

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**October 3, 2019**  
9:00 a.m.

(File 1)

Vice-chair Nathan Sosa called the meeting to order at 9:05 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, Sean O'Day, Alison Kean, Dave Fiskum, and Dan Mason. Richard Burke joined later and Karly Edwards was excused. 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 Lisa Christon, and Administrative Specialist Kathy Baier.

AGENDA ITEM 1, Comments from the Chair. Bersin introduced Lisa Christon, Investigator, and welcomed her to the OGEC staff.

AGENDA ITEM 2, Approval of minutes of the August 23, 2019 Commission meeting. Vice-chair Sosa called for the approval of the minutes of the August 23, 2019 commission meeting. The minutes were approved without correction.

**CONSENT CALENDAR**

Bersin reviewed the criteria for the Statement of Economic Interest Dismissals.

O'Day requested removal of items 20 and 21 due to a professional relationship with Scotts Mills.

Fiskum moved for the approval of the remaining Consent Calendar items 3-19 and 22-49, and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Ed Bowles, 2019 Q2, Letter of Education

AGENDA ITEM 4, Camila Thorndike, 2019 Q2, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 5, Larry Reeder, 2016 SEI, Letter of Education

AGENDA ITEM 6, Lucille Martin, 2018 SEI, Letter of Education

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AGENDA ITEM 7, Don Richardson, 2017 & 2018 SEI, Letter of Education

AGENDA ITEM 8, Robert Duncan, 2018 SEI, Letter of Education

AGENDA ITEM 9, Steven Baldwin, 2019 SEI, Letter of Education

AGENDA ITEM 10, Carl Cox, 2019 SEI, Letter of Education

AGENDA ITEM 11, Wes Koklich, 2019 SEI, Letter of Education

AGENDA ITEM 12, Richard Hayes, 2018 SEI, Letter of Education

Statement of Economic Interest Dismissals

AGENDA ITEM 13, 17-105SMS, Gail Vansickel, Baker City Planning Comm, 2013  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 14, 17-110SMS, Tim Parks, Enterprise City Council, 2013, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 15, 17-112SMS, Marisa Alvarez, Lowell City Council, 2013  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 16, 17-114SMS, Donalda Hill, Millersburg Planning Comm, 2013  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 17, 17-115SDG, Jake Burrough, Molalla Planning Comm, 2013, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 18, 17-116SDG, Angela Hanke, Nehalem City Council, 2013, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 19, 17-117SDG, Ray Corwin, Pilot Rock City Council, 2013, 2014, 2015  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 22, 17-126SMT, Mark Kujala, Warrenton City Council, 2013, 2015  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 23, 17-131SMT, Don Wysocki, Umatilla County PI Comm, 2013 - 2015  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 24, 18-019SMT, Brianna Burton, Union Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

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AGENDA ITEM 25, 18-021SMT, Stuart Dimick, Glendale Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 26, 18-022SMT, Tom Dotson, Bay City Council, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 27, 18-023SMT, John Dowdy, Stayton Planning Comm, 2014, 2015  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 28, 18-031SMT, Christa Guerrero, Milton-Freewater PI Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 29, 18-032SMT, Mark Hardie, Maywood Park Mayor, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 30, 18-033SMT, Nic Herriges, Tualatin Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 31, 18-034SMT, Mickey Hix, Jackson County Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 32, 18-035SMT, Bill Hood, Molalla Planning Commission, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 33, 18-037SMT, Steve Hunter, Eagle Point Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 34, 18-038SMT, Jerry Jones, Beaverton Urban Dev Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 35, 18-041SMT, Bea Leach, Redmond Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 36, 18-042SMT, Scott McKee, Sweet Home City Council, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 37, 18-043SMT, Kelly Niles, Columbia City Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 38, 18-044SMT, Paulette Nordin, Jefferson CO Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

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AGENDA ITEM 39, 18-053SMT, Tara Waterman, Nehalem Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 40, 18-070SMT, Jack Jasperson, Weston Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 41, 18-071SMT, Adam Schwend, Tillamook Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 42, 18-072SMT, Jeremy Sievert, Multnomah County PI Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 43, 18-073SMT, Justin Throne, Malin Municipal Judge, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 44, 18-074SMT, Cynthia Walston, Troutdale Historic Landmarks Commission, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 45, 18-075SMT, Joanie Wigginton, Sublimity City Council, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 46, 18-076SMT, Richard Willis, Glendale Planning Comm, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 47, 18-077SMT, Jenni Word, Enterprise City Council, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 48, 18-086SMT, Kaliko Castille, Candidate House of Reps, 2014  
Recommendation: Letter of Education in lieu of violation

AGENDA ITEM 49, 18-088SMT, Arthur Krueger, Candidate State Senator, 2014  
Recommendation: Letter of Education in lieu of violation

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

End of Consent Calendar

#### Statement of Economic Interest Dismissals

AGENDA ITEM 20, 17-121SDG, Erin McRae, Scotts Mills City Council, 2013 2014 2015  
Recommendation: Letter of Education in lieu of violation.

