

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
December 14, 2018
9:00 a.m.

(File 1)

Chair Alison Kean called the meeting to order at 9:02 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 Charles Starr, Daniel Mason, David Fiskum, Nathan Sosa, Sean O'Day, Richard Burke, and Karly Edwards. Kamala Shugar joined by telephone. Staff present were OGEC Counsel Amy Alpaugh, Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Hayley Weedn, Trainer Monica Walker, and Administrative Specialist Kathy Baier.

AGENDA ITEM 1, Comments from the Chair. No comments.

AGENDA ITEM 2, Approval of minutes of the November 02, 2018 Commission meeting. Fiskum moved for approval of the minutes of the November 02, 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, aye. Motion passed 9-0.

CONSENT CALENDAR

Fiskum & Edwards declared a working relationship with Nolan, agenda item 3. Sosa is a colleague of Fagen, agenda item 9.

Burke moved for the approval of the Consent Calendar items 3 – 11 recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Mary Nolan, 2017 Q4, Letter of Education

AGENDA ITEM 4, Amy Miller, 2018 Q3, Letter of Education

AGENDA ITEM 5, Marjorie Kafoury, 2018 Q1, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 6, Beyond Toxics, 2018 Q3, Letter of Education

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Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 7, Gaye Gibby, 2017 & 2018 SEI, Letter of Education

AGENDA ITEM 8, Val Hoyle, 2018 SEI, Letter of Education

AGENDA ITEM 9, Shemia Fagan, 2018 SEI, Letter of Education

AGENDA ITEM 10, Beau Buganski, 2018 SEI, Letter of Education

AGENDA ITEM 11, Xiomara Torres, 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.

Mason requested Agenda Items 8 & 9 be removed from consent calendar for comment.

Burke moved to reconsider the Consent Calendar items 3 – 11. 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.

Burke moved for the approval of the Consent Calendar items 3 – 7, 10 – 11. 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

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 8, Val Hoyle, 2018 SEI, Letter of Education

Bersin summarized his recommendation. The Commission generally discussed. Burke moved to approve 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; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 9, Shemia Fagan, 2018 SEI, Letter of Education

Bersin summarized his recommendation. The Commission generally discussed. Fiskum moved to approve 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; Edwards, aye; Kean, aye. Motion passed unanimously.

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Lobbyist Penalty Correspondence

AGENDA ITEM 12, Loyd Henion, 2018 Q3, \$110; Q4 2016 received Letter of Education. Recommendation: \$50 for 2nd violation. Starr moved that the Commission approve staff recommendation of \$50 for 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.

AGENDA ITEM 13, Brian Nieubuurt, Q4 2016, \$90; Q4 2017, \$5,000. Recommendation: Letter of Education for both quarters. Nieubuurt was present but did not address the Commission. Fiskum disclosed a working relationship with respondent. The Commission generally discussed the matter. Sosa moved to waive the penalties and issue a Letter of Education for the late filing of the Q4 2016 and Q4 2017 Lobbyist Expenditure Reports. 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

AGENDA ITEM 14, COFA Alliance National Network - CANN, Q3 2018, \$110. Recommendation: \$50 for 2nd violation. Burke moved to approve the recommendation of \$50 for the late filing of the Q3 2018 Lobbyist Client 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.

Statement of Economic Interest Penalty Correspondence

Commissioner Shugar left the meeting telephonically.

AGENDA ITEM 15, Susan Silodor, 2017 SEI, \$5,000 and 2018 SEI, \$5,000. Recommendation: 2017 SEI, Letter of Education; 2018 SEI, \$500. The Commission generally discussed the matter. Burke moved to issue Letter of Education for 2017 and reduce penalty to \$250 for 2018. Roll call vote was taken as follows: Fiskum, aye; Mason, nay; O'Day, nay; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 6 - 2.

AGENDA ITEM 16, James A. King, 2017 & 2018 \$1,160. Recommendation: Letter of Education. Bersin summarized his recommendation. O'Day moved to issue a Letter of Education for 2017 & 2018 late filings. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

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AGENDA ITEM 17, Herman Ortmann, request for reconsideration of sanctions for 2016 SEI \$150 and 2017 SEI \$500. The Commission generally discussed and did not reconsider.

STIPULATED FINAL ORDERS

AGENDA ITEM 18, 16-151EDG, Linda Hald

Office Manager, Community Justice Dept. for Columbia County. Gould summarized the case. Hald did not address the Commission. The Commission generally discussed the matter. Bersin and Alpaugh addressed 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: Fiskum, nay; Mason, nay; O'Day, nay; Sosa, nay; Starr, aye; Burke, nay; Edwards, nay; Kean, aye. Motion failed 6 – 2.

