

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
May 15, 2020
9:00 a.m.

(File 1)

Chair Nathan Sosa called the meeting to order at 8:56 a.m. The meeting was held by Skype for Business video conference 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 via Skype: Charles Starr, Alison Kean, Richard Burke, Anna Sortun, David Fiskum, Karly Edwards, Sean O'Day and Dan Mason. Counsel Amy Alpaugh was present via Skype. Staff present were Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Lisa Christon via Skype, Trainer Monica Walker and Administrative Specialist Kathy Baier.

AGENDA ITEM 1, Comments from the Chair. Sosa welcomed staff and Commissioners appearing via Skype for Business during COVID-19 restrictions.

AGENDA ITEM 2, Approval of minutes of the March 27, 2020 Commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Kean moved for the approval of Consent Calendar items 3-11, and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Taylor Shanaman, Q1 2020, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 4, CareOregon, Q4 2019, Letter of Education

AGENDA ITEM 5, Oregon Vapor Trade Assoc., Q1 2020, Letter of Education

AGENDA ITEM 6, OR Watershed Enhancement Board, Q1 2020, Letter of Education

SEI Penalty Correspondence

AGENDA ITEM 7, Duke Wells, 2019 SEI, Letter of Education

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AGENDA ITEM 8, Gary Walker, 2017 SEI, Letter of Education

AGENDA ITEM 9, Patty Dixon, 2019 SEI, Letter of Education

AGENDA ITEM 10, Walt Williams, 2019 SEI, Letter of Education

AGENDA ITEM 11, Roger Thom, 2020 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; Edwards, aye; Sosa, aye. Motion passed unanimously.

End of Consent Calendar

Lobbyist Client Penalty Correspondence

AGENDA ITEM 12, Bricklayers Local 1, Q4 2019 \$10; Q1 2020 \$20. Letter of Education Q4 2019; no reduction Q1 2020. Roll call taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; O'Day, aye; Mason, aye; Edwards, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 13, American Forest Foundation, Q3 2019 \$130; Q1 2020 \$80. Letter of Education Q3 2019; reduced to \$50 Q1 2020. Roll call taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Starr, aye; O'Day, aye; Mason, aye; Edwards, aye; Sosa, aye. Motion passed unanimously.

STIPULATED FINAL ORDERS

AGENDA ITEM 14, 17-157XDG, Daily Holman, Board of Directors

AGENDA ITEM 15, 17-158XDG, Gary Hackett, Board of Directors

AGENDA ITEM 16, 17-159XDG, Gary Olin, Board of Directors

AGENDA ITEM 17, 17-160XDG, Frank Veenker, Board of Directors

AGENDA ITEM 18, 17-161XDG, John McElheran, Board of Directors

AGENDA ITEM 19, 17-163XDG, Steve Gordon, Board of Directors

AGENDA ITEM 20, 17-164XDG, Larry Warren, Board of Directors

AGENDA ITEM 21, 17-165XDG, Devon Hodgen, Board of Directors

Barlow Water Improvement District. Gould summarized all cases together as they were borne from the same circumstance. The respondents did not address the Commission.

Item # 14, Sortun 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; Burke, aye; O'Day, aye; Mason, aye; Edwards, aye; Sosa, aye. Motion passed unanimously.

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Item # 15, Fiskum 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; Burke, aye; O'Day, aye; Mason, aye; Edwards, aye; Sosa, aye. Motion passed unanimously.

Item # 16, Fiskum 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; Burke, aye; O'Day, aye; Mason, aye; Edwards, aye; Sosa, aye. Motion passed unanimously.

Item # 17, Fiskum 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; Burke, aye; O'Day, aye; Mason, aye; Edwards, aye; Sosa, aye. Motion passed unanimously.

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

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

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

Item # 21, Fiskum 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; Burke, aye; O'Day, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 22, 19-186XSM, Ginny Carlson, Councilor, City of St. Helens. Myers summarized the matter. Carlson did not address the Commission. 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

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

AGENDA ITEM 23, 19-201ELC, Dusty Craig, Councilor, City of Scotts Mills. Christon summarized the matter. Craig did not address the Commission. There was no discussion. 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; O'Day, aye; Mason, aye; Edwards, aye; Starr, 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)

The Commission reviewed the following without comment unless otherwise noted:

AGENDA ITEM 24, 20-049S, Jeffrey Johnson, Chief, Western Fire Chiefs Assoc, re the application of Oregon Government Ethics law to a first responder cell phone initiative proposed by the post-merger T-Mobile.

