

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
November 6, 2020
9:00 a.m.

(File 1)

Chair Nathan Sosa called the meeting to order at 9:00 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, Charles Starr, Karly Edwards, Anna Sortun, and Shawn Lindsay. Commissioners Sean O'Day and Amber Hollister were excused from attendance. OGEC Counsel Josh Nasbe and former 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 Maisson.

AGENDA ITEM 1, Comments from the Chair. Sosa introduced the Commission's new legal counsel, Josh Nasbe and new Commissioner, Shawn Lindsay.

AGENDA ITEM 2, Approval of minutes of the September 18, 2020 Commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Fiskum moved for the approval of Consent Calendar items 3-15 and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Meliah Masiba, Q3 2020, Letter of Education

AGENDA ITEM 4, Andrea Valderrama, Q3 2020, Letter of Education

AGENDA ITEM 5, Scott Beckstead, Q3 2020, Letter of Education

AGENDA ITEM 6, Steve Shropshire, Q3 2020, Letter of Education

AGENDA ITEM 7, Aldo Solano, Q3 2020, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 8, NeighborWorks Umpqua, Q2 2020, Letter of Education

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AGENDA ITEM 9, Oregon Pawnbrokers Assoc, Q3 2020, Letter of Education

AGENDA ITEM 10, CRH Americas Materials, Q3 2020, Letter of Education

AGENDA ITEM 11, Universal Health Systems, Q3 2020, Letter of Education

AGENDA ITEM 12, Oregon Small Business United, Q3 2020, Letter of Education

AGENDA ITEM 13, Oregon Mortgage Bankers Assoc, Q3 2020, Letter of Education

SEI Penalty Correspondence

AGENDA ITEM 14, James D. Huffman, 2020 SEI, Letter of Education

AGENDA ITEM 15, Jim Hinsvark, 2020 SEI, Letter of Education

Group voice vote was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

End of Consent Calendar

REPORTS OF INVESTIGATIONS

AGENDA ITEM 35, 20-021XSM, Dave Jacobs

AGENDA ITEM 36, 20-023XSM, Bob Delaney

AGENDA ITEM 37, 20-024XSM, Dick Schaffeld

AGENDA ITEM 38, 20-025XSM, David Peters

AGENDA ITEM 39, 20-026XSM, Diana Bailey

AGENDA ITEM 40, 20-027XSM, Tom Ashmore

Members, Board of Directors, Mid-Columbia Fire and Rescue. Myers summarized the cases as one. Attorney Mark Sandri addressed the Commission by telephone. Respondents did not address the Commission.

Item # 35: Fiskum 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, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item # 36: Fiskum 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,

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aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item # 37: Fiskum 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, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item # 38: Fiskum 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, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item # 39: Fiskum 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, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item # 40: Fiskum 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, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

The Commission convened into executive session at 9:15 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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(File 2)

AGENDA ITEM 47, 20-202ESM, Daniel Jenkins, Sheriff, Harney County. Myers summarized the case. Jenkins addressed the Commission by telephone. The Commission discussed the matter. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Daniel Jenkins may have violated ORS 244.177(1), ORS 244.179(1), ORS 244.040(1) and ORS 244.120(2) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 48, 20-206ESM, Bill Harvey, Commissioner, Baker County. Myers summarized the matter. Harvey addressed the Commission by telephone. The Commission briefly discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Bill Harvey may have violated ORS 244.040(1), ORS 244.120(2) and ORS 244.177(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 49, 20-207ELC, Peter Braun, President, City Council, City of Bandon. Christon summarized the matter. Braun addressed the Commission by telephone. The Commission briefly discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing Peter Braun may have violated ORS 244.040(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 50, 20-208SLC, Dan Chandler, City Manager, City of Bandon. Christon summarized the case. Chandler did not address the Commission. 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; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Own Motion Preliminary Reviews

None.

Other Items

(non-action informational only items)

None.

Commission recessed at 9:58 a.m. and reconvened into regular session at 10:07 a.m.

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STIPULATED FINAL ORDERS

(File 3)

AGENDA ITEM 16, 19-286XSM, Tom Calvanese

AGENDA ITEM 17, 19-287XSM, Leila Thompson

AGENDA ITEM 18, 19-288XSM, Aaron Ashdown

Commissioners, Port of Port Orford. Myers summarized the cases. Respondents did not address the Commission.

