

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
July 12, 2019
9:00 a.m.

(File 1)

Vice-Chair Nathan Sosa called the meeting to order at 9:08 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, Alison Kean, Dave Fiskum, and Karly Edwards. Richard Burke and Sean O'Day 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 Susan Myers, Trainers Tammy Hedrick and Monica Walker, and Administrative Specialist Kathy Baier.

AGENDA ITEM 1, Comments from the Chair. Because of traffic issues, Commissioners Mason and Edwards were delayed. Edwards joined by telephone on the commute in.

AGENDA ITEM 2, Approval of minutes of the May 31, 2019 Commission meeting. Vice-Chair Sosa called for the approval of the minutes of the May 31, 2019 commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Kean moved for the approval of the Consent Calendar, items 3-16, and the recommendation on each as follows:

Lobbyist Client Penalty Correspondence

AGENDA ITEM 3, Boise Cascade Co, 2019 Q1, Letter of Education.

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 4, Cliff Lauder, 2019 SEI, Letter of Education.

AGENDA ITEM 5, Andrew Kreipe, 2019 SEI, Letter of Education.

AGENDA ITEM 6, Bob Swalberg, 2019 SEI, Letter of Education.

AGENDA ITEM 7, JoAnn Miller, 2019 SEI, Letter of Education.

AGENDA ITEM 8, Ralph Swinehart, 2019 SEI, Letter of Education.

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AGENDA ITEM 9, Henry Stevens, 2019 SEI, Letter of Education.

AGENDA ITEM 10, Tom Tsuruta, 2019 SEI, Letter of Education.

AGENDA ITEM 11, Keith Tymchuk, 2019 SEI, Letter of Education.

AGENDA ITEM 12, Steve Hov, 2019 SEI, Letter of Education.

AGENDA ITEM 13, Gene Vroman, 2019 SEI, Letter of Education.

AGENDA ITEM 14, Ronald Kerr, 2019 SEI, Letter of Education.

AGENDA ITEM 15, Christian Pape', 2019 SEI, Letter of Education.

AGENDA ITEM 16, Nico Casarez, 2019 SEI, Letter of Education.

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

End of Consent Calendar

Lobbyist Penalty Correspondence

AGENDA ITEM 17, Jeff Bissonnette, Q1 2019, \$1,400. Recommendation: \$140 for second violation. Kean moved to accept staff recommendation of \$140 for the Q1 2019 late filing. Roll call vote was taken as follows: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Sosa, aye. Motion passed unanimously.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 18, Cura Cannabis Solutions, Q4 2017 and Q1 2019, \$1,270. Recommendation: No reduction. Bersin revised his recommendation: Letter of Education for Q4 2017, and \$125 for Q1 2019. Kean moved to accept the revised staff recommendation of Letter of Education for Q4 2017 and reduce Q1 2019 to \$125. Roll call vote was taken as follows: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Sosa, aye. Motion passed unanimously.

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 19, Dennis Thomas, 2019 SEI, \$210. Recommendation: \$50 for second violation. Fiskum moved to accept staff recommendation of \$50 for 2019 SEI late filing. Roll call vote was taken as follows: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Sosa, aye. Motion passed unanimously.

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AGENDA ITEM 20, Andrew Clarke, 2018 & 2019 SEI, \$860. Recommendation: Letter of Education for 2018 and \$100 for 2019. Kean moved to accept staff recommendation of Letter of Education for 2018 and \$100 for 2019. Roll call vote was taken as follows: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 21, Stanley Ashbrook, 2018 & 2019 SEI, \$270. Recommendation: Letter of Education for 2018 and \$50 for 2019. Kean moved to accept staff recommendation of Letter of Education for 2018 late filing, and \$50 for 2019 late filing. Roll call vote was taken as follows: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Sosa, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

AGENDA ITEM 23, 19-075ESM, Andrew Anderson, Mayor, City of Moro. Myers summarized the case. Anderson did not address the Commission. 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: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Sosa, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

None.

REPORTS OF INVESTIGATION

None.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions
(non-action, informational only items)

The commission reviewed the following items and complimented the staff on the written opinions and advice:

AGENDA ITEM 24, 19-136S, Wendy McGrane, Oregon Growth Board and Steven Marlow, Assistant Attorney General re whether Oregon Growth Board's investment of monies would present a conflict of interest for Ms. McGrane.

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Staff Advice
(non-action, information only items)

AGENDA ITEM 25, 19-134I, Representative Kim Wallan re application of Oregon Government Ethics law to contracting with private entities with which relatives are associated.

AGENDA ITEM 26, 19-143I, Evan White re how the provisions in the Oregon Government Ethics law would apply to a public official's relatives receiving the personal financial benefit of a memorial college fund.

Other Correspondence
(non-action, informational only items)

None.

MISCELLANEOUS ITEMS

AGENDA ITEM 27, 09-184EDT, Jim O. Baker, Jr., Bly Water and Sanitary District Manager. Recommendation: Vacate previous order and dismiss complaint. Bersin reviewed the case details. The Commission generally discussed. (Commissioner Edwards joined the meeting.) Starr moved to accept the staff recommendation to vacate the previous order and dismiss the complaint. The Commission continued the discussion. Roll call vote was taken as follows: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Sosa, aye. Motion passed unanimously.

The Commission convened into executive session at 9:38 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and ORS 192.685(1), 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

Reports of Preliminary Reviews
(removed from consent calendar)

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(File 2)

AGENDA ITEM 40, 19-118ESM, Christina Hollett

AGENDA ITEM 41, 19-124ESM, Christina Hollett, City of Oakridge Council member.

Myers summarized the cases. Hollett was present and addressed the Commission. (Commissioner Mason joined the Commission meeting.) The Commission generally discussed the cases.

