

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
January 29, 2021
9:00 a.m.

(File 1)

Chair Dan Mason called the meeting to order at 9:01 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. Commission Chair Dan Mason was present. Commissioners participating by video conference were Nathan Sosa, Charles Starr, Karly Edwards, Shawn Lindsay, Sean O'Day and Dave Fiskum. OGEC Counsel Josh Nasbe 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, and Trainer Monica Walker.

AGENDA ITEM 1, Comments from the Chair. Mason shared general comments.

AGENDA ITEM 2, Approval of minutes of the December 18, 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, Keenan Casavant , Q4 2020, Letter of Education

AGENDA ITEM 4, Miranda Miller, Q4 2020, Letter of Education

AGENDA ITEM 5, Lili Hoag, Q4 2020, Letter of Education

AGENDA ITEM 6, Meliah Masiba, Q4 2020, Letter of Education

Lobbyist Client Penalty Correspondence

AGENDA ITEM 7, NWEA, Q4 2020, Letter of Education

SEI Penalty Correspondence

AGENDA ITEM 8, Ron Garcia, 2020 SEI, Letter of Education

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

End of Consent Calendar

REPORTS OF INVESTIGATIONS

AGENDA ITEM 21, 20-151XLC, Angela Franco Lucero
AGENDA ITEM 22, 20-152XLC, Joanna Perini-Abbott
AGENDA ITEM 23, 20-153XLC, Lissa Kauffman
AGENDA ITEM 24, 20-154XLC, Caroline Wong
AGENDA ITEM 25, 20-155XLC, Todd Bofferding
AGENDA ITEM 26, 20-156XLC, Stephanie Tuttle
AGENDA ITEM 27, 20-157XLC, Cassandra McLeod-Skinner
AGENDA ITEM 28, 20-158XLC, Kelly Skye
AGENDA ITEM 29, 20-159XLC, Misha Isaak
AGENDA ITEM 30, 20-160XLC, Kendra Matthews
AGENDA ITEM 31, 20-161XLC, Michael Slauson
AGENDA ITEM 32, 20-162XLC, Ernest Warren
AGENDA ITEM 33, 20-163XLC, Randall Green
AGENDA ITEM 34, 20-164XLC, Richard Kolbell

Members, Oregon State Bar Board of Bar Examiners. Christon summarized the cases as one. Counsel Bob Steringer addressed the Commission on behalf of all respondents. OSEC Special Counsel, Emily Matasar joined the Commission discussion with staff and counsels. The Commission discussed the matters.

Item #21: Starr moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #22: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #23: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards,

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aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #24: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #25: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #26: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #27: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #28: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #29: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #30: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards,

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aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #31: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #32: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #33: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Item #34: Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192.660 or warrant further investigation and that this complaint be dismissed. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

The Commission recessed from 10:30 a.m. to 10:40 a.m.

AGENDA ITEM 19, 20-114ESM, Raymond Doherty, City Councilor, City of Pilot Rock. Myers summarized the case. Doherty did not address the Commission. The Commission briefly discussed the matter. Sosa moved that the Commission find that there is sufficient evidence to find a violations of ORS Chapter 244.040(1) and 244.120(2) by Raymond Doherty, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

AGENDA ITEM 20, 20-137ESM, Angie Wacker, Coach, Oregon City High School Equestrian Team. Myers summarized the case. Counsel Rachel Bench addressed the Commission by video conference. The Commission briefly discussed the matter. Sosa moved that the Commission find that there is sufficient evidence to find a violations of ORS Chapter 244.040(1) and 244.120(1) by Angie Wacker, if this evidence is not rebutted

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by contrary evidence, and that this public official be offered a contested case proceeding. Roll call taken as follows: Edwards, aye; Fiskum, aye; Lindsay, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 7 – 0.

Commissioner Lindsay was excused from the remainder of the meeting.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 9, Oregon Brewers Guild, Q3 2019, \$10; Q1 2020, \$10; Q3 2020, \$4,250; Q4 2020, \$50. Bersin summarized the matter. Fiskum moved approval of the recommendation of a Letter of Education for Q3 2019; Q1 2020 \$10; Q3 2020 \$850; Q4 2020 \$50. Roll call taken as follows: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

STIPULATED FINAL ORDERS

AGENDA ITEM 10, 19-189ESM, Brandi Aston, Fiscal Services and Administrative Manager, Linn County Public Health Department. Christon summarized the matter. 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: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

AGENDA ITEM 11, 20-239FDG, Tamra Jacobs, Planning Commissioner, City of Tillamook. Gould summarized the matter. 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: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

AGENDA ITEM 12, 20-240FDG, Mace Cadwell, Planning Commissioner, Union County. Gould summarized the matter. 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: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

AGENDA ITEM 13, 20-244FDG, Carol Kowash, Planning Commissioner, City of Dallas. Gould summarized the matter. 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: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

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DEFAULT FINAL ORDERS

AGENDA ITEM 14, 20-241FDG, Christin Jeffries, Councilor, City of Gaston. Gould summarized the matter. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

AGENDA ITEM 15, 20-245FDG, Sara Patrick, Councilor, City of Cascade Locks. Gould summarized the matter. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

AGENDA ITEM 16, 20-246FDG, Edie O'Neil, Planning Commissioner, City of Jefferson. Gould summarized the matter. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

AGENDA ITEM 17, 20-247FDG, Kendall Derby, Planning Commissioner, Wheeler County. Gould summarized the matter. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

AGENDA ITEM 18, 20-248FDG, Erin Roberts, Councilor, City of Shaniko. Gould summarized the matter. Fiskum moved approval of the staff recommendation of the default final order. Roll call taken as follows: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

The Commission convened into executive session at 11:35 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 39, 20-237ELC, Robert Michael Carter, Former Superintendent, Columbia School District #13, AKA Rainier School District #13. Christon summarized the case. Carter 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 Robert Michael Carter may have violated ORS Chapter 244.040 and that the Commission should investigate accordingly. Roll call taken as follows: Edwards, aye; Fiskum, aye; O'Day, aye; Sosa, aye; Starr, aye; Mason, aye. Motion passed 6 – 0.

Own Motion Preliminary Reviews

None.

Other Items

None.

Commission reconvened into regular session at 11:48 a.m.

MISCELLANEOUS ITEMS

(File 3)

AGENDA ITEM 37, Trainers' Report. Walker summarized the training efforts. Fiskum commented on the trainings.

AGENDA ITEM 38, Executive Director's Report.

Bersin reviewed the following:

- 2019-21 Budget update. Slight increase in ending balance.
- 2021-23 Governor's Budget submitted and scheduled for hearing in February.
- Overview of Legislative Bills. Scheduled informational meeting in February. Discussion regarding neutral stance on Bills.
- Audit. No current information on draft Audit report.
- Discussion regarding pending litigation.
- SEI, Lobbyist and Client/Employer filing numbers down to a few non-filed.
- DOJ ending flat rate program and will go back to hourly.
- Discussion regarding ending balances and E-Board.

ADVISORY OPINIONS

None.

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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 35, 20-243I, Bill Monahan, general counsel for Mid-Willamette Valley Council of Governments re application of Oregon Government Ethics law to a conflict of interest exception for Gates City Councilors.

AGENDA ITEM 36, 21-003I, Mark Sandri, counsel for current and former board members, Mid-Columbia Fire and Rescue District (MCFR) who recently had cases before the Oregon Government Ethics Commission re advice on the application of ORS 192.685(3).

Other Correspondence

(non-action, informational only items)

None.

Chair Mason adjourned the meeting at 12:07 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for FRIDAY, March 12, 2021, 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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