

OREGON GOVERNMENT ETHICS COMMISSION
MEETING MINUTES
October 22, 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, Karly Edwards, and Chair Dan Mason, as was OGE Council 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 chaired the meeting via video conference.

AGENDA ITEM 2, Approval of minutes of the September 8, 2021, Commission meeting. The minutes were approved without correction.

CONSENT CALENDAR

Fiskum moved for the approval of Consent Calendar items 3 -5 and the recommendation on each as follows:

Lobbyist Penalty Correspondence

AGENDA ITEM 3, Mike McArthur, Q1 2021, Letter of Education.

Lobbyist Client Penalty Correspondence

AGENDA ITEM 4, Tag-It Tech, (Paul Schutt), Q4 2018, Letter of Education.

SEI Correspondence

AGENDA ITEM 5, Mickey Wagner, 2021 SEI, Letter of Education.

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

End of Consent Calendar

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Lobbyist Penalty Correspondence

AGENDA ITEM 6, Arielle Reid, Q4 2018, \$20; Q2 2019, \$10, Q4 2020, \$4,250; Q1 2021, \$70. **Recommendation:** Q4 2018 Letter of Education; Q2 2019, \$10; Q4 2020, \$850; Q1 2021, \$50. Bersin summarized the matter. Reid addressed the Commission via video conference. The Commission discussed the matter. Hollister moved that the Commission waive the penalty for Q4 2018 and issue a Letter of Education; maintain the \$10 penalty for Q2 2019; reduce the Q4 2020 penalty to \$440; reduce the Q1 2021 penalty to \$50 to total \$500. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

STIPULATED FINAL ORDERS

AGENDA ITEM 10, 21-020ELC and 21-133ELC Karen La Bonte, Public Works Director, City of Cannon Beach. Christon summarized the case. Attorney Mark Wolfe addressed the Commission via video conference and La Bonte was available by telephone. The Commission and Bersin discussed the case. Fiskum moved that the Commission approve 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; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

REPORTS OF INVESTIGATION

AGENDA ITEM 12, 21-048EDG, F. King Alexander, former President of Oregon State University. Gould summarized the case. Attorney Courtney Angeli addressed the Commission via video conference. The Commission and Bersin discussed the case. Nasbe joined the discussion. Lindsay moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 244 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, nay; Fiskum, nay, Mason, aye. Motion failed. This case will be dismissed statutorily at the end of the investigative phase, on the 181st day, due to lack of 5 affirmative votes.

Bersin addressed the Commission and advised on quorum rules and Commission make-up. He commented on pending new Commissioner applications.

Commission recessed at 10:35 and reconvened into regular session at 10:41 a.m.

(File 2)

AGENDA ITEM 13, 21-050XSM, Sheryl Oakes Caddy

AGENDA ITEM 14, 21-051XSM, Michelle Chau

AGENDA ITEM 15, 21-052XSM, Kathleen Chinn, Chair

AGENDA ITEM 16, 21-053XSM, Annette Cole

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AGENDA ITEM 17, 21-054XSM, Adrienne Enghouse
AGENDA ITEM 18, 21-055XSM, Aaron Green
AGENDA ITEM 19, 21-056XSM, Barbara Turnipseed
AGENDA ITEM 20, 21-057XSM, Judith Woodruff
AGENDA ITEM 21, 21-058XSM, Michael Wynter-Lightfoot

Myers summarized the cases. Chinn, Cole, and Woodruff were present by telephone. Chinn and Woodruff addressed the Commission. The Commission discussed the cases along with Bersin and respondents.

Item 13, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 14, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 15, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 16, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 17, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 18, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 19, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

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Item 20, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 21, Fiskum moved that the Commission find that the information before the Commission is insufficient to infer a violation of ORS Chapter 192 or warrant further investigation and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Lobbyist Client Penalty Correspondence

(File 3)

AGENDA ITEM 7, Sex Workers Project at the Urban Justice Center, Q1 2021, \$400; Q2 2021, \$450. **Recommendation:** Q1 2021, Letter of Education; Q2 2021 \$50 for second violation. Bersin summarized the matter. The Commission briefly discussed the matter. Fiskum moved approval of staff recommendation of a Letter of Education as sanction for Q1 2021 and reduction of penalty to \$50 for Q2 2021. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