Agenda Item 40. Kean moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS 244.120 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Mason, abstained; Starr, aye; Fiskum, aye; Kean, aye; Edwards, aye; Sosa, aye. Motion passed 5 – 0 with 1 abstention.

Agenda Item 41. 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: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

The Commission recessed at 9:55 a.m. and reconvened into Executive Session at 10:03 a.m.

AGENDA ITEM 45, 19-132EDG, Rahmat Shoureshi, former President of Portland State University. Gould summarized the case. Sosa disclosed his professional relationship with Counsel Berman. Shoureshi addressed the Commission. Attorney Steve Berman noted he represents Shoureshi, not PSU. The Commission and Alpaugh generally discussed the matter. Mason moved that the Commission find that there is substantial, objective basis for believing that Rahmat Shoureshi may have violated ORS 244.040, 244.120 and 244.125 and that the Commission should investigate accordingly. The Commission continued their discussion. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

(File 3)

AGENDA ITEM 44, 19-130XSM, Scott Hege

AGENDA ITEM 42, 19-128XSM, Tom McCoy

AGENDA ITEM 43, 19-129XSM, Karen Joplin

Tri-County Mental Health Board for Mid-Columbia Center for Living. Myers summarized the cases.

Agenda Item 44, Hege addressed the Commission telephonically. Fiskum moved that the Commission find that there is substantial, objective basis for believing that Scott Hege may have violated ORS 192.660 and that the Commission should investigate accordingly.

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

Agenda Item 42, McCoy did not address the Commission. Fiskum moved that the Commission find that there is substantial, objective basis for believing that Tom McCoy may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 43, Joplin did not address the Commission. Fiskum moved that the Commission find that there is substantial, objective basis for believing that Karen Joplin may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 46, 19-133ESM, Michael McConnell, Falls City Public Works Committee member. Myers summarized the case. McConnell did not address the Commission. 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: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 31, 19-099XSM, Thomas Ongman

AGENDA ITEM 32, 19-100XSM, Michael McKoen

AGENDA ITEM 33, 19-101XSM, Larita Ongman

AGENDA ITEM 34, 19-102XSM, Jim Derra

AGENDA ITEM 35, 19-103XSM, Roger Taylor

Board of Directors, Basin Ambulance Service District. Myers summarized the cases. The respondents did not address the Commission.

Agenda Item 31, Mason moved that the Commission find that there is substantial, objective basis for believing that Thomas Ongman may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 32, Mason moved that the Commission find that there is substantial, objective basis for believing that Michael McKoen may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 33, Mason moved that the Commission find that there is substantial, objective basis for believing that Larita Ongman may have violated ORS 192.660 and that

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the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 34, Mason moved that the Commission find that there is substantial, objective basis for believing that Jim Derra may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 35, Mason moved that the Commission find that there is substantial, objective basis for believing that Roger Taylor may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

The Commission recessed at 11:20 a.m. for a working lunch and reconvened in Executive Session at 11:30 p.m.

AGENDA ITEM 36, 19-110XSM, Allison Hensey

AGENDA ITEM 37, 19-111XSM, Laura Masterson

AGENDA ITEM 38, 19-112XSM, Rick Till

AGENDA ITEM 39, 19-113XSM, Gabrielle Rossi

East Multnomah Soil and Water Conservation District Board of Directors. Myers summarized the cases. Respondents did not address the Commission. The Commission generally discussed the cases.

Agenda Item 36, Fiskum moved that the Commission find that there is substantial, objective basis for believing that Allison Hensey may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 37, Fiskum moved that the Commission find that there is substantial, objective basis for believing that Laura Masterson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 38, Fiskum moved that the Commission find that there is substantial, objective basis for believing that Rick Till may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason,

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aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Agenda Item 39, Fiskum moved that the Commission find that there is substantial, objective basis for believing that Gabrielle Rossi may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Own Motion Preliminary Reviews

(File 4)

AGENDA ITEM 47, Possible Own Motion Preliminary Review, exempt from Public Record. Fiskum moved that the Commission conduct a preliminary review to determine if there is cause to investigate. Roll call vote was taken as follows: Mason, aye; Starr, aye; Kean, aye; Edwards, aye; Fiskum, aye; Sosa, aye. Motion passed unanimously.

Other Items

(non-action informational only items)

None.

The Commission reconvened into regular open session.

STIPULATED FINAL ORDERS

(File 5)

AGENDA ITEM 22, 18-107EMT, Craig Horrell, District Manager, Central Oregon Irrigation District. Myers summarized the case. Horrell addressed the Commission with his attorney Katherine Tank telephonically. 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: Starr, aye; Edwards, aye; Fiskum, aye; Kean, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

MISCELLANEOUS ITEMS

AGENDA ITEM 28, Review of proposed 2020 Commission meeting calendar. The Commission reviewed the proposed dates and suggested that the February 14th meeting be moved to Thursday, February 13th.

AGENDA ITEM 29, Trainers' Report. Walker summarized past and future training activities.

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AGENDA ITEM 30, Executive Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget: Bersin reviewed the status of the 2017-2019 budget and noted the use of surplus funds.
- 2019 Legislative Bills: Handouts were reviewed. HB 3377 would require confirmation from Lobbyists of respectful workplace training.
- 2019 SEIs: Only 2 not filed as of this date.
- Compliance Specialist 2 position reopened with interviews by the end of July.
- Workday, the new HR system, is now being used.
- 2019 Q1 expenditure reports are filed and Q2 filing opens July 15.
- Best Practices survey will be sent to Commissioners next week.
- Required DAS training classes for OGEC staff and Commissioners forthcoming.

Vice-Chair Sosa adjourned the meeting at 12:15 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, August 23, 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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