

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
September 18, 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 video conference in the 2nd Floor Conference Room of the Morrow Crane Building at 3218 Pringle Rd SE Salem, Oregon. Chair Nathan Sosa and Commissioner Dave Fiskum were present. Commissioners participating by video conference were Dan Mason, Sean O'Day, Richard Burke, Charles Starr, Karly Edwards, Anna Sortun, and Amber Hollister. OGEC Counsel Amy Alpaugh also joined by video conference. Staff present were Executive Director Ron Bersin, Program Manager Virginia Lutz, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Lisa Christon, Trainer Monica Walker, and Trainer Becky Maison.

AGENDA ITEM 1, Comments from the Chair.

AGENDA ITEM 2, Approval of minutes of the August 7, 2020 Commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Fiskum moved for the approval of Consent Calendar items 3-7 and the recommendation on each as follows:

Lobbyist Penalty Correspondence

None.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 3, Veritec Solutions, Q2 2020, Letter of Education

AGENDA ITEM 4, UiPath, Inc, Q2 2020, Letter of Education

AGENDA ITEM 5, Central Oregon LandWatch, Q2 2020, Letter of Education

SEI Penalty Correspondence

AGENDA ITEM 6, Tracy Young, 2018 SEI, Letter of Education

AGENDA ITEM 7, Zack Geary, 2019 SEI. Letter of Education

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>.

Group voice vote was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

End of Consent Calendar

REPORTS OF INVESTIGATIONS

AGENDA ITEM 26, 19-207XLC, Teri Cummings

AGENDA ITEM 27, 19-208XLC, Richard Sakelik

AGENDA ITEM 28, 19-209XLC, Bill Relyea

AGENDA ITEM 29, 19-212XLC, Russ Axelrod

AGENDA ITEM 30, 19-213XLC, Jules Walters

Councilors, City of West Linn. Christon summarized the cases as one. Attorney Kenny Montoya addressed the Commission. Councilor Axelrod addressed the Commission. Councilors Relyea, Sakelik, Cummings, and Walters were present for the discussion. The Commission and Counsel Alpaugh discussed the matters.

Item # 26: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Mason, absent; Burke, aye; Sosa, nay. Motion passed 6 – 2.

Item # 27: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Mason, absent; Burke, aye; Sosa, nay. Motion passed 6 – 2.

Item # 28: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, nay. Motion passed 7 – 2.

Item # 29: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, nay. Motion passed 7 – 2.

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>.

Item # 30: O'Day moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS 192.660(6) or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Fiskum, nay; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, nay. Motion passed 7 – 2.

Commission recessed at 10:35 a.m. and reconvened at 10:40 a.m.

The Commission convened into executive session at 10:40 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)

(File 2)

AGENDA ITEM 42, 20-178ESM, Jackie Lawson, City Councilor, City of Dallas. Myers summarized the case. Lawson joined by video conference and addressed the Commission. The Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Lawson may have violated ORS 244.040 and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9-0.

AGENDA ITEM 38, 20-168ELC, Cara Kaser, City Councilor, City of Salem. Christon summarized the matter. Kaser addressed the Commission by video conference. The Commission briefly discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Cara Kaser may have violated ORS 244.120(2) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9-0.

AGENDA ITEM 44, 20-182ELC, Court Boice, Commissioner, Curry County Board of Commissioners. Christon summarized the case. Boice and Attorney K. C. Huffman

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>.

addressed the Commission by video conference. 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, nay; Sortun, nay; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 7 – 2.

AGENDA ITEM 40, 20-175ESM, Justin Gates, City Councilor, City of Estacada. Myers summarized the matter. Gates addressed the Commission by video conference. The Commission briefly discussed the case. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9-0.

AGENDA ITEM 39, 20-170ESM, David McCall, City Councilor and Interim Mayor, City of Bay City. Myers summarized the matter. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Hollister, aye; Burke, aye; Sortun, absent; Sosa, aye. Motion passed 8 – 0.

AGENDA ITEM 41, 20-176ELC, Russel Heath, Fleet Manager, Yamhill County, Public Works Department. Christon summarized the matter. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 43, 20-179ESM, Jo Barker, City Councilor, City of Drain. Fiskum 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

Own Motion Preliminary Reviews

None.

Other Items

(non-action informational only items)

None.

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>.

Commission recessed at 12:22 p.m. and reconvened into regular session at 12:32 p.m.

