

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
September 8, 2021
9:00 a.m.

(File 1)

Chair Dan Mason 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. Commission Vice-Chair Dave Fiskum was present. Commissioners participating by video conference were Amber Hollister, Shawn Lindsay, Anna Sortun and Chair Dan Mason, as was OGEC Counsel Josh Nasbe. Staff present were Executive Director Ron Bersin, Compliance and Education Coordinator Diane Gould, Investigator Susan Myers, Investigator Lisa Christon, Program Analyst Becky Maison, and Trainers Monica Walker and Stephanie Heffner.

AGENDA ITEM 1, Comments from the Chair. Chair Mason shared general comments and chaired the meeting via video conference.

AGENDA ITEM 2, Approval of minutes of the July 23, 2021, Commission meeting. The minutes were approved without correction.

Diane Gould introduced Gabriel Regimbal, OGEC's summer intern joining in-person.

CONSENT CALENDAR

Fiskum moved for the approval of Consent Calendar items 3 -18 and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Raihana Ansary, Q2 2021, Letter of Education.

AGENDA ITEM 4, Jeffrey Scroggin, Q2 2021, Letter of Education.

AGENDA ITEM 5, Holly Heiberg, Q2 2021, Letter of Education.

AGENDA ITEM 6, Itzel Hernandez Spehar, Q2 2021, Letter of Education.

AGENDA ITEM 7, Michelle Giguere, Q2 2021, Letter of Education.

AGENDA ITEM 8, Dr. Connie Kim-Gervery, Q2 2021, Letter of Education.

AGENDA ITEM 9, Anna Powell, Q3 2020, Letter of Education.

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AGENDA ITEM 10, Doug Grafe, Q2 2021, Letter of Education.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 11, City of Sherwood, Q2 2021, Letter of Education.

AGENDA ITEM 12, Civix, Q2 2021, Letter of Education.

AGENDA ITEM 13, Recology Service Center, Q2 2021, Letter of Education.

AGENDA ITEM 14, Marshall Group LLC, Q2 2021, Letter of Education.

AGENDA ITEM 15, Real Police Accountability PAC, Q2 2021, Letter of Education.

AGENDA ITEM 16, AIA Oregon, Q2 2021, Letter of Education.

SEI Penalty Correspondence

AGENDA ITEM 17, Kristin Wells, 2021 SEI, Letter of Education.

AGENDA ITEM 18, Marvin L. Cassidy, 2021 SEI, Letter of Education.

Voice vote was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

End of Consent Calendar

(File 2)

The Commission convened into executive session at 9:03 a.m. to consider Preliminary Reviews pursuant to ORS 192.685(1), and to consider possible own motion 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

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Reports of Preliminary Reviews
(removed from consent calendar)

AGENDA ITEM 37, 21-141XSM, Regan Molatore, Former Board Member

AGENDA ITEM 38, 21-142XSM, Dylan Hydes, Former Board Member

AGENDA ITEM 39, 21-143XSM, Ginger Fitch, Former Board Member

AGENDA ITEM 40, 21-144XSM, Chelsea King, Board Member

AGENDA ITEM 41, 21-145XSM, Christi Thompson, Board Member

West Linn-Wilsonville School District. Myers summarized the cases and stated pre-approval from the respondents to hear the cases together. Molatore, Fitch, and King addressed the Commission via video conference. The Commission discussed the cases.

Item 37, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Regan Molatore may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

Item 38, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Dylan Hydes may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

Item 39, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Ginger Fitch may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

Item 40, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Chelsea King may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

Item 41, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Christi Thompson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

Own Motion Preliminary Reviews

(File 3)

AGENDA ITEM 42, Possible Own Motion. Gould summarized the possible Own Motion. Fiskum moved that the Commission conduct a preliminary review to determine if there is cause to investigate whether a violation of ORS Chapter 244 has occurred. Roll call was

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taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

Other Items

None.

Commission reconvened into regular session at 9:49 a.m.

Lobbyist Penalty Correspondence

(File 4)

AGENDA ITEM 19, Adriana Miranda, Q3 2020, \$10 paid by check; Q1 2021, \$40, Q2 2021, \$40. **Recommendation:** Q1 2021 Letter of Education; Q2 2021 No Reduction. Bersin summarized his recommendation. Fiskum moved to accept recommendation of Letter of Education for Q1 2021 and no reduction for Q2 2021. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 20, Ramond Curtis, Q2 2021, \$60. Received Letter of Education as Stipulated Final Order for not being registered and lobbying in 2019. **Recommendation:** None. Lindsay moved to maintain the late filing penalty of \$60 for Q2 2021. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 21, SMACNA – Columbia Chapter, Q1 2019 received Letter of Education, Q2 2021 \$140. **Recommendation:** Q2 2021 \$50 for second violation. Fiskum moved to accept recommendation of \$50 for the late filing of Q2 2021. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