AGENDA ITEM 19, 17-093XMT, Jim Hamsher

AGENDA ITEM 20, 17-097XMT, Frank Primozić.

Councilors, City of Prairie City. Myers summarized the cases. Hamsher and Primozić did not address the Commission. The Commission generally discussed the matters.

Jim Hamsher. 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Frank Primozić. 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 21, 18-091EMT, Travis Ward. Network Administrator for Yamhill County. Myers summarized the case. Ward did not address the Commission. 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, nay; Starr, aye; Burke, nay; Edwards, aye; Kean, aye. Motion passed 6 – 2.

DEFAULT FINAL ORDERS

None.

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The Commission recessed at 10:20 a.m. and resumed at 10:33 a.m.

REPORTS OF INVESTIGATIONS

(File 2)

AGENDA ITEM 22, 17-137EMT, John Phelan, Public Works Director, Yamhill County. Myers summarized the case. Phelan did not address the Commission. The Commission generally discussed the matter. Burke moved that the Commission find that there is sufficient evidence to find a violation of ORS 244.040 by John Phelan, 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 23, 18-065EMT, Marc Hellman. Former staff member and Administrator, Oregon Public Utility Commission. Myers summarized the case. Hellman did not address the Commission. Counsel Jill Gibson addressed the Commission. Fiskum disclosed an acquaintance and O'Day disclosed a former working relationship with Hellman. The Commission generally discussed. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 24, 18-100XMT, Mike Anderson, Chair

AGENDA ITEM 25, 18-101XMT, Tim Rogers

AGENDA ITEM 26, 18-102XMT, Natalie Smathers

AGENDA ITEM 27, 18-103XMT, Dave Eusted

AGENDA ITEM 28, 18-104XMT, Lacey Risdal

AGENDA ITEM 29, 18-105XMT, Paul Randall

Board of Directors, Lane County School District #40. Gould summarized the cases. Respondents did not address the Commission. The Commission generally discussed the matters.

Mike Anderson. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Tim Rogers. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows:

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

Natalie Smathers. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Dave Eusted Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Lacey Risdal. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Paul Randall. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 29-A, 18-107EMT, Craig Horrell, Central Oregon Irrigation District, District Manager. Weedn summarized the case. Horrell addressed the Commission. Counsel Kathryn Tank, present. The Commission generally discussed the matter. Alpaugh addressed the Commission. Burke moved that the Commission find that there is sufficient evidence to find two violations of ORS 244.040(1) by John Phelan, 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: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 30, 18-113XMT, Phil Evans, President

AGENDA ITEM 31, 18-114XMT, Barb Ayers

AGENDA ITEM 32, 18-115XMT, Joe Sacamano

AGENDA ITEM 33, 18-116XMT, Joanne Rubin

AGENDA ITEM 34, 18-117XMT, Todd Reeves

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Board of Directors, Mosier Fire District. Myers summarized the cases. Respondents did not address the Commission. The Commission generally discussed the matters.

Phil Evans. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Barb Ayers. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Joe Sacamano. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Joanne Rubin. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Todd Reeves. Burke moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

The Commission recessed at 11:28am then convened into executive session at 11:36 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d), and ORS 192.685(1) and to conduct the annual Executive Director performance review pursuant to ORS 192.660(2)(i).

Media present: Jeff Reynolds, PJ Media; Ben Botkin, Statesman Journal; Paris Achen, Portland Tribune; Anne Scheck, The Independent.

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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)

(File 3)

AGENDA ITEM 40, 18-198SHW, Alexander Flores, Republican candidate, Oregon Legislative Assembly, Senate District 15. Mason and Sosa disclose that they live in this district. Weedn summarized the case. Flores did not address the Commission. The Commission discussed the matter. Burke 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 and that a Letter of Education be issued to the respondent. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; O'Day, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 41, 18-207XDG, Richard Anderson

AGENDA ITEM 42, 18-208XDG, Judy Casper

AGENDA ITEM 43, 18-209XDG, Diana Hinton

AGENDA ITEM 44, 18-210XDG, Dennis Hoagland

AGENDA ITEM 45, 18-211XDG, Susan Wahlke

AGENDA ITEM 46, 18-212XDG, Don Williams, Mayor (not represented, not present)

City Councilors, City of Lincoln City. Myers summarized the cases. Andrea Coit, attorney for Anderson, Casper, Hinton, Hoagland, and Wahlke addressed the Commission. Anderson, Casper, Hinton, Hoagland, and Wahlke, present but did not address the Commission. The Commission discussed the matter. O'Day disclosed a relationship with the League of Oregon Cities and left the room.

Richard Anderson. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Richard Anderson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 7-0.

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Judy Casper. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Judy Casper may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 7-0.

Diana Hinton. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Diana Hinton may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 7-0.

Dennis Hoagland. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Dennis Hoagland may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 7-0.

