

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
November 22, 2019
9:00 a.m.

(File 1)

Chair Richard Burke 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 Sean O'Day, Alison Kean, Dan Mason, and Karly Edwards. David Fiskum joined by telephone. Charles Starr 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. Burke recognized this as his last meeting as Chair and thanked Commission and Staff for a great year. Bersin announced that a new Commissioner, Anna Sortun, was confirmed and will join OGEC at the next meeting in January.

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

CONSENT CALENDAR

Fiskum asked about Items 3 & 9. Bersin clarified that the lobbyist in item 3 was aware of her responsibility. Fiskum declared that he had a past association with Lobbyist Schlueter, item 8.

Sosa moved for the approval of Consent Calendar items 3-24, and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Ginger McCall, 2018 Q2 & 2019 Q1, Letter of Education

AGENDA ITEM 4, Katherine Gonsalves, 2019 Q3, Letter of Education

AGENDA ITEM 5, Jessica LaVigne, 2019 Q3, Letter of Education

AGENDA ITEM 6, Justin Freeman, 2019 Q3, Letter of Education

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AGENDA ITEM 7, Cole Merkel, 2019 Q3, Letter of Education

AGENDA ITEM 8, Jonathan Schlueter, 2019 Q3, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 9, Office of Public Records Advocate, 2018 Q2, 2019 Q1, Letter of Education

AGENDA ITEM 10, Carpenters Industrial Council, 2019 Q3, Letter of Education

AGENDA ITEM 11, Office of Long-Term Care Ombudsman, 2019 Q3, Letter of Education

AGENDA ITEM 12, Seahorses Inc, 2019 Q3, Letter of Education

AGENDA ITEM 13, Allegheny Technologies Inc, 2019 Q3, Letter of Education

AGENDA ITEM 14, Independent Insurance Agents & Brokers of OR, 2019 Q3, Letter of Education

AGENDA ITEM 15, Willamette Valley Medical Center, 2019 Q3, Letter of Education

Statement of Economic Interest Penalty Correspondence

AGENDA ITEM 16, Blair McIntire, 2019 SEI, Letter of Education

AGENDA ITEM 17, Samantha Rowan, 2018 SEI, Letter of Education

AGENDA ITEM 18, Glenn Chowning, 2018 SEI, Letter of Education

AGENDA ITEM 19, Scott Daugherty, 2019 SEI, Letter of Education

AGENDA ITEM 20, Robert Duplessis, 2016 SEI, Letter of Education

AGENDA ITEM 21, Anthony Reeves, 2018 SEI, Letter of Education

AGENDA ITEM 22, Robert E. Davis, 2019 SEI, Letter of Education

AGENDA ITEM 23, Tom Anderson, 2019 SEI, Letter of Education

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Statement of Economic Interest Dismissals

AGENDA ITEM 24, 18-047SMT, Gary Robertson, Port Orford Planning Commission, 2014. Recommendation: Letter of Education in lieu of violation

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

End of Consent Calendar

REPORTS OF INVESTIGATIONS

AGENDA ITEM 48, 19-051ESM, Michael Springer, Surveyor, Grant County. Myers summarized the case. Springer and Counsel Carpenter were present and addressed the Commission. The Commission generally discussed the case. Alpaugh added to the discussion. Kean moved to issue a Letter of Education. The Commission continued the discussion, then Kean withdrew the motion. Sosa moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapters 244.040 and 244.120 or warrant further investigation and that this complaint be dismissed with a Letter of Education in lieu of violation. The Commission discussed sending a copy to the Association of Oregon Counties. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

(File 2)

The Commission convened into executive session at 10:00 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and ORS 192.685(1), possible own motion preliminary reviews pursuant to ORS 244.260(2)(d), and to conduct the annual Executive Director performance review pursuant to ORS 192.660(2)(i).

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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AGENDA ITEM 68, 19-201ELC, Dusty Craig, Councilor, City of Scotts Mills. Christon summarized the case. Craig was present and addressed the Commission. O'Day disclosed a working relationship with the city of Scotts Mills and recused himself from participation in the discussion. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Dusty Craig may have violated ORS 244.120(2) and 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 6-0 with 1 abstention.

AGENDA ITEM 69, 19-207XLC, Teri Cummings, Councilor

AGENDA ITEM 70, 19-208XLC, Richard Sakelik, Councilor

AGENDA ITEM 71, 19-209XLC, Bill Relyea, Councilor

AGENDA ITEM 72, 19-212XLC, Russ Axelrod, Mayor

AGENDA ITEM 73, 19-213XLC, Jules Walters, Councilor

City of West Linn. Christon summarized the cases. Cummings and Counsel Chris Dolan addressed the Commission. Counsel Ramis was present but did not address the Commission. The Commission generally discussed the cases.

