

**OREGON GOVERNMENT ETHICS COMMISSION**  
**MEETING MINUTES**  
**January 3, 2020**  
9:00 a.m.

(File 1)

Chair Nathan Sosa called the meeting to order at 9:00 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 Sean O'Day, Dan Mason, Charles Starr, Anna Sortun, and Richard Burke. Karly Edwards and David Fiskum joined by telephone. Alison Kean 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. Sosa wished everyone a happy new year. Sosa introduced and welcomed new Commissioner Anna Sortun.

AGENDA ITEM 2, Approval of minutes of the November 22, 2019 Commission meeting. Chair Sosa called for the approval of the minutes of the November 22, 2019 commission meeting. The minutes were approved without correction.

**CONSENT CALENDAR**

Burke moved for the approval of Consent Calendar items 3-9, and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Jessica Allen, Q3 2019, Letter of Education

AGENDA ITEM 4, Bobbi Wilson, Q4 2016, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 5, Acadia Healthcare, Inc., Q4 2016, Letter of Education

AGENDA ITEM 6, Global Public Policy, LLC, Q3 2016, Letter of Education

AGENDA ITEM 7, Willamette Dental, Q4 2016, Letter of Education

AGENDA ITEM 8, Burrill Real Estate, Q2 2016, Letter of Education

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## Statement of Economic Interest Penalty Correspondence

### AGENDA ITEM 9, Dave Alderman, 2019 SEI, Letter of Education

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

### End of Consent Calendar

## STIPULATED FINAL ORDERS

(File 1)

AGENDA ITEM 21, 19-132EDG, Rahmat Shoureshi, Former President and tenured Engineering faculty member at Portland State University. Gould summarized the case. Shoureshi and Counsel Keith Dubanevich were present. Shoureshi, along with Counsel Berman who joined via telephone, addressed the Commission. The Commission generally discussed the matter. Alpaugh joined in discussion. Mason moved that the Commission reject the proposed Stipulated Final Order as the final order in this matter. Roll call vote was taken as follows: Burke, nay; Edwards, aye; Fiskum, nay; Mason, aye; O'Day, nay; Sortun, nay; Starr, nay; Sosa, nay. Motion failed 2 – 6.

Starr moved that the Commission accept 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, nay; Mason, nay; Fiskum, aye; Sortun, aye; O'Day, aye; Starr, aye; Burke, aye; Sosa, aye. Motion passed 6 – 2.

(File 2)

**The Commission convened into executive session at 9:30 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(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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AGENDA ITEM 31, 19-264EDG, Richard Vial, Deputy Secretary of State. Counsel Alpaugh recused herself and left the room. OGE's Counsel Hewitt joined by telephone. Burke recused himself. Mason declared a previous professional relationship. Gould summarized the case. Vial was present and addressed the Commission. Mason moved that the Commission find that the complaint before the Commission does not indicate a violation of ORS 244.040 or warrant further review and that this complaint be dismissed. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, abstained; Sosa, aye. Motion passed 7 – 0 with 1 abstention.

AGENDA ITEM 29, 19-249ELC, Lena Richardson, Mayor, City of Shady Cove. Christon summarized the case. The Commission and Alpaugh generally discussed the matter. Richardson addressed the Commission. O'Day moved that the Commission find that there is a substantial, objective basis for believing that Lena Richardson may have violated ORS 244.040(1) and 244.120(2) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

**The Commission recessed at 10:23 a.m. and reconvened into Executive Session at 10:33 a.m.**

AGENDA ITEM 30, 19-261ELC, Bill Swanson, Board Chair, Fall River Estates Special Road District. Christon summarized the case. Swanson 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; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 32, 19-271ESM, Joseph McHaney, former Executive Director, Madras Aquatic Center Recreation District. Myers summarized the case. McHaney did not address the Commission. Mason moved that the Commission find that there is substantial, objective basis for believing that Joseph McHaney may have violated ORS Chapter 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 33, 19-272ELC, Jennifer Goelze, Records clerk, Jefferson County Sheriff's Office. Christon summarized the case. Goelze did not address the Commission. Burke moved that the Commission find that there is a substantial, objective basis for believing that Jennifer Goelze may have violated ORS 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows:

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

AGENDA ITEM 34, 19-273ELC, Jan Sutherland, Administrator, Washington County Justice Court. Christon summarized the case. Sutherland did not address the Commission. Mason moved that the Commission find that there is a substantial, objective basis for believing that Jan Sutherland 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; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

#### Own Motion Preliminary Reviews

None.

#### Other Items

None.

