

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
April 19, 2019
9:00 a.m.

(File 1)

Chair Richard Burke 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 Charles Starr, Daniel Mason, Nathan Sosa, Alison Kean, Karly Edwards, Kamala Shugar. David Fiskum joined by telephone. Sean O'Day was excused from the meeting. Staff present were OGEC Counsel Amy Alpaugh, Executive Director Ron Bersin, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Trainer Tammy Hedrick, and Administrative Specialist Kathy Baier.

AGENDA ITEM 1, Comments from the Chair. Burke welcomed all.

AGENDA ITEM 2, Approval of minutes of the March 7, 2019 Commission meeting. Chair Burke called for the approval of the minutes of the 3/07/19 commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Burke requested removal of item # 4 from the Consent Calendar for discussion.

Shugar moved for the approval of the balance of the Consent Calendar, items 3, 5 – 8, and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Kahreen Tebeau, 2018 Q4, Letter of Education.

Lobbyist Client Penalty Correspondence

None.

Statement of Economic Interest Dismissals

AGENDA ITEM 5, 17-108SMS, Jeff Lorton, 2013, 2014, 2015, Letter of Education.

AGENDA ITEM 6, 17-118SDG, Celia Claybourn, 2013, Letter of Education.

AGENDA ITEM 7, 17-127SMT, Scott Miller, 2013, 2014, 2017, Letter of Education.

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AGENDA ITEM 8, 17-132SMT, Mace Cadwell, 2013, 2014, 2015, 2016, Letter of Education.

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

End of Consent Calendar

STIPULATED FINAL ORDERS

AGENDA ITEM 10, 14-191EDT, Cylvia Hayes. Former First Lady of Oregon and unpaid policy advisor to the Governor of Oregon. Gould summarized the case. Hayes and Counselor Josh Ewing addressed the Commission. Commissioners discussed how the current bankruptcy case and payment of penalties will be managed. Carolyn Wade, Senior Assistant Attorney General addressed the Commission. Burke disclosed a working relationship with Wade. 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. Shugar, employed by DOJ, abstained from the vote. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, abstained; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed 7-0 with 1 abstention.

(File 2)

The Commission convened into executive session at 9:28 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and possible own motion preliminary reviews pursuant to ORS 244.260(2)(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

Own Motion Preliminary Reviews

AGENDA ITEM 37, Possible Own Motion Preliminary Review, exempt from Public Record. Item moved to next meeting.

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OTHER ITEMS

Reports of Preliminary Reviews (removed from consent calendar)

AGENDA ITEM 33, 19-026EHW, Heidi Bell, City Manager, City of Donald. Gould summarized the case. Bell and attorney, Kenny Montoya addressed the Commission. The Commission discussed the matter. 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: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 34, 19-031ESM, Nancy Lawson, Chair, Oregon Commission on Autism Spectrum Disorder. Myers summarized the case. Lawson addressed the Commission. The Commission generally discussed the matter. 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: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 32, 19-023ESM, Bob Strosser, Commissioner, Jackson County. Myers summarized the case. Strosser addressed the Commission via telephone. The Commission generally discussed the matter. Kean 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 35, 19-046ESM, Christina Stanley, former mayor, City of Gold Hill. Myers summarized the case. Stanley did not address the Commission. Kean 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

The Commission recessed at 10:25 a.m. and reconvened into Executive Session at 10:36 a.m.

AGENDA ITEM 30, 18-093EDG and 18-067ESM, Wendy Chung, Commissioner, Portland Historic Landmarks Commission. Myers summarized the cases. Chung did not address the Commission. Kean moved that the Commission find that the complaints and

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information before the Commission do not indicate violations of ORS Chapter 244 or warrant further review and that the complaints be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 31, 19-018ESM, Bobbie Whitney, city council member, City of Oakridge. Myers summarized the case. Whitney did not address the Commission. Sosa 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Own Motion Preliminary Reviews

AGENDA ITEM 36, Possible Own Motion Preliminary Review, exempt from Public Record.

AGENDA ITEM 38, Possible Own Motion Preliminary Review, exempt from Public Record.

Other Items

None.

The Commission convened into regular session at 10:48 a.m.

CONSENT CALENDAR

(File 3)

AGENDA ITEM 4, Paul Daniels, 2018 SEI, Letter of Education. The Commission generally discussed the matter. Burke moved to not reduce the penalty for the late filing of the 2018 Statement of Economic Interest and maintain the \$30.00 penalty. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

AGENDA ITEM 12, 17-137EMT, John Phelan, Director, Yamhill County Public Works. Myers summarized the case. Phelan addressed the Commission via telephone. The Commission generally discussed the matter. Shugar 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

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REPORTS OF INVESTIGATIONS

AGENDA ITEM 19, 18-185EHW, Tamara (Tammy) Stempel, Mayor and Budget Committee Member, City of Gladstone. Gould summarized the case. Stempel addressed the Commission. The Commission generally discussed the matter. Mason moved that the Commission find that the information before the Commission is insufficient to infer violations of ORS Chapter 244.120(2) or warrant further investigation and that this complaint be dismissed. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 20, 18-206EDG, Louis Gomez, Administrator, City of Oakridge. Gould summarized the case. Gomez addressed the Commission by telephone. The Commission generally discussed the matter. Mason 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