Item 69, Sosa moved that the Commission find that there is a substantial, objective basis for believing that Teri Cummings may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Item 70, Sosa moved that the Commission find that there is a substantial, objective basis for believing that Richard Sakelik may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Item 71, Sosa moved that the Commission find that there is a substantial, objective basis for believing that Bill Relyea may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Item 72, Sosa moved that the Commission find that there is a substantial, objective basis for believing that Russ Axelrod may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

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Item 73, Sosa moved that the Commission find that there is a substantial, objective basis for believing that Jules Walters may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 76, 19-231XSM, Tammy Stempel, Mayor

AGENDA ITEM 77, 19-232XSM, Randy Ripley, Councilor

AGENDA ITEM 78, 19-233XSM, Linda Neace, Councilor

AGENDA ITEM 79, 19-234XSM, Matt Tracy, Councilor

City of Gladstone. Myers summarized the cases. Items 76 – 79 represented by Counsel Kenneth Montoya, who was present and addressed the Commission. Stempel and Tracy were present and addressed the Commission. Burke declared a working relationship with Neace.

Item 76, O'Day 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, nay; O'Day, aye; Sosa, nay; Burke, aye. Motion passed 5 – 2.

Item 77, O'Day 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, nay; O'Day, aye; Sosa, nay; Burke, aye. Motion passed 5 – 2.

Item 78, O'Day 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, nay; O'Day, aye; Sosa, nay; Burke, abstained. Motion failed 4 – 2 with 1 abstention.

Item 79, O'Day 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, nay; O'Day, aye; Sosa, nay; Burke, aye. Motion passed 5 – 2.

The Commission recessed at 11:20 a.m. and reconvened into Executive Session at 11:28 a.m.

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AGENDA ITEM 82, 19-241XSM, Tracy Todd, Councilor
AGENDA ITEM 80, 19-235XSM, Neal Reisner, Councilor
AGENDA ITEM 81, 19-236XSM, Tom Mersereau, Councilor
City of Gladstone. Myers summarized the cases. No further discussion from Commission.

Item 82, Todd present but did not address the Commission. O'Day 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, nay; O'Day, aye; Sosa, nay; Burke, aye. Motion passed 5 – 2.

Item 80, O'Day 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, nay; O'Day, aye; Sosa, nay; Burke, aye. Motion passed 5 – 2.

Item 81, O'Day 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, nay; O'Day, aye; Sosa, nay; Burke, aye. Motion passed 5 – 2.

AGENDA ITEM 75, 19-225ESM, Jennifer Lynn, former teacher, Douglas County School District No. 70. Myers summarized the case. Lynn addressed the Commission via telephone. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Jennifer Lynn may have violated ORS 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 74, 19-224ELC, Robert Hollins III, Officer, Portland Police Bureau. Christon summarized the case. Hollins did not address the Commission. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Jennifer Lynn may have violated ORS 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

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

Other Items

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(File 3)

AGENDA ITEM 86, Annual Executive Director Performance Review. The Commission performed the annual performance review of the Executive Director.

The Commission reconvened into regular open session at 12:12 p.m.

MISCELLANEOUS ITEMS

(File 4)

AGENDA ITEM 67, Election of Chair and Vice-Chair for 2020. Fiskum nominated Sosa for Chair for 2020. Group voice vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Fiskum nominated Mason for Vice-Chair for 2020. Group voice vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

The Commission reconvened into Executive Session at 12:15 p.m.

Own Motion Preliminary Reviews

(File 5)

AGENDA ITEM 83, 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: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

(File 6)

AGENDA ITEM 84, Possible Own Motion Preliminary Review, exempt from Public Record. O'Day moved that the Commission conduct a preliminary review to determine if there is cause to investigate. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

(File 7)

AGENDA ITEM 85, Possible Own Motion Preliminary Review, exempt from Public Record. Sosa moved that the Commission conduct a preliminary review to determine if there is cause to investigate. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

The Commission reconvened into regular open session at 12:23 p.m.

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Lobbyist Penalty Correspondence

(File 8)

Edwards declared a working relationship in Items 25 & 29.

AGENDA ITEM 25, Sydney Scout. 2019 Q2 \$40 & Q3 \$70. Recommendation: Letter of Education for Q2 and \$50 for Q3 2019. Sosa moved to issue a Letter of Education for Q2 2019 and reduce penalty to \$50 for Q3 2019. Roll call vote was taken as follows: Edwards, abstained; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed 6 – 0 with 1 abstention.