Lobbyist Client Penalty Correspondence

(File 3)

AGENDA ITEM 8, Sierra Club of Oregon, Q4 2019, \$130. Bersin summarized the matter. Fiskum moved approval of the recommendation to reduce to \$50 as it was the second violation. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

SEI Penalty Correspondence

AGENDA ITEM 9, John Gambie, 2018 SEI, \$40; 2019 SEI, \$120; Bersin summarized the matter. Fiskum moved approval of the recommendation of Letter of Education for 2018; and \$50 for 2019. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

STIPULATED FINAL ORDERS

AGENDA ITEM 10, 19-271ESM, Joseph McHaney, Executive Director, Madras Aquatic Center Recreation District. Myers summarized the matter. McHaney did not address the Commission. 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 11, 19-285XSM, David Bassett, Member, Board of Commissioners, Port of Port Orford. Myers summarized the matter. Bassett did not address the Commission. 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 12, 20-066XLC, Esther Williams

AGENDA ITEM 13, 20-067XLC, Edie Jurgenson

AGENDA ITEM 14, 20-068XLC, Carol Acklin

AGENDA ITEM 15, 20-069XLC, David Allen

AGENDA ITEM 16, 20-070XLC, Tom Bedell

Members, Board of Commissioners, Southern Coos Health District. Christon summarized the cases. Commissioners did not address the Commission.

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>.

Item #12: 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

Item #13: 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

Item #14: 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, abstained; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 8 – 0, with 1 abstention.

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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 17, 20-094XSM, Lynn Morley, Judge

AGENDA ITEM 18, 20-095XSM, Debbie Starkey, Commissioner

AGENDA ITEM 19, 20-096XSM, Rick Shaffer, Commissioner

Wheeler County Court. Myers summarized the cases. Respondents did not address the Commission.

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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

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>.

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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 20, 20-139FDG, Darcy Long-Curtis, Candidate, 2018 State Representative. Gould summarized the case. 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 21, 20-148FDG, Fred Cuthbertson, Planning Commissioner, City of Monroe. Gould summarized the case. 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 22, 20-188FDG, Lorrie Zeller, Planning Commissioner, City of Coburg. Gould summarized the case. 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 23, 20-190FDG, Andrew Clarke, Commissioner, Portland Design Commission. Gould summarized the case. 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 taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

DEFAULT FINAL ORDERS

AGENDA ITEM 24, 20-145FDG, Mace Cadwell, Planning Commissioner, Union County. Gould summarized the matter. Cadwell did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, aye; Sosa, aye. Motion passed 9 – 0.

AGENDA ITEM 25, 20-146FDG, Les Poole, Planning Commissioner, City of Gladstone. Gould summarized the matter. Poole did not address the Commission. Fiskum moved

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>.

approval of the staff recommendation of the default final order. Roll call taken as follows: Fiskum, aye; Starr, aye; Mason, aye; O'Day, aye; Edwards, aye; Sortun, aye; Hollister, aye; Burke, abstained; Sosa, aye. Motion passed 8 – 0 with 1 abstention.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

The Commission reviewed the following without comment unless otherwise noted:

Staff Opinions

(non-action, informational only items)

None.

Staff Advice

(non-action, information only items)

AGENDA ITEM 31, 20-184I, Stephen Dingle, County Counsel, Lane County re application of Oregon Government Ethics law to Questions of political speech by public officials and other issues..

AGENDA ITEM 32, 20-186I, Rick Rogers, Mayor, City of Newberg, re issues that arise as a result of private employment as Executive Director of the Newberg Area Habitat for Humanity.

AGENDA ITEM 33, 20-187I, Stephen Dingle, County Counsel, Lane County Office of County Counsel, re application of Oregon Government Ethics law to the Lane County Sheriff's Office (LCSO) scheduling weekend appointments for processing Concealed Handgun License (CHL) applications requested by direct family members.

AGENDA ITEM 34, 20-196I, Andrea Nagles, Assistant County Counsel, Lane County Office of County Council re Lane County Sheriff's Office (LCSO) implementing a written policy giving volunteers, such as reserves and cadets, a hiring preference over non-volunteer applicants.

Other Correspondence

(non-action, informational only items)

None.

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>.

MISCELLANEOUS ITEMS

AGENDA ITEM 35, Review of 2020 Best Practices Survey. Bersin summarized the survey.

AGENDA ITEM 36, Trainer's Report. Walker summarized and discussed the training activity.

AGENDA ITEM 37, Executive Director's Report. Bersin reviewed the following:

- 19-21 Budget update: Equipment purchases relating to Covid. No reductions to the current budget.
- 21-23 Status Budget process; Agency Request Budget submitted and anticipated statewide reductions. Maybe reduction of ending balance.
- SEI: Staff continues to contact non-filers.
- Secretary of State's audit field work: no current communications but it continues.
- Covid prevention measures taken in office: masks and temperature scans.
- Continued discussion re Status of Legislative Concepts.
- 100% compliance for Q2 2020 Lobby & Client filings.
- Raussen case is Appellate court case. Oral arguments can be heard.
- Suit filed against OGEC: updates as it progresses.
- Commissioner Edwards has been reappointed for an additional 4 year term.
- Plaque presentation to outgoing Commissioner Burke. Commission comments.

Chair Sosa adjourned the meeting at 1:25 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, November 6, 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 via video conference.

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>.