STIPULATED FINAL ORDERS

AGENDA ITEM 8, 19-162ESM, Jeffrey Cotton, former Airport Manager, City of Burns Municipal Airport. Myers summarized the case. Cotton 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: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 9, 20-207ELC, Peter Braun, City Council President, City of Bandon. Christon summarized the case. Braun 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: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

DEFAULT FINAL ORDERS

AGENDA ITEM 11, 21-184FDG, Kendall Derby, Planning Commissioner, Wheeler County. Gould summarized the case. Derby did not address the Commission. Fiskum moved that the Commission approve the proposed default final order as the final order in this matter and that the chairperson be authorized to sign it as such. Roll call was taken

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

The Commission convened into executive session at 11:22 a.m. to consider Preliminary Reviews pursuant to ORS 244.260(4)(d) and ORS 192.685(1), and to consider possible own motion reviews pursuant to ORS 244.260(2)(d).

Media present virtually: Stephen Mitchell and Bennett Hall with Blue Mountain Eagle.

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 4)

AGENDA ITEM 35, 21-177XSM, Amanda Schroeder, former Board Member, Centennial School District 28J. Myers summarized the case. Schroeder addressed the Commission by telephone. Fiskum moved that the Commission find that the complaint and information before the Commission do not indicate a violation of ORS Chapter 192 or warrant further review and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 37, 21-186XLC, Haley Walker, Chair,
AGENDA ITEM 38, 21-193XLC, Aaron Lieuallen, Member
AGENDA ITEM 39, 21-194XLC, Chris Labhart, Member
AGENDA ITEM 40, 21-195XLC, Colleen Robertson, Member
AGENDA ITEM 41, 21-196XLC, Jake Taylor, Member
Board of Directors, Grant County School District #3. Christon summarized the cases and stated pre-approval from the respondents to hear the cases together. Walker was present by telephone. Attorney Rebekah Jacobson 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 Haley Walker may have violated ORS 192.660 and that the

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Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, 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 Aaron Lieuallen may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, 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 Chris Labhart may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, 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 Colleen Robertson may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, 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 Jake Taylor may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 42, 21-197XLC, Kelly Stokes, Member, Board of Directors, Grant County School District #3. Christon summarized the case. Stokes 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 192 or warrant further review and that this complaint be dismissed. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

(File 5)

AGENDA ITEM 43, 21-199ESM, Curt Lane Borg, former Executive Director, Oregon Public Defense Services. Myers summarized the case. Borg and attorneys, Robert Steringer and William Gary, joined via video conference. Only Steringer addressed the Commission. The Commission discussed the case. Lindsay 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. Commission continued discussion regarding the motion. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5-0.

(File 6)

AGENDA ITEM 46, 21-207ESM, Carmen Urbina, Deputy Director, Oregon Department of Education. Myers summarized the case. Urbina addressed the Commission via video

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conference. 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: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

(File 7)

AGENDA ITEM 48, Own Motion. Gould and Bersin addressed the Commission. Attorney Emily Matasar addressed the Commission via video conference on behalf of her client. The Commission discussed the Own Motion. There was no motion made nor action taken by the Commissioners.

(File 8)

AGENDA ITEM 28, 21-168ESM, Jim Roark, Commissioner, Sunshine Acres Special Road District. Myers summarized the case. Roark did not address the Commission. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Jim Roark may have violated ORS 244.040(1) and 244.120(2) and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 29, 21-170XSM, Pamela Shields

AGENDA ITEM 30, 21-171XSM, Ronald Hardin

AGENDA ITEM 31, 21-172XSM, Rhonda Etherly

AGENDA ITEM 32, 21-173XSM, Sumitra Chhetri

AGENDA ITEM 33, 21-174XSM, Rod Boettcher

AGENDA ITEM 34, 21-175XSM, Claudia Andrews

Board Members, Centennial School District 28J. Myers summarized the cases. Respondents did not address the Commission.