AGENDA ITEM 26, Perla Alvarez, 2019 Q1 \$20 & Q3 \$80. Recommendation: Letter of Education for Q1 2019 and \$50 for Q3 2019. Sosa moved to issue a Letter of Education for Q1 2019 and reduce penalty to \$50 for Q3 2019. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Kean was dismissed at 12:30 p.m. from the balance of the meeting.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 27, Portland Innovation Quadrant, 2019 Q1 \$20, Q2 \$150, Q3 \$80. No recommendation. Sosa moved to waive the penalty and issue a Letter of Education for Q1 2019; reduce the penalty to \$50 for Q2 2019; maintain the \$80 penalty for Q3 2019. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 28, Interior Design Collaborative Oregon, 2018 Q2 \$10, Q4 \$10. Recommendation: Letter of Education for Q2 2018; \$10 Q4 2018. Sosa moved to waive the penalties and issue a Letter of Education for Q2 and Q4 2018. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 29, Oregon Working Families Org. 2018 Q4 \$750; 2019 Q1- Q3 \$190. Recommendation: No recommendation. Sosa moved to waive the penalty and issue a Letter of Education for Q4 2018; reduce penalty to \$50 for Q1 2019; \$70 for Q2 2019; and \$70 for Q3 2019. Roll call vote was taken as follows: Edwards, abstained; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

STIPULATED FINAL ORDERS

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(File 8)

AGENDA ITEM 30, 18-161EHW, Carla Urbigkeit, Trooper, Oregon State Police. Gould summarized the case. Urbigkeit 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 31, 18-170XDG, Ron Palmer, Councilor, City of Gold Hill. Gould summarized the case. Palmer 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 32, 19-057XDG and 18-202XHW, Walt Collier

AGENDA ITEM 33, 19-058XSM and 18-203XHW, Lyn Schultz

AGENDA ITEM 34, 19-059XSM and 18-204XHW, Linda Stice

AGENDA ITEM 35, 19-060XSM, Laura Harris

Board of Directors, Idanha Detroit Rural Fire Protection District. Gould summarized the cases. Respondents did not address the Commission.

Item 32, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Item 33, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Item 34, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Item 35, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

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AGENDA ITEM 36, 19-079ESM, Julie Reading, Oregon Employment Relations Board. Myers summarized the case. Reading did not address the Commission. Mason 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 37, 19-081XDG, Reba Stoller

AGENDA ITEM 38, 19-083XDG, Teresa Shelburne

AGENDA ITEM 39, 19-084XDG, Pamela Horst

AGENDA ITEM 40, 19-060XSM, Raylinda Price

AGENDA ITEM 41, 19-086XDG, Francisco Montelongo

AGENDA ITEM 42, 19-087XDG, Debbie Kearns

AGENDA ITEM 43, 19-088XDG, Isaac Kearns

Board of Directors, Yamhill County School District 8. Gould summarized the cases. Respondents did not address the Commission. O'Day declared a professional working relationship with Yamhill County.

Item 37, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

Item 38, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

Item 39, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

Item 40, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

Item 41, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

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Item 42, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

Item 43, 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, abstained; Sosa, aye; Burke, aye. Motion passed 5 – 0 with 1 abstention.

AGENDA ITEM 44, 19-013XSM, Roger Taylor, Board of Directors, Basin Ambulance Service District. Myers summarized the case. Taylor did not address the Commission. Mason 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

AGENDA ITEM 45, 18-172XDG, Thom Canon

AGENDA ITEM 46, 18-173XDG, Shannon Tolman

Councilors, City of Gold Hill. Gould summarized the cases. Respondents did not address the Commission.

Item 45, Fiskum moved that the Commission approve the proposed Default 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

Item 46, Sosa moved that the Commission approve the proposed Default 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: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

REPORTS OF INVESTIGATIONS

AGENDA ITEM 47, 18-171XDG, Zachariah Dell, Councilor, City of Gold Hill. Gould summarized the case. Dell did not address the Commission. Sosa moved that the Commission find that there is sufficient evidence to find 1 violation of ORS Chapter 192.660(1) and 1 violation of 192.660(2) by Zachariah Dell, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case

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

ADVISORY OPINIONS

AGENDA ITEM 49, 19-240A, Chris Wytoski, Jeffrey Crapper and Ann Coleman, Board of Directors, Dayton School District #8, re application of the class exception to Directors whose relatives work for the District. Myers summarized the Opinion. The Commission generally discussed the opinion. Sosa moved to adopt the Commission Advisory Opinion as presented. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 50, 19-259A, Roger Johnson, Fire Chief, Sisters-Camp Sherman Fire District, re the Sisters-Camp Sherman Fire District Board of Directors' adoption of a policy pertaining to work after retirement, in light of the coming implementation of Oregon Senate Bill 1049 (SB 1049). Christon summarized the Opinion. Sosa moved to adopt the Commission Advisory Opinion as presented. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

(non-action, informational only items)

AGENDA ITEM 51, 19-211S, Jeffrey Condit, P.C., Miller, Nash, Graham and Dunn, LLP, re possible government ethics law implications for members of the Tualatin Hills Park and Recreation District Board of Directors when considering implementing a framework for a pre-existing stipend for each day of work as a board member. The Commission generally discussed the Opinion.