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Fiskum moved to issue a Letter of Education in lieu of violation. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, abstained; Sosa, aye. Motion passed 5 – 0 with one abstention.

AGENDA ITEM 21, 17-122SDG, Katie Munson, Scotts Mills City Council, 2013 Recommendation: Letter of Education in lieu of violation.

Fiskum moved to issue a Letter of Education in lieu of violation. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, abstained; Sosa, aye. Motion passed 5 – 0 with one abstention.

#### Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 50, 2017 & 2018 John Loshbaugh, SEI, \$210

Recommendation: \$50 for second violation.

Kean moved that the Commission issue a Letter of Education for 2017 & \$50 for 2018.

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

(File 2)

**The Commission convened into executive session at 9:13 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)

AGENDA ITEM 73, 19-167ESM, Matthew Posey, member, Board of Directors, Dallas School District. Myers summarized the case. Posey was present with Counsel Paul Dakopolos. They addressed 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: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye. Motion passed unanimously.

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## Own Motion Preliminary Reviews

(File 3)

AGENDA ITEM 81, Possible Own Motion Preliminary Review, exempt from Public Record. Starr moved that the Commission conduct a preliminary review to determine if there is cause to investigate. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye. Motion passed unanimously.

## Reports of Preliminary Reviews (removed from consent calendar)

(File 4)

AGENDA ITEM 74, 19-184XSM, Doug Morten, Council President

AGENDA ITEM 75, 19-185XSM, Keith Locke, Councilor

AGENDA ITEM 76, 19-186XSM, Ginny Carlson, Councilor

AGENDA ITEM 77, 19-187XSM, Rick Scholl, Councilor

AGENDA ITEM 78, 19-188SXM, Stephen Topaz, Councilor

City Council, City of St. Helens. Myers summarized the cases. Respondents did not address the Commission. Commission generally discussed the cases.

Item 74, O'Day moved that the Commission find that there is a substantial, objective basis for believing that Doug Morten may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously. (Burke joined the Commission and the discussion at 10:30 a.m.)

Item 75, O'Day moved that the Commission find that there is a substantial, objective basis for believing that Keith Locke may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item 76, O'Day moved that the Commission find that there is a substantial, objective basis for believing that Ginny Carlson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item 77, O'Day moved that the Commission find that there is a substantial, objective basis for believing that Rick Scholl may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

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Item 78, O'Day moved that the Commission find that there is a substantial, objective basis for believing that Stephen Topaz may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 79, 19-189ESM, Brandi Marie Aston, former Fiscal Services and Administrative Manager for Linn County Public Health Dept. Christon summarized the case. Aston did not address the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Brandi Marie Aston may have violated ORS 244.040 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 80, 19-190ESM, Valarie Applegate, former Transportation Services Representative for Oregon Driver and Motor Vehicle Services, Oregon Dept of Transportation. Christon summarized the case. Applegate did not address the Commission. Kean moved that the Commission find that there is a substantial, objective basis for believing that Valarie Applegate may have violated ORS 244.040 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

#### Own Motion Preliminary Reviews

(File 5)

AGENDA ITEM 82, Possible Own Motion Preliminary Review, exempt from Public Record. Kean moved that the Commission conduct a preliminary review to determine if there is cause to investigate. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

#### OTHER ITEMS

None.

**The Commission reconvened into regular open session at 11:45 a.m.**

#### STIPULATED FINAL ORDERS

(File 6)

AGENDA ITEM 51, 18-155EHW, John Lindsey, Linn County Commissioner. Gould summarized the case. Lindsey did not address the Commission. 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

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

AGENDA ITEM 52, 19-002EHW, S. Bruce Conner, Cruise Industry Marketing Director, Port of Astoria. Myers summarized the case. Conner did not address the Commission. Sosa 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. Burke was excused from the room. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 53, 19-057XDG, Lisa King, Member

AGENDA ITEM 54, 19-058XSM, Doug Gunderson, Member

AGENDA ITEM 55, 19-059XSM, Nanci Norris, Member

AGENDA ITEM 56, 19-060XSM, Sarah Laoisa, Member

AGENDA ITEM 57, 19-061XSM, Lori Cheek, Member

Board of Directors, Harney County School District #3 (Burns). Gould summarized the cases. Respondents did not address the Commission.