SEI Penalty Correspondence

AGENDA ITEM 22, Terry Baker, 2019 \$10; 2020 \$70; and 2021 \$20. **Recommendation:** None. Bersin summarized the matter. Fiskum moved that the Commission issue a Letter of Education for the late filing of the 2019 SEI, reduce the penalty to \$50 for 2020, and maintain the \$20 for the late filing of the 2021 SEI. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

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STIPULATED FINAL ORDERS

AGENDA ITEM 23, 20-206ESM, Bill Harvey, County Commissioner and Chair, Baker County Commissioners. Myers summarized the case. Harvey did not address the Commission. The Commission and Bersin discussed the case. Lindsay 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: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 24, 21-124XSM, Kim Butzner

AGENDA ITEM 25, 21-125XSM, Michael Thomson

AGENDA ITEM 26, 21-126XSM, Jennifer Ward

AGENDA ITEM 27, 21-127XSM, Justin Roach

Board of Directors, Linn County School District No. 8J. Myers summarized the cases. Respondents did not address the Commission.

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: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 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: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 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: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 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 such. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 28, 21-157FDG, Meghan Moyer, Lobbyist. Gould summarized the case. Moyer did not address the Commission. The Commission generally discussed 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: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

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The Commission recessed at 10:17 a.m. and reconvened into regular session at 10:24 a.m.

DEFAULT FINAL ORDERS

AGENDA ITEM 29, 21-158FDG, Thomas Mosher III, Lobbyist. Gould summarized the matter. Mosher did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 30, 21-160FDG, Curtis Thompson, City Councilor, City of Lexington. Gould summarized the matter. Thompson did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 31, 21-161FDG, Wendy Krostag, City Councilor, City of Bay City. Gould summarized the matter. Krostag did not address the Commission. Fiskum moved approval of the staff recommendation of the default final order. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

REPORTS OF INVESTIGATION

AGENDA ITEM 32, 20-100ELC, Misty Rose Foster, Former Employee, Jefferson County School District 509J. Christon summarized the case. Foster did not address the Commission. The Commission generally discussed the case. Fiskum moved that the Commission find that there is sufficient evidence to find five violations of ORS Chapter 244.040(1) by Misty Rose Foster, if this evidence is not rebutted by contrary evidence, and that this public official be offered a contested case proceeding. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Sortun, aye; Fiskum, aye; Mason, aye. Motion passed 5 – 0.

ADVISORY OPINIONS

None.

CORRESPONDENCE RECEIVED/RESPONSES

The Commission reviewed the following without comment unless otherwise noted:

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Staff Opinions
(non-action, informational only items)

None.

Staff Advice
(non-action, information only items)

AGENDA ITEM 33, 21-155I, David Gomberg, State Representative District 10 as to how Oregon Government Ethics law may apply to his work to obtain post-fire road repairs from ODOT for a county in his district if the road repairs could affect his own personal property.

AGENDA ITEM 34, 21-167I, Jollee Patterson, Miller Nash LLP, as to whether a hearing on a union grievance filed by an employee against North Clackamas School District may be conducted in executive session under ORS 192.660.

Other Correspondence
(non-action, informational only items)

None.

MISCELLANEOUS ITEMS

AGENDA ITEM 35, Trainers' Report. Walker addressed the Commission and summarized the training activities. The Commission complimented the training staff.

AGENDA ITEM 36, Executive Director's Report.

Bersin reviewed the following:

- Referring to Correspondence, Bersin complimented the staff for diligence in assistance with timely filings.
- 2019-21 biennial budget – closing out, working with Dept. of Revenue on past due assessments.
- 2021-23 biennial budget- Building projection model with DAS.
- 1 SEI non-filer from 2021, complimented David and Kathy for continued follow-up.
- Ethics Commission: Governor's office will present two new Commissioners for confirmation in September. Two new Commissioners will be brought forward in November Legislative days for confirmation to complete a full nine-member Commission in November.
- Initiative petition #12 which would have changed the Ethics Commission make-up was rejected by SOS's office.

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- Staff continue to use all necessary resources to prevent the spread of Covid including teleworking. Governor is requiring all State employees to be fully vaccinated by October 18.
- Judge dismissed the on-going Nezbeda case. Time to appeal has expired.
- 2021 non-filers: Q1 Lobbyists and Clients, 0; Q2 Lobbyists 1, Clients 0.
- Software for Lobbyists to report “Respectful Workplace” training expected to be available in Q3 2021.
- Plain language for Public Officials Guide reviewed by September 15th then will be submitted for Spanish language translation.
- Customer Service Survey sent with great response. Best Practices Survey by Commissioners due by September 13, 2021. Will send out again.
- Anna Sortun was presented with a plaque at her last meeting thanking her for her service on the Commission. Commissioner Sortun reviewed her service and appreciation.

Open discussion and comments from the Commission.

Chair Mason adjourned the meeting at 10:57 a.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, October 22, 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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