detroit Rural Fire Protection District. Gould summarized the case. Stice 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(1:39:12)

AGENDA ITEM 44, 18-206EDG, Louis Gomez, Administrator, City of Oakridge. Gould summarized the case. Gomez did not address the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Louis Gomez may have violated ORS 244.040 and 244.120(1)(c) 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; Edwards, aye; Kean, aye. Motion passed unanimously.

#### Own Motion Preliminary Reviews

None.

**Commission adjourned from Executive Session at 10:58 a.m. and reconvened into open session at 11:03 a.m.**

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(1:47:00)

Mason asked about the Governor Brown complaint. Alpaugh explained that the timing of its receipt and preliminary review period requires it to be heard in Executive Session at the December Ethics Commission meeting.

Commissioners O'Day and Shugar stated that they will be absent from the December 14, 2018 Commission meeting.

(1:54:18)

AGENDA ITEM 2, Approval of minutes of the September 21, 2018 Commission meeting. Starr moved for approval of the minutes of the September 21, 2018 Commission meeting. Group vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, abstained. Motion passed 8-0, 1 abstention.

### **CONSENT CALENDAR**

(2:08)

Fiskum requested Agenda Item 7 be removed from consent calendar for comment.

Edwards declared a working relationship with item #5. Burke moved for the approval of the remaining Consent Calendar items 3 – 6 and 8 – 16 and the staff recommendation on each as follows:

#### **Lobbyist Penalty Correspondence**

AGENDA ITEM 3, John Keith, 2018 Q2, Letter of Education

AGENDA ITEM 4, Denise McCarty, 2018 Q3, Letter of Education

AGENDA ITEM 5, Carla Axtman, 2018 Q3, Letter of Education

AGENDA ITEM 6, Danielle Miller, 2018 Q3, Letter of Education

AGENDA ITEM 8, Maggie Tallmadge, 2018 Q3, Letter of Education

#### **Lobbyist Client Penalty Correspondence**

AGENDA ITEM 9, Oregon Assoc of Relief Nurseries, 2018 Q2, Letter of Education

AGENDA ITEM 10, Oregon Solar Energy Industries Assoc, 2018 Q1 Letter of Education

AGENDA ITEM 11, Grown Rogue, 2017 Q4, Letter of Education

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AGENDA ITEM 12, Port of Alsea, 2018 Q3, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 13, Elijah Preston, 2018 SEI, Letter of Education

AGENDA ITEM 14, Joseph Esmonde, 2018 SEI, Letter of Education

AGENDA ITEM 15, Bridget Bailey, 2018 SEI, Letter of Education

AGENDA ITEM 16, William Paythress, 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; Edwards, aye; Kean, aye. Motion passed unanimously.

End of Consent Calendar

Lobbyist Penalty Correspondence

(1:56:23)

AGENDA ITEM 7, Reginald Richardson, 2018 Q3, Letter of Education. Fiskum requested more information from Bersin who summarized the matter. Fiskum moved that the Commission approve staff recommendation of a Letter of Education for the late filing of the Q3 2018 Lobbyist Expenditure Report. Roll call was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(2:00:18)

AGENDA ITEM 17, Jennifer Hudson, Q2 2018, \$2,450. Recommendation: \$250 for second violation. The Commission generally discussed the matter. Fiskum moved to waive the penalty and issue a Letter of Education 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; Edwards, aye; Kean, aye. Motion passed unanimously.

Lobbyist Client Penalty Correspondence

(2:04:00)

AGENDA ITEM 18, Oregon Assoc of Conservation Districts, Q2 2018, \$150. Recommendation: \$100 for 4<sup>th</sup> violation. Burke moved to approve the recommendation of \$100 for the late filing of the Q2 2018 Lobbyist Client Expenditure Report. 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; Edwards, aye; Kean, aye. Motion passed unanimously.