Item 29, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Pamela Shields may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 30, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Ronald Hardin may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 31, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Rhonda Etherly may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

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Item 32, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Sumitra Chhetri may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 33, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Rod Boettcher may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

Item 34, Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Claudia Andrews may have violated ORS 192.660 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 36, 21-180ELC, Geoffrey Smith, City Councilor, City of Bandon. Christon summarized the case. Smith 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: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 44, 21-202ELC, Janet Sarai Llerandi-Gonzalez, Member, Board of Directors, Deschutes County School District #1. Christon summarized the case. Llerandi-Gonzalez addressed the Commission via video conference. The Commission discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Janet Sarai Llerandi-Gonzalez may have violated ORS 244.040(1) and 244.025(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 45, 21-206ELC, Thomas Reif, former Detective, Klamath Falls Police Department. Christon summarized the case. Reif did not address the Commission. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Thomas Reif may have violated ORS 244.040(1) and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

AGENDA ITEM 47, 21-210ELC, Kolene (Kiana) Kurzynowski, former Licensed Behavioral Health Specialist II, Deschutes County Health Services. Christon summarized the case. Kurzynowski addressed the Commission via video conference. The Commission discussed the case. Fiskum moved that the Commission find that there is a substantial, objective basis for believing that Kolene (Kiana) Kurzynowski may have

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violated ORS 244.040 and 244.120 and that the Commission should investigate accordingly. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

The Commission reconvened into regular session at 1:23 p.m.

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 22, 21-217I, Rob Del Mar, Central Oregon Field Energy Analyst, Oregon Department of Energy, as to how Oregon Government Ethics law may apply to members of the Oregon Department of Energy's Community Renewable Energy Program Advisory Committee.

AGENDA ITEM 23, 21-224I, Sean McSpaden, Oregon Legislative Fiscal Office, as to how Oregon Government Ethics law may apply to owning a personal business while working for the Legislative Fiscal Office.

Other Correspondence

(non-action, informational only items)

None.

MISCELLANEOUS ITEMS

(File 9)

AGENDA ITEM 25, 21-206ELC – Memorandum to suspend investigation phase. Bersin summarized the memorandum. Fiskum moved to suspend the investigation until criminal case is concluded. Roll call was taken as follows: Lindsay, aye; Hollister, aye; Edwards, aye; Fiskum, aye, Mason, aye. Motion passed 5 – 0.

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Commission proceeded during a working lunch at 1:25 p.m. Bersin announced that this is Investigator Christon's last Commission meeting as she has accepted another position in State service, as well as Compliance and Education Coordinator Gould's last Commission meeting prior to her retirement in November. Announcement was made prior to Commissioner Edwards being excused from the remainder of the meeting.

AGENDA ITEM 24, Informational report from the Common Cause Oregon Ethics Committee. Fiskum agreed to delay the report until a future meeting when the Commission is fully seated.

AGENDA ITEM 26, Trainers' Report. Heffner addressed the Commission and summarized the past, current, and future training activities.

AGENDA ITEM 27, Executive Director's Report.

Bersin reviewed the following:

- Still working with DAS and Dept. of Revenue on past-due assessments.
- Received the LAB reports for the 2021-23 biennial budget, budget binders are in progress.
- Will send the projected budget summary to the Commissioners.
- 1 SEI non-filer from 2021.
- Expecting 3 new Ethics Commissioners to be confirmed by the Senate in November. The 4th new Commissioner is expected in January.
- In January, Fiskum and Mason will be eligible for reconfirmation of another 4 years of service on the Ethics Commission.
- OGE staff is fully vaccinated for Covid-19.
- EFS is updated and available for Lobbyists to report their completed Respectful Workplace training as required annually.
- Q3 2021 non-filers: 6 Lobbyists and 9 Clients.
- Recruitment process underway for new investigator (CS2) and compliance and education coordinator (CS3).
- Executive Director review is due in December. Commissioners will receive a copy of Director's self-review and a survey to review Director.
- Chair and Vice-Chair elections will be held during the December Commission meeting.
- Plain language for Public Officials Guide has gone through the first round of edits.
- Bersin announced he is now a City of Keizer Planning Commissioner, with no conflicts of interest.
- Staff presented flower bouquets to Diane Gould and Lisa Christon with well wishes for their future endeavors. Gould and Christon addressed the Commission with appreciation for their years of service.

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Chair Mason adjourned the meeting at 1:43 p.m.

The next scheduled meeting date of the Oregon Government Ethics Commission is set for Friday, December 3, 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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