AGENDA ITEM 13, 18-207XDG, Dick Anderson, new Mayor

AGENDA ITEM 14, 18-208XDG, Judy Casper

AGENDA ITEM 15, 18-209XDG, Diana Hinton

AGENDA ITEM 16, 18-210XDG, Dennis Hoagland

AGENDA ITEM 17, 18-211XDG, Susan Wahlke

City Councilors, City of Lincoln City

Myers summarized the cases. Anderson addressed the Commission on behalf of himself and the other councilors. There was no Commission discussion.

Agenda Item 13, Kean 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Agenda Item 14, Kean 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Agenda Item 15, Kean 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

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such. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Agenda Item 16, Kean 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Agenda Item 17, Kean 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 18, 18-212XDG, Don Williams, former Mayor, City of Lincoln City. Williams did not address the Commission. The Commission generally discussed the matter. Kean 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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

ADVISORY OPINIONS

AGENDA ITEM 21, 19-050A, Damien R. Hall re the ability of public bodies to adopt policies that are stricter or more restrictive than the requirements in ORS Chapter 244. Edwards and Kean disclose working relationships with Hall. Hall addressed the Commission. The Commission generally discussed the matter with Alpaugh. Kean moved to adopt the Advisory Opinion as presented. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

Lobbyist Penalty Correspondence

AGENDA ITEM 9, Denise McCarty, 2018 Q4, Recommendation: \$210 for 2nd violation. Shugar moved to adopt recommendation of \$210 late filing penalty for the 2nd violation. Roll call vote was taken as follows: Fiskum, aye; Mason, aye; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

AGENDA ITEM 11, 15-280EDT, Steve Holm, Member, Board of Directors, Lakeside Rural Fire Protection District. Bersin summarized the case. Holm did not address the Commission and is no longer a public official. The Commission generally discussed the matter. Sosa moved that the Commission approve the proposed stipulated final order as

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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; Sosa, aye; Shugar, aye; Starr, aye; Kean, aye; Edwards, aye; Burke, aye. Motion passed unanimously.

The Commission recessed for a working lunch at 12:03 p.m. and resumed into regular session at 12:15 p.m.

DEFAULT FINAL ORDERS

None.

CORRESPONDENCE RECEIVED/REPONSES

Staff Opinions

(non-action, informational only items)

None.

Staff Advice

(non-action, informational only items)

(File 4)

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

AGENDA ITEM 22, 19-033I, Steve Elzinga re potential ethical issues arising as a result of the funerals held for Secretary of State Dennis Richardson.

AGENDA ITEM 23, 19-043I, Senator Brian Boquist re the application of Oregon Government Ethics laws and how the laws may apply to public officials – specifically, member of the State Legislature and their roles and legislators while also serving as “non-legislative” public employees.

AGENDA ITEM 24, 19-048I, Pete Sorenson re the application of the Oregon Government Ethics law to a Lane County Commissioner who is also an attorney in private practice. The Commission generally discussed the advice.

AGENDA ITEM 25, 19-056I, Tiffany Edwards re how Oregon conflict of interest laws would apply to a Planning Commissioner whose private employment requires her to advocate for legislative position that are in opposition to the City’s official positions.

AGENDA ITEM 26, 19-062I, Kevin R. McConnell re how Oregon’s gift clause would apply to a public official receiving gift cards from a neighbor.

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Other Correspondence
(non-action, informational only items)

None.

MISCELLANEOUS ITEMS

AGENDA ITEM 27, Trainers' Report. Hedrick summarized past and future training activities.

AGENDA ITEM 28, Executive Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget: Bersin reviewed the status of the 2017-2019 budget and stated a surplus of \$190,000.
- 2019-21 biennial budget: Passed and is complete.
- 2019 Legislative Bills: HB 2096 passed. HB 2277 will add new Lobbyist filers. HB 2097 is dead.
- SEI: 2019 filings response is on-track.
- Compliance Specialist 2 position is open. Weedn has taken a position in the private sector.
- Lobbyist filings for all quarters of 2018 reviewed.
- Employee recognition: Hedrick is the 2019 Ambassador of Public Service for OGE. Myers was recognized by Governor Brown on State Employee Recognition Day 2019 for promoting positivity in the workplace.

AGENDA ITEM 29, 2018 Gold Star Certificate. Presented by DAS to OGE and DAS Accountant for excellence in financial reporting.

Miscellaneous Comments

- Kean will not be at the May 31st Commission meeting.
- Starr complimented the questions and discussion at the last Commission meeting.
- Wendy Chung, Agenda Item 30, addressed the Commission and apologized for not being present earlier due to a time conflict in her schedule.

Chair Burke adjourned the meeting at 12:45 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, May 31, 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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