Staff Advice

(non-action, information only items)

AGENDA ITEM 25, 20-056I, Kevin R. McConnell, Sr. Assistant City Attorney, City of Gresham, re whether design commissioners for the City of Gresham are required to file annual statements of economic interest.

AGENDA ITEM 26, 20-064I, Patty Mulvihill, General Counsel, League of Oregon Cities, re Ethics issues that could arise for a public official who is asked to participate in recommending options for extending his interim employment or making it permanent.

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AGENDA ITEM 27, 20-072I, Annie Williams, Oregon State Hospital, HR Office, re how to advise two state employees on the application of Oregon Government Ethic law to the employees' outside business activity.

AGENDA ITEM 28, 20-075I, Greg Smith, State Representative, re the application of Oregon Government Ethics law to the relationship between a business with which you are associated and your role as a public official.

AGENDA ITEM 29, 20-076I, Glenn W. Baly, Program/Policy Liaison, OR Educators Benefit Board (OEBB), Oregon Health Authority, re whether conflicts of interest might arise when the OEBB engages in contract review and approval.

AGENDA ITEM 30, 20-079I, Arthur Fish, Business Oregon, re a public official's use of their personal credit card while traveling on official business and any "rewards" which may accrue to them as a result.

Other Correspondence
(non-action, informational only items)

None.

MISCELLANEOUS ITEMS

AGENDA ITEM 31, Trainer's Report. Walker presented past and current training efforts being presented virtually through Webinars. Fiskum thanked Walker for her assistance with virtual training on Skype for Business during preparation for Commission Meeting.

AGENDA ITEM 32, Executive Director's Report. Bersin reviewed the following:

- 19-21 Budget update: There are proposed cuts to the General Fund; OGEC currently has surplus and as COVID-19 expense, is not part of General Fund, so no anticipated reductions. OGEC purchased equipment for staff working remotely.
- SEI: Staff proactively calling filers has increased filing to date. No deadline changes due to COVID-19.
- Secretary of State's audit field work continues.
- Investigator Christon has been strictly working remotely and should be returning to the office some time in June.
- Interviews for Trainer recruitment have been completed and three finalists will be meeting with Bersin next week.
- Legislative Concepts have been submitted and Agency is now awaiting the Governor's response.

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The Commission convened into executive session at 9:30 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d), ORS 171.778(4)(d), 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)

(File 2)

AGENDA ITEM 33, 20-008ELC, Robert Baker. Former Chief of Police, City of Powers. Christon summarized the case. Baker joined virtually and 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 34, 20-013ELC, Casey Kulla. Commissioner, Yamhill County. Christon summarized the case. Kulla and Counsel Kenny Montoya joined virtually and addressed the Commission. Discussion among Commissioners and Counsel Alpaugh. 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Edwards, aye; Starr, aye; Sosa, aye. O'Day declared personal friendship and abstained. Motion passed 7 – 1 with 1 abstention.

Commission recessed at 10:25 and returned into Executive Session at 10:35.

(File 3)

AGENDA ITEM 35, 20-014ELC, John Abrams, member, Yamhill County Planning Commission. Christon summarized the case. Abrams joined virtually and addressed the Commission. Burke 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

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review and that this complaint be dismissed. Roll call vote was taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; O'Day, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 36, 20-021XSM, Dave Jacobs
AGENDA ITEM 37, 20-023XSM, Bob Delaney
AGENDA ITEM 38, 20-024XSM, Dick Schaffeld
AGENDA ITEM 39, 20-025XSM, David Peters
AGENDA ITEM 40, 20-026XSM, Diana Bailey
AGENDA ITEM 41, 20-027XSM, Tom Ashmore

Board of Directors, Mid-Columbia Fire & Rescue. Myers summarized all cases together as they were borne from the same circumstance. The respondents did not address the Commission. Counsel Mark Sandri virtually joined the meeting and addressed the Commission. The Commission briefly discussed the matters.