**The Commission reconvened into regular open session.**

#### Lobbyist Penalty Correspondence

(File 3)

AGENDA ITEM 10, Fred Steele. Q2 2016 \$10; Q1 2018 \$30. Recommendation: Letter of Education for Q2 2016 and \$30 for Q1 2018. Burke moved to issue a Letter of Education for Q2 2016 and maintain penalty of \$30 for Q1 2018. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 11, Jeffrey Engh, Q2 2016 \$10 & Q3 2016 \$10. Recommendation: Letter of Education for Q2 2016 and \$10 for Q3 2016. Burke moved to issue a Letter of Education for Q2 2016 and maintain \$10 for Q3 2016. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 12, Edward McGlone, Q3 2016 \$20, Q4 2017 \$10, and Q3 2018 \$20. Recommendation: Letter of Education for Q3 2016, \$10 for Q4 2017, and \$20 for Q3 2018. Sosa moved to issue a Letter of Education for Q3 2016, and maintain \$10 for Q4 2017 and \$20 for Q3 2018. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

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### Lobbyist Client Penalty Correspondence

AGENDA ITEM 13, Naked Extracts, Q3 2016, \$30; Q1 2017, \$20; Q2 2017, \$20. Recommendation: Letter of Education for Q3 2016; \$20 for Q1 2017 and \$20 for Q2 2017. O'Day moved to issue a Letter of Education for Q3 2016, and maintain \$20 for Q1 2017 and \$20 for Q2 2017. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 14, Willamette Riverkeeper, Q4 2016 \$10, Q4 2017 \$10, Q4 2018 \$10, and Q2 2019 \$10. Recommendation: Letter of Education for Q4 2016; \$10 Q4 2017, \$10 Q4 2018, and \$10 Q2 2019. O'Day moved to waive the penalties and issue a Letter of Education for Q4 2016 and maintain \$10 Q4 2017, \$10 Q4 2018, and \$10 Q2 2019. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

### SEI Penalty Correspondence

AGENDA ITEM 15, Daria Land, 2019 SEI, \$150. Recommendation: \$50 for second violation. O'Day moved to reduce the penalty to \$20 for the second violation. Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

### STIPULATED FINAL ORDERS

(File 3)

AGENDA ITEM 16, 19-044ESM, Frankie Petrick, Yachats Rural Fire Protection District Fire Chief and District Administrator. Myers summarized the case. Respondent did not address the Commission. Burke moved to 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; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 17, 19-110XSM, Allison Hensey, Chair

AGENDA ITEM 18, 19-111XSM, Laura Masterson

AGENDA ITEM 19, 19-112XSM, Rick Till

ATENDA ITEM 20, 19-113XSM, Gabrielle Rossi

Board of Directors, East Multnomah Soil and Water Conservation District. Myers summarized the cases. The respondents did not address the commission.

Item 17, 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.

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

Item 18, 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: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item 19, 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: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

Item 20, 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: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 22, 19-225ESM, Jennifer Lynn, Teacher, Douglas County School District #70/Riddle School District. Myers summarized the case. The respondent did not address the Commission. The Commission and Alpaugh generally discussed the case. 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: Edwards, aye; Mason, aye; Fiskum, aye; Sortun, aye; Starr, aye; O'Day, aye; Burke, aye; Sosa, 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)

None.

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Staff Advice  
(non-action, information only items)

The Commission reviewed the following without comment:

AGENDA ITEM 23, 19-275I, Dr. Matthew Eagles, Office of Organizational Development, re application of Oregon Government Ethics law to the acceptance of gifts by public officials, specifically employees of DHS/OHA receiving employee passes to the Columbia Sportswear Employee Store.

AGENDA ITEM 24, 19-278I, Senator Robert Wagner, Oregon State Senate re guidelines for outside employment and conflicts of interest.

Other Correspondence  
(non-action, informational only items)

None.

**MISCELLANEOUS ITEMS**

AGENDA ITEM 25, 19-272ELC, Jennifer Goelze. Request to suspend investigative phase of the case as allowed by statute. Christon summarized the matter. Commission generally discussed the case. Burke moved to suspend investigative phase of the case per ORS 244.260(6)(c)(A). Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; Sortun, aye, Burke, aye; Sosa, aye. Motion passed 7-0. O'Day absent.

AGENDA ITEM 26, 19-273ELC, Jan Sutherland. Request to suspend investigative phase of the case as allowed by statute. Christon summarized the matter. Commission generally discussed the case. Starr moved to suspend investigative phase of the case per ORS 244.260(6)(c)(A). Roll call vote was taken as follows: Edwards, aye; Mason, aye; Fiskum, aye; Kean, aye; Sortun, aye, Burke, aye; Sosa, aye. Motion passed 7-0. O'Day absent.

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

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

- 2019-2021 biennial budget, approved and finalized.
- 2019 SEIs are 100% filed.
- Audit by Secretary of State's office has been placed on hold until further notice.
- Lobbyist registration renewals are going well.
- Administrative Rules: reviewing a Penalty Matrix change.

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- Legislative Concepts will be discussed at the next Commission meeting.
- OGEC won the CIO, 3<sup>rd</sup> place Bronze Award for the Case Management System.
- Tammy Hedrick has accepted a position with Dept. of Employment.

**Chair Sosa adjourned the meeting at 11:20 p.m.**

**The next scheduled meeting date of the Oregon Government Ethics Commission is set for THURSDAY, February 13, 2020, 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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