Susan Wahlke. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Susan Wahlke may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 7-0.

Don Williams. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Don Williams may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 7-0.

AGENDA ITEM 51, 18-229ESM, William Graupp, Mayor, City of Aurora. Myers summarized the case. O'Day disclosed a business affiliation, and left the room. Burke disclosed personal relationship with the mayor. Graupp and Counsel Kenny Montoya addressed the Commission. Mason moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244.025(1) and 244.060(8) or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 7-0.

AGENDA ITEM 50, 18-228EHW, Doobie Gutierrez, Community Health Worker II, Washington County. Weedn summarized the case. Gutierrez addressed the Commission. The Commission generally discussed the matter. 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 (1) or warrant further review and that this complaint be dismissed and that a Letter of Education be issued to the respondent. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Commissioner Shugar rejoined the meeting via telephone.

AGENDA ITEM 52, 18-239XDG, Russ Axelrod, Mayor

AGENDA ITEM 53, 18-240XDG, Brenda Perry, Councilor

AGENDA ITEM 54, 18-241XDG, Bob Martin, Councilor

City of West Linn. Weedn summarized the cases. Axelrod addressed the Commission. Perry and Martin did not address the Commission. The Commission generally discussed the cases and conferred with Alpaugh.

Russ Axelrod. Burke moved that the Commission find that there is a substantial, objective basis for believing that Russ Axelrod may have violated ORS 192.660(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Burke, aye; Edwards, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

Brenda Perry. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Brenda Perry may have violated ORS 192.660(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Burke, aye; Edwards, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

Bob Martin. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Bob Martin may have violated ORS 192.660(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Burke, aye; Edwards, aye; Shugar, aye; Kean, aye. Motion passed unanimously.

AGENDA ITEM 47, 18-217EDG, Stan Primozech, Commissioner, Yamhill County. O'Day declared a working relationship and recused himself. Myers summarized the case. Primozech did not address the Commission. The Commission generally discussed the matter. Burke moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, abstained; Shugar, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed 8 – 0 with 1 abstention.

AGENDA ITEM 48, 18-219EHW, James Cook, Correctional Officer, Santiam Correctional Institution, Oregon Department of Corrections. Weedn summarized the case. Cook did

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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 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Shugar, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

(File 4)

AGENDA ITEM 49, 18-222EDG, Kate Brown, Governor, State of Oregon. Gould and Bersin summarized the case. Brown did not address the Commission. Mason declared a working relationship with the Complainant. Shugar recused due to a working relationship with the Governor's Office. Starr moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Shugar, abstained; Burke, aye; Edwards, aye; Kean, aye. Motion passed 8-0 with 1 abstention.

Own Motion Preliminary Reviews

None.

Other Items

(File 5)

AGENDA ITEM 55, Annual Executive Director Performance Review. The Commission conducted their annual Executive Director performance review.

The Commission reconvened into open session at 2:30 p.m.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/REPONSES

Staff Opinions

(non-action, informational only items)

None.

Staff Advice

(non-action, informational only items)

The Commission reviewed the following items without comment:

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(File 6)

AGENDA ITEM 35, Roger Leachman re whether or not the Directors of Portland's District Coalitions would be considered as the "governing body of a public body."

AGENDA ITEM 36, Daneene Fry re the application of Oregon Government Ethics Law relevant to outside employment restrictions.

MISCELLANEOUS ITEMS

AGENDA ITEM 37, Trainers' Report. Walker summarized the training activities from November 5 through December 14, 2018. The Commission generally discussed training opportunities.

AGENDA ITEM 38, Executive Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget: Bersin reviewed the status of the 2017-2019 budget and budget surplus.
- 2019-2021 biennial budget: passed audit; small adjustment.
- Legislative Concepts: Discussion re concept content; lobbyist registrations; attorney fees; lobby opinions.
- SEI filing: reviewed status of non-filers for 2016 - 2018.
- Met with DAS IT to discuss agency needs.
- Lobbyist expenditure reports: reviewed status of non-filers for all 3 quarters of 2018.

Fiskum discussed with the Commission its ability to enforce public officials' gift giving/receiving, but cannot enforce the publics' gift giving.

AGENDA ITEM 39, Election of Chair and Vice Chair for 2019. Kean thanks the Commission for her year of service as Chair. Bersin thanks Kean.

Shugar rejoined the meeting via telephone.

Election of OGEC Chair: Kean nominated Burke for Chair. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Shugar, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

Election of OGEC Vice Chair: Burke nominated Sosa for Vice Chair. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Starr, aye; O'Day, aye; Shugar, aye; Burke, aye; Edwards, aye; Kean, aye. Motion passed unanimously.

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Chair Kean adjourned the meeting at 3:53 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, January 25, 2019, 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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