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

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

Item #38, Kean moved that the Commission find that there is a substantial, objective basis for believing that Dick Schaffeld may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

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

Item #40, Sortun moved that the Commission find that there is a substantial, objective basis for believing that Diana Bailey may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Sortun,

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

Item #41, Sortun moved that the Commission find that there is a substantial, objective basis for believing that Tom Ashmore may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

(File 4)

AGENDA ITEM 42, 20-028ESM, Johanna Dillard, Budget Committee Member, City of North Bend. Myers summarized the case. Dillard joined virtually and addressed the Commission. The Commission & Alpaugh briefly discussed the matter. Burke 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: Sortun, aye; Fiskum, nay; Kean, nay; Burke, aye; Mason, nay; Edwards, nay; Starr, nay; Sosa, nay. Motion failed 2 – 6.

Mason moved that the Commission find that there is a substantial, objective basis for believing that Johanna Dillard may have violated ORS 244.120 and that the Commission should investigate accordingly. Roll call vote was taken as follows: Sortun, nay; Fiskum, aye; Kean, aye; Burke, nay; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed 6 – 2.

AGENDA ITEM 43, 20-030ELC, Glenna Wade, Board Member, Christmas Valley Rural Fire Protection District. Christon summarized the case. Wade joined virtually and addressed the Commission. The Commission briefly discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Glenna Wade 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 44, 20-031ESM, Aaron Baker, Board Member, Woodburn Fire Protection District #6. Myers summarized the case. Baker joined virtually and addressed 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 45, 20-032ELC, Christine John, Teacher, Jackson County School District #6. Christon summarized the case. John and Attorney Margaret Olney joined virtually

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and addressed the Commission. The Commission briefly discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Christine John may have violated ORS 244.025(1) and 244.040(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: O'Day, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

Commission recessed at 12:23 and returned into Executive Session at 12:30 p.m.

(File 5)

AGENDA ITEM 46, 20-039ESM, Jim Stouder, Former Road Maintenance Division head, Benton County Public Works Dept. Myers summarized the case. Stouder joined virtually and addressed the Commission. The Commission briefly discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Jim Stouder may have violated ORS 244.040(1) and 244.120(1) and that the Commission should investigate accordingly. Roll call vote was taken as follows: O'Day, aye; Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 47, 20-044LSM, Ramond Curtis, Lobbyist. Myers summarized the case. Curtis joined virtually and addressed the Commission. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Ramond Curtis may have violated ORS 171.740 and that the Commission should investigate accordingly. Roll call vote was taken as follows: O'Day, aye; Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

AGENDA ITEM 48, 20-048ESM, Anna Kanwit, Former Director, Bureau of Human Resources, City of Portland. Myers summarized the matter. Kanwit did not address the Commission. Edwards declared a conflict and working affiliation. Starr 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; O'Day, aye; Edwards, abstained; Starr, aye; Sosa, aye. Motion passed 8 – 0 with 1 abstention.

AGENDA ITEM 49, 20-055ELC, AJ Kitt. Member, Planning Commission, City of Hood River. Christon summarized the matter. Kitt joined virtually and addressed the Commission. Kean moved that the Commission find that there is a substantial, objective basis for believing AJ Kitt may have violated ORS 244.120 and that the Commission should investigate accordingly. Roll call vote was taken as follows: O'Day, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; Sortun, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

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AGENDA ITEM 50, 20-057ESM, Donnie Boyd, Commissioner, Klamath County. Myers summarized the case. Boyd and Counsel Andrew Brandsness joined virtually and addressed the Commission. The Commission briefly discussed the matter. 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; O'Day, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

Own Motion Preliminary Reviews

(File 6)

AGENDA ITEM 51, 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; O'Day, aye; Edwards, abstained; Starr, aye; Sosa, aye. Motion passed 8 – 0 with 1 abstention.

(File 7)

AGENDA ITEM 52, 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: Sortun, aye; Fiskum, aye; Kean, aye; Burke, aye; Mason, aye; O'Day, aye; Edwards, aye; Starr, aye; Sosa, aye. Motion passed unanimously.

Other Items

(non-action informational only items)

None.

Chair Sosa adjourned the meeting at 1:30 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, June 26, 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, and will be conducted virtually.

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