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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0

AGENDA ITEM 19, 20-028ESM, Johanna Dillard, Member and Presiding Officer, Budget Committee, City of North Bend. Myers summarized the case. Dillard 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 20, 20-039ESM, Jim Stouder, Head, Road Maintenance Division, Benton County Public Works Department. Myers summarized the case. Stouder 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 21, 20-097XSM, Rob Ordway, Commissioner, Wheeler County Court. Myers summarized the case. Ordway 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 was taken as

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follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 22, 20-129XDG, Tom Buchholz

AGENDA ITEM 23, 20-130XDG, Shelly Nealon

AGENDA ITEM 24, 20-131XDG, Ervin Stadeli

AGENDA ITEM 25, 20-132XDG, Jennifer Traeger

AGENDA ITEM 26, 20-133XDG, Jonathan Edmonds

AGENDA ITEM 27, 20-134XDG, Ronald Valoff

AGENDA ITEM 28, 20-135XDG, Timothy Roth

AGENDA ITEM 29, 20-136XDG, Todd White

Members, Board of Directors, Marion County School District 4J (Silver Falls School District). Gould summarized the cases. Respondents did not address the Commission. The Commission generally discussed the cases.

Item #22: 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item #23: 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item #24: 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item #25: 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item #26: 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item #27: 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

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such. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item #28: 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

Item #29: 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 30, 20-168ELC, Cara Kaser, Councilor, City of Salem. Christon summarized the case. Kaser addressed the Commission by telephone. 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 31, 20-189FDG, Lisa Clement, Commissioner, Clatsop County. 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 was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

DEFAULT FINAL ORDERS

AGENDA ITEM 32, 19-187XSM, Rick Scholl, Mayor, City of St. Helens. Myers summarized the matter. Scholl did not address the Commission. The Commission generally discussed the case. Fiskum moved approval of the staff recommendation of the default final order. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 33, 19-284XSM, Brett Webb, President, Board of Commissioners, Port of Port Orford. Myers summarized the matter. Webb did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call was taken as follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

AGENDA ITEM 34, 20-141FDG, Trini Marquez, Councilor, City of Dayton. Gould summarized the matter. Marquez did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call was taken as

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follows: Fiskum, aye; Starr, aye; Mason, aye; Edwards, aye; Sortun, aye; Lindsay, aye; Sosa, aye. Motion passed 7 – 0.

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 41, 20-203I, John Van Winkle, HR Director, City of Roseburg re receipt by City employees of donations for personal losses due to the wildfire.

AGENDA ITEM 42, 20-220I, Rebecca Hillyer, General Counsel, Chemeketa Community College re application of Oregon Government Ethics law to Chemeketa Community College offering employees reduced tuition with colleges and/or universities.

Other Correspondence

(non-action, informational only items)

None.

MISCELLANEOUS ITEMS

AGENDA ITEM 43, Discussion of upcoming Executive Director Review at December meeting. Lutz summarized the process.

AGENDA ITEM 44, Discussion of election of Chair and Vice Chair at December meeting. Bersin discussed the process and possible legislation regarding extending Commissioners service to two terms.

AGENDA ITEM 45, Trainers' Report. Walker summarized and discussed the training activity and future calendar.

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AGENDA ITEM 46, Executive Director's Report. Bersin reviewed the following:

- 19-21 Budget update: No reductions to the current budget; requested Covid-19 expense reimbursement from the Federal Government.
- Revenue forecast better than originally thought. Possible Fund sweeps.
- 21-23 Status Budget process: no program reductions; Governor's budget out 12/1/2020.
- SEI Filers: Staff continues to contact non-filers.
- Secretary of State's audit: Draft audit being prepared with proposed completion date in January 2021.
- Covid update.
- Court of Appeals decision re Raussen case.
- Staff working on remaining Lobby and Client filings.
- Governor's Budget and Legislative Concepts in process.
- Comments to Amy Alpaugh re service to Commission and congratulations on her new position.

Chair Sosa adjourned the meeting at 11:14 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, December 18, 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.

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