Staff Advice

(non-action, information only items)

The Commission reviewed the following without comment:

AGENDA ITEM 52, 19-214I, Daniel Jarman, Crosswater Strategies, re application of Oregon Government Ethics law and how the law may apply to the recognition of state legislators and other Oregon elected officials at an upcoming anniversary commemorative Trail Blazers basketball game.

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE STATEMENTS MADE DURING THIS MEETING. ONLY TEXT ENCLOSED IN QUOTATION MARKS REPORT A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE PROCEEDINGS, PLEASE REFER TO THE AUDIO RECORDINGS AT <http://www.oregon.gov/OGEC/Pages/comissionmeet.aspx>.

AGENDA ITEM 53, 19-222I, Caddy McKeown, State Representative, re how the law may apply to accepting travel related expenses paid for by the Oregon Truckers Associations Inc. (OTA) to attend the 2019 Leadership Convention on September 25, 2019.

AGENDA ITEM 54, 19-226I, Matt J. Brown, Mayor, City of Gearhart, re how the law may apply to accepting the gift of a private flight to Ireland.

AGENDA ITEM 55, 19-230I, Michael Swanson, City Attorney, City of Klamath Falls, re whether three city councilors who may have actual conflicts of interest in a matter before the city council may vote on that matter.

AGENDA ITEM 56, 19-237I, Betsy Earls, Manager, Oregon Public Affairs, Weyerhaeuser, re state legislators accepting reasonable food and travel related expenses, education materials and lightweight ponchos to attend two (2) education tours.

AGENDA ITEM 57, 19-238I, Dan Atchison, City Attorney, City of Salem re whether or not Mr. Daren Rice, City of Salem employee, may accept a plaque and cash benefit as part of an achievement award being offered to him by the Association of Public Safety Communications Officials (APCO).

AGENDA ITEM 58, 19-242I, Patrick Farrell, Mayor, City of Mitchell, re potential conflicts of interest arising when the Mitchell City Council engages in matters involving telecommunication services.

AGENDA ITEM 59, 19-251I, Stacey Guise, Oregon Department of Education re whether you would have a conflict of interest as an appeals coordinator when reviewing an appeal or complaint relating to a school district where your relative is employed.

AGENDA ITEM 60, 19-254I, Crystal Inners, City Recorder/Human Resources, City of Hermiston re a T-Mobile program offering discounted cell phone plans and services to City of Hermiston employees.

AGENDA ITEM 61, 19-256I, Bruce Anderson, Chief of Staff, Oregon House Republican Caucus, re public officials who may wish to participate in the Leadership Alliance for a More Perfect Union (LAMP) Forum.

AGENDA ITEM 62, 19-247I, Dan Shanahan, Central Oregon Fleet Repair Manager, Oregon Department of Transportation (ODOT) re ODOT heavy equipment technicians who may accept a discount from a tool vendor.

AGENDA ITEM 63, 19-248I, David Moon, Division Director, Oregon Judicial Department, Business & Fiscal Services Division, re public officials/employees taking home government property.

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Other Correspondence
(non-action, informational only items)

None.

MISCELLANEOUS ITEMS

AGENDA ITEM 64, 19-044ESM, Frankie Petrick, Yachats Rural Fire Protection District. Myers summarized the case. Petrick did not address the Commission. Sosa moved that the Commission find that there is a substantial, objective basis for believing that Frankie Petrick has violated ORS 244.025 and that the Commission should expand the investigation accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Burke, aye. Motion passed unanimously.

AGENDA ITEM 65, Trainers' Report. Walker summarized past and future training activities.

AGENDA ITEM 66, Executive Director's Report. Bersin discussed the following:

- 2019-21 biennial budget
- Finalizing biennial financial plan
- 2019 SEIs, 100% have filed and working on past years' non-filers
- Performance audit and interviews on hold for the agency
- Lobbyist and client filings for Q3 2019 are 100%
- Bersin and Alpaugh presented at Public Law Conference in October
- Office lease with Morrow being discussed
- Intern from Willamette University, College of Law, will be starting with OGEC in January
- New HR system, Workday, learning continues

Chair Burke adjourned the meeting at 1:38 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, January 3, 2020, 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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