Lisa King, Sosa 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; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Doug Gunderson, Sosa 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; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Nanci Norris, Sosa 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; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Sarah Laoisa, Sosa 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; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Lori Cheek, Sosa 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; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

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AGENDA ITEM 58, 19-100XSM, Michael McKoen, Board of Directors, Basin Ambulance Service District. Myers summarized the case. McKoen did not address the Commission. Sosa 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; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

#### DEFAULT FINAL ORDERS

None.

#### REPORTS OF INVESTIGATIONS

None.

#### ADVISORY OPINIONS

None.

#### CORRESPONDENCE RECEIVED/RESPONSES

##### Staff Opinions

(non-action, informational only items)

AGENDA ITEM 59, 19-182S, Bev Clarno, Secretary of State and Tasha Petersen, HR Director, re the application of Oregon Government Ethics law to the employment of the Secretary of State's relative by the Secretary of State's Office. The Commission generally discussed the Opinion.

##### Staff Advice

(non-action, information only items)

The Commission reviewed the following without comment:

AGENDA ITEM 60, 19-175I, Kathy Storm, Oregon Forest Resources Institute, re the application of Oregon Government Ethics laws and how the law may apply to public officials who may participate in the Oregon Forest Resources Institutes Board of Directors Active Management of Dry-side Forests for Fire Resilience Tour scheduled for October 10-11, 2019.

AGENDA ITEM 61, 19-180I, Sandy Braden, Chief of Staff, Oregon Youth Development Division, Oregon Department of Education re potential ethical issues arising when the Oregon Youth Development Council engages in grant proposal review and award.

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AGENDA ITEM 62, 19-193I, Tammy Dennee, Legislative Director, Oregon Dairy Farmer's Association re the application of Oregon Government Ethics law and how the law may apply to the participation of public officials, such as members of the State Legislature and their staff, in a tour of various Oregon dairy farms scheduled for February 7, 2020, during which food, beverage and travel will be provided.

AGENDA ITEM 63, 19-195I, Senator Elizabeth Steiner Hayward re the application of Oregon Government Ethics law to a public official's use of government resources for personal gain.

AGENDA ITEM 64, 19-196I, Michelle Binker, Chief of Staff, District & Constituent Services, Representative Carl Wilson re how the provisions of Oregon Government Ethics law may apply to public officials who may participate in a "WORKing Together" conference September 25-26, 2019 in Eugene, Oregon.

AGENDA ITEM 65, 19-216I, Tim Sekerak, Chief Clerk of the House re how the application of Oregon Government Ethics law may apply to the four legislative officials who have been invited to represent the State of Oregon to participate in the 2019 Delegation to the Fujian Province of China.

Other Correspondence  
(non-action, informational only items)

None.

**MISCELLANEOUS ITEMS**

AGENDA ITEM 66, 19-190ESM, Former Transportation Services Representative for Oregon Driver and Motor Vehicle Services, Oregon Department of Transportation. Request for suspension of investigation pending resolution of criminal matter. Sosa moved that the Commission suspend the investigation pending resolution of criminal matter. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 67, Request to establish Legal Expense Trust Fund for Herman E. Baertschiger Jr. Gould summarized the request. Alpaugh clarified the statute. The Commission generally discussed the matter. O'Day moved to establish a Legal Expense Trust Fund for Herman E. Baertschiger Jr. Roll call vote was taken as follows: Starr, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

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AGENDA ITEM 69, Discussion re Executive Director Evaluation Process. Lutz summarized the process and results will be reviewed at the November 22, 2019 meeting. The Commission generally discussed the process.

AGENDA ITEM 70, Discussion re Election of Officers for 2020. The November 22 meeting is the last of the year at which the Election of Officers will be held.

AGENDA ITEM 71, Trainers' Report. Hedrick summarized past and future training activities. Myers reported on the training she presented at the League of Oregon Cities-Oregon City Attorneys Association at Sun River.

AGENDA ITEM 72, Executive Director's Report. Bersin discussed the following:

- 2017-2019 biennial budget is now closed.
- DAS CFO working on financial plan.
- Assessment invoice are out now.
- 2019 SEIs, 100% have filed and working on past years' non-filers.
- Performance audit continues for the agency, completion expected in about a year.
- Producing year-end reports.
- Lisa Christon, on board as CS2.
- Bersin and Alpaugh presenting at Public Law Conference.
- Discussion re new Commission appointments.
- Discussion re EFS modification for lobbyist reporting changes to come in 2021.
- Guide for Public Officials currently being amended.

**The Commission recessed for a working lunch at 11:45 a.m. and resumed into regular session at 11:50 a.m.**

(File 7)

AGENDA ITEM 68, Training: Information Security. Commissioners participated in watching a required training video produced by DAS.

Commissioner Starr announced his absence at the next Commission meeting.

**Chair Burke adjourned the meeting at 12:20 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, November 22, 2019, 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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