

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
March 27, 2020
9:00 a.m.

(File 1)

Chair Nathan Sosa called the meeting to order at 9:02 a.m. The meeting was held by Adobe Connect conferencing in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Chair Nathan Sosa was present. Commissioners present telephonically: Charles Starr, Alison Kean, Richard Burke, Anna Sortun, David Fiskum, Sean O'Day and Dan Mason. Karly Edwards was excused. Counsel Amy Alpaugh was present telephonically. Staff present were Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, and Administrative Specialist Kathy Baier.

AGENDA ITEM 1, Comments from the Chair. Sosa welcomed Commissioners appearing via conference call due to the social distancing request by the Governor.

AGENDA ITEM 2, Approval of minutes of the February 13, 2020 Commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Fiskum moved for the approval of Consent Calendar items 3-8, and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Chad Horgan, Q4 2019, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 4, American International Group, Q4 2019, Letter of Education

AGENDA ITEM 5, National Electrical Manufacturers Assoc., Q2 2019, Letter of Education

SEI Penalty Correspondence

AGENDA ITEM 6, David Layman, 2019 SEI, Letter of Education

AGENDA ITEM 7, Vince Williams, 2017 SEI, Letter of Education

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AGENDA ITEM 8, Mark Fritz, 2019 SEI, Letter of Education

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

End of Consent Calendar

STIPULATED FINAL ORDERS

AGENDA ITEM 9, 19-184XSM, Doug Morten, Councilor, City of St. Helens

AGENDA ITEM 10, 19-185XSM, Keith Locke, Councilor, City of St. Helens

Myers summarized the cases. The respondents did not address the Commission. The Commission generally discussed the cases.

Item # 9, Kean 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: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; Burke, aye; O'Day, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

Item # 10, Kean 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: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; Burke, aye; O'Day, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

DEFAULT FINAL ORDERS

AGENDA ITEM 11, 16-131SDG, Cary Clarke, Planning Commissioner, City of Sumpter. Gould summarized the case. Clarke did not address the Commission. The Commission generally discussed the final order. Starr moved that the Commission accept the 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: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; Burke, aye; O'Day, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 12, 16-116SMS, Richard Sager, Councilor, City of Gaston.

Gould summarized the case. Staff telephoned Sager, he did not address the Commission. The Commission generally discussed the final order. Starr moved that the Commission accept the 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: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; Burke, aye; O'Day, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

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REPORTS OF INVESTIGATIONS

AGENDA ITEM 13, 17-039EDG, Joseph Colello, former Energy Program Administrator, Oregon Department of Energy. Gould summarized the case. Colello did not address the Commission. Colello's attorney Mark Geiger, addressed the Commission by telephone. The Commissioners and Bersin discussed the case. Starr moved that the Commission find that there is sufficient evidence to find one violation of ORS Chapter 244.040(1) by Joseph Colello, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; Burke, aye; O'Day, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 14, 19-090EDG, Lori Welborn, former Office Manager, Washington Elementary School, Marion County SD 24J. Gould summarized the case. Welborn did not address the Commission. The Commissioners did not discuss the case. Burke moved that the Commission find that there is sufficient evidence to find one violation of ORS Chapter 244.040(1) by Lori Welborn, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; Burke, aye; O'Day, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 15, 19-186XSM, Ginny Carlson, Councilor, City of St. Helens.
Removed from agenda. Time waived.

AGENDA ITEM 16, 19-187XSM, Rick Scholl, Mayor, City of St. Helens.
Removed from agenda. Time waived.

AGENDA ITEM 17, 19-188XSM, Stephen Topaz, Councilor, City of St. Helens. Myers summarized the case. Topaz addressed the Commission by telephone. The Commissioners and Bersin discussed the case. Starr moved that the Commission find that there is sufficient evidence to find one violation of ORS Chapter 192.660 by Stephen Topaz, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call vote was taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; Burke, aye; O'Day, aye; Mason, aye; Sosa, aye. Motion passed unanimously.

ADVISORY OPINIONS

None.

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CORRESPONDENCE RECEIVED/RESPONSES

Staff Opinions

(non-action, informational only items)

None.

Staff Advice

(non-action, information only items)

The Commission reviewed the following without comment unless otherwise noted:

AGENDA ITEM 18, 20-010I, Jeffery Green, Oregon Dept. of Agriculture, re application of Oregon Government Ethics law relevant to private employment restrictions provide in ORS 244.284.

AGENDA ITEM 19, 20-019I, Steven Marlowe, Oregon Dept. of Justice re how a newly appointed member of the Oregon Growth Board may comply with Oregon Government Ethics law.

AGENDA ITEM 20, 20-046I, Chad Ludwig, Western Oregon University Director of the Regional Resources Center on Deafness and volunteer executive director of Bridges Oregon, re how Oregon Government Ethics law applies to your situation as both a state employee and executive director of a non-profit organization.

AGENDA ITEM 21, 20-047I, Mary Dirksen, Oregon Department of Transportation, re application of Oregon Government Ethics law to private income-producing activities by public officials.

AGENDA ITEM 22, 20-051I, Bevin Clapper, Oregon Parks and Recreation Dept. (OPRD), re the application of Oregon Government Ethics law to members of the Rules Advisory Committee of the OPRD.

AGENDA ITEM 23, 20-052I, Dan Atchison, City of Salem Legal Dept., re the application of Oregon Government Ethics law to a situation in which City of Salem City Councilors were offered free tickets to the Salem Chamber of Commerce First Citizen Banquet.

Other Correspondence

(non-action, informational only items)

None.

The Commission recessed from 10:08 a.m. to 10:18 a.m. Roll call was taken for those participating by telephone when the Commission reconvened.

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MISCELLANEOUS ITEMS

(File 2)

AGENDA ITEM 24, Accounts Receivable Honor Roll Certificate. OGEC has earned the CFO's Accounts Receivable Honor Roll certificate for fiscal year 2019.

AGENDA ITEM 25, Discussion re Legislative Concepts. Bersin stated that the proposed Legislative Concepts will be compiled and presented to the Commissioners for review prior to the April 17 submission deadline. Discussion included:

- Defining "media" by offering guidelines for local rule making. If local government does not create a definition, then they should default to State rules. The Commission, OGEC Counsel, and Bersin discussed the options.
- Commissioner term limits: provisions in the Constitution set a term at 4 years.
- 30 day Preliminary Review: recommend extending to 60 days.

O'Day was excused from the remainder of the meeting at 10:30.

AGENDA ITEM 26, Trainers' Report. Walker's summaries of training activities are in the Meeting Book. Bersin announced that on-site trainings have been cancelled and will be rescheduled at a later date. Webinar trainings are available for various subjects. OGEC is still providing written advice. The SEI filing deadline of April 15 has not changed.

AGENDA ITEM 27, Executive Director's Report. Bersin reviewed the following:

- 19-21 Budget update.
- 2020 SEI filing window is open and due dates/grace period remain unchanged.
- Audit by Secretary of State's office is on hold during the CV outbreak.
- No Legislative bills concerning OGEC passed during February session.
- Investigators are working from home with state assigned cell phones and laptops during CV outbreak.
- Initial interviews for Trainer recruitment have been completed and will resume with 4 returning for second interviews when possible.
- TOMP, Oregon Management Project Study has been reviewed by agency heads.
- Misc. comments: Kean recommends looking into Zoom for conference calling which is audio and visual. Commissioner Starr and wife Kathy will be celebrating their 64th wedding anniversary next month.

Chair Sosa adjourned the meeting at 10:54 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, May 15, 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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