(2:06:04)

AGENDA ITEM 19, Oregon State Pharmacy Assoc, Q3 2018, \$20. Recommendation: No reduction for 2<sup>nd</sup> violation. Starr moved to approve the recommendation to not reduce for 2<sup>nd</sup> violation. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(2:06:37)

AGENDA ITEM 20, Independent Medical Examination Assoc, Q3 2018, \$10. Recommendation: No reduction for 2<sup>nd</sup> violation. Shugar moved to approve the recommendation to not reduce for 2<sup>nd</sup> violation. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(2:07:20)

AGENDA ITEM 21, Renaissance Solutions, Q3 2018, \$80. Starr moved to approve the recommendation to reduce the penalty to \$50 for 2<sup>nd</sup> violation. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

#### Statement of Economic Interest

(2:08:00)

AGENDA ITEM 22, Jim Rue, 2018 SEI, \$50. Recommendation: No reduction. Shugar moved to not reduce for 2<sup>nd</sup> violation. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

#### STIPULATED FINAL ORDERS

(2:08:35)

AGENDA ITEM 23, 17-056EDG, Curtis Blakeman

AGENDA ITEM 24, 17-057EDG, Znette Blakeman

Board Members, Valley Acres Special Road District. Weedn summarized the cases.

17-056EDG, Curtis Blakeman. Mr. Blakeman 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

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17-057EDG, Znette Blakeman. Ms. Blakeman 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(2:14:30)

AGENDA ITEM 25, 17-083MT, Jennifer Stephens, Assistant Building Director, Lake County Building Dept. Ms. Stephens did not address the Commission. Myers summarized the case. The Commission generally 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; Edwards, aye; Kean, aye. Motion passed unanimously.

#### DEFAULT FINAL ORDERS

(2:17:25)

AGENDA ITEM 26, 16-152EMS, James Raussen, Executive Director Oregon Education Benefits Board. Gould summarized the case. Raussen did not address the Commission. The Commission generally discussed the case. Burke moved to accept the Default Final Order as the final order in this matter and that the chairperson be authorized to sign it as such. Edwards declared a working relationship. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

#### REPORTS OF INVESTIGATION

None.

#### ADVISORY OPINIONS

None.

#### CORRESPONDENCE RECEIVED/REPONSES

The Commission reviewed the following items without comment unless otherwise noted:

Staff Opinions  
(non-action, informational only items)

None.

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Staff Advice  
(non-action, informational only items)

(2:30:25)

AGENDA ITEM 27, 18-218I, Brad Anderson, Washington County Counsel re Washington County Sheriff's Office first responders and whether they may accept a discounted AT&T mobile phone plan for their personal, private use, at their own cost. Gould summarized the advice. The Commission and Counsel generally discussed the advice. Burke moved to have Staff and Attorney develop a Commission Advisory Opinion to address issues in 18-218I. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Shugar, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(2:50:00)

AGENDA ITEM 28, 18-224I, Rosemary Koch, Council, City of St. Paul re overdue property taxes by City Mayor; the Deputy City Treasurer's spouse being awarded City Public Works contract; how to handle conflicts of interest in general. Weedn summarized the advice. The Commission generally discussed the advice.

Other Correspondence  
(non-action, informational only items)

None.

**The Commission recessed for a working lunch at 12:10 p.m. and reconvened into open session at 12:22 p.m.**

MISCELLANEOUS ITEMS

(2:53:10)

AGENDA ITEM 30, Trainers' Report. Walker summarized the training activities from September 24 through November 2, 2018. The Commission generally discussed training opportunities.

(3:09:03)

AGENDA ITEM 29, Executive Director Evaluation Discussion. Lutz summarized the evaluation process for the Commissioners, and advised that comments would be sent to them prior to the December meeting.

(3:11:12)

AGENDA ITEM 31, Executive Director's Report. Bersin discussed the following:

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- 2017-2019 biennial budget: Bersin reviewed the status of the 2017-2019 budget and projected surplus. General Fund revenues have exceeded predictions. Discussion re attorney fees. Noted that former Governor Kitzhaber has paid his civil penalties in full.
- 2019-2021 biennial budget: Agency Request Budget submitted. No Policy Packages. Governor's budget will be released in early December.
- Legislative Concepts: Met with the Governor's staff to discuss concepts. Waiting for the Governor's release of legislative agenda.
- SEI 2018 filing: reviewed status of 2018 filers and working on previous years.
- A delegation from China met with OGEC staff to discuss measures to prevent Government corruption.
- State CIO presented OGEC with an Honorable Mention Award for the Case Management System.
- Lobbyist and Client/Employer Quarter 3, 2018 filing: reviewed status.
- December meeting includes elections for next year's Chair and Vice-Chair.
- Staff continues to work with the Hayes case and is close to bringing it before the Commission.

**Chair Kean adjourned the meeting at 1:00 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, December 14, 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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